

WEST OXFORDSHIRE DISTRICT COUNCIL
UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 6th May 2014

**REPORT OF THE HEAD OF PLANNING
AND SUSTAINABLE COMMUNITIES**



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

Purpose:

To consider applications for development details of which are set out in the following pages.

Recommendations:

To determine the applications in accordance with the recommendations of the Strategic Director. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

List of Background Papers

All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

Please note that observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from www.westoxon.gov.uk/meetings

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13/0982/P/FP Land to N E of Marlborough School Shipton Road Woodstock	
Date	10/07/2013
Officer	Mr Phil Shaw
Officer Recommendation	Grant, subject to referral to the National Planning Policy Casework Unit and to the applicant first entering into a legal agreement
Parish	WOODSTOCK
Grid Ref:	445462,216896

APPLICATION DETAILS

Erection of sixty four residential dwellings including thirty two affordable homes, new access for vehicles, pedestrians and cyclist, formal open space, car parking and landscaping improvements.

APPLICANT

J A Pye (Oxford) Ltd, Langford Locks, Kidlington, Oxon, OX5 1H2

BACKGROUND INFORMATION

This application relates to a site located to the east of Woodstock and located on an area of open land sited between Budds Close and the newly constructed housing development adj. Marlborough School. The scheme was originally submitted in July of last year and sought 64 units on the site. It was held in abeyance at the applicants request and has now been the subject of amendment and re consultation. The revised scheme comprises 58 units in a 50:50 split of private and affordable units and ranging in size from 1 – 4 bedrooms

The site is neither AONB nor Conservation Area. It takes its access from an extension to the existing cul de sac. Pedestrian connections are made to the surrounding footpath network and parking is provided at 2 spaces per unit. Affordable housing is sited in 4 blocks within the site and the overall density is 32dph and is built out to neo vernacular principles with predominantly 2 storey structures in artificial stone under tiled roofs. 2 areas of open space are provided which will be managed by a management company

The site lies beyond the current built up limits of the settlement and as such its development is contrary to policy H7 of the WOLP. However, the status of this policy is outlined in further detail later in this report. In terms of the principles of the NPPF to secure sustainable development Woodstock is ranked West Oxfordshire's 3rd most sustainable settlement (a position it shares jointly with Carterton and Eynsham) in the Settlement Sustainability Report (December 2013) which analyses a range of services and facilities for 42 of the District's towns and villages.

Members will recall that the application was scheduled for a site visit at school dropping off time at the request of local residents concerned at the traffic implications of the development

I PLANNING HISTORY

None of relevance on site

- 1.1 The adjoining site was effectively allocated by the Inspector as part of the last local plan process (see pages 99-101 of the Inspector's report). He concluded that the land recently built out adjoining the application site should be allocated for development as it was close to the school and pool, whilst the footpath was narrow people would not be put off walking to the town centre, the road was busy but the additional houses would not have a material impact, that whilst it was set away from bus routes this was not a fatal flaw as the site lay at the edge of a key service centre and was within walking distance of all its main services and facilities. It was therefore a sustainable location for new housing and although it was at the edge of the settlement it would read as part of the town

2. CONSULTATIONS

2.1 Woodstock Town Council:

“Woodstock Town Council **OBJECTS** to the development proposal for land north-east of Marlborough School in Woodstock (Application no 13-0982-P-FP) on the grounds that:-

- i. as it not a site recognised in WODC LDF any departure from this document needs to have a clear and compelling case. There is a sufficient land bank within WODC for this not to be the case;
- ii. it has concerns regarding more traffic on the Shipton Road as this area is not served by a regular ‘bus route therefore encouraging residents to drive. The distance to the nearest regular bus service is beyond the recommended guidelines in LTP3, SD1. This is against policy BE3. During peak hours with the school run Shipton Road is frequently blocked by the traffic. This encourages traffic to go towards Kidlington rather than the town centre. Moreover the access to the site is very close to a dangerous bend in the road.
- iii. This site is contrary to policy BE4, Open space within or adjoining settlements;
- iv. This site could not be considered as infilling or rounding off as per policy H7;
- v. This site is contrary to policy T2 as it does not improve pedestrian & Cycle facilities; and
- vi. This site is contrary to policy T3 as it does not protect or improve public transport facilities as it too far from commercial ‘bus routes.

Representations submitted on behalf of the Town Council specifically addressing transport issues from Glanville Consultants:

“there were a number of deficiencies with the original submission, not least in terms of the vehicular access, the internal site layout, the manner in which the off site impact of the development has been assessed and the location of the site and its ability to support a sustainable community... For the reasons above, we respectfully request that the application before the council is refused on the grounds of adverse impact on the local highway network and poor sustainability and is therefore contrary to the provisions of the National Planning Policy Framework.”

2.2 Environment Agency:

“Site lies in an area with a low probability for flooding. Advise use of SUDS drainage.”

2.3 Thames Water:

“No Objections.”

2.4 WODC Housing:

“Housing is pleased to support this scheme that will provide 50% affordable housing in Woodstock,

We understand that the overall unit numbers have reduced from 64 to 58. We are hopeful that the new affordable scheme mix will be pro-rata’d to reflect the original split between rented and intermediate and various house types.”

2.5 Crime Prevention Officer:

“No objections subject to a condition.

TVP Funding request £4250 towards IT equipment and £11000 towards ANPR cameras.”

2.6 Sport England:

“OBJECT to the loss of land last used as a playing field and require that if it is minded to approve the application that it is referred to the National Planning Policy Casework unit.”

2.7 OCC One voice (in summary)

“Original holding objection concerning vision splays, garage sizes, travel plan, layout and potential impact on the school along with requests for funding towards bus service improvements (£106,667) Education (£231,640 primary, £298,967 secondary and £12,262 SEN) Other OCC services £40,406. No ecological, mineral or archaeological objections are raised but the local Ward Member, Cllr Ian Hudspeth objects to the lack of need, the traffic, loss of open space, contrary to policy and too far from facilities. In response to the amended plans the holding objection is withdrawn subject to conditions.”

2.8 WODC Waste:

No objections

2.9 WODC Leisure:

“Request £28,736 towards sport/leisure provision in the catchment and £21,808 for the maintenance of such facilities.”

3. REPRESENTATIONS

3.1 106 households were notified and several notices posted. The original application generated over 850 letters of objection on the following (summarised) grounds:

- Woodstock has already had its fair share of housing
- contrary to planning policies
- there is no need
- site is not allocated
- traffic flows will be excessive
- harm to school children
- loss of open space
- loss of wildlife value
- inadequate and dangerous access
- there are no parking restrictions locally
- accident record in the vicinity
- inadequate infrastructure to cope with the impact
- outside the limits of the town
- loss of historic character
- problems with emergency vehicle access
- will not benefit town centre retailers as people will drive away to shop
- contrary to NPPF
- adverse ecological impact

- affordable housing would be better located elsewhere closer to transport links
- cannot get local school places already
- Palace should be placed in public ownership so it can be properly managed
- applicants reports are flawed
- road layout is inadequate
- lack of sewage capacity
- it is one of the few areas where children can play safely
- funding for World Heritage Site management plan does not make this proper enabling development
- impact on nature reserve
- inevitable and harmful impacts on amenity of local residents
- mix of units is inadequate
- there is no community support for this project
- etc

11 letters of support have been received on the grounds that the scheme will provide much needed affordable housing in a settlement where it is too expensive to buy a house, it will give the opportunity for youngsters to move/stay in the town, the road is only busy at school opening time and the land is unused. This is a good site and there is a proven need for housing and there is ample other open land available for recreation

Following re-advertisement of the amendments a further 12 letters have been received and 65 copies of a standard letter which are summarised as follows:

- Development states it has excellent transport links but it is 400m from nearest bus stop
- Bus service is inadequate
- The road in the existing Marlborough Place has no pavements so pedestrians have to walk in middle of road, introduction of further homes will make it dangerous for pedestrians
- Construction traffic will cause problems
- Housing mix excludes buyers wishing to buy smaller properties
- It is in an unsustainable location some distance from the towns facilities
- Existing residents on Marlborough Place will be disadvantaged
- Woodstock has inadequate facilities for further development and a lack of parking
- Insufficient time for people to comment on amended plans
- Since 1990's 150 houses have been built near Banbury Road, the cumulative impact have turned it from a rural lane to a non descript urban street
- Three years ago no one parked in Banbury Road, now 20 cars or more are parked at roadside
- Banbury Road is inadequate for more traffic
- The proposed plan will result in the loss of social cohesion in different areas of Woodstock
- Woodstock remains the jewel in the crown of West Oxfordshire and it is targeted by developers
- Developers see Woodstock as a cash cow
- There is no published support for such housing development in the local plan
- The site borders a reserve where 4 species of bee orchid grow
- The land proposed for development has been waterlogged for much of the wet winter
- Object to the development being "phase 2"
- Further development will exacerbate existing antisocial behaviour
- An increase in vehicles on Shipton, Hensington and Banbury Roads is unsafe for children travelling to school
- The site is isolated from Woodstock proper and contravenes the NPPF
- Any potential benefits are outweighed by the potential irreversible harm done to the character of Woodstock

A letter has also been received from Woodstock Action Group (WAG) and is summarised as follows:

- We recognise that there is no 5 year supply but there are material considerations
- Highway Safety and traffic congestion will result in a 15% increase in traffic an the morning peak and 23% in the evening peak
- this will have a disproportionate impact on local residents
- adverse impact on young persons
- poor public transport access
- inadequate access
- construction traffic problems
- daily gridlock will arise
- other developments have added to congestion on the road
- other sites such as the Police Station will add more traffic when redeveloped
- loss of a green open space
- loss of habitat and rare species such as reptiles and Bee orchid
- will not support town centre
- loss of tourism value
- emergency vehicle access issues
- choice of units is too small
- design and layout are poor quality
- lack of social cohesion of new and existing residents
- above harms outweigh any benefits

4. APPLICANT'S CASE

- 4.1 Writing in support of the original and amended proposal the applicants have submitted a considerable volume of information that may be inspected in full in the usual manner. These comprise Design and Access statements, Planning statement, SCI, Ecological report, Transport Assessment, Arboricultural report and Flood Risk Assessment. The Agent considers the key points raised are as follows:
- 4.2 Woodstock is considered one of the more sustainable towns within West Oxfordshire. It has a wide and excellent range of facilities, with good access to employment, leisure, retail and educational services. The updated WODC Settlement Sustainability Report (December 2013) has placed Woodstock equal with Carterton and Eynsham in sustainability terms, with only Witney and Chipping Norton being higher in the sustainability matrix produced by the district. In principle, a residential development that could take advantage of the amenities available in Woodstock, to reinforce the existing service centre role that Woodstock provides, should be approved.

- 4.3 After considering responses from statutory and other third parties, the applicant reviewed and amended the scheme. The main changes being; reduction in the number of dwellings from 64 to 58; strengthening the green buffer on the eastern and western boundary; improving the streetscene at the entrance to the site; and, an improved “destination point” at Budds Close, creating a focal point around a landscaped setting and seating area.
- 4.4 There are no specific local plan constraints that would restrict housing development on this site. There has been no objections from any statutory consultees, and the revised scheme is acceptable to the District Conservation Officer; *“The proposal (especially in the form of the perimeter layout, landscape strip, footpath etc.) relates well to its context – in particular the former railway line, now a nature reserve and related footpath. In fact this second layout is rather better than the existing estate through which it runs”*
- 4.5 Oxfordshire County Council “One Voice” consultation process has made no objections to the development.
- 4.6 The January 2011 Strategic Housing Land Availability Assessment (SHLAA) for West Oxfordshire considered the application site and found that it had *“potential for housing subject to adequate retention of play space with vehicular access to the site secured across the southern boundary”* The applicant would like to note that since this publication, vehicular access has been secured across the southern boundary; and, the current proposals include, not only the retention of the play space, but its enhancement.
- 4.7 The public representation on the revised application, cover the same issues as the original scheme. The applicant responded in full to the public concerns in their *“Review of Feedback on proposals for new homes at Shipton Road, Woodstock” (January 2014)*. To summarises these are as follows:

Impact of the increase traffic flow on Shipton Road – Traffic flows have been fully assessed in the Transport Assessment. The level of traffic generation based on surveys of existing usage of the road, shows peak hour flows to be low. (AM peak hours - 23 vehicular movements out, and 9 movements in; PM peak hours – 22 vehicular movements in and 13 out). Oxfordshire County Council’s previous review of the 64 dwelling scheme found that this *‘is not considered to be a significant level of traffic’*. The County Council have not objected to the application.

The existing 90 degree bends on the Shipton Road were specifically designed, in accordance with current design standards, to slow vehicle speeds on the approach to the proposed development, and are an appropriate feature in this location.

Impact in the Ecology of the Site - In accordance with the recommendations of the previous ecological report, a further Phase 2 Ecology Report – Reptiles survey has been completed and submitted to the council. Overall, the findings of the various ecological surveys carried out on the site would indicate that there are no over-riding ecological constraints to the development proposals that would preclude planning permission being granted at this stage, subject to appropriate conditions. Proportionate mitigation is available and deliverable to ensure that there would be no adverse impact on protected species and/or local wildlife using the site.

Hedgerows will be retained and enhanced, and the grassland buffer strips will provide suitable habitat for a range of species. The development will create an opportunity to enhance the biodiversity of he site.

The County Ecologist has not objected to the development.

Loss of Open Space – The site is private land and does not have public access. Marlborough School previously leased the application site for their own use. The site became surplus to the school’s requirement, and the lease was terminated in May 2012. The development will have no impact on the availability of outside open space for residents of Woodstock to enjoy. The level of provision of sports pitches available for the residents of Woodstock remains above the minimum requirement as set out in the WODC Playing Pitch Study (December 2013). WODC’s Planning Policy team has confirmed this.

Harm done by the development to the special heritage and character of Woodstock- There are no heritage assets, Conservation Area or listed buildings, affected by the site. The District Conservation Officer has not objected to the application. The proposed scheme will not have any harmful impact on the wider heritage value of Woodstock.

- 4.8 West Oxfordshire District Council's Cabinet meeting held on the 9th April 2014 formally acknowledged that the district does not have a 5-year housing supply. The proposed development will go some way in rectifying this situation; particularly, in supplying 29 affordable homes greatly needed in Woodstock. (The Housing Enabling Manager confirmed that there were approximately 297 households registered with the council who would qualify for affordable housing in Woodstock. (March 2103))
- 4.9 When assessed against the policies contained, as a whole within the NPPF, the proposed scheme creates a sustainable form of development, with significant benefits to the local community of Woodstock, and West Oxfordshire, in the wider context. There are no significant adverse impacts that would outweigh these benefits.

5. POLICY

- 5.1 Of most relevance are policies BE1, BE2, BE3, BE4, BE5, NE3, NE6, NE9, NE13, NE15, T1- T3, H2, H3 and H7 of the adopted WOLP and the advice of the NPPF and NPPG.

Council's Position on Housing Land Supply

- 5.2 With particular regard to issue of the 5 year land supply and the status of policy H7 members will be mindful of the advice offered by officers in respect of the applications at New Road Bampton and Saxel Close Aston following the St Albans case in December of last year. In light of that legal case Officers advised that it was no longer appropriate to calculate the Council's housing land supply position using the South East Plan and that instead, as an interim measure, the Government's household projections as adjusted through the Strategic Housing Market Assessment for Oxfordshire (SHMA) should be used prior to the housing requirement for the District being determined through the Local Plan process.
- 5.3 Using this interim measure the Council was unable to demonstrate a full five year housing land supply and as such the provisions of Paragraph 49 and 14 of the NPPF would be engaged. This means that Policy H7 of the adopted Local Plan should not be considered up to date. That being the case it would then become necessary to consider whether the granting of permission would have any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole, or whether specific policies within the NPPF indicate that development should be restricted.
- 5.4 Members will be aware that the key headline findings of the SHMA have recently been published and provide an objective assessment of the number of new homes (market and affordable) needed in West Oxfordshire in the period 2011 – 2031.
- 5.5 However the SHMA does not set housing targets and recent Government Practice Guidance published on 6/3/2014 confirms that the amount of weight afforded to such studies should reflect the fact that they may not have been tested or moderated against relevant constraints. As such it is considered appropriate to continue to calculate the 5 year land supply position using the Governments interim household projections until such time that a new housing requirement has been agreed through the Local Plan process.
- 5.6 Further advice to Members was provided in the form of a report to Cabinet on an Interim Housing Land Supply Position Statement which effectively endorsed the above. The position as set out in that report is that at present the Council is unable to demonstrate that it has a full five-year

housing land supply (approximately 4.7 years) and as such, your Officers consider that it would be appropriate to apply Policy H7 of the adopted Local Plan with a greater degree of flexibility than would otherwise be the case.

- 5.7 In accordance with paragraph 14 of the NPPF, consideration must then be given as to whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework (the NPPF) taken as a whole, or whether specific policies in the NPPF indicate development should be restricted. The relevant issues are explored below.

6 PLANNING ASSESSMENT

- 6.1 Taking into account planning policy, other material considerations and the representations of the interested parties, your officers consider that the main issues are considered to be:

- Principle of development/land supply, sustainable location
- Design/landscape impact
- Impact on neighbours
- Highways/parking
- Ecology
- loss of sports pitch
- Environment /climate change
- legal agreement

Principle/land designation/Policy

- 6.2 Woodstock is defined in the adopted Local Plan 2011 as a Service Centre, reflecting the fact that it is a sustainable settlement, capable of accommodating new housing development. The locational strategy of the adopted Local Plan is to direct new housing towards these service centres in the first instance. Indeed, the Council's most recent Settlement Sustainability Report (December 2013) identifies Woodstock as one of the most sustainable settlements in terms of access to services and facilities.
- 6.3 The key issue therefore is not whether Woodstock is a sustainable location for development (which it evidently is) but whether the application site represents a suitable location for residential development.
- 6.4 In this regard it is pertinent to note that the site adjoins a recent housing development built to the south on a site that was allocated in the adopted Local Plan 2011. This suggests in broad terms that the application site is likely to be considered a suitable location for residential development. The most directly relevant policy is H7 of the adopted Local Plan which states that new dwellings will be permitted in the following circumstances:
- Infilling
 - Rounding-off within the existing built up area
 - The conversion of appropriate existing buildings
 - On sites specifically allocated for residential development in the plan
- 6.5 The proposed development does not fall into any of these categories and is therefore technically contrary to Policy H7. However, as outlined in the policy section above, although the proposal is contrary to Policy H7 it is relevant to note that at the present time the Council does not have a 5-year housing land supply (4.7 year supply only). This position was formally agreed by the Council's Cabinet at a meeting on 9th April 2014. As such, in line with the NPPF, Policy H7 should be

considered out of date and there is a general presumption in favour of planning permission being granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- specific policies in the NPPF indicate development should be restricted

6.6 The key issue therefore is whether the proposed development would have a significant and demonstrable adverse impact that would outweigh any potential benefits and whether there are any specific policies in the NPPF that indicate development should be restricted.

6.7 With regard to the latter issue, it is relevant to note that the application site is not affected by any of the specific designations referred to in the NPPF that might limit suitability for residential development. It is not affected by any sites of special scientific interest, it is not located in Green Belt, there are no heritage assets (Conservation Areas, Listed Buildings) affected and the site is not subject to flood risk. In terms of the principle of development, it is also relevant to have some regard to the emerging draft Local Plan (2012) which is less prescriptive than Policy H7 of the adopted Local Plan in terms of delivering new homes in locations such as Woodstock. Although only very limited weight can be given to the draft Local Plan, Core Policy 2 states that the rural service centres (including Woodstock) are suitable for development of an appropriate scale and type that would help to reinforce their existing service centre role. In this instance it is considered that the application proposal is of an appropriate scale that would help to reinforce the role of Woodstock as a designated service centre. It is also pertinent to note that the application site is identified in the Council's Strategic Housing Land Availability Assessment (SHLAA) 2011 as being potentially suitable for housing subject to satisfactory access being provided to the south of the site. To summarise the position, technically the proposal is contrary to Policy H7 of the adopted Local Plan 2011 insofar as it does not comprise infilling, rounding off or conversion and the site is not allocated in the adopted Local Plan. However, by virtue of the Council's current position in relation to the 5-year housing land supply, Policy H7 can only be afforded limited weight at the present time. Furthermore, the application site adjoins a previous adopted Local Plan allocation and has been identified as being potentially suitable for residential development in the Council's Strategic Housing Land Availability Assessment (SHLAA). The key issue therefore is not the principle of development but rather whether the granting of planning permission would have any significant adverse impact or whether there are any specific constraints to development. If not, there is a presumption in favour of permission being granted in line with the NPPF. With regards to other policies the application proposal includes a good proportion of smaller residential units including 1 and 2-bed flats and houses. The proposed mix will help to re-balance the current predominance of larger properties within the District and help to meet the needs of smaller households. Additionally 50% of the houses will be affordable. This is consistent with adopted Policy H11 and is therefore supported. The proposed tenure split of rented to intermediate affordable homes will need to be agreed with the Council's housing enabling team.

6.8 Policy BE4 is also of relevance in relation to the loss of open space adjoining a settlement. However the space is not subject to any especial designation and in the context of the Government's desire to substantially increase the supply of housing it is inevitable in the context of a rural district like West Oxfordshire that this will in the main involve green field sites adjoining existing development. The harm to BE4 is not considered to outweigh the presumption in favour of sustainable development set out in the NPPF.

Design and impact on the wider countryside

6.9 Officers will make full use of the submitted information to describe the development. Since the original proposal several revisions have been made that address a number of concerns. The form of the new units is considered acceptable and will sit comfortably with those already approved on the

adjoining site. The spine road into the new development terminates in a “village green” that itself is enclosed by new units. Two streets lead away from the green – one terminating in the existing substantial hedge feature associated with the green lane along the eastern boundary and the other following a loose curve to terminate in an enhanced play facility. A series of small courts and mews lead off these principle routes. Where the units abut existing properties they are sited gable end on to reduce potential for overlooking and they are set sufficiently far from the boundaries to help in the retention /enhancement of existing surrounding vegetation. Connections to the footpath network are made at logical desire lines and adequate amenity and parking areas are provided. It is considered that it would be a pleasant place to live.

- 6.10 With regards to the wider landscape impact the units are 2 or 13/4 storey height and, as outlined above are set away from boundaries and allow for retention of landscaping. Thus whilst there will be some adverse impact on the existing character of the site and setting of the footpaths, this is likely to be of limited duration until such time as the estate and vegetation matures whereupon it will read as a logical addition to the settlement.

Impact upon neighbours

- 6.11 The traffic from the new houses will clearly have some additional impact in terms of increased traffic in the vicinity of the site. However this is not so harmful that it would justify refusal as it is considered no worse than would be expected in an urban situation. Similarly the orientation of the new units is such that overlooking is avoided and the separation is such that overbearing and overshadowing would similarly not be sufficient to justify refusal. Members will be able to make their own assessment of the neighbourliness impacts following the site visit

Highways and parking

- 6.12 This is a key issue as far as local residents are concerned. Of particular concern is the somewhat tortuous route through the existing estate to get to the site, the problems associated with the morning and evening peaks of traffic associated with the operation of the school and the adequacy of the road network due to the sharp bends in one direction and the limited width and vision in the other. OCC were similarly concerned regarding these and a number of other technical matters and this led to the original holding objection.
- 6.13 The amended plans appear to have overcome the technical concerns and with a series of conditions regarding junction details, parking, no conversion of the garages, estate road details, drainage, pedestrian and cycle improvements, travel plan and construction management plan the Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. Therefore, officers do not consider that the proposed development will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway to the extent that a refusal on these grounds could be sustained at appeal. Members will have the opportunity to pay particular regard to this aspect of the objections following their site visit.

Ecology

- 6.14 A number of respondents have raised the issue of the impact upon protected species as a cause for concern. The application was the subject of an ecological report that was updated in response to the concerns raised. These reports were undertaken by a competent ecologist and found that there are no habitats of importance that would be affected and whilst Bee orchids were formerly recorded there their numbers are dwindling on site and they are not a protected species. Some slow worms are restricted to the NE corner and eastern boundary but proportionate mitigation can be delivered by condition

- 6.15 The county ecologist has not objected subject to conditions requiring biodiversity enhancement measures and a construction management plan to be secured and implemented
- 6.16 Taking the above into account whilst there may be some limited ecological potential on site the consequences of the development upon the species/habitats appears to be well understood and appropriate mitigation can be put in place to ensure that offence avoidance measures are introduced or adequate compensation measures are available if species are found
- 6.17 Ecology is not therefore considered to represent a sustainable refusal reason

Loss of Sports Pitch

- 6.18 It will be noted that Sport England has objected to the loss of the former playing field. Part of the site has previously been used as a playing field. Policy TLC5 of the adopted Local Plan 2011 is therefore of relevance. The policy states that development proposals should not result in the loss of existing recreational open space unless:
- the development is for buildings and/or facilities ancillary to, or enhancing, the amenity of recreational value of the open space; or
 - alternative provision of at least equivalent suitability and accessibility, particularly by foot is made; or
 - there is clear evidence that now, and in the future, the land will no longer be needed for its current purpose or for recreational uses by the wider community.
- 6.19 It is understood that the pitch was only provided as a temporary measure to serve a club that no longer has that requirement and that as such the pitch is not currently in use and has not been so for some years now. In terms of whether there is existing demand for the facility it is possible to broadly assess whether there is sufficient existing provision within Woodstock, based on recently completed WODC open space and playing pitch studies. The Playing Pitch Study sets out a requirement of 1.25 ha / 1000 people for public / private provision for parks and recreation grounds. GIS records indicate that there is approximately 8.2ha of land that fits broadly within this typology within Woodstock, including the application site. The loss of this site would leave approximately 6ha of parks and recreation grounds, serving a population of 3,100 people. This would mean that the level of provision would remain above the minimum requirement identified in the Playing Pitch Study. However, in light of the former recreational use it would be appropriate for the developer to make an appropriate financial contribution towards new or enhanced recreational provision elsewhere in the area as well as providing good quality open space within the development itself. These issues are both secured by condition/the suggested Section 106 Agreement. Given the temporary nature of the previous use, the capacity of existing space in the vicinity, the improvements that will be secured on the back of the existing application and the need to provide additional housing to meet Government requirements it is not considered that the objection from Sport England is of such weight as would justify refusal. The above recommendation would however be subject to the caveat set out in the response from SE that the application be referred to the Government before final determination.

Environment and climate change

- 6.20 The site does not lie within an area at risk from flooding and biodiversity and energy/water saving measures can be secured by condition

Legal Agreement

- 6.21 If Members are minded to approve the application there are a series of issues that would need to be ensured by condition and legal agreement. The legal agreement will require inter alia:

- the payment for the funds to OCC as set out in their consultation as well as the monies to WODC for leisure and waste as set out in the consultees section.
- further, public art funding would be required to ensure compliance with policy TLC7 and
- the affordable housing delivery will also need to be secured as would
- the monies to TVP.
- the details of the management company for on site POS management and of the translocation of any species/habitats as set out in the ecological reports may also need to be embedded into a Section 106 Agreement.

Woodstock TC has not advised of any harm that it would wish to see addressed by way of developer funding

The conditions would be based upon the following:-

- time limits
- amended plans,
- materials ,
- landscaping
- highways/access/parking
- secured by design
- water and energy saving
- biodiversity enhancements
- drainage
- removal of permitted development rights
- etc

Conclusions

- 6.22 This application has proved particularly contentious with a well organised campaign of objection raising a series of material issues. That having been stated the Council does not have a 5 year land supply and as such its strategic housing policies do not carry particular weight but rather the presumption in favour of sustainable development as set out in the NPPF applies. Woodstock is considered a sustainable settlement ranking highly in the matrix of settlements in the District and this site adjoins one where the Inspectorate has similarly found it to be sustainable. There are clearly some outstanding concerns regarding traffic issues and ecology but the relevant technical consultees have not supported those concerns. The one remaining objection from Sport England is not considered on its merits to outweigh the other advantages of approving the application- particularly as the playing field use was only temporary, has ceased, there is sufficient alternative supply nearby and there will be compensatory measures secured by legal agreement. In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits subject first to referral of the application to central Government as required by Sport England and thereafter to a legal agreement and conditions as generally set out in the above section.

RECOMMENDATION

Approval subject to prior referral to The National Planning Casework Unit and to a legal agreement and conditions as broadly outlined in the report.

13/1547/P/FP Former Highways Depot Banbury Road Chipping Norton	
Date	01/11/2013 01/11/2013
Officer	Mr Phil Shaw

Officer Recommendation	Approval subject to a legal agreement
Parish	CHIPPING NORTON
Grid Ref:	

APPLICATION DETAILS

Erection of class A1 foodstore with associated access, parking & landscaping.

APPLICANT

Aldi Stores Limited & Merbuild Developments Ltd, c/o Agent.

BACKGROUND INFORMATION

This application seeks planning permission for the change of use of the former highways depot from Class B1 use to a Class A1 foodstore (ALDI). The site is positioned on the edge of Chipping Norton (out of centre location) off the Banbury Road (A361) on land adjacent to the Cromwell Business Park. The site was granted outline consent for a B1 business use in 1996 and has since been given subsequent consents for this use class, up until 2014.

The site is outside of the Conservation Area and Cotswolds Area of Outstanding Natural Beauty (AONB), however, the boundary of the Conservation Area surrounds Cotshill Gardens immediately to the west of the site and the AONB boundary is immediately opposite the site to the north. As such, the application site is considered to affect the setting of both the Chipping Norton Conservation Area and the Cotswolds AONB. The site is not in a Flood Risk Area and nor are there any landscape or ecological designations upon the area.

The building is orientated as a fairly linear structure east to west across the site, set between 14m and 42m back from the front boundary wall and with the shop entrance facing north. The deliveries/ loading bay/ servicing equipment/ warehouse are proposed to be on the south and west side of the building. The nearest neighbouring buildings are those businesses on Cromwell Business Park to the east and residential properties on Cotshill Gardens to the south west (approx. 26m away). To the rear/ south side of the site is the Council Salt Depot, and beyond this the site where the new Chipping Norton Community Hospital is positioned. Opposite the site to the north is agricultural land.

The site is currently very leafy in appearance, with trees along the front of the site both within the red lined area and between the site boundary (a 1m high stone boundary wall) and main road. There are a lot of self seeded trees and undergrowth on the site itself which have grown more established since the site has been vacant. The levels vary across the site, with part of the site increasing in level from west to east and falling towards the rear/ south and the Council Salt Depot. Due to the change in levels, the western boundary of the car park level is likely to be 1m lower than the road.

The site area is 0.52ha. The vehicular access is proposed to be taken from the Banbury Road rather than from the Cromwell Business Park as the business park road is a private road outside of the applicant's control. 76 parking spaces (including 4 disability spaces and 6 parent and child spaces, plus 10 cycle spaces) are proposed mostly on the north side of the site (between the Banbury Road and the building, with a small number wrapping round to the east).

The building is proposed to be in artificial stone (north and east elevations) and render (south and west elevations). It would be a single storey structure, with a flat roof behind a parapet detail. The height is proposed to be approx. 5.5m and the store entrance on the north elevation will be full height glazing, wrapping around to the north east. The north elevation (front facing) will also have a line of higher level windows across the whole building.

There are proposed to be 10 full time and 20 part time (hence 20 full time equivalent) employees. The hours of opening are suggested to be 8am to 9pm Monday to Saturday and 10am to 5pm on Sundays and Bank Holidays.

External lighting is proposed to be provided by 6m high lighting poles, with the exact location to be confirmed if the application is approved. Similarly, the application plans show only a small sign on the north and east elevations of the building and the location of a sign at the north eastern corner of the site. The statements refer to this advertisement being a 6m high goalpost style illuminated sign on the Banbury Road frontage, but no details have been submitted at this time (it would be subject to separate advertisement consent).

Members will recall that they undertook a formal site visit in respect of this proposal on the 2nd January 2014 and gave initial consideration to the merits of the application thereafter. The purpose of the site visit was to consider the proposed development in context, the relationship with the adjoining land uses and the relationship with the town centre. Key issues arising from the debate were the likely retail impact on the town centre, the design of the store, the landscaping, conflict with vehicles reversing to use the service bay and cars entering the site, noise and accessibility. Since that meeting the applicants have produced amended plans and further supporting information. WODC has additionally commissioned further specialist retail consultant advice to assess the additional retail impact information. Where major new sections of the report are included to reflect these updates they are indicated in **bold lowercase headings**

I PLANNING HISTORY (Application site and other relevant proposals in the District)

11/1360/P/FP – The erection of a supermarket with car parking facilities and construction of new roundabout together with associated works and landscaping for Sainsburys Supermarket, on the former Parker Knoll premises on the London Road. This was refused.

10/1084/P/S73 – Continuing B1 business use on site - Non compliance with condition 1a and 1b of planning consent W95/1521 to allow extension of time limit for the submission of reserved matters by a further three years to 11/1/2014 and to extend the relevant period for the implementation of the planning permission to 11/1/2016. This was granted.

08/1144/P/FP – Removal of existing buildings and erection of an Aldi foodstore with associated car parking, serving areas and landscaping and alterations to existing access on land at 10 and 12 Alvescot Road in Carterton. Granted.

08/0568/P/FP and 08/1629/P/FP – Erection of Lidl foodstore with associated car parking on land at Ducklington Lane, Witney. Initially refused due to design and highway issues and approved following amendments.

2 CONSULTATIONS

2.1 Town Council:

“The Town Council took a vote on this planning application as there were mixed views around the table. The result of the vote was 10 in favour and 4 against. Concerns were raised with the following:-

- 1) Noise levels from the air-conditioning units as they are positioned close to neighbouring houses.*
- 2) The amount of delivery lorries and times of deliveries.*
- 3) The pathway up the Banbury Road leading towards the proposed Aldi needs to be improved.*
- 4) Suggestion of a box junction on the main road.*
- 5) Suggestion of a pathway being installed from the Banbury Road to the London Road.”*

Amended Plans/retail report- No response to date

2.2 OCC Highways:

“Recommendation

- *No objection subject to the following conditions, legal agreement and informatives*

Key issues:

Appropriate provision is made for:- Access, parking and manoeuvring.

Conditions:

- *Prior to first use, the access, parking and manoeuvring areas shall be constructed in accordance with the submitted plans and subsequently shall be retained without obstruction except for the parking of vehicles.*
- *Prior to development, a construction phase traffic management plan shall be submitted to and approved by the Local Planning Authority. The approved plan shall be implemented throughout the period of construction.*
- *Prior to first use, a travel plan in accordance with submitted draft shall be submitted to and approved by the Local Planning Authority. Upon first use the approved plan will be implemented and subsequently updated appropriately.*

Informatives:

- *Works in the highway, relating to the access, will be subject to S278 of Highways Act*

Detailed Comments:

Appropriate provision is made for vehicular access for both customer and service/delivery vehicles, without any significant delay or harm to highway safety. Provision is made within the site for larger articulated delivery vehicles to turn away from the public highway. Parking provision is considered appropriate with reasonable allowance for manoeuvring. The site links to adjacent footways and cycle stands are provided.”

2.3 OCC Transport and Planning Strategy

“Recommendation

- *No objection subject to the following conditions, legal agreement and informatives*

Key issues: Increase in traffic to the proposed store on sensitive roads via town centre; Pedestrian connectivity is poor to existing residential areas, and no link currently from London Road through the Hospital site

Conditions:

- *Routing agreement to ensure delivery vehicles do not route through town centre, to avoid in particular, the AQMA.*
- *The applicant must negotiate with the adjacent hospital site to deliver a pedestrian link to London Road, in order to access the nearby bus service **OR**, if this is not possible, re-route an existing bus service to stop outside the store, and serve the site on Banbury Road. If this option was conditioned, bus shelter facilities (described below) must also be secured from the applicant.*

Detailed Comments:

Trips by car

This application for a proposed Aldi store is some distance from Chipping Norton’s town centre & retail area, so visitors to the store are very likely to drive to the store in the main, encouraging extra routing through the town centre, via congested High St and Horsefair, through the Air Quality Management Area. This is because it is edge of town, located on the northern edge and the opposite side to the majority of housing.

Deliveries and construction routing

Deliveries to the store (and construction vehicles) need to be carefully managed so as to avoid the town centre. A routing agreement for both construction and servicing the store should be secured via Condition.

Access by foot

There is a footpath along Banbury Rd on the side of proposed development but most people will travel to the store by car, given its edge of town location. The footpath on the opposite (northern side) of Banbury Road is narrow by the time the proposed store location is reached. Pedestrian links through to London Road are essential, to better link with existing dwellings but also to public transport. Pedestrian connectivity via the Chipping Norton Hospital site, which backs onto Cromwell Park is essential. This should be delivered as direct mitigation by the developers, and secured by Condition of this planning application. The Statement of Community Involvement submitted as part of the application says a link will be provided to the south of the store as the beginning of the link through to London Road, and suggests a contribution. A contribution is not desirable as this would require the County or District Council to secure the connection (and pay for any shortfall). Instead the developer should discuss the possibility of delivering the essential remaining section of the route through the Hospital/Health Centre to reach the London Road. It is not clear from the application if the Hospital would be amenable to this, nor whether the applicant has discussed this.

Access to public transport

Hourly bus service x8 (Kingham-Chipping Norton) currently stops at the Hospital entrance, which is quite close to the proposed Aldi as the crow flies. Delivery by the applicant of the pedestrian route described above is therefore key to enable convenient and attractive access to this service.

If it were not possible to provide the connecting foot link for some reason, then the x8 bus service - or in principle any bus service currently terminating in Chipping Norton from the south-west (such as the x9 from Witney) - could be extended to serve the store by using a one-way loop, out from Chipping Norton via London Road, turning left and left again into Banbury Road and then back into Chipping Norton.

*In summary, the Council would seek essential connectivity from the Aldi site to the local bus network, **either:***

- through the provision of a footpath through the Hospital site to reach services on London Road (to the satisfaction of the Council) **or***
- the provision of a bus service from the Chipping Norton to serve the Aldi site, through extension/diversion of bus services, through a contribution of £20,000 per annum for five years commencing with the store opening date (£100,000 in total), **plus** the provision of a safe and adequate bus stop on the south side of Banbury Road, near the store entrance. The developer to provide hardstanding area and connecting footpath through section 278 arrangements and a financial contribution of £6,000, for the Council to procure a shelter, pole, flag and information case.”*

2.4 OCC Drainage:

“Recommendation

- Support subject to the following conditions, legal agreement and informatives*

Key issues:

- SUDS should be used including greater use of permeable paving.....*
- Storage crates cannot be used due to the ground conditions. The limestone strata will convey water to properties below which may cause flooding or subsidence....*

Conditions:

- Prior to the commencement of the development, a scheme for the drainage (both surface water and sewage) of the development shall be submitted to, and approved in writing by the District Planning Authority. The approved scheme shall be implemented prior to the occupation of any dwelling to which the scheme relates Reason: To ensure the effective drainage of the site and to avoid flooding (Policy DC14 of the adopted Local Plan.”*

2.5 OCC Archaeology:

“Recommendation

- *Holding objection pending the receipt of further information from the applicant*

Key issues:

- *The applicant has not provided a heritage statement/archaeological desk based assessment of the application area.*

Detailed Comments:

The application does not include a heritage statement or an archaeological desk based assessment area that considers whether the application area is archaeologically sensitive in line with Para 128 of the NPPF.”

Updated position- A revised study has now concluded that any issues can be addressed by conditioning a watching brief

2.6 OCC Economy, Skills and Training:

“No objection.”

2.7 OCC Property:

No comment.

2.8 OCC Minerals and Waste Policy:

No comment.

2.9 OCC Ecology:

“Recommendation

- *No objection subject to the following conditions, legal agreement and informatives*

Key issues:

The District Council should ensure that the application contains an assessment of potential impacts on biodiversity. As the planning authority, West Oxfordshire District Council must also make a decision as to whether the development meets the requirements under the Habitats Regulations 2010 and Natural Environment & Rural Communities Act.

Biodiversity surveys and reports should include an assessment of the potential direct and indirect impacts on designated and local sites, an extended Phase 1 survey to determine the habitat present and identify whether there is any UK priority habitat present or potential habitat for protected and/or priority species. If potential priority habitat or potential habitat for protected species is identified further surveys will be required (phase 2 habitat and protected species surveys) to determine what biodiversity is present and the potential impacts of the development.

If minded to permit, in addition to appropriate mitigation and compensation, the development should result in a net enhancement in biodiversity. The development should include green infrastructure to retain habitat connectivity throughout the site and to surrounding areas. A sensitive directional lighting scheme should be implemented to ensure that additional lighting does not impact on the retained green corridors across the site.

Biodiversity enhancements should be included in the development, such as SUDS, hedgerow and tree planting, creation of habitat for bats in buildings and bird boxes, creation of hibernacula for reptiles and amphibians, log piles for invertebrates, hedgehog domes and creation of wildflower grasslands. There are records of Swifts in the area and depending on the height of this building it might be high enough to be a suitable nesting site. Enhancements should be included in the development design in line with planning policy (e.g. National Planning Policy Framework) and the Natural Environment & Rural Communities Act which places a duty on local authorities to enhance biodiversity. Provision should be made for the appropriate management of these areas.”

2.10 Thames Water:

“Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.”

2.11 Thames Valley Crime Prevention Officer:

“The only advice I can offer at this juncture is to refer the applicants to the principles and standards of the Association of Chief Police Officers (ACPO) crime prevention initiative for the built environment, Secured by Design (SBD). I urge them to incorporate said principles etc within the proposals and to contact me as soon as possible so that they may be advised on how to achieve this.

To ensure that the opportunity to design out crime is not missed I request that the following (or a similarly worded) condition be placed upon any approval for this application;

No development shall commence until details of the measures to be incorporated into the development to demonstrate how ‘Secured by Design’ accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.

SBD is an Association of Chief Police Officers (ACPO) initiative which has a proven track record in assisting with the creation of safer places by providing guidance on Crime Prevention Through Environmental Design (CPTED). The scheme has two levels of accreditation; an SBD Award, which is achieved by whole

developments that demonstrate conformity to design principles and security standards across the entire site and; Part Two compliance, which is achieved when the physical features (windows, doors, locks etc) of the structures themselves meet specified, Police preferred standards. Details can be found at www.securedbydesign.com and further advice can be obtained by contacting Thames Valley Police's Crime Prevention Design Team.

I feel that attachment of this condition would help the development to meet the requirements of:

- The National Planning Policy Framework 2012 (Part 7, Sect 58; 'Requiring good Design' and Part 8, Sect 69; 'Promoting Healthy Communities') where it is stated that development should create 'Safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion'.
- Supplementary Planning Guidance Document 'Safer Places - The Planning System and Crime Prevention', ODPM 2004.

In addition, it would assist the authority in complying with its obligations under Section 17 of the Crime and Disorder Act 1998 in doing all it reasonably can in each of its functions to prevent crime and disorder in its area.

The comments above are made on behalf of Thames Valley Police and relate to CPTED only. You may receive additional comments from TVP with regard to the impact of the development upon policing and a request for the provision of infrastructure to mitigate against this impact.

I hope that you find my comments of assistance in determining the application and if you or the applicants have any queries relating to CPTED in the meantime, please do not hesitate to contact me."

2.12 WODC Environmental Services:

"Noise

Following my site visit on Monday 18 November 2013 and a review of the applicant's noise report ('Rating of Industrial noise affecting mixed industrial and residential areas.' Report Ref: KR03339) and a discussion with Philip Measures (Environmental Health Manager) who has also seen the application and this response I suggest any noise disruption to surrounding dwellings would be minimised by applying the following noise-control conditions:

'The store shall not be open to the public between 23:00 and 07:00 nightly.

No deliveries of stock to or from the store, or handling of stock outside, shall occur between 23:00 and 07:00 nightly.

The rating level of noise from all plant and machinery installed at the site shall not exceed 41 dB LAeq, 1 hr between 07:00 and 23:00 hours and 35 dB LAeq, 5 mins between 23:00 and 07:00 hours when measured or calculated one metre from the façade of the nearest noise-sensitive premises with all plant and machinery operating together. The measurements and assessment shall comply with the requirements of BS4142:1997'.

The car park may become a gathering point for 'cruisers' at night (with consequential noise from radios and vehicles). Accordingly, you may wish to condition that access gates to the car park are locked shut between 23:00 and 07:00 nightly.

Light

To void any detrimental impact on amenity by artificial light pollution the following condition is recommended.

'The lighting scheme should comply with the Institution of Lighting Engineers Guidance Note on Light Pollution dated 2005. It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.'

2.13 WODC Engineers:

"Geology:

Shallow lime-rich soils over chalk or limestone

<http://www.landis.org.uk/soilscapes/>

Flooding History:

The site is not within 20m of a watercourse. It is not within Floodzone 2 or 3. There is no record of the site being previously flooded.

Surface Water Drainage:

SUDS are proposed. An attenuation tank will be provided to ensure discharge is limited to existing site discharge rates. All surface water will be discharged into soakaways that will be sized to allow for a 100 year event + 20% climate change. No surface water will discharge from the site. Tarmac is proposed for vehicle access, with tarmac / paving / blockwork for cycle and pedestrian access. Oil interceptors will be provided for all car parks and vehicle standing areas.

Other Information:

The northern end of the site rises from west to east at 1:40 alongside the Banbury Road. The Cromwell Park estate road rises by about 1.5m from Banbury Road to the site entrance. The road then falls by 1.5m towards the salt depot site entrance. A 1m high retaining wall divides the site, so there is a higher plateau following the level of the estate road. The lower section of the site falls at 1:60 from north to south. The site is essentially split at 2 different levels. It is 0.5m ha in area.

An infiltration rate of 1×10^{-4} m/s has been given. However, there is no indication of the number or location of tests. Presumably this is a rounded up / down average rate?

Conditions:

That, prior to the commencement of development, a full surface water drainage scheme, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, details of the proposed water treatment measures and results of soakage tests carried out at the site to demonstrate the infiltration rate. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).

In these cases the following note should also be added to the decision notice:

NOTE TO APPLICANT:

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 – Clause 27 (1))*
- Code for sustainable homes - A step-change in sustainable home building practice*
- The forthcoming local flood risk management strategy to be published by Oxfordshire County Council before March 2014. As per the Flood and Water Management Act 2010 (Part 1 – Clause 9 (1))."*

2.14 WODC – Arts:

“A contribution towards off-site provision of public art is being sought – to be used in the immediate vicinity of the planned development for the benefit of the wider public and at a value of £15,230.”

3 REPRESENTATIONS (original proposals)

3.1 18 letters of objection have been received and can be summarised as follows:

- The site is allocated for employment use not for retail;
- The use of the site would be contrary to Policy E1 and E6 of the West Oxfordshire Local Plan;
- The exceptions to Policy E6 have not been demonstrated in the supporting evidence;
- Given the limited employment allocations in the District it would be short sighted of the Council to consider any potential loss without a robust case being put forward by the applicant;
- It would be an unwelcome precedent for employment uses to be lost;
- The proposed retail store would be located well outside of the town centre boundary and as such is an ‘out of centre’ location;
- The NPPF details that retail development should be within town centres;
- The application does not demonstrate that there would not be a significantly harmful impact on in-centre trade and turnover;
- The applicant infers there is potential for linked trips as part of the proposals, however, the site is over 600m from the town centre so this is unfounded;
- There is not a robust case against sequentially preferable food store sites and hence it is contrary to saved Policy SH1;
- There is no justification for the need for this scale of retail development in an out of centre location;
- The proportion of convenience units in Chipping Norton is above the national average;
- The signage at the boundary of the site should be significantly smaller;
- The tree lined approach along Banbury Road should be maintained;
- In the medium term, hoardings advertising the vacant sites on the adjacent business park should be removed and not used as a precedent for larger permanent signs for ALDI;
- The comments that most of the town want the shop or other verbal assertions have no documentary evidence behind them;
- The plans are smaller than the Sainsburys application, but ALDI would not sell a smaller range of products. It would also have the same negative impact on the town centre;
- The new store would be better stocked and selling more products than older existing ALDI stores. The agent is also the same for both the previous Sainsburys application as for this ALDI application;
- The view from the Banbury Road would not be the frontage but the side warehouse type wall;
- Refrigeration units and the bin area will be overlooked by persons living in Cotswold Gardens who currently enjoy a leafy view;
- Delivery lorries would have to drive across the car park for the loading bay and across the parking area specifically allocated for disabled people and those with children;
- The loading bay is in full view of a residential area and the noise and movements would be disruptive;
- One delivery a day does not seem realistic and it is shown that this tends to increase once an approval is in place;
- The entrance/ exit to the site is on a slight hill which is a concern in safety and visibility;
- The information at the open day and now within the application has changed in terms of the peak period traffic;
- They have suggested 4 car movements per minute, even if we only take 2 in and 2 out per minute, this is still 240 car movements in 1 hour driving in and out of the town. This would be on top of normal traffic;

- The traffic increase would disrupt residents of Cotshill Gardens and Norton Park as well as Chipping Norton High Street being unable to withstand such traffic levels;
- Pollution levels will be aggravated;
- Vitality and viability of the town centre is a major issue and cannot help but be affected by an out of town retail unit;
- There are many times and other examples of other market towns where out of centre shopping kills the centre;
- Chipping Norton is a small town and would be affected all the quicker;
- No one will invest in a town where everything can be bought out of centre;
- Only if the co-op store expansion does not proceed should sites such as these be considered;
- The access to Cromwell Park is close to the proposed access and is busy several times of the day and this would present an additional barrier to clear vision and an increased hazard for staff leaving or entering the park;
- The town already includes two supermarkets and specialist food shops;
- The proposed store is on the eastern edge of the town and the main customer catchment is on the west;
- The only plus of this site over Sainsburys is that it is not next to a Primary School with its dangerous traffic implications. However, it is not on a frequent bus route;
- Many more jobs would come from employment uses over retail and this site should be kept for that purpose;
- Think of all the jobs lost already from Parker Knoll and Bliss Mill;
- Is the same data being used for the retail assessment as with the Sainsbury application?
- Why is there such haste for this application?
- The store should be altered so that the refrigeration and delivery bay are adjacent to the Business Park not the retail area, or they should commit to noise mitigation work;
- The arguments for noise in the report submitted seem to refer to incorrect addresses;
- The opening of a pedestrian access from London Road to the site should be made a condition of approval and would increase footfall and use by public transport;
- The route from the Banbury Road by foot is not suitable with uneven surfaces, narrow footpaths. A level crossing should be provided to the other side of the road.
- Access should logically be from Cromwell park not directly from the Banbury Road.

3.2 A letter of objection has been received from Mr Holmes on behalf of Midcounties Co-operative Society. The letter is supported by a retail critique of the proposed development and a letter setting out the retail objections. The letter is set out below with the retail technical note held on file should Members wish to view it;

“The Co-op is a strong supporter of town centre shopping and is shortly to start work on a major extension to the supermarket which will provide approximately 700 sq.mt. of additional food retail floor space in the heart of the town centre together with additional parking which will provide a total of 160 spaces.

Town centre development such as this is considerably more expensive than out of town development on vacant sites but the Co-op is prepared to invest in this type of scheme which will benefit both themselves and fellow traders.

The Co-op object to the Aldi application.

Clearly the Co-op’s main concern is with the likely impact of the proposal on its store in Chipping Norton and on the town centre more generally. The Co-op has an important role in the town centre as the largest foodstore and also recognises the importance of the continued vibrancy of the town to its own success and will seek to provide any information that it can to assist the Council in its decision taking.

Retail Impact

We have assessed the applicant's retail impact assessment and our objections are set out in the attached note.

In summary this concludes that

The applicant has failed to examine alternative sites on the edge of the primary shopping area with any thoroughness or to explain why they are unsuitable for the proposed development.

The Council's 2012 Retail Study update has established a requirement for 272 sq m of additional convenience floorspace by 2019 and 416 sq m by 2029. This is likely to be an overestimate, at least to 2019, because it is based on assumptions about expenditure growth which have proved over-optimistic. This is more than met by the permitted Co-op extension in the town centre. The implication is that the proposal would have a significant impact on the town centre's vitality and viability.

The applicant's impact assessment is flawed and should not be relied on. It has very significantly overestimated the turnover of the largest foodstore in the town centre and assumed a trade draw to the proposal that is both unrealistic and unsupported by evidence or even explanation.

The evidence points to significant impact on the town centre and this is to be expected if a new, out-of-centre foodstore is built in a small market town where all food retailing is currently located in the centre. This is emphasised in this case by the considerable travel time to the nearest superstores and the high market share that the town centre currently attracts.

NPPF para 27 indicates that if a proposal fails to satisfy the sequential test or would have an adverse impact on any nearby town centre. Saved Policy SH1 has similar requirements. No other considerations which might be considered to override these policies have been advanced and the planning application should be refused.

The retail impact assessment has been carried out on the basis that the proposal would be a LAD (Limited Assortment Discounter). These achieve a much lower turnover per sq m of net sales floorspace than normal foodstores which would, as a consequence, have a much greater impact on the town centre. However, there would be nothing to restrict the development to a LAD unless conditions are applied. Perhaps more likely than a different retailer, Aldi's offer is likely to change over the years and there is likely to be a drift towards main stream food retailing. This "offer creep" is already evident in Aldi's operations and underpins its recent success. If the Council were minded to permit the development, it should therefore consider if the "offer creep" could be controlled by condition. A condition limiting the number of lines has been imposed and accepted by Aldi elsewhere and we would be pleased to offer more information to the Council if, despite the objections, it intends to permit the development. This condition would have to be in addition to conditions to control the total sales floorspace and the amount that could be used for non-food sales etc.

There are also other matters which indicate that the application should be refused and to which I wish to draw your attention.

Accessibility

The site is nearly 600m from the primary shopping frontage and 500 m from the junction of London Road (A44), Banbury Rd (A361) and Over Norton Rd (B4026) with Horsefair. The maximum distance that people are likely to walk for shopping is generally acknowledged to be 400m (5 mins). The location is within walking distance of an extraordinarily small proportion of the Chipping Norton population. There are according to the applicants Transport Statement no bus services along Banbury Rd. The double roundabout at the junction of Banbury Road and London Road is difficult for pedestrians and cyclists to cross and Banbury Rd itself is busy. The location cannot be regarded as readily accessible by foot, cycle or public

transport and would be dependent on, and lead to greater, car use. It is therefore contrary to policy SH1 for this reason (in addition to the sequential test and retail impact criteria).

It is also clear that few people would walk between the town centre and the proposed store.

Design and Layout

The layout places the service yard as close to the nearest residential properties as it could be. There is clearly a certain embarrassment about this evident in the Design and Access Statement and the explanation is given that the topography of the site indicates that this is the most convenient place for the applicant to build it and achieve the required docking height. Service yards are known to cause disturbance through a number of the activities and regardless of whether the noise would breach the relevant guidance, it cannot be regarded as good design. This is a requirement of all development proposals. In fact we suspect that the main reason for the location is that it would be difficult to provide the service yard at the other end while still accommodating the proposed parking spaces.

The location of the service yard at this end does have other implications. It means that lorries reversing up to the loading bay have to pull into the customer car park and reverse across the vehicular access while executing a tight turning manoeuvre in the proximity of parking spaces to reverse down the side of the building. This means that while this is being carried out, cars are; first likely to enter the site only for the driver to find a lorry reversing towards it and be faced with no alternative but to reverse out onto the main road; and second, to have to queue on the main road until the lorry has completed its manoeuvre. Again applicant appears sensitive to this issue since it emphasises the safety record of its delivery drivers in the transport statement. It is certainly unusual to do this. It is noted that there would, according to the applicant, be no-one on site to supervise the manoeuvre – it would be entirely down to the driver.

The design of the building reflects the style of LAD operators and undoubtedly gives a no-frills impression suitable to a discounter. The plans indicate that all the trees existing on the site would be removed and only minimal re-planting would be undertaken. Much of the illustrative material relies on trees which are not on the site and over which the applicant has no control. It is clear that the development would be prominent in street views on a main entry route into the town. However, the site is adjacent to the conservation area and the impact of the building on the conservation area needs to be assessed. Such a building is unsuitable for the location, although it is possible to design foodstores which would be. The operational difficulties we have indicated and the minimal landscaping point to an over development of the site. The development fails to exhibit good design.

Employment Land

The site is allocated in the Local Plan as employment land and is protected from other forms of development by policy E6 of the Local Plan, unless they are judged unsuitable for the intended employment use, unsuitable on amenity, environmental or highway safety grounds or substantial planning benefits would be achieved by allowing alternative development.

At the time that the Sainsbury application was refused (March 2012) the Council objected to the loss of employment land and considered the Sainsbury site had not been adequately marketed in the preceding years. It noted that over this time there had been a number of businesses lost to Chipping Norton because of the lack of suitable sites. The Committee report also considered the claim that the Sainsbury store would create 200 new jobs and the Council concluded that even this level of jobs would “represent an overall reduction to potential economic activity and employment in the town.” (Committee Report March 2012 para 6.32). In contrast to Sainsbury’s, Aldi would only create the equivalent of 20 full time jobs.

The report advised that

“The maintenance of an accessible and flexible supply of employment land is therefore a key requirement to capitalise on potential economic opportunities and expand local employment”

and the Sainsbury application was refused inter alia because of the loss of employment land. We understand that the Parker Knowle site is still under Sainsbury’s control and not available for business development. Demand for business premises can only have increased since then and there is no reason why the Council should change its view now.

Conclusions

For all of these reasons we object to the application and ask the Council to refuse planning permission.”

3.3 In addition, 353 letters and cards of support have been received from the proposal, with comments including the following;

- If the application is approved, a section 106 should provide for a footpath from the store through to the community hospital and London Road. This would provide access to the terminus of the X8 bus service and X8 bus service to provide operations to the hospital earlier and later in the day and linking to trains in Kingham;
- The new store would provide employment opportunity, improve the look of this part of the town and provide the town an added food shopping option;
- The added competition would be good for the other stores;
- It would be a good choice of cheaper food and would save journeys to towns further away such as Banbury.

Revised proposals

3.4 In response to the amended plans a further 25 letters of support have been received raising the following issues:

- They have made the requested changes.
- I will not have to travel to shop.
- It will stop COOP remaining as dominant retailer.
- It will not affect town centre.
- Their food is cheaper.
- It will generate jobs.
- It will clear up an eyesore.
- It will be welcomed in the town.
- Hospital staff will be able to use it.
- It will bring much needed competition.
- The application should be approved without delay.
- It will be a boost to the town.
- It will assist those who cannot travel out of the town to shop.
- Chipping Norton needs to be seen to be progressing instead of a being a town of vacant plots.

3.5 Additionally a further 16 letters of objection- mainly from or on behalf of existing traders in the Town, raise the following points:

- X8 bus service should not be re routed but rather a footpath link provided through hospital site.
- The emphasis of the products sold will change to a greater range.
- This should be about policy and not the applicant.
- The town centre viability is fragile.
- A small town cannot sustain 2 supermarkets.
- COOP should be allowed to settle in.
- The site is inaccessible.

- It will increase pollution and traffic in town.
- It is good so much time is being taken to ensure that the impact of the development is not adverse.
- The independent shops should be protected.
- This will impact upon local traders.
- Aldi will compete directly with local shops.
- It will be difficult to let the COOP site if it folds and another supermarket has taken the trade.
- There will be no local benefit.
- If Sainsburys was refused why approve this?
- It is the independents that provide the character to the town and local appeal.
- It will increase pressure on High Street traders.
- It is in the wrong place to serve the main customer base to the west of the town.
- It will worsen the AQMA situation by dragging traffic across town.
- The footpath could not be provided without a 106 agreement.
- There are sequentially better sites which exist.
- It is contrary to NPPF.
- The design harms the area.
- It is the loss of an employment site.
- The impacts are not correctly calculated.
- Local trade will reduce by 25%.
- We will end up soulless like Banbury or Abingdon.

4 APPLICANT'S CASE

4.1 The following reports have been submitted in support of the application and are available to view on the application file and on the Council's web site:

- Design and Access Statement;
- Planning Supporting Statement;
- Retail Assessment;
- Statement of Community Involvement;
- Transport Assessment and Travel Plan;
- Air Quality Assessment;
- Geo-Environmental Assessment;
- Drainage Strategy;
- Ecological Assessment;
- Arboricultural Assessment;
- Noise Assessment;

4.2 The conclusions of the Planning Supporting Statement are set out in full below:

“The application proposes the beneficial redevelopment of an existing vacant site, within the urban area, for discount food retailing. The scheme has been designed to maximise the use of the site, whilst also ensuring high-quality design and environmental enhancements.

The scheme is a full application that is not dependent or reliant on another scheme for its delivery. There is no planning requirement or obligation for an alternative use to be delivered at the application site or elsewhere as part of this planning application.

The proposed ALDI should be assessed in accordance with the current prevailing planning policy context (which includes the NPPF and the West Oxfordshire Local Plan). In consideration of the three dimensions

to sustainable development set out by the NPPF (economic, social and environmental) we conclude the following:

- The proposed foodstore will provide accessible, sustainable, neighbourhood shopping facilities that will be available to all residents of this area, providing retail competition and choice, without detriment to the vitality and viability of existing centres.
- The provision of low-priced goods will particularly benefit those on lower incomes and the store will provide a significant number of local jobs.
- The proposed development will bring the site into beneficial economic use, assisting in providing a diverse economic base in this location and providing benefits to the local community that cannot be situated in an alternative location.

Environmental, design and transportation matters have been appropriately considered as part of this planning application. The development appropriately contributes to protecting and enhancing the environment and full consideration has been given to prudent use of resources, waste minimisation and pollution, and mitigating and adapting to climate change.

We conclude that on the basis of the foregoing (and the application submission as a whole) that the proposed development is sustainable and complies with relevant planning policy considerations at all levels. We therefore conclude that the proposal represents sustainable development in accordance with the NPPF. As such, it is considered that planning permission should be granted.”

4.3 The conclusions of the Retail Assessment are set out in full below:

“The assessment provides an appropriate consideration of potential alternative sequentially preferable sites within the town centre and elsewhere, drawing on other recent proposals and the Council’s consideration of those applications. The sequential assessment has confirmed that when taking account of the Council’s aspirations for the development of sites in the town centre, there are no alternative sites that are suitable or available for the development proposed.

We have also confirmed that there are no other sites within sequentially preferable locations elsewhere that should be considered appropriate. On this basis we consider that it has been demonstrated that the application proposals comply with the sequential test.

The scale of development falls below the threshold for (retail) impact assessment (2,500 sq m) identified at paragraph 26 of the National Planning Policy Framework (NPPF) and there is no locally set, lower threshold. On this basis, a retail impact assessment is not required in this case. To assist the Council’s consideration of the application proposals, however, a proportionate retail impact assessment has nevertheless been undertaken based principally on published information.

We have assessed the impact of the ALDI proposal on a solus and cumulative basis having regard to the key national policy considerations set out at paragraph 26 of the NPPF and we draw the following conclusions:

- *Impacts associated with the proposal in the design year (2018) are low and represent no threat to the vitality and viability of Chipping Norton or any other centre, even allowing for combined trading effects (ALDI and the commitment).*
- *The proposal represents no threat to investment on the basis of the impact and expenditure analysis set out in Appendix 1. We conclude that the ALDI proposal, if permitted, will not act to deter investment in Chipping Norton town centre or any other centre. Moreover, it is likely to draw trade to Chipping Norton that is currently being spent elsewhere.*

On the basis of the foregoing analysis and assessment, we consider that it has been demonstrated that the application proposals comply with relevant retail policy tests. We therefore consider that there is no retail

policy basis on which to resist the development of this brownfield and under-used site for beneficial economic development.”

4.4 The conclusions of the Transport Statement are set out in full below:

“Based on the data and analysis presented in this report, the following conclusions are drawn:

- *Consistent with local policy, the site access has been designed to provide safe and efficient access for all modes;*
- *The development proposes adequate car parking for all elements of the development proposal as well as 10 secure, covered and illuminated cycle parking spaces for the discount food store. In addition the site supports safe access and turning of service vehicles;*
- *The site includes for a staff Travel Plan, Servicing Strategy and a Transport Implementation Strategy;*
- *This report has considered the potential vehicle generating characteristics of the site. It demonstrates that an Aldi store in this location would generate a negligible increase in the volume of traffic during peak hours. In this regard therefore, no further junction analysis is considered to be required; and*

Based on these conclusions the impact of the development proposals on the surrounding transport network should be considered acceptable and sustainable.”

4.5 **The Councils Retail Consultants report** raised concerns regarding the accessibility of the site, the adequacy of the methodology to assess the impacts on the town centre and in particular about the failure to adequately assess sequentially preferable sites. In response the applicants produced substantial further documentation that in a detailed/technical manner sought to rebut some of the concerns raised. **Further advice** was sought from the Council’s consultant that (in a summarised form) found that

- the applicants had still not passed the sequential test
- the site was not accessible by foot but the footpath link to the X8 bus stop was an improvement
- the methodology was still suspect as regards impact

4.6 However, at the level of detail required other findings were that:

- the retail impacts were unlikely to prejudice the investment by the COOP
- that there is likely to be an impact greater than Aldi are suggesting (up to 15%) but that whilst some retailers may suffer at various times (dependant on the lines being sold) this is not a material risk to town centre traders. Whereas that level of impact would justify refusal in some less strong centres that is less likely here as the centre is stronger
- There will be some retention of shopping currently leaking out of the town and it would make it more difficult for other retailers to argue a case that further out of town capacity is required.

The conclusion /recommendation is reported in full below:

We recommend nevertheless that the application be refused on the basis of para 24 of the NPPF, in that the applicant has failed to show that no sequentially preferable site is suitable, available and viable, and has not demonstrated appropriate flexibility in considering alternative potential sites.

If nevertheless the Council were minded to grant planning permission – now or in the near future – then a condition on the lines proposed by TA (p.11 of their letter) would be necessary and appropriate. We would draw attention, however, to the impracticability of testing what constitutes ‘deep discount retailing’, given the skills and knowledge involved in undertaking price comparisons. In any event, the wording put forward by TA defines the term purely by reference to the number of lines, so arguably it is superfluous.

The draft condition specifies a ceiling of 1500 lines. That is 400 more than the present number stated by TA and therefore gives a very generous margin. If the Council is minded to agree to this number, rather

than say 1250 which would also be generous, it should be made clear that any later floorspace extension application should not involve additional lines over and above 1500, in order to protect the town centre from unacceptable impact. The Council may wish to consider securing this by legal agreement.

Any condition or other restriction must be enforceable. Aldi should be required to produce a practical guidance statement – for prior agreement with the Council – as to the method to be used in checking the number of lines. This should be accompanied by a commitment to pay the reasonable cost of an independent expert to undertake checking, not less than say every two years.

Full copies of the report are available on line, upon request to the case officer and have been passed to the Town Council.

In response Aldi submitted a **further package of documentation**, that additionally sought to address the issues raised by members at the last meeting. The main points raised are summarised as follows:

THE SEQUENTIAL TEST

We have assessed the sites further, and provided the additional information and justification sought by the Council and Mr Shearman. The enclosed proformas provide the complete assessment, but we set out below a summary and conclusion for each of the four sites.

Site 1 – Castle View & Ambulance Station

- Site area 0.75 hectares
- Edge-of-centre location and functionally out-of-centre.
- Vacant, but owned by Oxfordshire County Council with an aspiration for housing on the site highlighted through the District Council's latest SHLAA.
- In the Conservation Area.
- Irregular shape, considerable variations in site levels, high amount of existing vegetation, high quality existing building on the site.
- Constrained access and servicing arrangement.
- Possible layout of the proposed development on the site compromised and not appropriate for a foodstore operator, and an adequate access arrangement is not possible to realise.
- Negative visual impact on the Conservation Area, surrounding uses, and views from the west of the site.
- Site not suitable and not considered to be available for the proposed development. Therefore, not sequentially preferable.

Site 2 – Former War Memorial Hospital

- Site area 0.3 hectares.
- Edge-of-centre location.
- Vacant, but owned by St Charles Homes with planning permission granted in December 2013 for residential development.
- In the Conservation Area, main building a valuable asset and likely to be locally listed as part of a review of the locally listed buildings in the District, and perimeter stone is considered to make a valuable contribution to the Conservation Area.
- Constrained access arrangement.
- Main building could not be converted to accommodate the proposed development.
- Constrained shape and size of site not able to accommodate the proposed development.
- The existing access arrangement and important perimeter wall are not able to be amended appropriately to provide a satisfactory access arrangement for the proposed development.

- Site not suitable or available for the proposed development. Therefore, not sequentially preferable.

Site 3 – Burgage Plots

- Site area 0.3 hectares.
- Edge-of-centre location.
- Multiple and complicated ownership.
- In the Conservation Area and Cotswold Area of Outstanding Natural Beauty, and Identified in the Council's SHLAA as having 'limited potential for development'.
- Constrained site shape and size, variations in site levels, lack of prominence, and poorly related to the town centre and Primary Shopping Centre.
- Proposed development not able to be accommodated on the site, and appropriate customer and serve vehicle access not achievable.
- Significant land and properties in multiple ownership required to deliver the necessary pedestrian access and visual prominence from the town centre.
- Negative impact on Conservation Area and Cotswold Area of Outstanding Natural Beauty difficult to mitigate and is likely to render site unviable.
- Site not suitable or available or viable for the proposed development. Therefore, not sequentially preferable.

Site 4 – Former Penhurst School

- Total site area 1.7 hectares – only rear part of site developable due to architecturally valuable buildings and existing vegetation on the front part of the site.
- Edge-of-centre location and functionally out-of-centre.
- Site recently purchased and no longer available.
- In Conservation Area and Cotswold Area of Outstanding Beauty, 'locally listed' building on the site, and a scheduled monument in the surrounding area.
- Development Brief for the site being prepared – envisages mixed use development.
- Constrained existing access arrangement.
- Lack of visual prominence renders site not commercially attractive and unsatisfactory access arrangement for a foodstore operator.
- Negative impact on 'locally listed' building, Conservation Area, and Cotswold Area of Outstanding Natural Beauty with mitigation and lack of visual prominence likely to lead to the site being unviable.
- Site not suitable or available or viable for the proposed development. Therefore, not sequentially preferable.

It has been demonstrated in our previous submissions that ALDI has adopted a flexible approach with regards to the proposed development at the application site, particularly in relation to the site layout and the number of car parking spaces, the proposed store being approximately 20% smaller than ALDI's current optimum store size (1,254 sq m net), and an external appearance that is bespoke to this site.

We have also adopted a flexible approach when considering and assessing the alternative sites. The ALDI business model requires a net floorspace within certain parameters and dimensions. The store layout shown on the feasibility plans with the sequential assessment in the enclosed proformas has a net floorspace that is 20% smaller than ALDI's current optimum store size (1,24 sq m net). ALDI are also willing to consider locating the warehouse and welfare areas in different positions, including above the shop floor, as well as alternative design solutions, in order to accommodate a store on a particular site. These are initiatives that have been adopted at other stores within ALDI's portfolio.

However, adopting these initiatives on the four alternative sites would still not make any of the sites suitable for the proposed development. There are other existing issues, including site level constraints, negative visual impact, lack of visual prominence, and constrained access arrangements that prevent the

proposed development being accommodated on any of the four alternative sites. We consider that we have adopted a reasonable level of flexibility in the assessment of sequentially preferable sites.

For the reasons set out in the sequential assessment contained in the original Retail Statement, our letter dated the 28th February 2014, the enclosed proformas and accompanying feasibility plans demonstrate that there are no sequentially preferable sites capable of accommodating the proposed development. Therefore, the sequential test has been satisfied.

In support of their amended design, landscaping, loss of employment site etc they advise.

It is noted within the submitted documents that the application site has been identified as an employment site and has benefitted from extant planning permission for office development for several years. Notwithstanding this, the site's development for employment use has not come forward and we consider that it is appropriate to consider alternative uses, particularly where those uses meet other policy criteria and will be materially beneficial in the local area. We have also noted that the NPPF provides guidance to emphasise that employment sites should not be protected where there is no reasonable prospect of the site coming forward for that use.

In these circumstances, we consider that a retail use, providing valuable local employment opportunities, is an appropriate use. An ALDI store in this location will generate up to 30 new jobs for the local area, will support jobs locally (through the store's supply chain and local recruitment) and will provide valuable employment opportunities during the store's construction phase. These are 30 jobs that are not currently provided by a vacant and undeveloped site and there is no reasonable prospect of it being developed for an alternative employment use.

It is noted that 2011 Census data indicates that in West Oxfordshire, unemployment among the economically active stands at 2.8%, with the highest proportion within the older age groups. ALDI's recruitment will be particularly suitable for those unemployed and those less able to access traditional (Class B and specifically Class B1) employment opportunities. ALDI operates a local recruitment policy wherever possible, seeking employees on a full and part time basis from across the age range.

ALDI staff are employed on a full contract basis and work on average 25 hours per week. This will be particularly suited to those wishing to access the employment market in the Chipping Norton and surrounding local area. ALDI seeks to engage fully with the local community within which the stores are located and are active participants in local community initiatives and activities. An ALDI store in this location will therefore make a significant and materially beneficial impact in the local area, particularly supporting those of lower income and seeking access to the employment market on a full or part-time basis.

Given the proposed store's compliance with other policy tests, we therefore consider that it is appropriate for a non-Class B use to be developed on this site.

5 POLICY

5.1 The following policies of the adopted West Oxfordshire Local Plan 2011 are considered to be particularly relevant:

- Policy BE2 (General Development Standards)
- Policy BE3 (Provision for Movement and Parking)
- Policy BE5 (Conservation Areas)
- Policy BE18 (Pollution)
- Policy BE19 (Noise)
- Policy NE4 (Cotswolds Area of Outstanding Natural Beauty)
- Policy NE6 (Retention of Trees, Woodland and Hedgerows)
- Policy T1 (Traffic Generation)

- Policy T2 (Pedestrian and Cycle Facilities)
- Policy EI (Employment Allocations)
- Policy E6 (Change of Use of Existing Employment Sites)
- Policy SH1 (New Retail Development)
- Policy TLC7 (Provision for Public Art)

- 5.2 Proposal 1 (Cromwell Park) is also of relevance, as is the allocation of the site in the Draft Local Plan (2012) for business use under Core Policy 11 – Land for Business (albeit this currently has limited weight).
- 5.3 Written Ministerial Statement: Planning for Growth (23 March 2011) - The Minister of State for Decentralisation (Mr. Greg Clark)
- 5.4 Government Draft Guidance 'Ensuring the Vitality of Town Centres' (2013) includes further guidance on the sequential test and the impact test in considering out of centre retail proposals.
- 5.5 Guidance within the West Oxford Design Guide SPD is considered to be relevant to this application.
- 5.6 The priority actions within the Sustainable Community Strategy are also considered to be relevant to this application.
- 5.7 The requirements of the National Planning Policy Framework (NPPF) are of key importance.

6 PLANNING ASSESSMENT

- 6.1 Members have visited the site and will be aware of the site context and constraints having considered the principle of the change of use, the various elements of the application and identified the key issues as part of the consideration at the last meeting
- 6.2 Taking into account the planning policy, other material considerations and the representations of interested parties, your officers consider that the main issues are:
- Whether retail development of the proposed size and nature is acceptable in this location;
 - The loss of the employment site;
 - Design, Visual Impact and Landscaping;
 - Highways and Parking Layout;
 - Impact upon Amenity of neighbouring residential properties;
 - Added Planning Benefits/ s106 agreement
 - Other issues

Retail Use

- 6.3 ALDI is a 'deep discount' grocery retailer. The store provides products at discounted prices and is aimed as a 'weekly' food shop or a 'top up' store. It provides a limited product range, with a total of approx. 1,100- 1,500 lines. The applicants agent notes that this is considerably less than other supermarkets and is due to ALDI not stocking numerous types of one product but rather one line of a given product range. The applicants agent has detailed in their statement that the selection of goods at the store would include groceries, tinned goods, frozen and chilled goods, alcohol, pre-packed bakery goods and some non-food household items.
- 6.4 Retail planning issues have been the subject of detailed technical submissions in the Planning and Retail Statement accompanying the application. The Council has also instructed a retail consultant

to review the reports that have been submitted in support of this application and his conclusions have been reported earlier in this report.

6.5 Paragraph 23 of the NPPF details that local planning authorities should:

- Provide competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
- Allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres;
- Allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre.

6.6 The NPPF then goes on to say at paragraph 24 that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. Applications for such uses should be located in town centres, then edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge and out of centre locations, preference should be given to accessible sites, well connected to the town centre.

6.7 At paragraph 26 of the NPPF it states that for such sites outside of the town centres, which are not in accordance with the Local Plan, that an impact assessment would be required if the development is over a certain floorspace threshold.

6.8 Policy SH1 of the West Oxfordshire Local Plan 2011 identifies the criteria whereby proposals for new retail development will be considered. Policy SH1 states:

Proposals for retail development, other than to meet purely local needs, will be located in the following sequence:-

- 1) *within the town centres;*
- 2) *on the edge of the town centres;*
- 3) *in out of centre locations that are, or can be made, readily accessible by a choice of means of transport.*

Proposals for retail and other town centre uses in locations other than town centres will only be permitted where:-

- i) *a need for the development has been established;*
- ii) *the sequential approach has been followed and there are no suitable sequentially preferable sites available;*
- iii) *the development would not harm either directly or cumulatively the vitality and viability of any nearby town centre or planned measures to improve it;*
- iv) *the development proposed is appropriate in nature and scale to the location;*
- v) *the proposal accords with other policies in the plan with regard to traffic impact, amenity and environment.*

6.9 In relation to the sequential test, in light of the applicants further work (outlined above) it is agreed by officers that in terms of availability and suitability of the sites mentioned in the applicant's assessment (Penhurst School, War Memorial Hospital Site, Castle View and Ambulance Station and the Burgage Plots) none are suitable or available for retail use and therefore the application site would pass the sequential test.

This leaves consideration of the impact test and any potential impact upon the town centre. There has been much debate and disagreement by the consultants as to the methodologies used and findings. In essence, with conditions controlling the exact nature of the operation, the Councils consultant now considers that, whilst the impact will be greater than that cited by Aldi, the town is sufficiently robust to accommodate the impact without undue harm. They also concluded that there may be some parallel benefits in terms of increasing trade retained within the town and having a greater defence against further out of centre retail proposals

- 6.10 It is considered that the main retail impacts have therefore been addressed but there is still the issue of access by non car transport and distance from those most likely to use the store. The provision of a further footpath link to the bus network addresses this to some degree but given the topography and location it is considered likely that the vast majority of trips will be car based, albeit non car modes do have the ability to use the site now. Accessibility by non car modes is thus considered to represent a negative factor but in the absence of suitable other sites without identical or more problematic constraints this is not considered, of itself, sufficient to justify refusal when weighed against the benefits of the scheme.

Loss of Employment Site

- 6.11 The provision of retail floorspace on the site would be contrary in principle to Policy E1, E6 and Proposal 1 in terms of the loss of the employment use/ designation. Consideration therefore needs to be given as to whether there are any material reasons to depart from adopted policy.
- 6.12 The NPPF requires at Paragraph 22 that 'planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable communities'.
- 6.13 In this instance, the application site has an extant consent for use as B1, with the Planning Permission Ref. 10/1084/P/S73 having gained consent until 2014 for employment use. The B1 use was originally granted on site in 1996 and has subsequently been renewed, to extend the period for the submission of reserved matters until 11th January 2014. The site was formerly the Highways Depot but has been vacant for a significant period.
- 6.14 The Council's Business Development Officer has indicated that there is a critical shortage of B Class employment land in Chipping Norton, with this site being one of few that could come forward for such use. The applicant's agent asserts that there are other employment opportunities and that this site will meet some specific employment niches in the town. To set against this the situation could change for local businesses in the future as the economic situation improves, and this is one of the only B1 sites available. The key priority is also not the number of jobs (as unemployment is generally low in the area) but retaining the opportunity for local businesses to grow, in the local area, and therefore to generate value into the local economy.
- 6.15 Policy E6 of the adopted Local Plan 2011 identifies the criteria whereby proposals for the change of use of existing employment sites. Policy E6 seeks to resist the loss of employment unless:
- a) *it can be demonstrated that the site or premises are not reasonable capable of being used or redeveloped for employment purposes; or*
 - b) *the site or premises is considered unsuitable on amenity, environmental or highway safety grounds for employment uses; or*
 - c) *substantial planning benefits would be achieved by allowing alternative forms of development.*

- 6.16 The applicant's agents identify that the proposed development will generate jobs.
- 6.17 The suggested benefits of employment generation resulting from the ALDI proposal need to be balanced against the impact on the longer term and wider ranging employment opportunities generated by growing local businesses. This is particularly the case based on the Council's concerns regarding lack of alternative B class land and the relatively low number of FTE jobs which would be created. Your officers have concluded on balance that the employment generation now with the potential if other employment needs do arise to potentially meet these by way of the Neighbourhood Plan or emerging Local Plan represents the appropriate way forward.

Design, Visual Impact and Landscaping

- 6.18 The site is located in a prominent location, on a key approach road into Chipping Norton, adjacent to both the boundary of the Conservation Area and AONB. Both the north and east elevation of the site, and to some extent the west, have the potential to be very exposed to views from the roadside. This is particularly the case with the level of landscaping proposed to be removed from the site, with reliance largely on existing mature trees outside of the site boundary which could not be controlled by the applicant.
- 6.19 In your officers opinion, there was concern that the loss of the majority of the greenery from the site (with potentially some trees being endangered outside of the site) will alter the site completely from a leafy entrance to the town to a very conspicuous utilitarian building surrounded by a large area of car parking with little space left for new planting. The applicant would wish for the site to be exposed to some degree and also that any business use in this location would entail the removal of a fair degree of greenery. As a consequence the detailed form, design and landscaping have been amended in line with suggestions from officers to produce a less 'standardised' form which should be more easily integrated into the site. More greenery is to be provided on site to soften the boundaries along with the retention of stone boundary wall and creation of new walling on the eastern boundary to better reflect the immediate surroundings.
- 6.20 In terms of the building itself, it is a neat and efficient building that does use a traditional palette of materials and has now a much less large scale, monolithic form with unbroken massing. In your officers opinion the design and landscaping, whilst clearly a considerable change from the current site appearance are now an appropriate addition to this edge of the town and important approach into it and reflect its prominent and exposed location.
- 6.21 It is noted that the building is shown to only contain two signs, one on the north and one on the street elevation, and with a double pole sign on the corner of the site. No advertisement consent application is made at this stage for the signage but officers would consider this to be the maximum likely to be acceptable and suggest that a note to that effect be appended to any decision reminding the applicants of the need to ensure the scale and form of the signs respects the prominence of the site, the character of the street scene and the character of the nearby Conservation Area and AONB.

Highways and Parking Layout

- 6.22 At this stage, the Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. Therefore, officers do not consider that the proposed development will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway.
- 6.23 That said, the concerns of residents and interested parties in relation to the level of public transport available, pedestrian links and the manoeuvring space on site for the delivery lorries in particular is noted. Should the application be approved, consideration would need to be given to

routing agreements and pedestrian links to the London Road to access the local bus service and help offset some of the concerns regarding the limited accessibility of the site. As the majority of people visiting would also be by private car, the layout of the parking area does require detailed consideration.

- 6.24 The amended plans have addressed the potential conflict on the site with the location of the loading area and access by introducing a one way system to route incoming cars away from any potential reversing service vehicles.

Impact on Amenity of Neighbouring Residential Properties

- 6.25 It is noted that the more disruptive parts of the site in terms of neighbouring residential amenity are located on the side of the site closest to the residential area to the west. This includes the refrigeration equipment and the loading and delivery area. However, this is the most appropriate side of the site in relation to shielding the area from view and there does remain 26m between this part of the site and the nearest neighbouring property.
- 6.26 The Councils Environmental Health team have not raised any objections to the location of such equipment and have reviewed the applicants noise report submitted. They do suggest conditions to limit opening times, delivery times and the noise level of equipment. Access to the site at night is also suggested to be restricted. Whilst the concerns of some residents in this respect are therefore noted, with appropriate conditions it is considered that the impact could be kept to an acceptable level. It is also noted that with the lawful use of the site being for some form of B class use that there would always be some degree of change to the amenity currently enjoyed by residents closest to the site. In addition, the site remains adjacent to the Council salt depot and it is not considered that the impact from this new retail use and site layout would be so harmful as to warrant the refusal of planning permission.

Added Planning Benefits

- 6.27 As detailed above, some of the added community benefits which could be provided include pedestrian links to the London Road and a contribution towards off-site provision of public art is also sought to be used in the immediate vicinity.

Other Issues

- 6.28 An ecology report was submitted in support of the application. No evidence of reptiles or badgers was found on the site and no trees appear suitable for supporting roosting bats, apart from one more mature tree off site. The site is therefore considered as having low suitability overall to support any recorded species.
- 6.29 An air quality assessment has been submitted in support of the application. The report concludes that with appropriate mitigation work that there would only be negligible impact upon the area.
- 6.30 A geo-environmental report has been submitted in support of the application due to its history as a highway depot, although only limited further investigation is required to enable development. Comments from the County Archaeologist suggest that an archaeological desk based assessment will be required for the site to continue.
- 6.31 A drainage strategy has been submitted with the application. Thames Water have not objected in relation to water infrastructure capacity and WODC engineers require the submission of a Surface Water Drainage Scheme.

Conclusions

- 6.32 As detailed in the earlier report, the retail impact upon the town centre was a key concern. Our consultant has concluded that it is likely to be greater than the applicants suggest but it will be within acceptable limits and will have some other retail benefits. The lack of pedestrian accessibility remains as a concern. No better sites are considered to be available. The loss of full commercial job opportunities is regretted but the actual jobs created now is a benefit of the scheme. The design has been markedly improved and the landscaping also improved with the new layout resolving the concerns regarding service vehicle conflicts. There are no other technical or other objections that your officers consider sufficient to justify the refusal of Planning Permission.
- 6.33 Subject to the conditions regarding:
- the nature of the retailer,
 - materials,
 - landscaping ,
 - amended plans,
 - hours of use, access,
 - drainage,
 - lighting,
 - archaeology,
 - secured by design,
 - ecological mitigation
 - etc as outlined in the report, a note regarding the signs and a legal agreement to secure:
 - the provision of the footpath,
 - bus service improvements,
 - routing and
 - public art , officers consider that the proposal is acceptable on its merits and are recommending approval.

RECOMMENDATION

Approval subject to conditions and a legal agreement as generally outlined above.

14/0106/P/FP Home Farm Grove Road Bladon	
Date	10/01/201423/01/2014
Officer	Mr Phil Shaw
Officer Recommendation	Refuse
Parish	BLADON
Grid Ref:	445000,215243

APPLICATION DETAILS

Removal of modern agricultural buildings. Conversion of traditional agricultural building to office. Erection of 25 dwellings with associated parking.

APPLICANT

Vanbrugh Unit Trust, Estate Office, Blenheim Palace, Woodstock, Oxon, OX20 1PP.

BACKGROUND INFORMATION

This application relates to a site that is prominently sited to the west of the A 4095 as it runs through the village. The site comprises a series of traditional barns that it is proposed to convert to office use and an open paddock with some modern agricultural buildings where it is proposed to erect 25 dwellings- 4 of which would be affordable. In order to facilitate the development it is proposed that the land be re contoured.

Members will recall that the site was the subject of a Members site visit and subsequent informal feedback as to the potential heads of terms of a 106 package were the application to be approved.

The site lies within the Oxford Green Belt and within the recently extended Conservation Area where the views across the open section of the site are noted as significant. The rear boundary comprises the boundary of Blenheim Palace World Heritage site and is itself listed.

Bladon is scheduled in the adopted local plan as a village where only infilling is allowed under the terms of policy H5 but, as set out in the Policy section, the lack of a 5 year land supply means that less weight can be attributed to this than was hitherto the case. The scheme has been advertised as a potential departure from the development plan.

1 PLANNING HISTORY

None of relevance on site.

2 CONSTRAINTS

The site lies within the Oxford Green Belt and within the recently extended Conservation Area where the views across the open section of the site are noted as significant. The rear boundary comprises the boundary of Blenheim Palace World Heritage site. The barns on site are not listed but the walls of the Park are. The trees beyond the boundary are the subject of a TPO and the Parkland is grade I listed in its own right.

3 CONSULTATIONS

3.1 Bladon Parish Council

“Accepting that some development on the site is inevitable, members find the proposals tasteful and appropriate to the village setting, and they hope to see an increased vitality in the community resulting from the additional residential and employment opportunities.

From their local knowledge of the site and of the problems faced by the village as a whole, members wish to highlight three issues of the utmost importance, and they request that full attention is paid to these issues before permission is granted on this application.

- 1) Before the development goes ahead, verification that there is sufficient capacity in the existing infrastructure for the treatment of sewage is required. It is the Councils understanding that the present 5” outflow is only just sufficient for current needs, which on occasion, results in blockages with sewage rising to the surface and flooding residents’ gardens. It is essential that the new development is not allowed to overload the system and add to the distress experienced by affected residents.*
- 2) It is essential that a full SuDS survey is carried out to ensure that all surface water is retained within the site, allowing no run-off to Grove Road which suffers from flooding after heavy rain.*
- 3) The safety implications of the access to the A4095 need to be fully understood and provided for, with vehicles entering at one gate while others are leaving from the second gate and heavy traffic is flowing past the site along the A4095. The members of the Parish Council would like to ensure that this development enhances the village and brings benefits to the existing residents. They therefore have three additional points to raise in respect of this application.*

- 4) *The provision for affordable housing is insufficient for the size of the development. The site should be considered individually, and members of the Parish Council would therefore expect to see a much higher proportion of affordable homes included in the proposals.*
- 5) *The Parish Council wishes to secure funding from S106 agreements within the village.*
- 6) *Members of the Parish Council request that the plans for the commercial Section should include one retail unit Bladon has no shop, and it is believed that the provision of a shop would be of benefit to individual residents and also means of bringing the whole community together”.*

3.2 English Heritage

“We are confident that the proposals would not adversely affect the setting of the adjacent grade I registered Blenheim Park and World Heritage Site as the site is well screened by trees. From within the park one is only dimly aware of the presence of the village of Blaydon behind the trees and any new development on this site would simply read as part of the village’s diffuse and low-key presence. Neither do we think that the proposals would seriously harm the significance of the conservation area. Most of the development would be at least partially screened by houses and, while the Conservation Area Appraisal identifies the view through the gap between the cottages fronting Grove road as significant, houses on this site would read as a natural part of the linear development that characterises the village.

The proviso to this is that the new buildings are appropriately scaled and designed. In general the proposals fit in well with the local vernacular, using traditional materials and massing. There is some room for improvement, most notably the porches to house type 4 are rather ungainly and all the other house type would benefit from chimneys to enliven the roof-scapes. Detailing and materials will of course need to be of a high quality, though this could be dealt with by condition.

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice”.

3.3 OCC Single Response

“Transport – Objection.

The proposal includes office space which the Design and Access Statement suggests would provide 50-70 jobs. 33 parking spaces are proposed for this element of the development which I do not consider sufficient.

Plots 20-25 comprise 6x3 bedroom dwellings at the south-west end of this development. I do not consider this level of parking provision to be sufficient given local car ownership levels.

Parking spaces should be convenient to dwellings and ideally as close to the front door as possible otherwise residents are likely to park on the state road. The proposed layout gives potential for such on-street parking, most noticeably adjacent plots 1-4 and plots 20-23.

There does not appear to be any provision for bin and storage or collection for the residential element of the development. Appropriate turning heads for refuse vehicles should be demonstrated by way of a tracking diagram.

No cycle storage has been demonstrated.

Refuse on the basis that the scheme fails to provide adequate access and parking to the detriment of road safety and convenience and contrary to policy BE3.

Should the LPA be minded to grant planning permission then the County Council recommends the following conditions and obligations are secured.

Conditions and Obligations

- Access detailed plan to spec
- Retention of parking and manoeuvring areas
- No conversion of garages
- Construction Phase Traffic Management Plan
- Cycle storage
- Drainage Scheme
- Public Transport Contribution of £29,000

Legal Agreement required to secure

S106 Town and Country Planning Act – Public Transport contributions

S278 Highways Act – works in the Highway (Access)

Informatives

The Advance Payments code (APC), sections 219-225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners.

Surface water must not drain to the highway.

Archaeology – No objection.

Education – No objection subject to conditions.

Key issues

£81,074 Section 106 required for necessary expansion of permanent primary school capacity in the area. Bladon CE Primary School is the catchment school for this development and is operating at capacity, with no scope for expansion. Mitigation toward possible additional transport costs also sought.

£105,846 Section 106 required for necessary expansion of permanent secondary school capacity in the area. The Marlborough CE School is the catchment school for this development and has limited spare places.

£3,066 Section 106 required as a proportionate contribution to expansion of Special Educational Needs provision in the area.

Legal Agreement required to secure

£81,074 Section 106 developer contributions towards the expansion of permanent primary school capacity serving this area, by a total of 7 pupil places. This is based on Department for Education (DfE) advice weighted for Oxfordshire, including an allowance for ICT and sprinkles at £11,582 per pupil place. This is index linked from 1st Quarter 2012 using PUBSEC Tender Price Index.

£105,846 Section 106 developer contributions towards the expansion of permanent secondary school capacity serving the area by a total of 6 pupil places (including one 6th form place). This is based on

Department for Education (DfE) advice for secondary school extension weighted for Oxfordshire and including an allowance for ICT and sprinkles at £17,455 per pupil place and £18,571 per Sixth form pupil place. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index.

£3,066 Section 106 developer contributions towards the expansion of permanent Special Educational Needs school capacity by a total of 0.1 pupil places. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index. We are advised to allow £30,656 per pupil place to expand capacity in special educational needs school.

Conditions

Planning permission to be dependant on a satisfactory agreement to secure the resources required for the necessary expansion of education provision. This is in order for Oxfordshire County Council to meet its statutory duty to ensure sufficient pupil places for all children of statutory school age.

Property – No objection subject to conditions.

Key issues

The County Council considers that the effect of the application forming this development will place additional strain on its existing community infrastructure.

Legal Agreement required to secure

- Adult Learning - £688
 - Waste Management - £4,032
 - Libraries - £5,355
 - Museum Resource Centre - £315
 - Day care - £4,400
- Total* - £14,790

*Total to be index-linked from 1st Quarter 2012 Using PUBSEC Tender Price Index

- Administration and Monitoring - £3,750

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

Conditions

The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development on site. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. We would therefore ask you to add the requirement for provision of hydrants in accordance with the requirements of the Fire and Rescue Service as a condition to the grant of any planning permission.

Informatives

Fire and Rescue Service recommends that new dwellings should be constructed with sprinkler systems.

Ecology – No objection subject to the conditions.

Key issues

European protected species (EPS) present on site (bats) or likely to be present on site (great crested newts). UK protected species (reptiles) likely to be present on site.

Conditions

Mitigation Strategy for Bats

Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for bats, which shall include the timing of works and the location and design of all roosts to be provided or retained, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out in accordance with the approved details. This document can take the form of an EPS licence Method Statement.

Bats: Control over Lighting

The office buildings shall not be externally lit between the hours of 7pm and 7am, unless otherwise approved in writing by the Local Planning Authority.

Great Crested newt and reptile mitigation

Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for great crested newts and reptiles, based on the recommendations made within paragraphs 5.20 to 5.27 of the 2013 Home Farm ecological survey report by BSG ecology, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out in accordance with the approved details.

Protective Measures during Construction

Prior to the commencement of the development hereby permitted, including any demolition and any works of site clearance, a fencing plan, which shall specify the areas of semi-improved grassland to be retained and the nature of the protective fencing to be erected around them, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all protective fencing and warning signs shall be maintained in accordance with approved details for the entirety for the construction phase.

Informatives

Nesting Birds

All wild birds and their nests receive protection under the Wildlife and Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. Therefore in order to avoid contravention of this legislation any site works likely to affect potential bird nesting habitat should be timed to avoid the main bird nesting season which runs from March to August. If this is not possible, a check should be carried out prior to any clearance works to ensure there are no active nests present.

Bats – Licence required

Your attention is drawn to the need obtain a Habitat Regulations Licence for bats before any development or demolition can proceed. You must be aware that to proceed with the development without first obtaining a Licence could result in prosecution.”

3.4 Environment Agency

“We have no objections to the proposed development. We recommend that the following condition is applied to any planning permission granted.

Conditions

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried

out until the development has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

The development hereby permitted shall not be commenced until such a time as a scheme to dispose of surface water that ensures that soakaways are not constructed into contaminated land has been submitted to, and approved in writing by, the local planning authority.

Advice

All sewage or trade effluent should be discharged to the foul sewer if available subject to the approval of Thames Water Utilities or its sewerage agent.”

3.5 Thames Water

“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.

Thames Water recommends the following informative be attached to this planning permission.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.”

3.6 WODC Drainage

“Although the WODC SFRA does not identify this particular site as having a flooding problem in the past, the higher land level and size of the catchment to the north could potentially create a flooding problem for the new development, which needs to be considered when calculating the volume of attenuation required to reduce site runoff to below existing Greenfield rate.

Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme. Where appropriate the details shall include a management plan setting out the maintenance of the drainage assets. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

REASON: To ensure the proper provision for surface water drainage and/or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Statement 25 Technical Guidance).

In these cases the following notes should also be added to the decision notice:

NOTE TO APPLICANT:

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with:

- Flood and Water Management Act 2010 (Part 1 – Clause 27 (1))
- Code for sustainable homes – A step-change in sustainable home building practice
- The forthcoming local flood risk management strategy to be published by Oxfordshire County Council before March 2014. As per the Flood and Water Management Act 2010 (part 1 – Clause 9 (1)).

Where communal drainage schemes are proposed approval of the scheme will probably be required from Oxfordshire County Council after April 2014 and the scheme will need to be adopted under the Flood and Water Management Act.”

3.7 Crime Prevention Design Advisor

“I request that the following (or a similarly worded) condition be placed upon any approval for this application:

No development shall commence until details of the measures to be incorporated into the development to demonstrate how „Secured by Design (SBD) “ accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.”

3.8 Environmental Health

“No objection.”

4 REPRESENTATIONS

4.1 Letters of objection have been received from H Haskell of 21 Park Close, A & A Blincowe of Park View, 38 Grove Road, G Bevan and G Forrest of The Old Malt House, G Henwood of 2 The Homestead, T Massey of 92 Grove Road and M Gorrick.

4.2 It is considered that their objections may be summarised as follows:

- Increased safety risk from proposed accesses.
- Increased traffic and car movements.
- Offices will increase traffic problems.
- Object to alterations to historic walling as it will spoil the character of the village.
- Increased traffic will increase congestion in the area at peak times.
- Application not adequately advertised with no consultation with the neighbours before the application was submitted.
- No evidence that the offices will bring local employment.
- Business will bring own staff which will increase traffic and will not be of benefit to local community.
- No details provided of who the offices would benefit the local community.
- No justification for the development.
- Would not enhance the community or support the school.
- We need to retain the essence of a Cotswold Village, not risk it for the motive of profit.
- Position of development has not taken local traffic in to account.
- Concerned about the density of houses proposed on the Eastern end of the site, which is not considered in keeping with the Bladon conservation area.
- Significant concentration of housing in one place which appears overcrowded and unsuitable.
- A reduction in the number of housing should be requested to reduce the density.
- Too many houses and they are too uniformed.
- Not appropriate for the setting.
- Fewer properties should be proposed with larger gardens.
- Single storey dwellings could be introduced.
- One or two three storey houses could be erected with barn style roofs.
- Perhaps a round house could be built where the silos stand.
- The developers will take away the contour of the land.

- Variety could be added by individual plots being sold off.
- Hope that the commercial part of the proposal can be integral with the housing development.
- Object to the positioning of the refuse bins.
- The refuse bins will be located too close to no. 2 The Homestead. Should instead be located away from neighbouring residential property.
- Objects to noise and disturbance.
- Objects to loss of privacy.
- Objects to potential odour and hygiene issues from the location of refuse bins.
- Objects to noise and disturbance from increased traffic.
- There should be a 1 metre increase in height of the existing stone wall or added fence between Home Farm and no. 2 The Homestead to protect privacy and reduce noise.
- Amenities should be replaced in village before new housing is built.
- Proposal is contrary to national and local planning policy.
- Properties on the Western side will overlook no. 21 Park Close.
- Objects to disruption and potential structural impact on surrounding properties.
- Properties on Western side should be single storey.
- What guarantees will the developers be able to provide to ensure that the whole of no. 21 Park closes back wall does not collapse?

4.3 The letters from G Bevan and G Forrest of The Old Malt House, T Massey of 92 Grove Road also commented on some of the benefits of the scheme which include:

- Pleased that the original farm buildings are to be restored and that the meadow fronting Grove Road is retained.
- New houses are needed.
- Considered acceptable that some homes are built here.

5 APPLICANT'S CASE

5.1 The application is supported by the following documents:

- Design and Access statement;
- An ecological survey;
- A Flood Risk assessment;
- An Addendum to the original planning application submission.

5.2 The full details of the Design and Access statement, the Ecological Survey and the Flood Risk Assessment can be accessed on the Council's website and therefore for the purposes of this report are summarised as follows:

5.3 Design and Access Statement

The proposal comprises sustainable development. It will make a positive contribution to the economic vitality of Bladon and the surrounding area. Through an innovative, long term approach to investment, it will secure the beneficial long term future of attractive, historically important buildings and will enhance of the Bladon Conservation Area.

5.4 The Proposal

- It comprises a mixed use scheme which involves conversion of a range of unlisted farm buildings located within the Conservation Area to BI (office) space and the construction of 25 dwellings (a broad mix of housing types), four of which will comprise affordable housing. Some

of the dwellings will be retained by the Estate and provided for private rent, reflecting Blenheim Estates long term approach to investment.

- The buildings and associated paraphernalia which detract from the appearance of the site will be demolished and /or removed from the site. In total buildings covering a footprint of 1,957 square metres will be removed from the site.
- Of the historic buildings to be retained, the enclosed buildings will be restored, refurbished and converted into 998 square metres BI office employment space together with 55 Square metres of storage and 54 square metres of plant rooms. The open sided buildings will be restored and will provide 20 covered car parking spaces. On completion the sympathetic restoration will create modern, flexible office space providing for around 50-70 new jobs in Bladon, an area where there are very few jobs. Employment use would comprise the ideal and most suitable new use for the buildings, as it would require less intervention than would a residential use. The development will safeguard the long term future of the period properties and will preserve and enhance the character and appearance of the Bladon Conservation Area.
- The investment required to convert the historic farm buildings is not a commercially viable project on its own and consequently this proposal incorporates a cross subsidy model, whereby the development profit from the sale and rental of the proposed residential properties can recover the exceptional development costs incurred in restoring the historic buildings and providing the employment space.
- Whilst it is unlikely that most development companies could adopt the long term, generational approach to investment set out in this proposal, Blenheim Estate is able to do so in this particular circumstance, where it helps to achieve specific, social, economic and environmental benefits.
- In the above way, the Frameworks aim of promoting development which increases economic vitality and delivers a wide choice of high quality homes will be achieved. Furthermore, the Bladon Conservation Area will be enhanced and there will be a beneficial impact on openness.

5.5 Financial Appraisal and Summary

- A financial appraisal has been submitted as part of the proposal. The appraisal demonstrates that the final profit figure makes the proposed development commercially acceptable, albeit at a level considerably below the standard hurdle rate for most development companies and banks.

5.6 Affordable Housing

- Local Plan Policy H11 Requires for a site within Bladon up to 50% of the housing provided to be affordable housing. The associated SPD states that it is not the aim of the Council to render development unviable and that the onus is on the applicant to demonstrate the level of affordable housing that can be achieved, without making the proposal commercially unviable.
- The scheme as a whole requires a cross subsidy model to make it financially viable. In particular the refurbishment of the historic buildings needs to recover a significant proportion of the proceeds of the housing development. This has an impact on the amount of affordable housing that the scheme can provide, as affordable housing is effectively a cost to the scheme.
- The most recent housing needs survey (2009) identified an affordable housing need of 9 units in Bladon. Since this time, Blenheim Estate has contributed to the delivery of 5 affordable homes in Bladon .Also Blenheim has recently delivered affordable housing in Woodstock, Stonesfield and Combe, totalling 42 units with a further 26 units consented elsewhere in the District.
- The affordable housing provided would comprise one two-bed, two one bed and one three bed. This provides an appropriate mix from a small flat through to a family home.
- In light of the above the proposal is considered Policy H11 compliant.

5.7 Statement of Community Involvement

- This proposal has been designed to support the vitality and viability of Bladon. It will enhance the Conservation Area and revitalise and sustain the sites important role within the village, as an employment led mixed use site for years to come.
- This proposal is the result of a number of consultations with Bladon Parish Council.

5.8 Planning Policy -NPPF, Local Plan, Green Belt

- The NPPF provides clear support for the development.
- The proposal complies with Local plan policy E4 which supports the re use of the building for employment purposes.
- The proposal meets the criteria of Local Plan Policy H2 which applies to all new residential development.
- The proposal is Local Plan Policy H5 compliant in that whilst it does not strictly meet the definition of infilling, it clearly accords with the main thrusts of policy H5 and does not lead to material harm.
- Importantly the proposal would not result in any harm to the function of the Green Belt when having regard to the purposes of the Green Belt as identified in the NPPF those being as follows: 'checking unrestricted sprawl', 'preventing towns from merging into one another', 'in safeguarding the countryside', 'preserve the special character of historic towns' and 'encouraging the recycling of derelict and other land'.
- Green Belt policy prevents new building, subject to various exceptions or where there are special circumstances which outweigh any harm to the Green Belt itself. However, local Plan Policy NE5 specifically allows for new building which meet certain requirements, one being limited infilling within the built up area of Bladon. In this regard the proposal complies with NE5.
- It is a function of the Green Belt to preserve openness. The proposal has been carefully designed around the aim of increasing openness. The development will result in a reduction of the total amount of built volume across the site, importantly , the removal of the large structures works together with sensitive landscaping, re- profiling of the site and the careful siting of all built structures, to result in a development that significantly increases openness.
- Taking all in to account the development is not inappropriate to the Green Belt.

5.9 Planning Policy- Sustainable development

- Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations.
- Development means growth, accommodating new ways by which we will earn our living in a competitive world and housing a rising population, which is living longer and wants to make new choices.
- The proposal delivers Sustainable Development and the NPPF requires development that is sustainable to go ahead without delay. The proposal is deliverable and will make a significant contribution to achieving sustainable development in Bladon.

5.10 Planning policy- Heritage Statement

- LPA's are required to adopt a positive strategy for the conservation of the historic environment and to recognise the social, cultural, environmental and economic benefits that heritage assets bring to places. They have a statutory duty to ensure that opportunities to preserve and enhance heritage assets are taken, particularly where heritage assets are at risk and simply maintaining the status quo is not an option.

- The Home farm proposal, comprising a former farm within the settlement and to the south of the Listed Wall, respects and is entirely reflective of a traditional form of growth. All major estates have a 'Home Farm' and the farm buildings hold special historic significance, being the Home Farm for Blenheim Palace World heritage Site, by definition, one of the most important historical estates in the world. Safeguarding them for the future will enhance Bladon Conservation Area.
- Whilst the Bladon Conservation Area appraisal has few comments about the site, it recognises that that part immediately adjacent to the A4095 provides an open gap which enhances the character and appearance of the area. The proposed development recognises safeguards and substantially enhances the existing gap's role in contributing to openness, to the benefit of the character and appearance of the area.
- The proposal recognises those special features distinctive to Bladon and seeks to create a development that makes a significant contribution to the character of the village. The removal of the sheds and paraphernalia, together with the overall reduction in heights, massing and built volume across the site greatly increases openness. The effect of this is enhanced by sensitive landscaping and the careful siting of all new structures, including natural stone walls and dwellings. Glimpses of the Listed wall are increased and its setting improved.
- The proposal will reinforce those positive attributes which make a significant, positive contribution to local character and distinctiveness, in line with the NPPF.

5.11 Planning Policy- World Heritage Site

- The proposal does not impact on views to, or from, Blenheim Palace it has been designed in a way as to ensure that it has no negative impact on Blenheim Palace Park, or its setting, in any other way...The proposal will improve the setting and provide for glimpses of the Listed wall. Furthermore, by enhancing the Bladon Conservation Area, the proposed development will, necessarily, improve the setting of the World Heritage Site.

5.12 Design Proposals- Enhancing the Conservation Area

- The landscape led masterplan for the proposed development has emerged from a detailed site analysis. It incorporates the aims set out in the West Oxfordshire Design Guide. The resultant design is a response to the setting of the site and has focused on the achievement of two main aims:
 1. Enhancing the character and appearance of the Bladon Conservation Area;
 2. Improving openness.
- The proposal improves the entrance into the site, enhances the area behind through demolition and the replacement with more modest and sensitively located structures in the form of housing and boundary treatments together with carefully landscaped natural features, incorporating sustainable urban drainage. Together this improves the openness of the site, enhances the Conservation Area and provides for an enhanced setting of the World Heritage Site.

5.13 Design Proposals- Ecology

- Having regard to the ecology report submitted as part of the application, appropriate mitigation and managed practices will ensure that the sites ecology will not be affected by the proposed development. Furthermore, the approach to landscaping and to sustainable urban drainage, will lead to the enhancement of the site overall ecology.

5.14 Design Proposals- Landscaping

- In summary the approach to landscaping enhances the character of the Bladon Conservation Area, integrating the development within its settlement and parkland edge setting. In reinforcing the local and long term landscape structure, it also provides areas of ecological interest and additional habitat opportunities.

5.15 Design Proposals- Drainage/Flood Risk

- The FRA confirms that there will be no increase in surface water run off as a result of the proposed development and consequently, no increase in flood risk to the site or the surrounding area.

5.16 Design Proposals- Access and Movement

- The proposal meets the requirements of the Framework, which supports development that facilitates the use of sustainable modes of transport. It provides safe access points with adequate and appropriate visibility splays and provides for car parking, service vehicle turning points and cycle parking.

5.17 Summarised version of the Addendum to the Planning Application

Further to submitting the above application, Blenheim Estates has met with Bladon Parish Council, the local ward District Councillor and West Oxfordshire District Council officers. The meetings with local Councillors have confirmed the significant community support for the application, based on an understanding of the application and the substantial sustainable development benefits arising.

Further to the above and following a meeting with West Oxfordshire District Council, this addendum has been produced to provide clarification regarding the proposal. As well as providing feedback on consultation to date, it takes into account two relevant factors since the submission of the application:

- 1) the recent change in West Oxfordshire District Council's position with regards the District's housing supply; and
- 2) the recent publication of the Planning Practice Guidance.

i) Five Year Supply

West Oxfordshire District Council does not have a five year housing supply. As officers are aware, this means that the housing supply policies of the Local Plan are out of date. They cannot be relied upon. The previously relevant policy for the supply of housing was policy H5. In addition, with reference to housing land supply in Bladon, policy NE5 refers explicitly to policy H12. In the absence of a five year housing land supply in West Oxfordshire and with reference to housing land supply, Local Plan policies H5 and NE5 are out of date.

Paragraph 14 of the Framework states that, in the absence of a five year supply, **planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits**. In effect, taking the Framework and Planning Guidance (Planning Practice Guidance, March 2014) into account, the appropriate test is the opposite way around from that being suggested.

The proposal needs to be tested against the Framework as a whole, as well as its individual policies. In so doing, the Design and Access Statement demonstrates that, fundamentally, the proposal comprises sustainable development. In addition, the D&A demonstrates that the

proposal does not harm the openness or character of the Green Belt; and that it preserves and enhances the character of the Conservation Area. No harm, or adverse impacts, would arise from the proposal.

Regarding the above, there was an inference in an email from West Oxfordshire District Council, in respect of the application, that Planning Guidance has changed how Green Belt applications are considered. For clarity, Green Belt policy is abundantly clear and has not changed in any way, as a result of the publication of planning guidance.

Further to the application, Council officers have suggested (but have not provided any evidence), that there would be harm to the Green Belt, World Heritage Site and to the Conservation Area. The D&A accepts that there will inevitably be an impact on openness, but demonstrates that the comprehensive approach to development will not result in any overall harm to Green Belt. Notwithstanding this, even if the Council were to create an objection based around there being harm, the totality of any harm would not be so great as to *significantly and demonstrably outweigh* the benefits. This is due, not only to the weakness of any case based around the overall proposal causing harm, but resulting from the significant material planning weight of the benefits of the proposal. Furthermore, exceptional circumstances have been demonstrated, such as the preservation of the Conservation Area.

To suggest harm to the World Heritage Site is odd. There is no harm to the World Heritage Site or its setting. The proposal only enhances it. Furthermore, the whole *raison d'être* of the applicant, Blenheim Estates, is to invest in the preservation and enhancement of the Blenheim Palace World Heritage Site. West Oxfordshire District Council does not have a World Heritage Site policy – although Blenheim Estates, in line with the Framework, is promoting the introduction of one through the emerging Local Plan. Thus, the application has been produced with specific reference to Chapter 12 of the Framework, **Conserving and Enhancing the Historic Environment**, a matter in which Blenheim Estates has a nationally significant track record.

Taking the above into account, it is of serious concern that, during post application discussions, officers have suggested that the proposal fails to meet policy requirements, whilst at the same time, suggesting that the proposal should provide more community benefits to overcome the alleged failure to overcome policy requirements. This point is noted for future reference.

West Oxfordshire District Council officers have provided Councillor “feedback” which clearly demonstrates that the proposal cannot have been understood by Councillors. It is a serious concern that views have been presented without the proposal having first been understood. This point is noted for future reference.

Whilst the housing supply policies of the Local Plan carry no material weight, other policies remain relevant, so far as they don't conflict with the Framework and the Planning Guidance. However, given that the Local Plan was produced some time before the Framework and the Planning Guidance, and taking into account the comments set out below, it is relevant to point out the emphasis placed by the Framework on policies being **flexible enough to accommodate needs not anticipated in the Plan**. (Para 21, Framework). The Council's suggested approach appears to be based on the rigid and inflexible application of Local Plan policies, some of which are out of date, and a failure to take proper account of the Framework and Planning Guidance.

ii) Heritage and Economy – A Creative Approach

The historic buildings at Home Farm are at risk. West Oxfordshire District Council has an active responsibility with regards the preservation of heritage assets. As demonstrated through the application, the future of the historic buildings, and the Bladon Conservation Area, will be

preserved by the innovative cross-subsidy model proposed. New housing will subsidise the refurbishment of the historic buildings and will bring new jobs to Bladon, pro-actively supporting economic development. In addition, converting the historic buildings to office use is less invasive to the fabric of the heritage assets than converting them to residential use.

The proposed approach accords fully with the Framework, which establishes the Core Principles of planning in Para 17. These include being **creative** and **pro-actively driving and supporting economic development to deliver houses, business units and thriving local places**. The Framework goes on to emphasise the **significant weight** that **should be placed on the need to support economic growth** (Para 19) and **support an economy fit for the 21st Century** (Para 20). Without wishing to copy out vast chunks of the Framework, it is notable that the proposal reflects the requirements of Para 28 **Supporting a Prosperous Rural Economy**.

Failure to secure this development, by for example, refusing the planning application, would mean that West Oxfordshire District Council would be failing in their duty to adopt a positive strategy for the historic environment, with specific regard to Paragraph 126 of the Framework; and failing in their duty to determine a planning application in line with up to date planning policy.

During consultation to date, West Oxfordshire District Council officers made the extraordinary remark that because the District has high levels of employment, bringing new jobs to Bladon was of little concern or benefit. This simply fails to understand or reflect economic sustainability and sustainable development – effectively the foundation stone of national planning policy. It provides evidence of a lack of appropriate understanding of the proposal in the context of the current planning system. Amongst a multitude of other relevant factors, planning policy could not be more explicit in that **planning should proactively drive and support sustainable economic development**. (Core Planning Principles, Para 17, The Framework). Should the proposal not be granted planning permission, the planning and costs appeals will reflect the fact that Councillors and officers have responded to the application in a manner which is in fundamental and direct conflict with current planning policy.

iii) New Homes Bonus

Were the proposed development to be refused planning permission, it is pertinent to point out that as well as facing a Costs Decision, West Oxfordshire District Council would not benefit from any New Homes Bonus payment, were the development to go ahead.

Based on an average Council Tax of £1,600 for each new home and the bonus payment for the affordable homes, this would mean missing out on around £250,000 of additional funding to be spent in the local community. Any New Homes Bonus Payment would result in 80% of the money going to West Oxfordshire District Council and 20% of the money going to Oxfordshire County Council.

iv) Viability

The National Planning Policy Framework emphasises deliverability. Planning Guidance is explicit – **The National Planning Policy Framework policy on viability applies also to decision-taking**.

(Planning Guidance, Viability).

The Framework states that proposals should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. This is especially relevant

to the proposal at Home Farm, Bladon. Crucially, in this regard, the Planning Guidance now goes on to state that

...viability can be important where planning obligations or other costs are being introduced. In these cases decisions must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth. Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements. (Local authorities should) **take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable** (Planning Guidance, Viability).

It is therefore wrong, in policy terms, for West Oxfordshire District Council to insist on such changes to the proposal that would obviously make it economically unviable. The D&A is supported by financial information which makes it clear that the developer is accepting a higher degree of risk and a lower level of return than the commercial norm or indeed that they have previously accepted. The proposal results in significant, tangible benefits. These include, but are not limited to, the provision of affordable housing and a very large financial contribution towards primary and secondary education – a factor to which must be afforded **great weight** (Framework Para 72). For West Oxfordshire District Council to ignore the evidence before them *and* state that the “package on offer” is “not sufficient to overcome the harm to policy” reflects both a lack of understanding of the proposal and a failure to apply the relevant planning policy.

The Framework and Planning Guidance are clear in setting out that local authorities should aspire to **high quality design and wider social and environmental benefit but such ambition should be tested against the realistic likelihood of delivery.** (Planning Guidance, Viability). The proposed development succeeds in achieving design, social, environmental and economic benefits, whilst presenting a realistic, deliverable scheme. In seeking to position itself in negotiating for further benefits, West Oxfordshire District Council would simply be rendering the proposal unrealistic and undeliverable. Such an approach would fail to reflect national planning policy.

v) County Council Consultation

The County Council has responded to the Home Farm, Bladon application as a consultee. There are no objections in respect of Education, Property, Ecology or Archaeology. A Section 106 Agreement package is proposed, comprising:

£29,000 Public Transport Contribution

£14,790 Property (Waste, Adult Learning, Libraries, Day Care, Museum Resource, Administration and Monitoring)

Unspecified Payment towards County Council Legal Fees

£81,074 Primary School Contribution

£105,846 Secondary School Contribution

£3,066 Special Needs Education Contribution

This amounts to a total specified payment of £233,776. The specified contribution meets policy requirements and is agreed to. It is noted that the Section 106 Agreement further reduces the total return to the Blenheim Estate from a level which was already demonstrated to be below normal commercially acceptable levels.

Transport Matters – The County Transport Officer states that he could not verify dimensions. This is not a relevant point as all of the relevant plans submitted are drawn to scale. These demonstrate that there are no issues with regards manoeuvring within the site, refuse storage or refuse collection. Whilst the County Transport Officer alludes to an objection with regards access, no details were provided. The plans and the D&A demonstrate that there are no access issues.

The County Transport Officer objects to the provision of parking. Whilst he does not provide any substantive evidence to support his opinion, he states that he does not consider the level of residential parking provision to be sufficient. However, according to the County Council's own parking standards, the **MAXIMUM** number of parking spaces in Bladon, according to Oxfordshire County Council parking standards, is two spaces per house. As per the plans, the proposal provides 1-2 spaces per house and additional on-street parking. The proposal meets County parking standards and has been designed in line with Manual for Streets 2. As evidenced in the Design and Access Statement, the site is well-located with regards sustainable modes of transport, including buses, cycle-ways, footpaths and rail links. The proposal is in line with the Framework's aim of encouraging sustainable modes of transport, whilst allowing for realistic residential parking provision.

The parking standards for Oxfordshire are set out in the Local Transport Plan. West Oxfordshire District Council, in setting out the Districts maximum car parking standards, reproduces these. In so doing, West Oxfordshire District Council repeats the statement that ***all standards in all locations are maximums. Development may provide less parking but should not provide more.***

The above approach is very clear and it reflects national policy, as set out in the Framework, Chapter 4 Promoting Sustainable Transport. The material planning weight of up-to-date, adopted local and national policy is more significant than a subjective and unsubstantiated opinion.

In reproducing the Local Transport Plan, West Oxfordshire District Council goes on to state that ***where developers are proposing levels of parking significantly below the maximum levels they will be required to demonstrate that this will not have any highway safety implications.*** The proposed provision largely meets, and does not fall significantly below, the maximum levels prescribed. The site layout, and access and egress, has been carefully designed and there are no highway safety implications. In this regard, the proposal meets the requirements of the Local Transport Plan.

No objections have been presented with regards the design and layout of parking. No substantive evidence has been presented to demonstrate that it would fail to provide anything other than a safe environment for all road users; or that it would fail to comply with policy in any way. For reference, in addition to Manual for Streets and Design for Life, the proposal has also been developed in line with the relevant policies of the Framework, especially those set out in Chapter 4, ***Promoting Sustainable Transport.***

Taking all of the above into account, in terms of the County Transport Officer's "objection", the only outstanding transport issue is parking for the offices.

It is the stated aim of the proposal to encourage people to use sustainable modes of transport to reach their place of work. Bladon has become a commuter village and the proposal seeks to address this by helping to create a more sustainable settlement. The proposal fully reflects the Framework's aim of achieving a balance in land uses and encouraging people to ***minimise journey lengths for employment*** (Para 37). At the moment, local residents have no choice but to leave Bladon for employment. The proposal addresses this imbalance in land uses.

The proposal provides 33 dedicated parking spaces. This would allow for 66% provision, based on 50 jobs, whereby no car-sharing takes place.

West Oxfordshire District Council requires a **maximum** of 1 space per 30 square metres for office development. The proposal provides for 998 square metres of office space. This would result in a **maximum** of 33 car parking spaces. The proposal provides 33 car parking spaces and has thus been designed specifically around the policy requirements.

Given the above, the proposal provides as many car parking spaces as the relevant policy allows for. The County Transport Officer considers that more spaces should be provided. Effectively, he is objecting to the proposal on the basis that it meets planning policy and he considers that it should ignore planning policy. No substantive evidence is provided to support the view that planning policy should be ignored in this regard. It is Blenheim Estates that needs to balance commercial risk with planning policy. Blenheim Estates has accepted sticking to the policy requirement rather than push for more spaces.

It may be possible to increase employment parking provision on the site to around 40 spaces, but clearly this would lead to conflict with regards the policy requirement. The objection in this regard is currently unreasonable, due to the lack any relevant supporting information.

In the light of all of the above, the County Transport Officer's response to consultation conflicts with national and local planning policy. There appears to be a lack of understanding with regards both the proposal and relevant planning policy. Notwithstanding this, Para 32 of the Framework states that **development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe**. This is not the case. The proposal does not give rise to any harm with regards to highway safety.

vi) Summary

The Design and Access Statement clearly establishes that the proposed development comprises sustainable development; and demonstrates the significant benefits it will bring to Bladon.

The proposed development is supported by Bladon Parish Council, because of the significant benefits it will bring to Bladon. Further to the application, the local community has expressed its concern that the opportunities brought about by the proposal may be lost if planning permission is not granted. The risks to the proposal associated with delays and the delays caused by the need to undertake planning and costs appeals are widely recognised.

It is held that the proposal would not result in any harm. Even if any possible harm were to arise, the significant benefits of the proposal would clearly outweigh it. Furthermore, the D&A sets out the exceptional circumstances associated with the proposal. It is noted that, to date, the responses to consultation reflect a lack of understanding of the comprehensive nature of the proposal as a whole and its foundation on up to date planning policy.

However, notwithstanding this point, according to the Framework, previously relevant policies of the West Oxfordshire Local Plan no longer carry any material planning weight. Planning permission should be granted unless the benefits of the proposal would be **significantly and demonstrably** outweighed by its adverse impacts. This is not the case. Planning permission should be granted as soon as reasonably possible.

With regards the last point, the Framework is explicit in that sustainable development should go ahead **without delay**. Unnecessary delays cause unnecessary costs. It has already been

demonstrated that the commercial reward of the proposal is already significantly less than normally acceptable. In this regard, rather than delay determination, West Oxfordshire District Council is urged to determine this application as a matter of urgency and not to burden a creative, Framework-compliant proposal with unnecessary costs.

5.18 Relevant Planning Policy

It is considered that policies BE1, BE2, BE3, BE4, BE5, BE8, BE10, BE11, NE5, NE6, NE15, E4, TLC7, H2 and H11 are of most relevance along with the provisions of the NPPF and NPPG. It will be noted that policy H5 is not referenced above. Although the proposal is contrary to Policy H5 it is relevant to note that at the present time the Council does not have a 5-year housing land supply (4.7 year supply only). This position was formally agreed by the Council's Cabinet at a meeting on 9th April 2014. As such, in line with the NPPF, Policy H5 (and all other adopted Local Plan policies relating to the supply of housing) are considered out of date and there is a general presumption in favour of planning permission being granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- specific policies in the NPPF indicate development should be restricted

The key issue therefore is whether the proposed development would have a significant and demonstrable adverse impact that would outweigh any potential benefits and whether there are any specific policies in the NPPF that indicate development should be restricted.

6 **PLANNING ASSESSMENT**

6.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that the main issues are considered to be:

- Green Belt policy
- Status of policy H5 / the 5 year land supply (see above) / sustainable development
- Affordable Housing policy
- Employment Policy
- Impact on Heritage Assets
- Neighbourliness
- Climate Change, Ecology and flooding
- Highways and parking
- Whether there are material considerations that would justify approval
- 106 package

Green Belt/Housing/Affordable Housing and Employment policy

6.2 Green Belt Paragraphs 87 88 and 89 of the NPPF set out that:

“As with previous Green Belt policy, inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances”

“When considering applications, Local Planning Authorities should ensure that substantial weight is given to the harm to the Green Belt. ‘Very Special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

“A LPA should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are for i) buildings for agriculture and forestry, ii) provision of appropriate facilities for

outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, iii) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, iv) the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces, v) limited infilling in villages and limited affordable housing for local community needs under policies set out in local plans or, vi) limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development”

This site lies within the small part of the District that is designated as part of the Oxford Green Belt. Policy NE5 of the adopted plan generally reflects the provisions of the NPPF to restrict inappropriate development in the Green Belt. The NPPF reinforces the weight the Government attaches to Green Belt policy and the local plan is consistent with that objective.

- 6.3 In your officers opinion the development is clearly not one of the stated categories and is thus must be defined as “inappropriate development” involving the construction of new buildings within the Green Belt. This sets a very high hurdle as to what can be considered to be of such weight as would set aside the harm in principle to Green belt policy. The fact that approximately 50% of the site is currently open whereas as a result of the development virtually the entirety of the site would be developed with buildings and associated land and works means that the scheme also adversely affects the openness of the Green belt at this point. “Keeping land permanently open” and “assisting in safeguarding the countryside from encroachment” are noted in the NPPF as key aims and purposes of the Green Belt.
- 6.4 The importance that the Government attaches to Green Belt designation is reinforced in the recently issued National Planning Practice Guidance (NPPG) within the Housing and economic land availability advice section where it states that “unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt.”
- 6.5 Taking all the above into account your officers conclusion is that this is inappropriate development that harms some of the aims and purposes of the land being designated as Green Belt and that there would need to be a particularly strong case made that could in policy terms set these issues aside before the development could be approved. The lack of a 5 year supply does not constitute such a justification and, given the other harms identified later in this report, your officers consider that a Green Belt based refusal reason is justified.

Housing Policy

- 6.6 With regards to housing policy, H 5 is no longer considered to preclude development. However, the village lacks in many basic services and facilities and was historically scheduled to accept only infilling- defined as the development of a small gap in an otherwise built up frontage. The proposal is development in depth and of a scale considerably in excess of what would be classed as infilling. Rather it is rounding off in a village where that scale of development has not previously been allowed in part due to the lack of amenities and services. It is not therefore considered to represent sustainable housing development
- 6.7 It should also be noted that whilst Policy H5 should be considered out of date the NPPF sets out that there is a general presumption in favour of planning permission being granted unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;

- specific policies in the NPPF indicate development should be restricted. (underlined for emphasis)

- 6.8 The key issue therefore is whether the proposed development would have a significant and demonstrable adverse impact that would outweigh any potential benefits and whether there are any specific policies in the NPPF that indicate development should be restricted in order for it to be considered sustainable
- 6.9 With regard to the latter issue, it is relevant to note that the application site does lie within some of the key designations specifically referred to in footnote 9 to paragraph 14 of the NPPF that might limit suitability for residential development. Namely it is located in Green Belt and there are heritage assets (Conservation Areas, Listed Buildings, World heritage site, Designated Park and Garden) affected. The lack of a 5 year land supply means that specific reference to policy H5 is no longer appropriate Your officers conclude however that the site is not a sustainable location for a development of this scale due to its lack of facilities and low sustainability ranking.. There are additional elements of the NPPF in terms of both sustainability and specific harms identified later in this report that would mean that the “presumption in favour of sustainable development” that runs through the NPPF would not apply here. This is considered a further reason to resist development.

Affordable Housing

- 6.10 If the scheme were acceptable in principle normally the council would seek to secure up to 50% of the proposed units as affordable housing, subject to the test of viability. The applicants have commissioned a viability statement that indicates that only 4 of the units can be provided as affordable units. The main reason for this is the claim being made that the housing element is required in order to cross subsidise the conversion of existing buildings to employment use which would not otherwise be economically viable. A number of the cost and income assumptions are considered by Officers to be questionable and further specialist advice has been sought in this regard. Officers are also concerned that the barn conversions to commercial use are seemingly non viable- given that conversion of rural buildings to non residential use has been a substantial element in the supply of rural jobs and has occurred elsewhere including on the Estate apparently without viability being an issue . A verbal update will be given regarding this issue at the meeting.

Employment Policy

- 6.11 The conversion of the attractive non listed vernacular barns would be considered compliant with policy E 4 of the WOLP and may help to provide some employment in the village to enhance its sustainability. That having been stated there is no guarantee that any jobs created would not result in increased in commuting or that jobs would go to local people when they did become available. The provision of additional employment is however considered a factor in favour of the development, albeit not one that outweighs the strong policy presumption against new build housing in the Green Belt (which is apparently needed to secure its provision).

Design and impact on Heritage Assets

- 6.12 The site is subject to a number of constraints including Conservation Area, setting of listed building, setting of world heritage site, setting on non listed barns, adjoining TPO trees and scheduled park/garden. The applicants case appears to be that with the removal of the modern farm buildings and re use of the older barns the scheme will enhance the area and as such should be supported. Your officers fundamentally disagree. The character of the site in this part of the Conservation Area is open and agricultural. In contrast the area post development would be suburbanised and largely built upon. Key views up to the listed wall and trees at the top of the site would be interrupted by a modern housing scheme. Even with localised ground lowering the houses would be clearly visible over the top of the wall and impinge to a much greater degree than

existing dwellings upon the setting of the parkland. Existing built form in this part of the settlement is generally set further down the slope or tucked into the former quarry and features shallow roof pitches thereby minimising the relative impact to glimpsed views of the roofs. The majority of the first floor and steeper pitched roofs of houses set at a higher slab level will mean the proposed units are much more intrusive. The works of excavation may have some limited impact on the survival of the key trees nearby and the integrity of the listed wall dependant upon the extent of ground disturbance. They are shown on the plans as retained. Some of the detailing of the new units could be improved.

- 6.13 In summary Officers do not take the view that “tidying up” the site preserves or enhances the conservation area or retains sufficient of its attractive agrarian character and key views. It adversely impacts on the heritage assets and their setting. In that regard a stronger view than that held by English Heritage is being taken with the scheme generally being considered to adversely affect the heritage assets- other than the retained barns which will be preserved. Again this aspect weighs against the scheme.

Neighbourliness, pollution and Environmental Health

- 6.14 A number of the nearest properties are within the control of the applicant but there are a series of houses in Park Close that are in third party ownership. All of these units currently enjoy an uninterrupted outlook across the vacant paddock element of the site which sits of higher /rising land relative to the existing units. The applicants are proposing to lower land levels with a view to reducing the overbearing impact and potential for overlooking. However it is your officers opinion that the degree of impact from the new units at a higher level and with active frontages towards the existing houses is such that the development will be unneighbourly. Given the very high standard of amenity currently enjoyed separation distances close to the usual privacy minimums- exacerbated by the substantial level changes is such that an amenity based refusal reason is considered to be justified under policies BE2 and H2.

Environment and climate change

- 6.15 There are no flooding related issues associated with the site and waste, energy and water minimisation measures could be secured by condition. The site is however home to bats, reptiles and birds that are protected. However the details accompanying the application detail offence avoidance and mitigation measures and enhancements.
- 6.16 The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Habitats Directive which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

- 6.17 Given the above, your officers do not consider that an offence will be committed.

- 6.18 The mitigation measures detailed within the survey are considered to be convincing and in your officers opinion will secure “offence avoidance” measures.

- 6.19 Your officers would therefore recommend the conditions to secure the implementation of the offence avoidance measures to ensure that no offence is committed are imposed were the application being recommended favourably.

Highways and parking

- 6.20 Members will note that the Highway Authority has recommended refusal and that the agent has strongly rebutted the case being made by OCC. However, at the time of agenda preparation there is still an outstanding objection from OCC which has assessed the proposal from parking and safety perspectives and has objected to the scheme. A verbal update will be given if OCC withdraw or amend their objection.

Whether there are factors that would justify approval

- 6.21 The scheme is considered by officers to be contrary to Green Belt policy, to harm the setting of heritage assets and the character of the conservation area, to harm the amenity of neighbours and has a highways recommendation for refusal. It represents a scale of development not considered sustainable in a settlement lacking in facilities and the lack of a 5 year land supply is not considered a compelling factor given the advice of the NPPG. Affordable housing is not provided at the 50% rate that policy seeks albeit that it is claimed that higher levels would make the scheme non viable. These harms are considered to weigh very heavily against the scheme.
- 6.22 To set against these harms the non listed barns would be converted in an appropriate manner to a use that could be supported and would potentially provide some benefits in terms of local employment. 4 Affordable units would be created and a mitigation package to offset some of the harms arising from the development could be secured. Some modern farm buildings would be demolished.
- 6.23 Your officers do not consider that the applicant has made sufficient of a compelling case as could reasonably be said to outweigh the concerns. Officers have been mindful that the village is constrained by flood plain, WHS and Green Belt designations and that if developed in a less intense manner and with a substantially greater community benefit package some form of development could be negotiated that secured the employment use and some residential development on the site of the existing modern barns but retained much more of the site open whilst developing it in a much more low key and appropriate fashion. However the applicants have asked that the application be determined as submitted.

Section 106 Package

- 6.24 Were Members minded to support the application then a legal agreement would be needed to secure the funding required by OCC to offset the impacts of the development and to secure affordable housing. However no such agreement is in place as refusal is being recommended and as such this needs to be addressed in the event that the application is refused and appealed if the benefits are to be secured.

Conclusions

- 6.25 The scheme has a number of benefits as set out in detail as part of the applicants case section and elsewhere in the report. However, in your officers opinion it has a more than compensatory set of harms and the location of the site in the Green Belt means that compelling reasons would need to be demonstrated to outweigh the harms caused by what is inappropriate development. The case has not been made out and as such the application is recommended for refusal.

RECOMMENDATION

Refuse for the following reasons:-

- 1 The site is located in the Oxford Green Belt and the development is considered to be inappropriate and to harm the aims and purposes of the Green Belt. It is therefore contrary to policy NE9 of the West Oxfordshire Local Plan and the provisions of the NPPF.
- 2 The site represents a scale of development in a settlement lacking in many basic facilities and services and as such its development at the scale and intensity proposed is considered to be unsustainable and as such contrary to the provisions of the NPPF.
- 3 The development of the site would harm the setting, character and integrity of a series of heritage assets and is thus contrary to policies BE2, BE5, BE8 and BE11 of the WOLP and the provisions of the NPPF.
- 4 The development would have an undue impact on the high quality outlook and amenity of existing residential properties adjoining the site to the detriment of their residential amenity and contrary to policies BE2 and H2 of the WOLP and the provisions of the NPPF.
- 5 It has not been demonstrated to the satisfaction of the LPA that the degree of cross subsidy to ensure the employment conversion or the development economics of the site are such that only 4 affordable units can be provided. The proposal is thus considered contrary to policy H11 of the West Oxfordshire Local Plan.
- 6 The proposal fails to make adequate provision for access and parking to the detriment of the safety and convenience of road users and contrary to policy BE3 of the West Oxfordshire Local Plan.
- 7 In the absence of a negotiated legal agreement or other mechanism the scheme fails to make adequate provision to mitigate the adverse impact of development or. It is therefore contrary to policy BE1 of the West Oxfordshire Local Plan.

NOTE TO APPLICANT

You are advised that refusal reason 5, 6 and 7 are potentially capable of being overcome and that alternative less intense development based upon conversion of the existing barns and rebuilding on the footprint of the modern buildings to be demolished along with an appropriate community benefits package may be considered more favourably. As such pre application discussions before re submission are strongly encouraged.

14/0151/P/FP 6 Union Street Woodstock	
Date	28/01/201403/02/2014
Officer	Gemma Smith
Officer Recommendation	Grant, subject to conditions
Parish	WOODSTOCK
Grid Ref:	444689,216777

APPLICATION DETAILS

Change of use of land to domestic curtilage and erection of a double garage with studio over. Erection of two storey side extension to existing dwelling.

APPLICANT

BACKGROUND INFORMATION

This application seeks permission for the change of use of land to domestic curtilage and the erection of a double garage with studio over. In addition to a two-storey side extension to the existing dwelling. The extension would measure 2.2m in width on the west elevation and follow the building line of the existing dwelling. The application site is an un-Listed two-storey 20th century detached dwelling, constructed out of stone. The dwelling sits within a street scene of mainly 19th Century properties. The property is situated next to a Local Authority owned garage building constructed out of modern materials with timber doors.

The application has been brought to the members of the Uplands Area Planning Sub-Committee to consider due to application relating to West Oxfordshire District Council land.

1. CONSTRAINTS

- 1.1 The dwelling is set within the Woodstock Conservation Area and outside of the Area of Outstanding Natural Beauty.

2. CONSULTATIONS

2.1 Woodstock Town Council:

Had no comments to make about the application.

2.2 OCC Highways:

“The existing commercial use has the potential to generate more vehicular movements than that proposed. The proposal, if permitted, will not have a significant effect on the adjoining local road network. No objection.”

3. REPRESENTATION

- 3.1 Six neighbouring properties were notified of the application and no letters of representation have been received. Neither have any comments been received in response to the site notice erected at the site.

4. APPLICANT’S CASE

- 4.1 A Design and Access Statement has been submitted in support of the application and can be viewed in full on the application file or on the District Council’s website.

5. POLICY

- 5.1 In your officer’s opinion, the key policies of the West Oxfordshire Local Plan, 2011, in the determination of this application are policies:

- BE2 (General Development Standards);
- BE3 (Provision for Movement and Parking);
- BE5 (Conservation Area);
- H2 (General Residential Development Standards); and
- E6 (Change of Use of Existing Employment Sites).

- 5.2 In addition, the National Planning Policy Framework is of consideration.

6. PLANNING ASSESSMENT

6.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that the main issues are considered to be:

- Principle of development;
- The impact upon the character and appearance of the Conservation Area;
- Amenity; and
- Highway Safety.

Principle

6.2 The existing detached garage building is owned by the Local Authority and would require the change of use from Class B8 (Storage) to domestic residential curtilage of the application site.

6.3 It is noted that the existing Local Authority depot (garage) building, could be a potential employment use. It is considered that the building cannot be reasonably capable of being redeveloped for employment purposes and that there would be substantial planning benefits should this be changed into residential use.

6.4 Highways officers state that there could be the potential for more vehicular movements should the commercial use remain, therefore the change to residential use would decrease the number of vehicular movements down Union Street. Aside from highway safety, it is considered that the site, set within a residential setting, would be unsuitable for a commercial use. On this basis officers consider that the proposal for the change of use from B8 (and the permitted change to B1 under the Use Class Order) would be acceptable for residential use and therefore in accordance with Policy E6 of the West Oxfordshire Local Plan, 2011.

Impact on character of Conservation Area

6.5 It is considered that the two-storey extension to the dwelling would be appropriate to the existing curtilage, in terms of its scale, siting and would be in-keeping with the materials of the existing dwelling. The form of the extension would read clearly as secondary and subservient to the main dwelling identified by the lower roof ridge height to that of the main dwelling. The windows to the front elevation would be acceptable and would not affect the character of the street scene or wider Conservation Area. The application is therefore considered to be in accordance with Policy BE5 of the West Oxfordshire Local Plan, 2011.

6.6 The replacement detached garage building would be smaller in footprint than the existing building. It would be slightly lower (0.3m) and would feature 5 rooflights, 2 to the front elevation and 3 to the rear. The building is considered to remain secondary in form to the main dwelling.

6.7 Concerns were raised over the proposed material of red brick, particularly that the building would become more prominent in the street scene and that the materials would be out of keeping with the main dwelling. A condition for a more in-keeping material is attached in order for the proposal to remain in-keeping with the surrounding area and thus in accordance with Policies BE2 and H2 of the West Oxfordshire Local Plan, 2011.

Amenity

6.8 There are no immediate neighbours to the west or rear of the main property. Given this the officers consider that there would be no loss of neighbouring amenity by way of overbearing impact

or overlooking. Furthermore there would be no impact on adjacent neighbours at Dove Cottage and No.15 Union Street as the proposal would be over 10m in distance.

- 6.9 The replacement detached garage would be slightly lower (0.3m) in height and would feature 5 rooflights, 2 to the front elevation and 3 to the rear. There are no immediate neighbours to the rear therefore it is your officer's opinion that there would be no impact on neighbouring amenity by way over overlooking or overbearing impact.
- 6.10 The application is therefore considered to be acceptable in relation to neighbouring residential amenity, in accordance with Policies BE2 and H2 of the West Oxfordshire Local Plan, 2011.

Highways and Parking

- 6.11 Highways officers have been consulted and consider that the existing commercial use of the garage has a potential to generate more vehicular movements. Therefore on this basis the proposal would have no significant effect on the adjoining local road network. Officers consider that the garage and associated space would allow for car parking which would be lost through the proposed extension to the main dwelling.
- 6.12 On this basis officers do not consider that the proposal would give rise to unacceptable harm to highway safety and consider the proposal to be in accordance with Policy BE3 of the West Oxfordshire Local Plan, 2011.

Conclusions

- 6.13 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits subject to conditions relating to the material of the replacement detached garage. It is considered by your officers to be in accordance with Policies BE2, BE3, BE5, H2 and E6 and of the adopted West Oxfordshire Local Plan, 2011 and therefore permission is recommended.

RECOMMENDATION

Permit subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990.
2. That the development be carried out in accordance with the plans submitted with this application.
REASON: For the avoidance of doubt as to what is permitted.
3. The proposed extension shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
4. Notwithstanding the submitted details and prior to the commencement of development, a schedule of materials to be used in the elevations of the detached garage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

14/0217/P/FP Land south of B4022 between Charlbury and Fawler	
Date	14/02/2014 14/02/2014
Officer	Miss Dawn Brodie
Officer Recommendation	Refuse
Parish	CHARLBURY
Grid Ref:	436132,218402

APPLICATION DETAILS

Construction of a solar energy farm, comprising of solar photovoltaic panels, inverter housings, access tracks, fencing and security cameras.

APPLICANT

Sustainable Charlbury, Lower Watts House, Park Street, Charlbury, Oxon OX7 3PS

BACKGROUND INFORMATION

The application seeks planning permission for the provision of a solar farm. The site is positioned opposite the Fawler turning from the B4022. The northern edge of the site sits approximately 350 metres from the southern edge of the settlement of Charlbury, with the southern edge of the site lying approximately 200 metres north of Finstock Railway Station. The B4022 runs along the eastern boundary of the site and the railway line runs along the western boundary.

The application relates to a site located within the Cotswolds Area of Outstanding Natural Beauty and in close proximity to a number of public footpaths and a number of Listed Buildings. The site also sits 130 metres to the east of the Listed Parkland at Cornbury House and the Conservation Areas of Fawler and Charlbury about the site (to the south and north respectively) and Finstock Conservation Area sits approximately 300 metres to the South.

The application site is 18 hectares and a 5 megawatt scheme is proposed. This will consist of approximately 98 rows of panels (each row of varying length from 6 – 102 metres in length). The panels will sit on metal support frames with a maximum height of 2.6 metres. Two metre high deer proof fencing is proposed around the circumference of the site. Various buildings are proposed throughout the site with these being a maximum height of 3.7 metres and 15 four metre high CCTV poles are proposed throughout the site.

The application is for a community led initiative which will power up to 1100 homes with the profits from the sale of any power put towards local community projects.

1. PLANNING HISTORY

1.1 There is no planning history relating to this site which is relevant to the consideration of the application.

2. CONSULTATIONS

2.1 Charlbury Town Council:

‘Can the comments of the near neighbour (Mr Wilson) be given careful consideration. We support the proposal but would ask that it goes to committee as it is likely to be a sensitive issue locally. This is a comprehensive and well documented application showing that careful consideration has been given to a range of issues. Can the District council ensure that adequate screening is put in place and that CCTV and associated control cabinets are discretely located.’

2.2 Cotswold Conservation Board:

“The Board notes that the site is 18Ha in area. The Board is of the view that the proposal constitutes major development and therefore NPPF paragraph 116 applies. This view is based on:

The definition of “major” development is in the Town and Country Planning (Development Management Procedure)(England) Order 2010:

““Major development” means development involving any one or more of the following—

- The winning and working of minerals or the use of land for mineral-working deposits;*
- Waste development;*
- The provision of dwelling houses where —*
- The number of dwellinghouses to be provided is 10 or more; or*
- The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);*
- The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or*
- Development carried out on a site having an area of 1 hectare or more; and*
- The scale of development is significant in the local context.*

NPPF Paragraph 116 sets out the criteria against which the application has to be assessed to meet the “exceptional circumstances” test for permission to be granted for major development in a nationally designated landscape.

The criteria are:

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

In relation to the second criterion, the Board is of the view that applicant has not demonstrated that the need cannot be met outside the AONB.

Policy NE4 of the West Oxfordshire Local Plan also includes a criterion (ii) requiring proposals for major development to demonstrate a lack of alternative sites outside the AONB.

The Board notes that a landscape and visual impact assessment has been submitted with the application.

The applicant has identified that the harm to the character of the AONB landscape is moderate to significant. The landscape itself is of high sensitivity to change (as an AONB). The nature of the proposal is stated to be “wholly alien to the unspoilt rural setting”. (Para 5.7 of LVIA). The Board would therefore suggest that the development proposals are at least “Moderate” in magnitude and thus using the applicants’ methodology the proposal represents a “substantial” harm to the character of a landscape which is designated for its natural beauty and has to be conserved and enhanced in accordance with statute

The applicant has identified that from a number of locations the harm to views of the landscape is significant. Given the “wholly alien” nature of the development proposals, and the high sensitivity of people viewing the landscape to such an intrusion, the Board considers that these proposals fail to conserve and enhance the Cotswolds AONB, which is the purpose of designation.

The Board has noted that Natural England considers that the proposal may be acceptable with 'with full mitigation measures in place'. The Board notes that the proposed mitigation measures include substantial new tree and hedge planting. It is considered by the Board that such measures will not mitigate the harm to the landscape identified in the applicants LVIA during much of the 21 year lifetime of the scheme.

In view of the above the Cotswolds Conservation Board objects to the proposal on the grounds that is contrary to Paragraphs 115 and 116 of the National Planning Policy Framework, and Policy NE4 of the West Oxfordshire Local Plan."

2.3 Natural England:

"Designated sites

No objection – with conditions

This application is in close proximity to Wychwood Site of Special Scientific Interest (SSSI) (within 300m), the notified features of which include rich invertebrate assemblages associated with marl lakes. Given the nature of the proposed development, Natural England is satisfied that there is not likely to be an adverse effect on this SSSI as a result of the proposal being carried out in strict accordance with the details of the application, as submitted. That said there could be a low level risk to invertebrate assemblages from this solar energy farm, both from the SSSI and the general local vicinity, including potential construction impacts (e.g. dust) which could also impact on those assemblages. We therefore advise that the following condition is applied to any planning permission granted for this development:

Condition

An environmental construction and management plan highlighting any construction activities that may have an adverse effect and all associated appropriate mitigation measures. This should build on the Biodiversity Management Plan (BMP) proposed, and be agreed prior to any works on site, to allow for adequate protection of the notified features of the SSSI during construction and operational phases of the scheme. We recommend that this includes plans to manage the site for wildlife benefit, and further advice is offered on this below.

This condition is required to ensure that the development, as submitted, will not impact upon the features of special interest for which Wychwood SSSI is notified.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your authority, requiring that your Authority;

-Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and

-Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice

Additional advice: recommendation on monitoring

There is some evidence to suggest that there may be a potential impact on aquatic invertebrate assemblages from mistaking solar panels for open water and laying their eggs directly onto them, thereby effecting reproductive success as a result. Having reviewed this evidence, we do not believe that it is sufficiently robust to warrant an objection to this proposal. We do however advise that this project presents an excellent opportunity to help clarify the risks posed by solar farms for aquatic invertebrates. As such, we would encourage the community-based developer to undertake monitoring at the site. The monitoring effort could include an assessment of the populations of invertebrates present at Wychwood SSSI marl lakes to produce background information, which is then used to assess how the insects interact with the solar panels. A PhD student, for example, might be used to carry out the monitoring.

Protected Landscapes (Cotswolds Area of Outstanding Natural Beauty)

Informed by a site visit on 6th March by Natural England's landscape specialist, our advice is as follows.

The site appears to have the potential to enable the scheme to be effectively screened, utilising the topography of the site and existing and new planting. This is hugely important given the highly sensitive nature of the AONB landscape, the site's location is near the boundary of two landscape character areas and therefore has the potential to impact on both, and the potential to effect views from footpaths, roads and the railway.

Whilst Natural England is reasonably reassured that the impact of the scheme, with full mitigation measures in place, could be contained to the site we do advise the LPA to:

- Take note of the state of the hedgerow alongside the B4022;
- Seek further information from the applicant about security fencing and other equipment and how that would affect the appearance and visibility of the scheme; and
- Consult and give great weight to the advice of the Cotswolds Conservation Board

All proposals should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.

Solar Parks – Further information

For additional information relating to Solar Parks please refer to the Technical Information Note at the link below, which provides a summary of advice about their siting, their potential impacts and mitigation requirements for the safeguarding of the natural environment.

Biodiversity enhancements

This application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as the use of native species in the landscape planting, and the incorporation of roosting opportunities for bats or the installation of bird nest boxes, the latter would be especially effective within the hedgerows bordering this site. We recommend that should the Council be minded to grant planning permission, measures to enhance the biodiversity of the site, such as those mentioned, are secured from the applicant.

From the information provided in the Extended Phase 1 Habitat Survey, Natural England concurs that the recommendations outlined in the habitats and species sections of this document are followed to encourage the enhancement of local habitats. Additionally, Natural England recommends that the Biodiversity Management Plan (BMP) proposed by the applicant, for both during construction phases and for the duration of the proposals operation (22 years), is adhered to, to provide effective onsite biodiversity enhancements and management strategies. This is in accordance with Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'. Biodiversity 2020: A strategy for England's wildlife and ecosystem services and Making Space for Nature (2010) also provide strong drivers for the inclusion of biodiversity enhancements through the planning process.

We recommend that the Local Authority ensure development work is conducted outside of the bird nesting period (1st of March to 1st of July inclusive), this should also apply to all on site hedgerow management following construction phases. If this is not possible, then vegetation clearance and management should be preceded by a nest check by an appropriately experienced ecologist.

Green infrastructure

Natural England welcomes the evident consideration paid to the local environment in which this proposed development is situated with regard to incorporating Green Infrastructure (GI), especially since the development is situated within an ecologically sensitive area. We encourage all of the provisions for green open space that are included in the proposed development, and recommend that it is important to allow for the delivery of Priority Habitat as a part of the site's GI. Priority habitats are listed in Section 41 of the Natural Environment and Rural Communities Act 2006 covered in the UK Biodiversity Action Plans, and

could include habitats such as pollen rich grassland. We particularly advise that, when determining this application, the local Authority considers the following with relation to GI on the site, as mentioned within the habitat recommendations of the Extended Phase I Habitat Survey:

- Retention and enhancement of all hedgerow bordering the site;
- Development of species rich wildflower pollen rich grassland beneath solar panels to create potential foraging habitat, with appropriate aftercare management techniques;
- niche habitats should be created within the site to enhance biodiversity, provide precautionary measures for priority species and develop green transport links;
- Creation of a 3m root protection zone between the entirety of the hedgerow boundary and the solar panels, this area should be cultivated to maximise habitat potential;
- All planting at the site must be of locally native species

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted."

2.4 CPRE:

"I write concerning the proposed solar farm just south of Charlbury, promoted by Sustainable Charlbury in conjunction with Southill Solar. On behalf of CPRE, I object to this planning application.

The proposed site lies in both the Cotswold AONB & in the heart of the Wychwood Project area – both of which are identified in the Draft Local Plan for special landscape protection. The site is situated in a completely unspoilt landscape, close to heritage Cornbury Park, with 360 degree views of undulating fields & woods. The Oxfordshire Way runs to the north-east & footpaths & cycleways to the south-west. The character of this particularly attractive valley will inevitably be fatally compromised if this development is allowed to go ahead. Its value to tourism would also be depleted. The Cotswolds Conservation Board states that small scale renewable energy projects may well be able to be accommodated, provided they are consistent with conserving & enhancing the landscape. I do not believe this proposed solar "farm" qualifies.

The site is large at 18 hectares, squeezed between the conservation areas of Charlbury & Fawler. There are 2 SSI's & 2 CTA's within 1km of the site. There will be service buildings, a 2m high deer fence & other security apparatus like CCTV on 3-4m poles & infra-red units & ground-mounted RADAR. The 22,360 PV panels will be up to 3m high. Access to the site during the construction phase is via a layby on a small & winding road & as such would constitute a safety hazard. However much the solar farm is dressed up with rural imagery, it is essentially an industrial unit, which would represent a totally alien intrusion on a green field site, which is prime agricultural land, used for growing crops of barley or wheat. I cannot believe it makes sense to take this out of production in an era of increasing concerns over food security. The first of the Solar Trade Association's 10 commitments states "We will focus on non-agricultural land or land which is of lower agricultural quality." Southill Solar should redirect their efforts to a "brown field" or less sensitive site.

As the Landscape & Visual Impact Assessment states, “the mass of arrays of PV cells are in complete contrast to the character of the area...in every way they will still appear wholly alien to the unspoilt rural setting. The dark blue/black colouring of the panels...will be in stark contrast to the surroundings.” Furthermore the site is judged to have high visual sensitivity, with the visual impact from some viewpoints (path 442 & the B4022 road) deemed to be “substantial-significant”. Particularly in winter, when trees & hedges lose their foliage, natural screening will fail to disguise this harmful visual impact.

A similar plan for a solar farm in Cornbury Park was rejected some 3 years ago. I see no good reason to let this one be approved now. Leaving aside the questionable economics of this project & the controversy of government subsidies & the arguable efficiencies of PV panels (10% according to Professor David MacKay, former chief scientific advisor to the government’s department of energy & climate change, & confirmed by predicted output data from the Westmill solar farm at Watchfield), it cannot be right to desecrate land, which, as part of an AONB, has a nationally designated status in relation to its landscape & scenic beauty.

CPRE’s solar policy is available in full here:

<http://www.cpreoxon.org.uk/campaigns/energy-and-water/energy/solar-farms/item/2248-solar-farms>

In summary, these are the key points:

CPRE Oxfordshire solar policy

1 CPRE Oxfordshire believes renewable energy is desirable, but not at unacceptable cost to the countryside or to the economy.

2 CPRE Oxfordshire is opposed in principle to solar farms for the damage they do to the countryside and landscape, particularly in Areas of Outstanding Natural Beauty (AONBs) and the Green Belt. We do not consider that the minimal benefit they offer in terms of renewable energy is sufficient to offset the environmental harm they create or the otherwise useful land that is lost.

3 CPRE Oxfordshire will support relatively small discrete developments on the roofs of existing buildings, or in other sites where they are effectively concealed by existing development or the lie of the land, and do not involve the loss of land useful for agriculture, recreation or biodiversity.

An answer to a question asked in parliament last year is apposite:

Energy: Solar Parks Question

Asked by Lord Marlesford

To ask Her Majesty’s Government whether their new policy on planning applications for wind farms is to be applied to solar parks.[HL815]

18 Jun 2013 : Column WA34

The Parliamentary Under-Secretary of State, Department for Communities and Local Government (Baroness Hanham): We have set out clearly in the National Planning Policy Framework the importance of early and meaningful engagement with local communities and that an application for renewable energy development should only be approved if its impacts are or can be made acceptable. To help ensure planning decisions in England reflect the balance in the Framework, we will issue new planning practice guidance shortly to assist local councils, and planning inspectors in their consideration of local plans and individual planning applications. This will set out clearly that need for renewable energy does not automatically override environmental protections and the planning concerns of local communities.

We are looking to local councils to include in their Local Plans policies which ensure that adverse impacts from renewable energy developments, including cumulative landscape and visual impact, are addressed satisfactorily. Where councils have identified areas suitable for renewable energy, they should not feel they have to give permission for speculative applications outside those areas when they judge the impact to be unacceptable.

As the Energy Minister Greg Barker has said "Solar has a bright future in the UK, but not in any place and not at any price. We want UK Solar targeted on industrial roofs, homes and on brown field sites, not on our beautiful countryside."

The extracts below taken from WODC's Draft Local Plan are also relevant when considering this issue.

Our Core Objectives

CO13 Conserve and enhance the high environmental quality of West Oxfordshire with protection and promotion of its diverse landscape, biodiversity and geological conservation interests, and its local cultural, heritage and environmental assets.

Core Policy 2 – Locating Development in the Right Places

As a general principle, all development will be located where:

- it forms a logical complement to the existing scale and pattern of development and the character of the area;
- it protects or enhances the local landscape and the setting of the settlement;
- it makes use of previously developed land where available, provided it is not of high environmental value;
- it does not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
- it complies with policies for the protection of the natural environment and heritage assets;

Core Policy 17 - Landscape Character

When determining development proposals within or impacting upon the Cotswolds Area of Outstanding Natural Beauty, high priority will be given to the conservation and enhancement of the area's landscape and scenic beauty.

Core Policy 19 – Public Realm and Green Infrastructure

The District's high valued landscape and historic environment impose significant constraints on large-scale stand-alone renewable energy development... the opportunities for large scale solar farms appear limited. The constraints – especially the AONB, landscape character, airfields and widely distributed settlement pattern – means each scheme will need a high level of testing.

Environmental and technical constraints on wind and solar power in the District mean that to achieve significant levels of renewable energy generation, the development of biomass as a fuel source will need to play a crucial role.

Core Policy 20 - Decentralised and renewable or low carbon energy Development

Renewable or low-carbon energy development should be located and designed to minimise any adverse impacts. In assessing proposals, the following local issues will need to be considered and satisfactorily addressed:

- impacts on landscape, biodiversity, historic environment, residential amenity, aviation activities, highway safety and fuel/energy security, including their cumulative and visual impacts
- opportunities for environmental enhancement

STRATEGY AT THE LOCAL LEVEL

Core Policy 35 – Burford – Charlbury Sub-Area Strategy

...protection of the Cotswolds Area of Outstanding Natural Beauty (AONB)

This sub-area is particularly environmentally sensitive being covered almost entirely by the Cotswolds Area of Outstanding Natural Beauty (AONB).

Charlbury has a very strong landscape and environmental setting, lying as it does in the Cotswolds AONB and the Wychwood Project Area.

The sensitivity of Charlbury's strong landscape and environmental setting mean development on the fringes of the village is unlikely to be acceptable.

In conclusion, PV panels may have their place in a renewable energy context, but not on this scale, in this location. The proposed application will adversely impact the landscape and amenity of this unspoilt area by introducing a discordant element in the environment in the shape of an industrial site dedicated to an activity – production of electricity – which is alien to the area's prevailing and historic agricultural base. I acknowledge the efforts of the applicants to mitigate the harmful impact of this industrial installation, but in the final analysis it is just in the wrong place. I have attached photos to my e-mail, which show the proposed site from across the valley & then with PV panels superimposed. A picture tells a thousand words.

2.5 Oxfordshire County Council Single Response: Transport

Recommendation:

No objection subject to conditions

Key issues:

-Access and vision splays onto B4022

-Construction Impact

-Drainage

Conditions:

Vision Splay Details - Prior to the commencement of the development, full details of the access vision splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the start of works onsite, the vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.9 m above carriageway level. Reason: In the interest of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

Prior to the commencement of development, a construction traffic management plan must be submitted to, and approved in writing by, the District Planning Authority. The construction works must be carried out in accordance with the details approved in the construction traffic management plan. Reason: To mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

Surface water drainage scheme - Development shall not commence until a surface water drainage scheme, including details of the phasing of works, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Reason: To secure an adequate and sustainable means of disposing of surface water from the site and to avoid flooding.

Detailed Comments:

1.0 A site visit has been carried out.

2.0 The application proposes a community owned solar farm of 18 ha, comprising 22,360 ground mounted photovoltaic modules of approx. height 2.8m. The site will also be used as a meadow and for grazing livestock. Permission is sought for a period of 22 years, after which the site will revert to agricultural use.

3.0 The application proposes no change to access, which is an existing agricultural access onto a layby adjacent to the B4022.

4.0 The speed limit on the B4022 is 50mph in the vicinity of the site. Access vision splays of 2.4m x 160m are therefore required, measured from the centreline of the site access to the nearside edge of the carriageway in either direction.

5.0 Visibility to the right hand side (south) is currently partly obstructed to approx. 95m by the bend in the road and the site's boundary vegetation. This vegetation will likely further reduce visibility of approaching traffic in summer months when in full leaf. Given that use of the access will be intensified, particularly during the construction period, details of access vision splay improvements must be submitted to and approved in writing prior to commencement of development.

6.0 A Transport Statement has not been submitted and the likely traffic impact of the proposal is unknown, particularly for the construction phase, including daily flows, types of vehicles etc. A construction traffic management plan will be required to ensure that the construction phase impact is properly managed. As stated in the Design & Access Statement, once the site is operational, the development is expected to generate similar levels of traffic to agricultural use.

7.0 Surface water is proposed to discharge to SUDS, and hard-standing areas within the site are proposed to comprise hard core tracks. Details of the proposed surface water drainage strategy for the site must be submitted & approved prior to commencement of the development.

Archaeology

Recommendation:

No objection subject to conditions

Key issues:

There is a possible Bronze Age Barrow in the north western corner of the application area. There is no evidence of any further archaeological features or monuments within the application area. A phased programme of archaeological investigation should be undertaken in advance of development. This can be achieved through the attachment of suitable conditions.

Conditions:

Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority. Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012)

Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority. Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2012).

Detailed Comments:

There is a possible Bronze Age Barrow in the north western corner of the application area. There is no evidence of any further archaeological features or monuments within the application area. A phased programme of archaeological investigation should be undertaken in advance of development. We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be undertaken in advance of development. This can be ensured through the attachment of a suitable negative.

Ecology

Comments

In general I agree with the proposed mitigation and enhancements suggested by the applicant's ecological consultants. Whilst the site is 95% arable it has been assessed as overall of moderate value for biodiversity by the applicant's ecological consultant. In particular this is because of features such as species-rich hedgerow, semi-natural grassland area proximity to the River Windrush and SSSIs and the dry-stone wall. In order to comply with NPPF the site should deliver a net gain in biodiversity. One of the main factors in determining whether this is likely to be achieved is how the site will be managed in the long term. I recommend that the District Council requires long-term management and monitoring of the site for biodiversity. There are also other issues where I recommend that further information/clarification is needed prior to determination.

Conditions/Informatives/Contributions/Legal Agreement

Further advice on these can be provided on request from the District Council.

Detailed Comments

The District Council, as Local Planning Authority, needs to assess the ecological aspects of the application in line with NPPF and local policies on ecology and check that they can discharge their legal duties in relation to protected species and biodiversity under the Habitat Regs and the NERC Act. There may be further issues that would be picked up through further thorough assessment that we do not have the resources to provide at present. I recommend that the District Council seeks their own ecological advice on this proposal.

Management & Monitoring

In general I agree with the proposed mitigation and enhancements suggested by the applicant's ecological consultants in the Extended Phase 1 Survey (Wychwood Biodiversity, December 2013) and Biodiversity Management Plan (Wychwood Biodiversity, February 2014). If the District Council are minded to grant consent I recommend that you apply conditions to require that all of the recommendations of these reports are implemented.

If the District Council are minded to permit, would recommend that a detailed Ecological Mitigation and Management Plan is required by condition that provides further detail on the recommendations set out in the Extended Phase 1 Survey (Wychwood Biodiversity, December 2013) and Biodiversity Management Plan (Wychwood Biodiversity, February 2014).

In order to comply with NPPF the development should deliver a net gain in biodiversity on the site. One of the main factors in determining whether this is likely to be achieved is how the site will be managed in the long term. I recommend that the District Council requires long-term management of the site for biodiversity and secures this. Also, that the proposed monitoring (see Biodiversity Management Plan (Wychwood Biodiversity, February 2014)) is required and that if the monitoring shows that management is not proving successful then the management is amended.

However, I have some comments, some of which could be dealt with by condition, but others require further information at this stage:

Cabling

Please can you confirm whether the electricity cabling is subject of this application, a future application, or permitted development? It would be important that the cabling and associated trenching is located to, and carried out using methods that, avoid harm to biodiversity.

Hedgerow and tree protection

At present the applicant's ecology reports propose that a Root Protection Zone of 3m will be secured around the existing hedgerow. I recommend that the Root Protection Zone is revised to preventing disturbance to soil levels within 1½ times the canopy/root spread of the tree or hedgerow or British Standard 5837 (2012 Trees in Relation to Construction Design & Demolition, whichever is the greater. If there are any proposals to remove trees or hedgerows then protected species surveys may be required.

Reptiles

Is a precautionary method of working proposed?

Birds

Has the applicant carried out breeding bird surveys? In the Extended Phase 1 it explains that the site may be used by arable breeding bird species. Species such as Skylark may be unlikely to continue to use the site as the solar panels may act as predator perches. Could the field margins be expanded to provide some compensation?

Badgers

If you are minded to grant, I recommend that a badger survey is required prior to site clearance.

Construction Management

In addition to the recommendations of the Extended Phase 1 Survey (Wychwood Biodiversity, December 2013) and Biodiversity Management Plan (Wychwood Biodiversity, February 2014) I suggest that it is required that no trenches on the site/pipework is left exposed over night without means of escape for large mammals.

I understand that the semi-natural grassland will be retained. Is it proposed that this will be fenced to avoid accidental harm to this area during the construction phase?

I could provide suggested wording for conditions and informatives (e.g. protected species; breeding birds; badgers) and suggestions for how to secure long-term management and monitoring. If the District Council would like me to do this please let me know.

2.6 Environment Agency:

"We have no objection to the proposed development, providing the following measure(s) as detailed in the Flood Risk Assessment, Glanvilles 10 February 2014, submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Glanvilles, 10 February 2014 and the following mitigation measures detailed within the FRA:

- All development shall be located within Flood Zone 1.

Reason

To reduce the risk of flooding to the proposed development and avoid increasing flood risk elsewhere.

Advice to applicant/LPA

The potential for biodiversity impact from the development is minimal and, compared with the current arable use of the land, offers biodiversity benefit. The scheme has been planned to minimise the possible

landscape impacts associated too.

In order to minimise impact to existing interests on site and maximise the biodiversity gains suggested (in accordance with West Oxfordshire Local Plan and National Planning Policy Framework recommendations), the development should be carried out following mitigation and recommendations suggested in the Extended Phase 1 habitat survey and the Biodiversity Management plan.

Flood Defence Consent

Under the terms of the Water Resources Act 1991, and the Thames Region Byelaws, 1981, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Evenlode, designated a 'main river'.

A flood defence consent would be required for tree and scrub planting within 8m of the banktop of designated main river, which may be applicable for a small area of site near Fawler Mill in the SE corner of the proposal.

It is unclear whether the SE corner will need to be fenced as this area is for grassland creation, rather than the solar panels which need fencing for security. Fencing within 8m of the banktop of designated main river may require Flood Defence Consent although this requirement "shall not apply to any fence or post if no part of such fence or post exceeds 1.5 metres in height above the level of the adjoining land and, in the case of a fence, it is required for the purpose of agriculture and is constructed only of posts and wire strands or wire netting of not less than 100mm square mesh" (From Thames Region Land Drainage Byelaws 1981)."

3. REPRESENTATIONS

3.1 Thirty one neighbours have been notified of the application and various site notices erected around the application site.

Twenty three letters of objection have been received in relation to the application. These can be summarised as follows:

- Unacceptable visual intrusion and desecration of the countryside.
- Scale of development will create a detrimental blot on the landscape at variance with the objectives of the Cotswold AONB.
- The suns reflection from the solar panels will create a hazard for motorists.
- The landscaping proposed at the southern end will provide no screening or softening of the plant.
- The residents of Fawler and Finstock however will suffer detrimentally visually.
- Size of solar farm.
- Breaches the governments recently stated aim of encouraging solar farms on brownfield sites.
- It will ruin the view of the valley for Finstock residents.
- There appears to be no financial case of any value.
- It does not mention at this stage who does own Southill Solar.
- Biodiversity will not be improved.
- Unfair petition consultation as only 10% of Charlbury population are in support.
- Will not benefit individual households in terms of lower electricity bills and would go to the landowner in rent, private investors and the community.
- Misleading to local people.
- It will urbanise the landscape.
- The impact of high fences and CCTV cameras.
- Scale is inappropriate in an AONB.
- No evidence there will be any saving of emissions of CO2 from this installation.

- High prices for consumers and the community for the electricity generated.
- Incompatible with Policy NE12.
- Peak demand for electricity occurs during winter evenings when solar plants do not operate.
- No evidence of any environmental benefit.
- It will be inefficient method of reducing CO2.
- The application provides no calculation of the CO2 balance over the lifetime of the development, it does not show the saving of CO2 from fuel which would be burnt in conventional plants, no figures for the CO2 cost arising from manufacturing, installation and maintenance of the plant.
- No presumption can be made that the carbon balance arising from this development would be favourable to the environment rather than the opposite.
- Higher energy prices.
- No net financial benefit to the community unless the solar energy is cheaper than conventional energy.
- There is no evidence in the application that there would be any net benefit to consumers or the community.
- Negative impacts of the solar farm on the natural environment and honey bees, e.g the force fields created by the solar farm.
- If the proposal is granted a further 30 acres of natural foraging land will be removed from the bees.
- Not an appropriate site for the solar farm.
- Does not comply with policies NE1, BE2, BE5, NE4, NE12
- The need for renewable energy should not override the need to protect AONB.
- A sensitive location as well as in a conservation area.
- Proposed screening won't be achieved by trees and hedges until half way through the life of the solar farm.
- Health hazard to people through electromagnetic hypersensitivity (EHS)
- Effects on tourists visiting Charlbury for walks.
- It will effect the 40 species of birds and bats found in gardens and neighbouring fields and also several types of butterflies, insects, foxes and deer.
- The use of Ash trees.
- Possible impacts of flooding on the site.
- Land under panels would be impractical for grazing for sheep due to the construction characteristics.
- The development would be more appropriate on brownfield and industrial sites.
- Unreadable plans.
- The best views of the area will be blighted by the proposed scheme.
- Increased accidents caused by drivers and people parking to try and look at the solar farm.
- Security measures were not fully detailed and no measures to combat vandalism.
- If the scheme is approved what measures will be put in place to ensure the current business plans are maintained throughout the lifespan.
- The scheme is not eco friendly as after the lifespan, hundreds of lineal metres of fencing and glass will have to be disposed.
- Residents investment- would the money from the sale of the electricity be suitably apportioned.
- No information to who will manage the scheme.
- The loss of wildlife.
- Objections on the grounds of the Cotswolds Conservation Board and The Council for the Preservation of Rural England have raised.
- The majority of supporters of the proposal are not residents.
- Located on the edge of the historic Cornbury Park.
- The site is protected through the WODC draft Character Appraisal of Charlbury.

- Security fence, CCTV or infra-red surveillance would not be compatible with the proposed planting.
- The loss of good agricultural land.

Fifty-eight letters of support have also been received and these can be summarised as follows:

- In favour of green energy.
- Locally owned community project.
- Appropriate public consultation.
- Only for 20 years.
- Carefully chosen site for the scheme.
- The land could be converted back to its original use after the 20 years.
- Generate a financial surplus.
- The scheme will be owned by the community.
- Environmental benefits outweigh any possible visual objections.
- Well-designed.
- Sustainable generation of electricity at a local level
- Planned with consideration towards the environment.
- It will be using low grade farm land.
- It will enhance biodiversity.
- Appropriate scale.
- The approach to visual impact is designed to be as minimal as possible.
- Any project to cut carbon emissions and reduce energy poverty should be supported.
- It will cut reliance on fossil fuels.
- Valuable resource for education and information on energy issues.
- Sensitive approach.
- Clear public benefits.
- Non-polluting.
- Land under the panels is good for biodiversity.
- Consideration to all potential sensitive issues e.g location, sighting, wildlife impact.
- The scheme is small scale.
- The site slopes down away from the road, helping make it less visible.
- It will not spoil views.
- Increased tree planting, hedgerow planting and creation of much needed wildflower area on site.
- It will not damage the AONB.

4. APPLICANT'S CASE

- 4.1 The applicant has submitted numerous documents in support of their application each concludes or is summarised as follows:

Planning Design and Access Statement:

- 4.2 *This statement has examined the planning background of the site and the relevant national and local planning policy framework in respect of the proposal.*

The proposal would be suitably located and would not cause harm to any interests of acknowledged importance. It would meet the requirement of Local Policy NE12 in that as a proposal for the generation of renewable energy it will have only a minor adverse impact on the landscape in the short-term which will not exist in the longer term. There are certain points from where a negative visual impact may be caused but these are limited in number and mainly provide glimpsed views.

Any harm that may be caused would be outweighed by the wider environmental, social, economic and other benefits. There are no heritage, local community amenity, or traffic impacts that indicate that the proposal should not proceed. It is likely that the biodiversity of the area will be enhanced.

Thus this proposed community-instigated, community-run and community-owned solar park scheme would represent sustainable development and the presumption should be in favour of the proposal being permitted.

Heritage Assessment:

- 4.3** *In terms of historic assets of a built and archaeological nature this report has identified that the site and the proposed scheme offers a feasible solution for the development of a solar park.*

There are no designated assets within the site and there will be no direct impact to any designated heritage assets.

The indirect impacts on the setting of nearby assets are considered to be well within the less than substantial requirements set by the NPPF, and relate primarily to minor visual changes to the wider landscape backdrop of the assets.

Indeed given the careful design of the proposed array the mitigation with regard to heritage assets is very acceptable and will serve to reduce any visual impact still further. The special interest and unique character of the heritage assets within the area considered will be preserved. English Heritage were consulted on the impacts to Grade I and II buildings, the Registered Park and Garden of Cornbury and the conservation areas and agreed with our conclusions that the impacts will be minor, not harmful to the assets and acceptable in terms of the heritage of the area.*

The proposal to reinstate the line of the historic road across the site as a break in the panels will improve the possibilities for reading the historic landscape and increase the possible understanding of access into Cornbury Park and the setting of the civil war artillery field work by referencing the former historic road.

In heritage terms I find the proposed scheme well thought out and fully supportable as an application in line with the NPPF and its guidance relating to heritage assets.

Flood Risk Assessment:

- 4.4** *The site is located in Flood Zone 1 and is therefore not considered at risk of fluvial flooding. The site is located in a suitable zone for development in terms of flood risk planning policy.*

The site is not considered to be at risk of flooding from other non-fluvial sources.

The proposed solar panels will be raised above the ground and any rainfall will drain into soils below at source such that there is no requirement for a formal surface water drainage system.

The access track will be of a permeable construction and drainage will therefore be at source, via infiltration.

There will be no increase in run-off off-site or discharge to a watercourse or sewer as a result of the development.

The proposed development therefore accords with planning policy and will not impact on the existing hydrogeological conditions of the site. It is therefore considered acceptable in respect of flood risk and surface water drainage.

Biodiversity Assessment:

- 4.5 *This Phase I Habitat Survey was undertaken in support of a planning application for the proposed Southill solar farm to the south of Charlbury, West Oxfordshire.*

The Phase I ecological survey involved a desktop study and field survey to assess the potential for protected habitats and species to be present on the site. The site comprised arable fields, mature hedges, moderately herb rich field margins, a small area of semi-improved calcareous grassland and an area of grassland adjacent to the Evenlode River. The site is currently considered to have high potential for supporting foraging badgers and moderate potential for supporting hare, foraging hats, birds and invertebrates. The site had moderate – low potential for otters, water voles, reptiles and toads and low potential for great crested newts and dormice.

This report considers potential impacts that development of the solar farm may incur upon key aspects of biodiversity and makes recommendations for avoiding and mitigating impacts. It is judged that in general, impacts will be greatest during the construction phase but that good practice could limit impacts during this period. Post-construction it is anticipated the solar farm would have little or no impact on protected special and indeed offers many opportunities for biodiversity improvement.

The potential for solar farms to provide a net benefit for biodiversity is well recognised. Accordingly this document makes some recommendations for the enhancement and creation of habitats of value to benefit a wide range of species.

As a next stage it is recommended that a Biodiversity Management Plan be developed to detail establishment, management, monitoring of all habitat enhancements for the site.

Landscape and Visual Impact Assessment:

- 4.6 *The proposal is to develop a community owned 5MW solar farm just outside Charlbury within the Cotswold AONB and West Oxfordshire District Council. The area is a highly sensitive unspoilt rural landscape of national recognition.*

Following a well attended public consultation and comprehensive feedback it can be said that the proposal is widely supported by the local community and as such is compliant with the principles set out in the National Planning policy framework as a sustainable development of renewable energy in the public interest.

The criteria for site selection are such that to find a more suitable site which is actually available and with less visual impact, are highly unlikely.

In a position statement the Cotswold AONB supports “small scale” development of renewable energy where there is limited visual impact.

In accordance with NPPF 115 and local policies NE1, 3 and 4 the proposals respect and seek to enhance local character by:

- *Working within, improving and maintaining and the existing field boundaries.*
- *Creating landscape buffers using locally prominent naturalistic plantations.*
- *Developing large open areas of wildflower meadow.*
- *Designing the site to respect the visual and physical landscape.*

WODC have characterised the site as “semi-enclosed” with the on-looking areas on the opposing side of the valley as having low to moderate intervisibility and as being visually robust. The development is

contained within existing mature boundaries/landscape buffers and sited within the inherent patchwork character of the area.

Overall the development is likely to have a positive impact on the biodiversity of the site and will create a highly desirable rare wildflower habitat with a net increase in planting and well maintained native boundary hedgerows.

The layout of the panels has been carefully designed to minimise the visual impact. Due to the site's orientation, low lying level and aspect the arrays are not seen as a whole but as small parts because views are heavily filtered by dense mature vegetation.

As such the proposals can be deemed to be a community backed, small scale, sustainable development of renewable energy, with a moderate impact on landscape character.

The proposal will have no long term impact to the landscape and during its 25 year lifespan will have significant benefit to the local biodiversity providing a rich and highly desirable native habitat whilst it is in operation.

The key areas of the likely visual impact are limited to a road running along the site boundary and views from a footpath across the valley. These however will only reveal small fragments of the development as they are filtered by existing vegetation throughout the area.

In summary the development will not have a significant impact on the character of the area, and whilst the visual impact has been categorised as substantial in places, these are unlikely to influence the overall experience of the landscape setting as they are restricted to very specific views.

Statement of Community Involvement:

4.7 Sustainable Charlbury believes that it has approached the project to ensure the highest likelihood of the community successfully developing this project through to completion. We believe it would be the first community-owned renewable energy Bencom project of this size.

Our ambition has been to develop this project so that it could be judged as an exemplar project of its kind in Oxfordshire and nationwide.

5. POLICY

5.1 The key policies of the West Oxfordshire Local Plan 2011 in the consideration of this proposal are, in your officers opinion, policies:

- BE2 (General Development Standards),
- BE3 (Provision for Movement and Parking),
- BE5 (Conservation Areas),
- BE8 (Development Affecting the Setting of a Listed Building),
- BE11 (Historic Parks and Gardens),
- NE4 Cotswolds Area of Outstanding Natural Beauty),
- NE12 (Renewable Energy),
- NE13 (Biodiversity Conservation), and
- NE15 (Protected Species).

5.2 In addition the following sections of the National Planning Policy Guidance are a material Consideration:

- 10. Meeting the Challenge of Climate Change, Flooding and Coastal Change,
- 11. Conserving and Enhancing the Natural Environment, and

- 12. Conserving and Enhancing the Historic Environment.

5.3 The Cotswolds AONB Management Plan adopted in 2013 is of consideration, as is the position statement on Renewable Energy which is currently in draft form.

5.4 The West Oxfordshire Landscape Assessment is a material consideration.

6. PLANNING ASSESSMENT

6.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that the main issues are considered to be:

- Principle;
- Impact upon the AONB;
- Impact upon Heritage Assets;
- Impact upon Ecology;
- Impact upon Flood risk; and
- Impact upon Highway safety;

Principle

6.2 The West Oxfordshire Local Plan 2011 and the National Planning Policy Framework both encourage renewable energy proposals where they are appropriate. Whilst this is the case, both acknowledge the importance of nationally designated landscapes and the have carefully worded guidance which seeks to protect these landscapes. Policy NE12 of the West Oxfordshire Local Plan notes that proposals will only be supported in the AONB where they are small in scale, where they are in the public interest and where no alternative sites exist. In addition to this, the NPPF notes that authorities should seek to support community led initiatives. The National Planning Practice Guidance however notes that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities. Whilst numerous letters of support have been received officers would also note that a number of letters of objection have been received which, amongst other matters generally raise concern regarding the impact of the development upon the character and appearance of the area.

6.3 Policy NE12 of the Local Plan notes that only small scale developments should be supported in protected landscapes such as the AONB. This approach is supported in the recently adopted Cotswolds Management Plan (adopted 2013) and the position statement released in relation to Renewable Energy proposals. This position statement, at paragraph 33, states that: *‘the Board considers that medium- to large- scale renewable energy developments will not generally be appropriate within the AONB, as they would have significant potential to adversely affect the natural beauty of the AONB and to compromise the purpose of the AONB, contrary to national policy’.*

6.4 Considering the submitted scheme officers note that the site is over 18 hectares in scale and, in line with planning guidance is considered as a major application. Given the large site area officers conclude that the application proposal would constitute major development and as such, is considered by the AONB Conservation Board to be inappropriate development. Furthermore, Paragraph 116 of the NPPF states that planning permission for major development in a designated area (such as the AONB) should be refused except in exceptional circumstances where it can be demonstrated that they are in the public interest – this should include an assessment of:

- The need for the development, including in terms of any national consideration, and the impact of permitting or refusing it upon the local economy;
- The cost of and scope for development elsewhere outside the designated area, or meeting the need in some other way; and

- Any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which they could be moderated.

6.5 Officers acknowledge the local benefits to the community in relation to the proposed development however consider that there are a number of other material considerations which are of relevance to the consideration of the application. These matters will be explored further below.

Impact upon the AONB

- 6.6 The Cotswolds Area of Outstanding Natural Beauty has been designated as an area of special protection due to its intrinsic qualities as a landscape. The statutory consideration in relation such designations is whether any proposal would conserve or enhance the special nature of the landscape.
- 6.7 Policy NE4 of the West Oxfordshire Local Plan 2011 states that major development in the AONB will not be supported unless:
- It is in the public interest in terms of any national considerations and the impact upon the local economy; and
 - The lack of alternative sites outside of the AONB and of means of meeting the need in some other way justifies the exception being made.
- 6.8 Paragraph 116 of the NPPF (detailed above) also shares this approach, adding however, that an assessment of this should be submitted which demonstrates this and that any detrimental impact upon the landscape can be moderated.
- 6.9 The application proposes a significant scheme which consists of approximately 100 rows of panels spread over the site. Care has been taken to ensure that the highest parts of the site are avoided and the panels have generally been located on the lower ground levels to mitigate the prominence of the site. In addition, the landscape masterplan also details three areas of 'plantation' to be planted with mixed native woodland species. These are located at both ends of and the centre of the application site.
- 6.10 Due to the topography of the site and the wider area views of the site can be achieved from a number of points in the wider area and the applicant's landscape assessment has identified 16 viewpoints of the site. Whilst 16 viewpoints have been identified, a number of them are heavily screened by existing planting in and around the site which would ensure limited harm to the viewpoints in that location. There are a number of viewpoints however which are noted as being of significance and which would be impacted by the proposed development. In your officers opinion, of particular concern are the views from the footpaths within the Historic Park and Garden of Cornbury Park, the views along the B4022, and views from other footpaths in the vicinity.
- 6.11 Given the public nature of the views, and that the development will be prominently visible in these views officers are of the opinion that the proposed development, particularly given its scale would be an incongruous feature within the AONB designation and would be of harm to its intrinsic qualities. Furthermore, whilst every effort has been made to keep the development away from the boundaries the proposed fencing, CCTV cameras and associated structures would also be incongruous and would bring a more 'industrial' feel to this part of the AONB. It is also considered that the large areas of 'plantation' proposed as part of the landscaping scheme are not reflective of the general character and appearance of the wider landscape in this part of the AONB. Whilst the planting at either end (north and south) of the application site could sit comfortably the proposed planting area in the centre of the application site does not relate well to the field boundaries and would in itself, appear incongruous in this location.

- 6.12 Given the above, your officers are of the opinion that the proposal, whilst efforts have been made which would, in the long term, moderate some of the impacts, would be of detriment to the protected landscape and would neither conserve nor enhance the character and appearance of the AONB. Furthermore, the development represents major development in a protected landscape and no assessment has been provided which explores other sites outside of the AONB.
- 6.13 On this basis your officers are of the opinion that the proposed development is contrary to policies BE2, BE12 and NE4 of the West Oxfordshire Local Plan 2011, paragraphs 115 and 116 of the NPPF and the Cotswold AONB Boards position statement in relation to renewable energy.

Impact on Heritage Assets

- 6.14 The site is located near to a number of heritage assets including the Conservation Areas, Listed Buildings and the Listed Parkland of Cornbury Park. Officers have considered the heritage assessment submitted in support of the application and would largely concur with the conclusions reached in relation to the individually Listed Buildings. It also notes the comments of English Heritage in relation to the Listed Building at Cornbury House.
- 6.15 The assessment comments on the all of the heritage assets listed above, however draws some conclusions which officers (and your Conservation Architects) do not agree with. The Listed Parkland sits some 130 metres to the west of the application site and three of the viewpoints listed in the LVIA are within it. It is acknowledged that views from this site are mitigated by planting however, the heritage assessment provides limited assessment in relation to the impact of the development upon the Listed Parkland or its setting has been carried out. The report states that: *although the site is close to the RPG [Registered Park and Garden] and forms part of the agricultural landscape that borders the park and forms its wider setting it does not add to the significance of the park itself*. Similarly, in relation to the Conservation Areas, even though the site borders two of the Conservation Areas there is no assessment of the impact of the development upon these Conservation Areas or their setting. In relation to the Charlbury Conservation Area the report concludes that the area adjacent to the application site *'cannot be assessed as a particularly significant area of the Conservation Area'*.
- 6.16 Paragraph 132 of the National Planning Policy Framework specifically deals with registered parklands and notes that the significance of a heritage asset can be lost or harmed through alteration of the asset itself or development within its curtilage. In addition, policies BE5 and BE8 of the West Oxfordshire Local Plan both seek to protect the setting of the heritage asset and acknowledge the contribution this makes to the asset itself.
- 6.17 Whilst there are Scheduled Ancient Monuments in proximity to the site, they are not impacted at all by the development proposed and County Council Archaeologists have raised no objections to the scheme in this regard.
- 6.18 Given the above, officers are of the opinion that the applicants have not satisfactorily explored the impact of the development upon the setting of a number of heritage assets and having viewed the development on site consider that the development would impact upon these assets. As such, officers consider that the development is contrary to policies BE5 and BE8 of the West Oxfordshire Local Plan 2011 and paragraph 132 of the NPPF.

Impact upon Flood Risk

- 6.19 The applicants agent has submitted a flood risk assessment as part of the application as required for development over 1 hectare in site area. This report has been considered by the Environment Agency who has not objected to the scheme. On the basis of the lack of a technical objection, officers consider that the proposed development is acceptable in terms of flood risk.

Impact upon Ecology and Biodiversity

- 6.20 The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Habitats Directive which identifies 4 main offences for development affecting European Protected Species (EPS).
4. Deliberate capture or killing or injuring of an EPS
 5. Deliberate taking or destroying of EPS eggs
 6. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate;or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.
- 6.21 The application has been submitted with an ecology report which notes the limited potential of the site for protected species as it currently stands. The report has suggested further walkover surveys if the development has not taken place in a years time and has also suggested that a number of good practice measures for during the construction phase to limit the impact upon protected species in the vicinity of the site. With these good practice measures the report suggests that no license would be required from Natural England.
- 6.22 In addition to this a biodiversity management plan has been submitted which suggests a number of habitat improvements which could enhance biodiversity in the area. This proposal has been supported by Natural England and on this basis officers consider that the development is in accordance with policies NE13 and NE15 of the Local Plan and paragraph 118 of the NPPF.

Highways and parking

- 6.23 The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme, subject to the imposition of conditions. Therefore, officers do not consider that the proposed development will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway.

Conclusions

- 6.24 Officers acknowledge that every effort has been made to reduce the impact of the proposed development where possible however, the fact remains that the application proposes a major development in a protected landscape which should be preserved for its own intrinsic qualities. In addition, the application has not fully explored the potential impacts upon the significance of heritage assets and as such, officers cannot reasonably conclude that the proposal would not be of harm to them or their setting. Whilst officers commend the community led approach to this scheme, in this instance, the harm to the landscape is considered to outweigh the benefits of the scheme. As such, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is, on balance, unacceptable on its planning merits.

RECOMMENDATION

Refuse for the following reason:

That the proposal would represent a major development within the Cotswolds Area of Outstanding Natural Beauty and would be of harm to the visual amenity of the area when viewed from public vantage points. The development would represent an alien and incongruous feature in these public vantage points to the detriment of the rural character of the area, the setting of the Listed Parkland, nearby Conservation Areas and the Cotswolds Area of Outstanding Natural Beauty. As such, the development is contrary to Policies BE2, BE5, BE11, NE4 and NE12 of the West Oxfordshire Local Plan, Paragraphs 115 and 116 of the National Planning Policy Framework and the guidance of the Cotswolds Conservation Board in its Position Statement on Renewable Energy.

14/0229/P/FP Quart Pot 3 High Street Milton Under Wychwood	
Date	18/02/2014 18/02/2014
Officer	Miss Dawn Brodie
Officer Recommendation	Refuse
Parish	MILTON UNDER WYCHWOOD
Grid Ref:	426464,218290

APPLICATION DETAILS

Erection of eight flats with associated parking and new car park to serve public house.

APPLICANT

Acres Developments Ltd & Icsl, Bristol & West House, Post Office Road, Hook, Hampshire RG27 9TP

BACKGROUND INFORMATION

The application seeks planning permission for the sub-division of the site to allow for eight flats to be constructed on what currently forms the car park and part of the beer garden associated with the Public House. The site is in a prominent and elevated position within the street scene, not within a Conservation Area, but within the Cotswolds Area of Outstanding Natural Beauty.

The application proposes the sub-division of the site with part of the site retained for parking and beer garden associated with the existing public house (currently closed for business). The application proposes the erection of a block of flats with associated parking on the other part of the site. The application proposes 2 one-bed flats, 5 two-bed flats and 1 two/three bed flat.

I PLANNING HISTORY

- I.1 Planning permission was refused for the erection of a detached dwelling with associated parking and new access and alterations to the existing car park by the Uplands Area Planning Sub Committee on the 28th April 2011 under reference 11/0350/P/FP. The application was refused for the following reasons:

That the proposed dwelling due to its scale, massing and design would result in an incongruous addition to the street scene. The proposed dwelling would be uncharacteristic due to its height and double gable form which does not reflect the character or appearance of the local area. As such, the proposal would be contrary to Policies BE2 and H2 of the West Oxfordshire Local Plan 2011.

The combination of the beer garden and public house provide for an important local community facility, the only one in the village. Furthermore, the ancillary building on site provides important ancillary storage associated with the Public House. The proposed development would result in the loss of the beer garden and ancillary buildings for the public house and as such, would result in the loss of a valuable community facility serving the local area. As such, the proposal is contrary to the aims of Policy TLC12 and the Sustainable Communities Strategy.

An appeal against this decision was dismissed by the Planning Inspectorate.

- 1.2 Planning permission was refused for the erection of one dwelling and conversion of public house to one dwelling with associated parking and landscaping under reference 11/1365/P/FP for the following reason:

That it has not been demonstrated that the use of the building as a public house is not viable or that there is accessible alternative provision. As such, the proposal will result in the loss of an important community facility within the village. The proposal is contrary to guidance contained within Planning Policy Statement 4: Planning for Sustainable Growth and Policy TLC12 of the West Oxfordshire Local Plan 2011.

An appeal against this decision was dismissed by the Planning Inspectorate.

- 1.3 Planning permission was refused for the erection of detached dwelling with associated parking and new access and alterations to the existing car park under reference 11/1863/P/FP was refused for the following reasons:

That it has not been demonstrated that the reduction in the size of the beer garden and the provision of reduced and inconvenient parking would not further adversely impact the viability of the public house. Nor has it been demonstrated that the proposal constitutes enabling development to secure the future viability of the Public House. As such, the development is contrary to the aims of Policy TLC12 of the West Oxfordshire Local Plan 2011 and the aims of the Sustainable Communities Strategy.

That the proposed parking layout would result in inconvenient parking spaces with limited turning space resulting in vehicles reversing onto the highway in an unsafe location where visibility is limited. As such, the development would result in an unacceptable impact upon highway safety to the detriment of vehicular and pedestrian users of the highway contrary to Policy BE3 of the West Oxfordshire Local Plan 2011.

- 1.4 An application for planning permission was submitted in 2013 for the erection of single storey rear extension to existing public house and construction of 8 flats together with associated car parking facilities and landscaping under reference 13/1235/P/FP. This application was withdrawn prior to determination.

2 CONSULTATIONS

2.1 Milton under Wychwood Parish Council:

“The planning application 14/0229/P/FP Erection of eight flats with associated parking and a new car park to serve public house at the Quart Pot, 3 High Street, Milton under Wychwood was discussed last night at the Parish Council meeting of Milton under Wychwood.

The Parish Council voted against the development by a unanimous 7 votes, with 1 abstention.

Feelings were very strong at the meeting against this development from the 43 members of the public who attended the Parish Council meeting, when the average attendance is usually 8 - 10 people.

The Parish Council would like to object on the grounds that there is a lack of parking. It does not feel the proposed development fits in with the space in the village and the Parish Council have concerns with windows of living rooms overlooking properties to the side.

They would like any future planning application for the site to have a legal mechanism in place that if development goes ahead, the pub is first and foremost in any scheme.”

2.2 OCC Highways:

"I frequently visit Milton under Wychwood looking at various planning applications and visited this site and the surrounding road network at both pre application and planning application stages

I have taken the opportunity to visit this site at The Quart Pot a number of times, at various times of the day, before and after receiving the planning application

It is my opinion that the proposal as submitted, if permitted, will not cause such harm as to warrant the refusal of a planning permission on grounds of highway safety and convenience.

On first viewing the proposal for development on this site I had 'highway' concerns regarding the increase of vehicular movements associated with the proposed residential use and the shortfall of parking available for the public house.

Surveys show that 8 privately owned flats would generate only 2 vehicular movements during the morning peak hour when High St is at its busiest both for vehicular and pedestrian movements (including children walking to or waiting for their bus to school). I cannot base a refusal reason on an additional car movement from the proposal, on average every 30 minutes, from the proposal. Neither can I agree that a vehicle exiting the site every 30 minutes during the peak hour would cause such severe harm by blocking the view as children try to cross the road.

Parking standards show a shortfall of 9 spaces for the public house use. During my previous visits to the site it has been my view that parking spaces were available on street within a reasonable walking distance. My observations during this last fortnight were that spaces have always been available in Shipton Rd, only one car has been parked in Church Rd (opposite the telephone box) and no vehicles parked in the first length of Poplars Farm Cl. The length of High St adjacent to the site frontage has always been free of parked vehicles.

I chose the duration, times and days of the parking survey, as submitted, to be undertaken to coincide with the possible peak usage of a public house which together with my observations would determine whether the proposal, if permitted, would cause such severe harm as to warrant the refusal of a planning permission. I accept that the survey taken at the times of maximum public house usage does not coincide with the opening times of the library or drop off/pick up times for school.

My observations in High St reveal that the bus (public or school) movements were not restricted at any time along the site frontage or at the stops where local residents indicate cars are continually parked. I note local resident's comments regarding lengthy bus waiting at Milton due to being a terminus stop. In reality the bus (public or school) seemed to wait only a short period – indeed the 09.37 last Thursday morning only waited seconds and not even minutes

I cannot demonstrate sufficient harm as to warrant my recommendation for the refusal of the planning application on the grounds of highway safety and convenience

No objection subject to :

- *G36 parking as plan*
- *G48 SUDS surface water drainage*
- *G31 parking areas, drives etc specification"*

3 REPRESENTATIONS

3.1 Sixteen neighbours were notified of the application and fifty three letters of representation have been received. The comments received can be summarised as follows:

- How can a development on the car park of a public house increase its viability?

- There is no concrete assurance that this proposal would lead to the development of the public house.
- The site is on an extremely busy corner with parking problems.
- The eight flats will generate 16 cars.
- The planning parking space requirement for the site results in a need for 34 spaces.
- Public transport to and from Milton is limited.
- Access along High Street is always difficult due to the row of parking along one side of the road.
- This type of development is wholly inappropriate.
- The parking situation is inadequate and would result in more on street parking.
- There is not enough space to develop the site and open the pub as well.
- The application refers to 'phase 1' of the development – what is phase 2?
- The development would cause safety issues for children who wait in this area for school buses.
- If the application for one house was turned down due to the scale and mass how can eight flats be supported.
- The development is too large and too close to the pavement.
- There is not enough parking remaining for the pub.
- The pub has been bought to develop for sheer profit.
- The development would significantly add to parking problems in the area. The traffic information submitted is not an accurate reflection of the situation.
- The person who carried out the traffic survey is a relation of the applicant and cannot be considered impartial or independent.
- There are frequently no parking spaces along the street.
- The application has not addressed the reasons for refusal set out on previous applications.
- The loss of parking for the public house would affect its viability.
- The application states that a buyer will only purchase the pub if planning permission is granted. This should not be a consideration and is immaterial to the decision.
- Additional traffic volume along this part of the village will further increase the danger to residents and pedestrians.
- I have no objections to the design of the flats but consider that the traffic survey carried out is inaccurate.
- There is a long standing drainage issue at this end of the village which will be exacerbated by the proposal.
- This is inappropriate development.
- 8 flats would not be in keeping with the character of the area.
- Milton has had a lot of development recently making it feel more like a town than a rural village.
- The Quart Pot is a major asset to the village.
- With the right owners and will the Quart Pot could re-open and be viable.
- The proposals for the loss of the car park will endanger the re-opening of the pub.
- The development will be over dominant and will alter the whole architecture of the street.
- The village does not need any more traffic problems.
- The development is too close to the footpath and too dense for the plot.
- The development is incompatible with the public house next door.
- Emergency vehicles have difficulty getting through at present. Additional on street parking will exacerbate this.
- The development is wholly inappropriate for the site.
- The development will not enhance Milton's landscape even if the site as existing is an eyesore.
- The developer has turned down two offers for the public house so why should his intention to make the pub viable be believed?
- The extra care housing is not comparable in its parking provision.

- There is no guarantee that if the permission were granted that the pub would be refurbished and re-opened.
- There is nothing in the application to reassure members of the public that the public house has a long term viable future.
- The traffic survey carried out is extremely biased towards the developer.
- It would be hypocritical of the planning department to support this application when repeated applications for single dwellings have been refused.
- The development is incongruous and out of keeping in the area.
- The provision for disabled parking would reduce the parking spaces further.
- The development would overlook 8 and 10 High Street and reduce light to them.
- The owner of the pub has made no effort to ensure the pub will re-open as he has completely ripped out the bar and kitchen.
- The public house would cause much friction with future occupiers of the flats.
- The owners original expectations for the price of the property have resulted in a number of lost sales.
- The inadequate parking would mean that future deliveries to the pub would have to take place on the road causing further traffic issues.
- The development is dangerously near the bus stop.
- In other recent pub refurbishments the landlords have felt 25 spaces are necessary for a pub to be viable.
- Whilst 50% affordable housing results in an unviable scheme it does not follow that a lower amount would have the same impact.
- Some form of renewable energy should be proposed.
- It is convenient that the application was submitted so that the Parish Meeting was a day later than the closing date for comments.
- In conducting my own brief traffic survey there has been no more than three spaces available between 6:30am and 8:15am.
- Previous flatted developments have not sold well in the village.

4 APPLICANTS CASE

- 4.1 The applicant's agent has submitted a Design and Access Statement and a financial appraisal in support of the application. They conclude as follows:

Design and access statement:

This application has been prepared in close consultation with the council and it responds to previous concerns and seeks to deliver their aspirations for the site.

The proposed sustainable development will secure a long term efficient use for the site and will give the public house the best chance of a viable future.

The flat development will provide much needed small residential units to meet local need in the village and will make effective use of this underutilised site.

On this basis the Council is invited to support the proposals and grant planning permission.

Financial appraisal:

West Oxfordshire District Council are looking to apply their current affordable housing policy requiring that 50% of the apartments are to be affordable units. It is the conclusion of this report that by imposing the policy, the value of the development site is reduced, as set out in our attached residual valuation and

summarised below, to a level that makes the scheme unviable and would therefore not permit the pub on its own being sold to the operator at a level required for them to make the business work.

Acres development took the risk of purchasing the pub which had ceased trading and was in a dilapidated condition for a figure of £260,000. In order to allow the pub to re-open as a community facility for Milton under Wychwood, it is necessary for the owners to secure an operator who will undertake the required refurbishment program to restore the building to commercially viable premises.

To do this they have had to agree a price of £160,000 for the pub and reduced area of garden, keeping back part of the car park to the side to be used for the apartment development, in order to help fund the sale of the pub premises at a loss.

In light of the above we are of the opinion that were the site to be developed with no affordable housing following the sale of the pub for £160,000, a profit could be generated for the developer of circa £261,410. This reflects a profit margin of 19.8% on costs which is just below the industry standard level to expect given the risk that the developer has taken to acquire the site in order to deliver a working and viable pub back to the community.

In light of the above we are of the opinion that if the site were to be developed with 50% affordable units following the sale of the pub for £160,000 a loss would be made for the developer of circa £28,547. This reflects a negative margin of 2.1% on costs which would clearly be unacceptable.

5 RELEVANT PLANNING POLICY

- 5.1 The key policies in the consideration of this application are, in your officers opinion, policies BE2 (General Development Standards), BE3 (Provision for Movement and Parking), BE4 (Open Space within and Adjoining Settlements), NE15 (Protected Species), H2 (General Residential Development Standards), H6 (Medium Sized Villages) and TLC12 (Protection of Existing Community Services and Facilities) of the West Oxfordshire Local Plan 2011.
- 5.2 In addition National Planning Policy Framework (NPPF) is of consideration.

6 PLANNING ASSESSMENT

- 6.1 Taking into account Planning Policy, other material considerations and the representations of third parties officers consider that the key considerations of the application are:
- Principle of development
 - Impact upon the character and appearance of the area
 - Impact upon residential amenity
 - Impact upon highway safety
 - Affordable housing

Principle of development

The principle of development forms two key parts. Firstly the principle of new dwellings on this site and secondly the principle of the loss of the land which currently forms part of the public house.

Considering the principle of new dwellings first officers would advise that the District Council does not currently have a five year housing land supply. In accordance with paragraph 49 of the NPPF, if the Council are unable to demonstrate the five year supply of developable sites then the policies of the Local Plan (relating to housing) should be considered out of date and should be determined with a presumption in favour of sustainable development. Paragraph 14 of the NPPF states that

where the development plan is absent, silent or relevant policies are out of date planning permission should be granted unless:

- Adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole, or
- Specific policies in this framework indicate development should be restricted.

On the basis of the lack of a five year land supply, the guidance of the NPPF and that Milton is considered to be a relatively sustainable location officer would advise that the principle of new dwellings on this site is supportable.

Whilst this is the case, there is another key principle consideration of this application, the implication of the development in relation to the Public House. Whilst officers acknowledge that the housing policies of the local plan are considered out of date, the remainder of the saved policies are still applicable for development management purposes. Policy TLC12 of the West Oxfordshire Local Plan 2011 states that the loss of community facilities (such as public houses) will only be supported where:

- The existing use is no longer viable; or
- Adequate and accessible alternative provision remains or will be provided.

This policy formed the basis for the refusal of the two previous applications relating to development on this part of the site and Inspectors previously concluded that: *'the severing and development of the land as a result of the appeal proposal would most likely be an irreversible step and I consider that this should not be permitted unless the future of the public house has been fully explored. In the absence of any assessment of the business option of the public house I consider that the reduction in the size of the land associated with it would not be in the best interests of its future viability.'*

Furthermore, since those decisions the NPPF has been introduced and paragraph 28 notes that District Council's should be promoting the retention and development of local services in villages such as shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

The current application seeks development on the same part of land which formed the previous applications. In this application the applicant's agent has sought to argue that the development of the land would secure the viability of the public house. The NPPF does allow for support of proposals where a development which would not normally be considered acceptable is allowed due to the wider benefits associated with its approval. Given the consistent resistance of development on the site (without a thorough assessment of the impact of the loss of the land on the viability of the public house) by both the District Council and the Planning Inspectorate, the only way the District Council could support such a proposal would be if this were considered enabling development to secure the long term retention of the public house.

In pre-application discussions relating to the site officers have consistently advised the applicant and their agent of this matter. It was also advised that the District Council would only be able to support a scheme which was the minimum necessary to secure the retention of the pub. The property, at the current time is in a poor state of repair and would require significant works to bring it back to a useable standard.

The application has not been supported by any assessment of the works required to the public house to enable its ongoing use as a public house. The current application proposes the development on the basis that this will allow the public house to be sold on to a third party at a reduced rate to that which it was purchased at. Whilst officers acknowledge that that may make the public house more attractive in the market place your officers have not received any information to justify the level of reduction in the price (i.e. how does the loss of the land for development and the works required influence the purchase price for the site). Furthermore,

whilst a lower price may attract potential purchasers this would not directly secure the retention of the public house nor would it serve to ensure the ongoing operation of the public house.

On this basis, your officers are of the opinion that the proposed development is unacceptable in relation to policy TLC12 of the Local Plan and Paragraph 28 of the NPPF in that it does not secure the retention of the public house in the longer term.

In this instance, whilst the District Council cannot demonstrate a five year land supply officers are of the opinion that inability of the proposal to secure the retention of the public house is sufficient harm to outweigh the benefit in terms of housing land supply.

Impact upon the character and appearance of the area

Officers acknowledge that the application proposes a relatively large built form on the site. The development would sit slightly awkwardly in relation to the existing bus stop and due to the shape of the site sits very close to the boundary in a number of positions. Whilst this is the case, the design and form of the building has been sensitively handled. The scale and massing has been broken down through the use of differing ridge and eaves heights. There are a range of dwellings of differing design and form within the immediate street scene and the application ensures that the lower part of the development is closest to the low in form public house. The materials proposed of stone or artificial stone under a plain tile roof are appropriate to the area and, on balance, your officers consider that the proposed development would not give rise to such harm to justify the refusal of planning permission.

Impact upon residential amenity

The application in its current form would not give rise to any unacceptable impact upon residential amenity. The proposed development has a number of windows in the side elevations facing toward the neighbouring property at Foxlore. Whilst this is the case, there is dense boundary screening and given this officers do not consider that the development would give rise to harmful overlooking. Furthermore, as the development is sat further forward in the site than Foxlore the development would have no harmful overbearing or loss of light implications either, especially given the boundary planting. The Public House would sit between the proposed dwelling and the property at The Green which would prevent any harm to the amenity of that property. Parking for the public house is displaced on land to the rear of it however; the separation distances will ensure the amenity of that part of that property is not harmed.

The proposed flats would not be served by private amenity space however; the development is within walking distance of the village playing fields.

Impact upon highway safety

The application has a requirement for 14 spaces to serve the proposed flatted development. As submitted the application proposes one space per flat with two guest spaces and seven spaces to serve the public house. To support this under provision the application has been submitted with a parking survey of the local area. This survey suggests that there is sufficient on road parking availability within the vicinity to ensure that any spillage of parking onto the road could be accommodated. Highways officers have considered the report submitted and have carried out site visits to witness the traffic situation in the area. On the basis of the information submitted they have advised that the refusal of planning permission could not be justified on highways grounds. On this basis officers are of the opinion that the development is acceptable in highway safety terms.

Affordable Housing

The application has been submitted with an affordable housing assessment which states that 50% affordable housing would render the scheme unviable, particularly given the loss which the applicant is willing to accept on the public house. Your officers acknowledge that development which would secure the retention of the public house would, by the very nature of the investment required, result in limited or no affordable housing being provided. The applicants have provided two assessments, one with 0% affordable housing which would generate a profit of £261,410 (19.8%) whilst the 50% affordable housing provision would cause the development to generate a loss of £28,547. On this basis of the information available as part of the application your officers would suggest that a 19.8% profit is reasonable in the current climate. The other figures provided in the assessments are all considered to be reasonable and on this basis, officers would suggest that the proposal has addressed the requirements of policy H11 of the Local Plan.

Conclusions

On the basis of Planning Policy, other material considerations and the representations of third parties officers conclude that the application is unacceptable for the reasons set out below.

RECOMMENDATION

Reasons For Refusal:

That it has not been demonstrated that the reduction in the size of the beer garden and the provision of reduced parking would not further adversely impact the viability of the public house. Nor has it been demonstrated that the provision of the flats would constitute enabling development to secure the long term future viability of the Public House. As such, the development is contrary to the aims of Policy TLC12 of the West Oxfordshire Local Plan 2011 and paragraph 28 of the National planning Policy Framework.

14/0296/P/FP The Last Post Park Road Combe	
Date	03/03/201403/03/2014
Officer	Miss Dawn Brodie
Officer Recommendation	Grant, subject to conditions
Parish	COMBE
Grid Ref:	441371,215961

APPLICATION DETAILS

Change of use from retail to dwelling, alterations and erection of first floor extension.

APPLICANT

Mr & Mrs A Hobson C/O Agent

BACKGROUND INFORMATION

The application seeks planning permission for alterations and extensions to the property and its change of use from A1 retail to C3 dwellinghouse. The property is within Combe located approximately 70 metres to the north of the village church (St Lawrence's Church). The property is within a Conservation Area and is immediately adjacent to the roadside. The shop has been closed since 2004 and the post office which remained (three days per week) closed in 2008. The property has not been used for any other purposes since 2008.

I. PLANNING HISTORY

- I.1 Planning permission was sought in 2000 for the change of use of the shop to residential under reference W2000/1414. Planning permission for that proposal was refused for the following reason:

That it has not been sufficiently demonstrated that the existing retail shop is no longer economically viable. As such the proposal would be contrary to Policy R7 of the adopted West Oxfordshire Local Plan.

2. CONSULTATIONS

2.1 Combe Parish Council:

The members of Combe Parish Council have considered the above planning application and make the following objections:

Change of Use

Policy SH5- Change of Use from retail to dwelling: the existing building was granted planning permission on the sole basis that it was to be a village shop and initially had no provision for any domestic dwelling, subsequent permission was granted for the property to become part dwelling and part retail but with the restriction that the property should not be an independent unit for accommodation. The Parish Council believes that planning permission for this building would not have been granted except for the express provision of providing a shop for the village. While the property has been marketed for commercial use, and indeed received seven expressions of interest, the Parish Council is of the opinion that potential tenants were deterred from taking on the lease as the property was not marketed at a reasonable rent for the retail space available.

Despite the fact that Combe residents may currently use Stonesfield and Long Hanborough for shopping, having to drive there and back is not environmentally-friendly, nor does it take into account the needs of elderly residents. WODC's current local plan includes policy SH5 - Retention of Local Shops and/or Post Offices, and the Parish Council believes that a village shop could be viable and that the alternatives are not accessible to all.

On these grounds the Parish Council strongly objects to the change of use. In any event, the building should be kept as ancillary accommodation as it is not an acceptable location for an additional dwelling unit, having a cramped relationship to neighbouring houses and no provision for extra parking (see below) and a lack of adequate amenity space.

Planning Alterations:

Policy BE2 – General Development Standards: The proposed alterations do not improve the look of this building. The alterations will mean that the building will further over-dominate the site (on which the existing building is already cramped), and overlook neighbours causing loss of privacy.

Policy BE3 – Provision of movement and parking – the proposed parking space on the south-side of the property is currently used by the owner of The Stables, by providing this area as a parking space for the Last Post, the former property will lose its parking place. The area around the Last Post is already congested and additional parking on the road side will cause inconvenience for motorists and pedestrians.

Policy BE5 – Conservation Areas – this property is within the conservation area and this proposed development will not enhance the character or the appearance of the conservation area and have a negative impact on the setting of the designated area.

Policy BE8 – Setting of a listed building – this property is within the curtilage of a number of listed buildings and is very close the historic, Grade I, village church. This proposed development will detract from the setting of these buildings.

Policy NE9 – Surface water – in the recent past this area has flooded and additional water run-off from increased development may increase the risk of flooding.'

2.2 OCC Highways:

NO objection subject to conditions.

3. REPRESENTATIONS

- 3.1 Four neighbours were notified of the application and a site notice erected at the site. One letter of representation has been received from Malcolm Sheehan and Alexis Roberts of Fitchetts Cottage. The comments received can be summarised as follows:
- We support the application.
 - The triangular shaped window in the north elevation will directly overlook our only garden and front facing rooms in our house.
 - The applicant has confirmed their intention to use opaque glass but we would wish to see this as a condition of the approval to prevent overlooking.
 - We have no comment to make regarding the other dormer window proposed.

4. APPLICANT'S CASE

- 4.1 The applicants have submitted a Design and Access Statement which concludes as follows: *'the proposal is considered to comply with the NPPF and Saved Policies of the adopted Local Plan. Through extensive pre-application discussions with the Council a comprehensive design scheme has been prepared which proposes the conversion of a redundant shop to a residential dwelling.'*

Accordingly we trust that sufficient information is contained within this application for the Council to consider the application favourably.

In addition a Marketing report has been submitted which is briefly summarised as follows:

- The building is a total of 817 square feet
- The property was marketed through on an on site board, the Oxford Times, 'In Business' Magazine, Savills Commercial property website and EG Property Link and documents were e-mailed to local agents and applicants. The property was marketed from August 2012 to October 2013 on the websites.
- Seven enquiries were received however, none were progressed for various reasons.

Finally, in response to the Parish Council's comments the following statement was received from the agent:

I have now had time to read through the Parish's response and comment on each point below:

Change of Use –

A period of marketing for 12 months has taken place and this has concluded:

- *The property was openly marketed for over 12 months and during this period no one expressed interest in opening a village shop;*
- *The rent of £7500 per annum was quoted on the details and rent was never raised as being an issue nor was any offer made; and,*
- *The quoting rent equates to £9.18 per sq ft as opposed to £13.72 per sq ft for the former village shop in Fifield details of which are contained in our Commercial Marketing Statement.*

In addition, the Parish argue that the accommodation should be kept as ancillary due to the size of the plot, lack of extra parking provision and amenity space. However, through pre-application discussions with Mrs Buckingham as set out in our Planning, Design and Access Statement we were advised that the proposal for a family annexe would not be supported. Mrs Buckingham stated that the residential use should be in the form of a new dwelling instead. Furthermore, OCC Highways have not objected to the amount of car parking we are proposing and adequate amenity is provided – 74m² (excluding the private driveway).

General Development Standards –

The proposed alterations of the building have been discussed twice through pre-application discussions. In both instances we have taken on board the comments of both the planning and conservation officers. In regards to overlooking the neighbours and loss of privacy, details such as amendments to the windows and the removal of a Juliet balcony have been implemented. In addition, the Applicant has been in

correspondence with neighbours throughout the design process with no objections raised on the submission drawings.

Conservation Area/ Listed Buildings –

The proposed extensions and alterations have been designed to respect the property as well as its locality. As stated above, the design has been discussed extensively with the conservation officer and revised to take on board these comments.

Other matters:

Provision of Movement and Parking –

The application meets the requirements of adequate parking provision as set out in appendix 2 of the Local Plan. In addition, discussions have been held with the Highways Authority and no objections to the application has been raised. The two parking spaces proposed are accommodated within the redline of the plan.

Surface Water –

The proposal will not increase surface water run off because the proposal is a conversion of an existing building.

5. POLICY

5.1 In your officers opinion the key policies of the West Oxfordshire Local Plan 2011 in the consideration of this application are policies:

- BE2 (General Development Standards),
- BE3 (Provision for Movement and Parking),
- BE5 (Conservation Areas),
- H2 (General Residential Development Standards), and
- SH5 (Retention of Local Shops and/or Post Offices).

5.2 In addition the National Planning Policy Framework (NPPF) is of consideration.

6. PLANNING ASSESSMENT

6.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that the main issues are considered to be:

- Principle of development;
- Impact upon the character and appearance of the Conservation Area;
- Impact upon amenity;
- Highway safety.

Principle

6.2 The application seeks planning permission for alterations to the existing structure which are supportable in principle. Whilst this is the case, the application also seeks planning permission for the change of use of the existing building from retail to residential. The property was formerly the only shop in the village and as such, is the last retail use to support the local population. Whilst this is the case, the shop has not been open for at least six years. Policy SH5 of the Local Plan 2011 seeks to protect existing retail uses which serve local communities. This policy will only the support the loss of such uses where:

- The existing use is not viable; or
- There is no demonstrable loss in the range of goods and services available within or adjoining the settlement.

- 6.3 As the retail unit is the only shop serving the village the applicant would need to demonstrate compliance with criterion a) of the policy to meet with support. The applicant has submitted a marketing summary (outlined above) which details that the property has been marketed for a period in excess of 12 months. Throughout that marketing period there have been approaches in relation to the use of the building however, none of these approaches were progressed and the majority of which would have required a change of use of the property in any event (therefore, not protecting the retail interest). The property has been marketed in a number of ways, in various publications and on websites and this has not resulted in any re-use of the building for retail purposes. On this basis, whilst the loss of the retail use is regrettable, officers are of the opinion that the applicant has demonstrated compliance with criterion a) of policy SH5 (importantly an either or policy) and as such, the principle of development is considered to accord with the West Oxfordshire Local Plan 2011.
- 6.4 Officers would also ask Members to note that, whilst the NPPF seeks to support the retention of local services such as this, if the property were not in the Conservation Area, the change of use to a dwellinghouse would be permitted development under the amendments to the General Permitted Development Order 1995 which came into force on the 6th April 2014 (subject to the prior notification procedure).

Design and impact upon the Conservation Area

- 6.5 The proposed development involves the provision of a first floor extension to the rear and various external alterations to the building. The proposed introduction of glazing in various part of the building given the design approach a more contemporary feel and given the limited architectural merit of the existing building officers consider that the proposal would not be of harm to the character and appearance of the building or the wider Conservation Area.

Residential Amenity

- 6.6 The property sits in close proximity to the neighbouring properties to the side and rear of the building. The development will, to a certain extent, increase the bulk of the building facing towards the properties to the rear however, is not considered to be so harmful in terms of overbearing or loss of light (when compared to the existing situation) to justify the refusal of planning permission.
- 6.7 New windows have been carefully located to avoid any harmful overlooking to neighbouring properties however, it is important to note that there is a significant degree of mutual overlooking in any event. The comments of the neighbouring property to the north are noted however, the window is a higher level window and overlooks an area which is already visible in the public domain. The relationship of the proposed opening with the neighbouring dwelling (sitting perpendicular) will ensure no direct overlooking into the windows of Fittchets Cottage and on that basis officers do not consider that the imposition of a condition requiring the window to be obscurely glazed in perpetuity is reasonable. Members may however, conclude differently.
- 6.8 The property will be served by very limited amenity space however, not significantly different to other properties in this immediate vicinity.

Highways and parking

- 6.9 The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. Therefore, officers do not consider that the proposed development will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway.

Conclusions

6.10 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits.

RECOMMENDATION

Permit subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: The time condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 (As amended).
- 2 That the development be carried out in accordance with plan No 11-45-002PA Rev 0.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard the character and appearance of the Conservation Area. (Policies BE2, BE5 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 4 The external walls shall be rendered in accordance with a sample panel which shall be laid on site and approved in writing by the Local Planning Authority before development commences and which shall thereafter be retained on site until the development is completed.
REASON: To safeguard the character and appearance of the Conservation Area. (Policies BE2, BE5 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all external joinery details (including dormer windows and rooflights) at a scale of not less than 1:20 (and sections at a scale of 1:5) including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved details.
REASON: To safeguard the character and appearance of the Conservation Area. (Policies BE2, BE5 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 6 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)

14/0299/P/FP The Chequers Church Road Churchill	
Date	03/03/2014 12/03/2014
Officer	Miss Dawn Brodie
Officer Recommendation	Provisional Approval
Parish	CHURCHILL
Grid Ref:	428238,224129

APPLICATION DETAILS

Erection of cotswold stone walling with timber entrance gates to enclose & create external dining areas. Construction of timber pergola and enclose existing escape stairs and kitchen entrance. Associated landscaping works to include low level external lighting and replacement of existing externally illuminated post sign in revised location.

APPLICANT

The Lucky Onion, The Chequers, Church Road, Churchill, Oxfordshire OX7 6NJ

BACKGROUND INFORMATION

The application seeks planning permission for various alterations to the existing public house. There are two other applications relating to the site within this agenda, one for Listed Building Consent and the other for advertisement consent. The merits of the other two applications will also be considered as part of this report. The application relates to a Grade II Listed Building located within a Conservation Area. The site is in a prominent position within the village and is closely located to neighbouring properties.

A previous application for similar development was withdrawn by the applicant due to the strong local objection to the scheme. At the time of preparing the officers report amendments to the plans submitted had been requested by officers although these were mainly to correct discrepancies in the submitted drawings. On this basis, the officer's recommendation set out is provisional subject to the receipt of appropriate amended plans.

I. CONSULTATIONS

I.1 Churchill and Sarsden Parish Council:

The Parish Council has given extensive consideration to the proposals and held an open meeting on 2nd April to allow the views of residents to be expressed and taken into account..

The Council wishes to object most strongly to these proposals on the following grounds.

1. The external eating and drinking areas to the side and rear of the Chequers represent a major intensification of the existing use and would as a result give rise to an intolerable increase in the level of noise and disturbance experienced by surrounding residents whose properties are only a few yards away. The amenity of these residents is already harmed by inconsiderate late night activities of the pub's clientele particularly at weekends and in the warmer months. Some of this, as you will be aware, resulted last year in the intervention of the Police and Licensing Authorities. To add to it would make things unacceptably worse.

2. The application acknowledges that there will be more use of areas currently used for parking as eating and drinking space but claims this would only have " a minor effect on privacy of the local occupants." This is no more than a self-serving assertion given the scale of the external space which would accommodate some 30 to 40 diners and countless drinkers.

3. The application further claims that because the site "is currently a public house with vehicular movement," the harm to the " quiet enjoyment of residents " would be minimal, whilst the extended dining area would " sustain an economic use of the business". The Parish Council rejects the implication that a bit more noise won't matter, and regards the further implication that the Chequers future should somehow be protected at the expense of neighbouring amenity as unreasonable.

4. The proposal would greatly exacerbate the parking congestion that already occurs on Church Road and it is perverse in those circumstances not only to add an area that would generate significantly more parking demand but at the same time to reduce the available on-site parking capacity by 4 spaces. Residents on Church Road frequently find difficulty in exiting their properties safely and on occasion are blocked in. Residents in Langston Close face a similar problem where there must also be real concern that a poorly parked car may prevent access by emergency vehicles.

5. Residents on Church Road and at the rear of the Chequers already experience car generated noise often very late at night and into the small hours. The intensification of use now proposed can only make the situation worse and that is a situation that residents whose amenity is already harmed, should not have to

tolerate.

6. The submitted plans show 5 parking spaces to the front. Due to the proposed front retaining wall, these spaces are of limited depth to the extent that larger parked vehicles would project across the pavement. This would represent a safety hazard for pedestrians bearing in mind there is no footpath on the opposite side of the road.

7. One of the front spaces is immediately in front of the existing ramp giving disabled access to the building. Any parked vehicle would impede such access, and even though that is an existing situation, it is questionable whether increased parking demand should be allowed to add to the pressure.

Notwithstanding the above concerns, it is important for the Parish Council to emphasise that it regards the retention of the Chequers as important for the community, and does not wish to prejudice any reasonable steps the applicants consider to be necessary to ensure its future. However, these should not be, as here, at the expense of a further deterioration in the amenity of those residents nearby.

1.2 OCC Highways:

No comments received to date (final date for comment 10th April 2014)

1.3 WODC Licensing:

No comments received to date (final date for comment 10th April 2014)

2. REPRESENTATIONS

2.1 Fourteen neighbours were notified of the application and fourteen letters of representation have been received. These can be summarised as follows:

- Inaccuracies, omissions and errors on the planning application and submitted drawings.
- OS does not indicate the correct area of the site.
- The existing and proposed front elevation does not show the neighbouring tree or telegraph pole located on the demise adjoining the Warren.
- The proposed front elevation does not tally up with the layout plan.
- The location of the new wall to the front elevation does not coincide correctly with the boundary.
- The current pub sign which is located on highways property is to be relocated outside the applicants demise
- The proposed parking layouts to the front show no indication of the dropped kerb in location to the proposed scheme.
- Disabled access ramp.
- Retractable awning is not apparent on any of the proposed drawings.
- Hours of opening.
- Clarification needed for the additional 48 outside seating spaces in relation to pergola.
- The addition of loose dining tables and chairs may cause increased external numbers.
- Noise due to increased amount of people.
- A suggestion to have Ron Spurs-Principal Community and Licensing Officer, Andrea Thomas Licensing Officer, PC Duncan Johnson, Anti-Social Behaviour Officer and Neil Shellard, Shared Senior Technical Officer, Environmental Protection Team as consultees to the application.
- Object to need for the additional area.
- Loss of privacy within gardens and to local residents.
- Cooking smells and smells from mechanical ventilation.
- Location of bin shelter.
- Traffic and parking control.

- Safety of village children in relation to increased traffic caused by increased visitor numbers.
- Adverse effect on the overall street scene.
- Overdominance of the main arterial route through a small Cotswold village located within an AONB.
- Serious harm to the amenity of surrounding properties through noise disturbance.
- Increased congestion.
- Increased dining/drinking capacity and reducing existing parking spaces.
- Preventing access to Langston Close by emergency vehicles and egress on to Church Street unsafe and therefore adding parking demand will worsen the situation.
- Objection that an extended dining/drinking area is required to sustain the business.
- No interest in relation to the community.
- Uncleared litter by new developers.
- The proposal doesn't seem to be significantly different from the previous application that was withdrawn.
- New owners not considerate to their neighbours.
- Worried the pub will become another 'gastro' restaurant and lose local asset in the pub.
- Suggestion that the wall to the back and side of the building is increased in height to prevent the wall being used as additional seating.
- The proposed wall at the front which would significantly reduce the length of the car parking is unnecessary provided the seating area is defined and contained to a degree by the small amount of box planting.
- Visual impact from pergola.
- Impact of noise and cigarette smoke to residents in their gardens and open windows due to the proximity to the proposed smoking area.
- Proposed walls making it hard for residents to reverse out of their parking areas.
- Access for delivery lorries.
- Local residents feeling unwelcomed and unsafe by new pub visitors.
- Anti-social behaviour of pub users.
- Adverse impact to the heritage and conservation of this small village
- Location of standing sign.
- Outside escape stairs and has it been approved by the Fire Officer.
- Outside lighting being too bright and timeframe it is left on.
- Horse manure and cigarette ends.
- Listed building impacts.
- Obstruction and removal of public footpath to side of the pub in Langston Close
- Problems with vermin.
- The proposed front low level wall is not within the boundary owned by the applicant.
- Only sufficient space for a low intensity village pub.
- Spoil the look of the beautiful heritage building.
- Disabled parking and access
- Noise will further increase impacts on local businesses such as the B&B

3. APPLICANT'S CASE

- 3.1 The applicant's agent has submitted a Heritage Statement with the application which sets out the works and key policies. This can be viewed online on the District Council's website or on the application file.

4. POLICY

- 4.1 The key policies of the West Oxfordshire Local Plan 2011 in the consideration of this application are, in your officer's opinion, policies:

- BE2 (General Development Standards),
- BE3 (Provision for Movement and Parking),
- BE5 (Conservation Areas),
- BE7 (Alterations and Extensions to a Listed Building),
- BE8 (Development Affecting the Setting of a Listed Building),
- BE15 (Advertisements),
- BE19 (Noise),
- H2 (General Residential Development Standards),
- TLC12 (Retention of Existing Community Facilities).

4.2 In addition, the National Planning Policy Framework (NPPF) is of key consideration.

5. PLANNING ASSESSMENT

5.1 Taking into account planning policy, other material considerations and the representations of the interested parties, your officers consider that the main issues are considered to be:

- Principle
- Impact upon the character and appearance of the Conservation Area and the Listed Building;
- Impact upon residential amenity
- Signage impacts
- Parking, footpaths and highways.

Principle

5.2 In your officer's opinion, proposals which support the retention of useful community facilities such as Public Houses should be supported in principle. In many of the Districts villages public houses are being lost as they are considered unviable. Whilst there are no specific policies which support the expansion of existing community uses officers would note that the wording of policy TLC12 of the Local Plan and the NPPF specifically aim to ensure that such facilities are retained.

Impact upon the Conservation Area and Listed Building

5.3 The proposed external alterations to the building, the provision of the low Cotswolds stone walls and the formalisation of the outdoor space associated with the property are all relatively simple changes which do not have an adverse impact upon the character and appearance of the area. The changes improve the informal setting of the public house and as such, are considered to be a positive enhancement to the character and setting of the Listed Building. In your officers opinion the proposed changes would serve to preserve the character of the Conservation Area at the very least.

Residential amenity

5.4 Strong local objection has been received in relation to the intensification of the use of the public house and the use of existing parking spaces to provide an outdoor eating and drinking area. Officers acknowledge that the intensification of the use of the outdoor space of the public house would be of concern to local residents, particularly given the location close to neighbouring properties. Whilst this is the case, officers have considered case law in relation to the use of the land associated with the public house and note that the Development Control Practice Guidance states that: *'changes in the disposition of normal pub activities within the curtilage of that pub do not require planning permission, provided that they fall within the same planning unit. For instance a pub car park may be changed to a beer garden or a pub cellar may be changed to a function room. These are cases where one pub related ancillary use is simply taking the place of another'*. On this basis, the altered

use of the land immediately outside of the rear door of the public house does not fall under the control of the Local Authority provided it is being used as part of the public house. On this basis, officers could not reasonably reject the application on the basis of this element of the scheme.

- 5.5 Given this officers will consider the impact of the development which does fall under the control of the District Council on the amenity of neighbours. The provision of the proposed pergola structure and walls are located approximately 20 metres away from the nearest residential property. On this basis officers do not consider that the low wall or pergola would be harmful in terms of amenity either through overbearing or loss of light implications.
- 5.6 The re-arrangement of the parking would not materially alter in terms of its relationship with neighbouring properties. Officers acknowledge that there is some noise and disturbance from vehicles accessing the leaving the site however, this would not significantly change due to the proposed scheme.
- 5.7 The works to the front of the property would not give rise to any harm to any neighbouring properties.
- 5.8 Whilst officers appreciate that there are genuine concerns form the neighbouring properties in relation to the noise and disturbance associated with the intensification of the use of the public house officers are unable to control this matter through planning law. This matter may however be addressed through licensing or Statutory Nuisance powers.

Signage

- 5.9 The proposed change to the position of the signage has been previously discussed with Conservation Architects. This approach was preferred to the provision of signage on the front of the building itself. The relocation of the sign also allows for better access to the front of the public house. The signage is appropriate in terms of colour and form however, amended plans have been requested which simplify the pole associated with the sign. The relocation of the signage away from the public highway would ensure that there is not unacceptable distraction of passing vehicles. The sign would not be of obstruction or harm to the safety and convenience of users of the public footpaths.

Highways, footpaths and parking

- 5.10 At the time of preparing the officers report no comments had been received from the County Council as highways authority. Whilst this is the case, the Highways Authority was involved in pre-application discussions relating to the site. The proposed re-arrangement of the parking area does result in the loss of four parking spaces, however, the remaining twelve spaces to the rear are of better size and arrangement which should prevent cars parking partly within the access road to Langston Close. Officers acknowledge that this proposal would have a knock on impact upon vehicles parking on the highway however, given that the District Council could not prevent the intensification of the use of the public house, this could take place without any control and as such officers would question whether it is reasonable to refuse planning permission on this basis. Officers will however, give an update as to the comments of the County Council either in the Report of Additional Representations or verbally at the Sub Committee Meeting as necessary.

Conclusions

- 5.11 Officers acknowledge and understand the strong local concern with the application and note that the proposal will impact upon neighbouring properties. Whilst this is the case, the District Council as Local Planning Authority can only control these elements which require planning permission. Given the nature of the changes detailed in the application, the use of the outside space for eating

could not be controlled by the District Council and as such, officers do not consider that this element of the scheme could be used to justify the refusal of planning permission.

- 5.12 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits.

RECOMMENDATION

Provisional approval subject to conditions.

14/0300/P/LB The Chequers Church Road Churchill	
Date	03/03/2014 03/03/2014
Officer	Miss Dawn Brodie
Officer Recommendation	Grant, subject to conditions
Parish	CHURCHILL
Grid Ref:	428238,224129

APPLICATION DETAILS

Alterations to include erection of cotswold stone walling with timber entrance gates to enclose & create external dining areas. Construction of timber pergola and enclose existing escape stairs and kitchen entrance.

APPLICANT

The Lucky Onion, The Chequers, Church Road, Churchill, Oxfordshire OX7 6NJ

SEE REPORT PREPARED FOR APPLICATION 14/0299/P/FP WHICH CONSIDERS THE MERITS OF THIS PROPOSAL

RECOMMENDATION

Permit subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: The time condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 (As amended).
- 2 That the development be carried out in accordance with the plans accompanying the application.
REASON: For the avoidance of doubt as to what is permitted.
- 3 No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.
REASON: To preserve internal features of the Listed Building. (Policy BE7 of the adopted West Oxfordshire Local Plan 2011)
- 4 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.
REASON: To preserve the architectural integrity of the Listed Building. (Policy BE7 of the adopted West Oxfordshire Local Plan 2011)

14/0301/P/AC The Chequers Church Road Churchill	
Date	03/03/2014 2/03/2014
Officer	Miss Dawn Brodie
Officer Recommendation	Provisional Approval
Parish	CHURCHILL
Grid Ref:	428238,224129

APPLICATION DETAILS

Erection of replacement externally illuminated post sign in revised location.

APPLICANT

The Lucky Onion, The Chequers, Church Road, Churchill, Oxfordshire OX7 6NJ

SEE REPORT PREPARED FOR APPLICATION 14/0299/P/FP WHICH CONSIDERS THE MERITS OF THIS APPLICATION.

RECOMMENDATION

Provisional approval subject to the receipt of acceptable amended plans.

14/0344/P/FP Chipping Norton Golf Club Southcombe	
Date	11/03/2014 11/03/2014
Officer	Miss Dawn Brodie
Officer Recommendation	Grant, subject to conditions
Parish	CHIPPING NORTON
Grid Ref:	433566,227051

APPLICATION DETAILS

Change of use of land to site a temporary marquee for functions.

APPLICANT

Cotswolds Club Chipping Norton, C/O Agent.

BACKGROUND INFORMATION

The application seeks planning permission for the erection of a temporary marquee to allow functions at the site. The marquee will be positioned immediately adjacent to the existing club house. The site is not located in any area of special control. The marquee will be 15 x 15 metres with a maximum height of 5.7 metres.

I PLANNING HISTORY

Planning permission has previously been granted for the development subject to conditions under reference 13/1719/P/FP. The conditions attached to that permission are as follows:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. That the development be carried out in accordance with plan No(s) 20001, 30001, 30002 and 40001.
3. That the use of the marquee for functions shall be limited to only one event on any consecutive Friday, Saturday and Sunday and no more than two events in any one week.

4. The use hereby permitted shall be discontinued and the land restored to its former condition within a year of the date of this decision.
5. The use shall not take place other than between the hours of 11:00am and 11:00pm Mondays to Sundays and at no time on Bank Holidays, Good Friday or Christmas Day.
6. The car parking areas shown on the approved plans shall be retained and used for no other purpose.
7. Prior to first use of the development full details of the proposed cycle parking shall be submitted to and approved in writing by the Local Planning Authority and installed on site in accordance with those details. The cycle parking area shall be retained as such thereafter.

2 CONSULTATIONS

2.1 Chipping Norton Town Council

“The Town Council have no objection to this planning application but remain with the same comment as the previous application and state that WODC should only grant permission for one year.”

2.2 OCC Highways

“No objection.”

3 REPRESENTATIONS

Five neighbours have been notified and no letters of representation have been received.

4 APPLICANT’S CASE

The application has submitted a Design and Access Statement in support of the application which is available to view in full on the District Council website.

5 POLICY

In your officers opinion the key policies of the West Oxfordshire Local Plan 2011 in the consideration of this application are policies:

- BE2 (General development Standards),
- BE3 (Provision for movement and parking),
- BE19 (Noise),
- NE1 (Safeguarding the Countryside),
- NE3 (Local Landscape Character), and
- TLC1 (Tourism Leisure and Community Facilities).

6 PLANNING ASSESSMENT

6.1 It is important to note that extant permission is in place for the development, subject to the conditions outlined above. This application essentially seeks to vary the conditions of that approval to allow for:

- A longer consent (3 or 4 years),
- No restrictions on the hours of operation, and

- No restriction on the days of use.

6.2 Officers will consider each of these changes below:

A longer consent (Condition 4)

6.3 The previous permission allowed for the use for a period of one year. Officers restricted the use on this basis due to concerns regarding the relationship with neighbouring properties and concerns in relation to the visual impact of the development. The applicants note that, such a short time period means that the Golf Club can only take bookings for the current year and such events (i.e. weddings) are often booked much further in advance of this. Officers acknowledge that this does make it difficult for the permission to be effective in supporting the golf club however, consider that the 3-4 years requested by the applicant is a significant period of time for such a structure to be in place. On this basis officers have recommended a condition which restricts its use to two years which could be renewed if Members are so minded in the future. Members may however consider that the 3 years requested by the applicant is appropriate given the location.

No restrictions on the hours of use (Condition 5)

6.4 In your officers opinion the loss of the condition could lead to unacceptable harm to the amenity of neighbouring properties, particularly if loud music is played within the marquee during any of these functions. The applicants agent has advised that the any amplified music would be played in the main shall of the club house (which could not be controlled by officers) and that there would only be background music in the marquee. They have suggested a condition which states that:

'No amplified noise audible beyond the boundary of the golf club shall be emitted from within the marquee outside of the hours of 11am to 11pm'.

6.5 In your officer's opinion, the site is in a reasonably tranquil location and any noise disturbance in this area could be of nuisance to neighbouring properties. Whilst this is the case, the nearest private residential property is located 160 metres away and only the residential school located closer at 50 metres away. In your officer's opinion, the condition suggested above, is not precise or enforceable and as such, would not meet the conditions of circular 11/95 in relation the formulation of conditions. However, your officers have suggested a condition which states that no amplified music shall be played within the marquee outside of the hours of 11am and 11pm. This would ensure no significant noise disturbance to neighbouring properties.

No restriction on the days of use (Condition 3)

6.6 Previously a condition required that the development took place on only one day over the weekend (Friday, Saturday and Sunday) and only one other day in the week. The applicants claim that this is unduly restrictive. With regard to the conditions above, and the fact that the use could take place within the existing club house without any control officers are of the opinion that this condition would be unduly restrictive, particularly given the condition restricting amplified noise.

Conclusions

6.7 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits.

RECOMMENDATION

Permit subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: The time condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 (As amended).
- 2 That the development be carried out in accordance with the plans accompanying the application.
REASON: For the avoidance of doubt as to what is permitted.
- 3 That no amplified music shall be played in the marquee other than between the hours of 11:00am and 11:00pm Mondays to Sundays and at no time on Bank Holidays, Good Friday or Christmas Day.
REASON: To safeguard living conditions in nearby properties. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 4 The car parking areas shown on the approved plans shall be retained and used for no other purpose.
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 5 Prior to first use of the development full details of the proposed cycle parking shall be submitted to and approved in writing by the Local Planning Authority and installed on site in accordance with those details. The cycle parking area shall be retained as such thereafter.
REASON: In the interest of safe and convenient parking facilities. (Policy BE3 of the West Oxfordshire Local Plan 2011)
- 6 The use hereby permitted shall be discontinued and the land restored to its former condition within two years of the date of this decision.
REASON: The use is only justified by the special and temporary need for the development and would not be acceptable on a permanent basis due to the poor sound insulation and resulting impact upon neighbours and the impact upon the character of the area. (Policies BE2, BE19, NE1, NE3 and H2 of the West Oxfordshire Local Plan 2011)

14/0364/P/FP Quart Pot 3 High Street Milton Under Wychwood	
Date	13/03/2014 14/03/2014
Officer	Miss Dawn Brodie
Officer Recommendation	Refuse
Parish	MILTON UNDER WYCHWOOD
Grid Ref:	426464,218290

APPLICATION DETAILS

Erection of four dwellings with associated parking and construction of car parking for public house.

APPLICANT

Acres Developments Ltd & ICSL, Bristol and West House, Post Office Road, Bournemouth, Dorset BH1 1BL

BACKGROUND INFORMATION

The application seeks planning permission for the sub-division of the site to allow for four dwellings to be constructed on what currently forms the car park and part of the beer garden associated with the Public House. The site is in a prominent and elevated position within the street scene, not within a Conservation Area, but within the Cotswolds Area of Outstanding Natural Beauty.

The application proposes the sub-division of the site with part of the site retained to for parking and beer garden associated with the existing public house (currently closed for business). The application proposes the erection of a four three-bedroom properties.

I PLANNING HISTORY

- 1.1 Planning permission was refused for the erection of a detached dwelling with associated parking and new access and alterations to the existing car park by the Uplands Area Planning Sub Committee on the 28th April 2011 under reference 11/0350/P/FP. The application was refused for the following reasons:

That the proposed dwelling due to its scale, massing and design would result in an incongruous addition to the street scene. The proposed dwelling would be uncharacteristic due to its height and double gable form which does not reflect the character or appearance of the local area. As such, the proposal would be contrary to Policies BE2 and H2 of the West Oxfordshire Local Plan 2011.

The combination of the beer garden and public house provide for an important local community facility, the only one in the village. Furthermore, the ancillary building on site provides important ancillary storage associated with the Public House. The proposed development would result in the loss of the beer garden and ancillary buildings for the public house and as such, would result in the loss of a valuable community facility serving the local area. As such, the proposal is contrary to the aims of Policy TLC12 and the Sustainable Communities Strategy.

An appeal against this decision was dismissed by the Planning Inspectorate.

- 1.2 Planning permission was refused for the erection of one dwelling and conversion of public house to one dwelling with associated parking and landscaping under reference 11/1365/P/FP for the following reason:

That it has not been demonstrated that the use of the building as a public house is not viable or that there is accessible alternative provision. As such, the proposal will result in the loss of an important community facility within the village. The proposal is contrary to guidance contained within Planning Policy Statement 4: Planning for Sustainable Growth and Policy TLC12 of the West Oxfordshire Local Plan 2011.

An appeal against this decision was dismissed by the Planning Inspectorate.

- 1.3 Planning permission was refused for the erection of detached dwelling with associated parking and new access and alterations to the existing car park under reference 11/1863/P/FP was refused for the following reasons:

That it has not been demonstrated that the reduction in the size of the beer garden and the provision of reduced and inconvenient parking would not further adversely impact the viability of the public house. Nor has it been demonstrated that the proposal constitutes enabling development to secure the future viability of the Public House. As such, the development is contrary to the aims of Policy TLC12 of the West Oxfordshire Local Plan 2011 and the aims of the Sustainable Communities Strategy.

That the proposed parking layout would result in inconvenient parking spaces with limited turning space resulting in vehicles reversing onto the highway in an unsafe location where visibility is limited. As such, the development would result in an unacceptable impact upon highway safety to the detriment of vehicular and pedestrian users of the highway contrary to Policy BE3 of the West Oxfordshire Local Plan 2011.

- 1.4 An application for planning permission was submitted in 2013 for the erection of single storey rear extension to existing public house and construction of 8 flats together with associated car parking

facilities and landscaping under reference 13/1235/P/FP. This application was withdrawn prior to determination.

2 CONSULTATIONS

2.1 Milton under Wychwood Parish Council:

'Following the meeting of the Parish Council last evening and with reference to the above, Milton-under-Wychwood Parish Council wish to make the following objections:

1 OVERDEVELOPMENT

The erection of four terraced cottages is too many for the size of the site and not in keeping with the surrounding area. The Parish Council consider 2 or may be 3 cottages would be more in keeping with the size of the plot.

2 ACCESS

There is a shared access for both the Public House and cottages. This is very narrow and single lane only. Vehicles are going to experience problems on entering and leaving the development.

3 PARKING

On and off the site parking. Parking for the Public House is inadequate with only seven spaces allocated. Problems can be foreseen with both Public House parking and that of the cottages. Each will be using the other if parking available. This will lead to vehicles parking out on the High Street. The High Street is already congested and regularly experiences difficulties with parked vehicles and this is with the Quart Pot currently closed and with no additional development in the High Street. Buses regularly experience problems with blocking the road when stopping at the bus stop opposite the proposed development. Vehicles have to wait for the bus to move on to continue their journey. Parking is a cause of great concern to the Parish Council and to residents of the village.

Milton-under-Wychwood would like to see some form of legal agreement in place that if the proposed planning goes ahead that the Public House will open as a Public House.

The Parish Council ask you to consider these points when making your decision on this planning application.'

2.2 OCC Highways

No comments received to date (final date for comment 14/04/14).

3 REPRESENTATIONS

3.1 Twenty two neighbours were notified of the application and seventeen letters of representation have been received. The comments received can be summarised as follows:

- parking spaces for a pub are insufficient when half of them would be used by the landlord and staff.
- The access road with no passing places being only 10 feet wide is insufficient.
- The access track will result in vehicles reversing onto the highway.
- There is cramped and limited turning space.
- The applicants have no interest in the pub as a village amenity or public house.
- This proposal is worse than the other application for eight flats.
- They have created a further hazard due to the narrowness of the access road.
- The fear of being unable to park in the car park and having to reverse onto the street would discourage people from using the car park.

- The report submitted in relation to on street parking is not accurate. There are often queue's to pass along High Street and no parking spaces available.
- The development will destroy the character of the building.
- Villagers do not want urbanisation.
- Surrounding villagers support the shops in the village, if they cannot park they will go elsewhere.
- A three storey building is too high and dominant for this position.
- The lack of parking will make an already difficult situation worse.
- The limited access point will cause a lot of congestion.
- The access would be of danger to school children who wait for the bus in this position.
- The Quart-Pot is of historical value to the village.
- The height of the building should not be above the height of the existing building.
- The development would overshadow and cause a loss of light to the public house.
- Nothing has changed since the previous refusals.
- Previous applications were supported by information from Fleurets which suggested that an increased food offer would be required to make the pub viable – this information is lacking in this application.
- The business case for the proposal is weak.
- The parking situation has not been properly assessed – no account is made of the additional congestion caused by buses or the parking difficulties experienced in the area.
- The development is too dense for the site and would result in more that five times the average density over the whole village.
- The car parking is inadequate.
- The application gives no assurance that the future of the Quart Pot will be in any way protected.
- The pub should be sold to an independent operator who has serious plans to open it as a business before planning permission of any kind is given.
- The development would leave very little scope for improvements or extensions to the existing properties.
- There have been previous expressions of interest in the pub but the owner is not wiling to sell. The pub has been gutted internally.
- The submitted information shows exaggerated costs and in actual fact, with 50% affordable housing, a profit of £16,514 could be made.
- The scale, design and massing would result in a dominant hulk of a building and an unjustified and unwelcome addition to the village.
- The development would completely overlook my property (Wedgewood) and would result in a loss of light. The site is only 16.8 metres from my front windows.
- The development would infringe the 45 degree rule for windows (Wedgewood).
- Noise and disturbance from the pub would be a nuisance to any new dwellings.
- The site is significantly higher than the adjacent footpath and is held back by a stone wall – this should be preserved.
- The development would be incongruous and ugly
- The development would overlook 10 and 8 High Street.

4 APPLICANTS CASE

4.1 The applicant's agent has submitted a Design and Access Statement and a financial appraisal in support of the application. They conclude as follows:

Design and access statement:

- 4.2 *This application has been prepared in close consultation with the council and it responds to previous concerns and seeks to deliver their aspirations for the site.*

The proposed sustainable development will secure a long term efficient use for the site and will give the public house the best chance of a viable future.

The development of houses will provide much needed modest family sized residential units to meet local need in the village and will make effective use of this underutilised site.

On this basis the Council is invited to support the proposals and grant planning permission.

Financial appraisal:

- 4.3 *West Oxfordshire District Council are looking to apply their current affordable housing policy requiring that 50% of the 4 houses proposed are to be affordable units. It is the conclusion of this report that by imposing the policy, the value of the development site is reduced, as set out in our attached residual valuation and summarised below, to a level that makes the scheme unviable and would therefore not permit the pub on its own being sold to the operator at a level required for them to make the business work.*

Acres development took the risk of purchasing the pub which had ceased trading and was in a dilapidated condition for a figure of £260,000. In order to allow the pub to re-open as a community facility for Milton under Wychwood, it is necessary for the owners to secure an operator who will undertake the required refurbishment program to restore the building to commercially viable premises.

To do this they have had to agree a price of £160,000 for the pub and reduced area of garden, keeping back part of the car park to the side to be used for the apartment development, in order to help fund the sale of the pub premises at a loss.

In light of the above we are of the opinion that were the site to be developed with no affordable housing following the sale of the pub for £160,000, a profit could be generated for the developer of circa £205,941. This reflects a profit margin of 19.53% on costs which is just below the industry standard level to expect given the risk that the developer has taken to acquire the site in order to deliver a working and viable pub back to the community.

In light of the above we are of the opinion that if the site were to be developed with 50% affordable units following the sale of the pub for £160,000 a loss would be made for the developer of circa £41,400.. This reflects a negative margin of 3.84% on costs which would clearly be unacceptable.

5 RELEVANT PLANNING POLICY

- 5.1 The key policies in the consideration of this application are, in your officers opinion, policies BE2 (General Development Standards), BE3 (Provision for Movement and Parking), BE4 (Open Space within and Adjoining Settlements), NE15 (Protected Species), H2 (General Residential Development Standards), H6 (Medium Sized Villages) and TLC12 (Protection of Existing Community Services and Facilities) of the West Oxfordshire Local Plan 2011.
- 5.2 In addition National Planning Policy Framework (NPPF) is of consideration.

6 PLANNING ASSESSMENT

- 6.1 Taking into account Planning Policy, other material considerations and the representations of third parties officers consider that the key considerations of the application are:
- Principle of development

- Impact upon the character and appearance of the area
- Impact upon residential amenity
- Impact upon highway safety
- Affordable housing

Principle of development

- 6.2 The principle of development forms two key parts. Firstly the principle of new dwellings on this site and secondly the principle of the loss of the land which currently forms part of the public house.
- 6.3 Considering the principle of new dwellings first officers would advise that the District Council does not currently have a five year housing land supply. In accordance with paragraph 49 of the NPPF, if the Council are unable to demonstrate the five year supply of developable sites then the policies of the Local Plan (relating to housing) should be considered out of date and should be determined with a presumption in favour of sustainable development. Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out of date planning permission should be granted unless:
- Adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole, or
 - Specific policies in this framework indicate development should be restricted.
- 6.4 On the basis of the lack of a five year land supply, the guidance of the NPPF and that Milton is considered to be a relatively sustainable location officers would advise that the principle of new dwellings on this site is supportable.
- 6.5 Whilst this is the case, there is another key principle consideration of this application, the implication of the development in relation to the Public House. Whilst officers acknowledge that the housing policies of the local plan are considered out of date, the remainder of the saved policies are still applicable for development management purposes. Policy TLC12 of the West Oxfordshire Local Plan 2011 states that the loss of community facilities (such as public houses) will only be supported where:
- The existing use is no longer viable; or
 - Adequate and accessible alternative provision remains or will be provided.
- 6.6 This policy formed the basis for the refusal of the two previous applications relating to development on this part of the site and Inspectors previously concluded that: *'the severing and development of the land as a result of the appeal proposal would most likely be an irreversible step and I consider that this should not be permitted unless the future of the public house has been fully explored. In the absence of any assessment of the business option of the public house I consider that the reduction in the size of the land associated with it would not be in the best interests of its future viability.'*
- 6.7 Furthermore, since those decisions the NPPF has been introduced and paragraph 28 notes that District Council's should be promoting the retention and development of local services in villages such as shops, meeting places, sports venues, cultural buildings, public houses and places of worship.
- 6.8 The current application seeks development on the same part of land which formed the previous applications. In this application the applicant's agent has sought to argue that the development of the land would secure the viability of the public house. The NPPF does allow for support of proposals where a development which would not normally be considered acceptable is allowed due to the wider benefits associated with its approval. Given the consistent resistance of development on the site (without a thorough assessment of the impact of the loss of the land on the viability of the public house) by both the District Council and the Planning Inspectorate, the

only way the District Council could support such a proposal would be if this were considered enabling development to secure the long term retention of the public house.

- 6.9 In pre-application discussions relating to the site officers have consistently advised the applicant and their agent of this matter. It was also advised that the District Council would only be able to support a scheme which was the minimum necessary to secure the retention of the pub. The property, at the current time is in a poor state of repair and would require significant works to bring it back to a useable standard.
- 6.10 The application has not been supported by any assessment of the works required to the public house to enable its ongoing use as a public house. The current application proposes the development on the basis that this will allow the public house to be sold on to a third party at a reduced rate to that which it was purchased at. Whilst officers acknowledge that that may make the public house more attractive in the market place your officers have not received any information to justify the level of reduction in the price (i.e. how does the loss of the land for development and the works required influence the purchase price for the site). Furthermore, whilst a lower price may attract potential purchasers this would not directly secure the retention of the public house which is the aim of enabling development.
- 6.11 On this basis, your officers are of the opinion that the proposed development is unacceptable in relation to policy TLC12 of the Local Plan and Paragraph 28 of the NPPF in that it does not secure the retention of the public house in the longer term.
- 6.12 In this instance, whilst the District Council cannot demonstrate a five year land supply officers are of the opinion that inability of the proposal to secure the retention of the public house is sufficient harm to outweigh the benefit in terms of housing land supply.

Impact upon the character and appearance of the area

- 6.13 The provision of the two and a half storey dwellings on the site has a more comfortable relationship with the boundaries of the site and provides for the development to be set back in the site slightly. In your officers opinion, in terms of visual amenity the current application provides for a more comfortable addition to the street scene in terms of scale and massing. The materials proposed as part of the application are stone under a plain tile roof with timber windows. The rear dormer windows are flat roofed in form and have a more contemporary feel; this reflects the contemporary rear flat roofed single storey element. The proposal is therefore considered to be appropriate in terms of the character and appearance of the area.

Impact upon residential amenity

- 6.14 The application in its current form would not give rise to any unacceptable impact upon residential amenity. The proposed development has no windows in the side elevations facing toward the neighbouring properties. There is dense boundary screening along the boundary with Foxlore and given this officers do not consider that the development would give rise to harmful overlooking, even from the rear windows. Furthermore, as the development is sat further forward in the site than Foxlore the development would have no harmful overbearing or loss of light implications either, especially given the boundary planting. The Public House would sit between the proposed dwelling and the property at The Green which would prevent any harm to the amenity of that property. Parking for the public house is displaced on land to the rear of it however; the separation distances will ensure the amenity of that part of that property is not harmed.
- 6.15 The properties are all to be served by private amenity space. Whilst some of the gardens are very small, the limited amenity space is not sufficient in terms of harm to justify the refusal of planning permission.

Impact upon highway safety

- 6.16 The application has a requirement for 8 spaces to serve the proposed flatted development. As submitted the application proposes two spaces per dwelling (to standard) and seven spaces to serve the public house. To support this provision the application has been submitted with a parking survey of the local area. This survey suggests that there is sufficient on road parking availability within the vicinity to ensure that any spillage of parking onto the road could be accommodated. At this time the County Council as highways authority have not responded to the scheme and as such, an update in this regard will be given in the Report of Additional Representations or verbally at the Sub-Committee Meeting

Affordable Housing

- 6.17 The application has been submitted with an affordable housing assessment which states that 50% affordable housing would render the scheme unviable, particularly given the loss which the applicant is willing to accept on the public house. Your officers acknowledge that development which would secure the retention of the public house would, by the very nature of the investment required, result in limited or no affordable housing being provided. The applicants have provided two assessments, one with 0% affordable housing which would generate a profit of £205,941 (19.53%) whilst the 50% affordable housing provision would cause the development to generate a loss of £41,400. On this basis of the information available as part of the application your officers would suggest that a 19.53% profit is reasonable in the current climate. The other figures provided in the assessments are all considered to be reasonable and on this basis, officers would suggest that the proposal has addressed the requirements of policy H11 of the Local Plan.

Conclusions

- 6.18 On the basis of Planning Policy, other material considerations and the representations of third parties officers conclude that the application is unacceptable for the reasons set out below.

RECOMMENDATION

Reasons For Refusal :

That it has not been demonstrated that the reduction in the size of the beer garden and the provision of reduced parking would not further adversely impact the viability of the public house. Nor has it been demonstrated that the provision of the flats would constitute enabling development to secure the long term future viability of the Public House. As such, the development is contrary to the aims of Policy TLC12 of the West Oxfordshire Local Plan 2011 and paragraph 28 of the National Planning Policy Framework.

14/0381/P/FP Woodstock Lodge Blenheim Park Woodstock	
Date	17/03/2014 17/03/2014
Officer	Miss Dawn Brodie
Officer Recommendation	Grant, subject to conditions
Parish	BLENHEIM
Grid Ref:	444278,216731

APPLICATION DETAILS

Resurface existing car park and realign parking areas.

APPLICANT

Mr Roger File, Estate Office, Blenheim Park, Woodstock, Oxfordshire OX20 1PP

BACKGROUND INFORMATION

The application seeks planning permission for the provision of an enhanced car parking facility at the site. The car parking will be located on the site of the existing well used car park to the north side of the main driveway from the Hensington Lodge access to the park. The site is within the World Heritage Site, a Grade I Historic Park and Garden and there are a number of Listed Buildings in the vicinity including the Grade I Listed Palace 270 metres to the south west, Grade II Listed China Corner 60 metres to the north and Grade II Listed Hensington Gate located 160 metres to the east.

The application proposes replacement of the existing hardcore, grasscrete and grass parking area with a more formalised rolled gravel car park (similar to the finish directly outside of the Palace itself). The application also proposes the reduction in the number of access points off the main tree-lined avenue.

The application has been brought to Committee due to concerns raised by Councillor Cooper in relation to the proposed development.

I. CONSULTATIONS

I.1 Blenheim Parish Meeting:

No comments received to date (final date for comment 24th April 2014)

I.2 Adjacent Parish Council Woodstock:

No comments received to date (final date for comment 24th April 2014)

I.3 OCC Highways:

No comments received to date (final date for comment 24th April 2014)

I.4 English Heritage:

“While the principle of hard surfacing the car park is accepted as the only feasible solution to a difficult problem it nevertheless harms the significance of the park to an extent. A clearer justification is needed that the tarmaced area has to be the size proposed before we could accept the proposals.

English Heritage Advice

The current main car park at Blenheim is clearly inadequate and a better solution is desperately needed. The present car park does harm the setting of the Palace and the significance of the park as it lies adjacent to the main drive. What should be a splendid entrance through an Arcadian idyll along a formal drive is undoubtedly compromised by the presence of a large number of parked cars. Nevertheless, the cars need to park somewhere and this is probably the least harmful location within easy walking distance of the house. The informal nature of the current surfacing also lessens its impact to an extent.

Ideally cars would be removed from the approaches to the Palace all together and corralled in a discreet park and ride facility at the edge of the park close to an entrance. This approach has been adopted successfully at Stowe and Stonehenge and is in the process of being implemented at Waddesdon. Adopting such a scheme would be challenging at Blenheim due to the large numbers of visitors and the difficulty of finding a suitable site within the park. Nevertheless, we believe that removing car parking from key areas of the park, which would necessarily involve some form of remote car parking, should be a long term management aim. As the current car park could not grow beyond its current size without seriously damaging the appearance of a key element of the park we would not be able to support any future expansion. Should additional parking provision be required in the future then an alternative solution will need to be found and we would work with the estate to find this.

A tarmac surface is accepted as the only feasible means of improving the current car park. The

landscaping approach suggested is well thought out and minimises the visual impact of the tarmac but there is still a degree of additional harm, as tarmac will inevitably be more visually intrusive and feel more permanent than the current surfaces. In order to ensure that the level of harm is the minimum necessary to deliver a car park that is fit for purpose the applicant should demonstrate that the tarmaced area is no larger than is required by regular use (i.e. every weekend in summer) as 'grasscrete' surfaces should be sufficient for the additional parking needed for special events. This case has yet to be made as the Design and Access Statement currently contains no information on how many spaces are needed to cope with normal opening conditions and how this relates to the number of tarmaced spaces currently proposed.

Recommendation

We recommend that the applicant provides a clearer justification of how many hard surfaced car parking spaces are needed in order to be certain that the right balance between harm and the benefit is struck as required by paragraph 134 of the NPPF. Should the case can be made we would be content for planning permission to be granted.

Following discussions between the applicant and English Heritage the following comments were received:

Following my letter regarding this application I have had a conversation with Roger File at the Palace and he has sent me visitor numbers for the last couple of years. These (which are attached) suggest that visitor numbers in weekends during spring and autumn (the time of year when the grass is wet parking on it doesn't work) are often in excess of 2000. Assuming 3 persons per car that is 667 cars, somewhat more than the capacity of the car park (which is 306). Granted that there are other car parking areas, for instance immediately to the east of the palace and near the walled garden but even so it is reasonable to conclude that the proposed parking area is not oversized and we would be content for the application to be granted."

2. REPRESENTATIONS

- 2.1 Thirty eight neighbours were notified of the application and, at the time of preparing the officers report, no letters of representation had been received. Furthermore, a site notice was erected at the entrance to the Palace and no comments have been received in relation to this.

3. APPLICANT'S CASE

- 3.1 The application has submitted a Design and Access Statement, Arboricultural Report and Landscape Impact Assessment as part of the application. These documents conclude, or are summarised as follows:

Design and Access Statement:

'Blenheim Palace world Heritage Site is one of the Country's most significant heritage assets, attracting over 650,000 visitors a year; however, its infrastructure is struggling to cater for such numbers particularly during bad weather when the car parking facilities are inadequate. The proposal demonstrates a very sympathetic solution, with minimal impact (in fact we believe it to be a significant enhancement over the current position) and giving significant enhancement to the visitor's experience of Blenheim Palace.

We urge officers to support this application which we believe is fundamental to the future of the World Heritage Site'

Landscape Impact Assessment:

'The public benefits of the improved car parking need to be weighed against the potential harm to the cultural and landscape significance of Blenheim Palace and Park. A car park already existing in this location – the proposals seek to make improvements. Substantial public benefits could accrue that would

significantly outweigh the minor impact or harm to the identified landscape and cultural significance of the landscape and settings of the building. An archaeological watching brief should be considered should consent be forthcoming, in view of the archaeological interest of the site.'

Arboricultural Report:

'The new development proposals are positive from an arboricultural view. They will reduce the number of access points and allow wider gaps for access. This should in turn reduce the impact of vehicle movements. The removal of three lime trees is part of the long term plan for the avenue so the arboricultural and amenity impact will be minimal in the short term.

Provided adequate measures are put in place during the development process, this development allows for the healthy retention of most of the existing trees and the long terms development and preservation of the avenue.

These documents can be viewed in full on the District Council's website or the application file.

In addition to the above, the following comments have been received in relation to the application.

This note is prepared as supplementary information to the Design and Access Statement prepared in respect of application number 14/0381/P/FP. In particular it is a response to comments from the ward District Councillor that alternative options should have been considered in greater depth, in particular expanding the parking at the Pleasure Gardens.

The site selected to form the basis of this application was chosen for the following reasons:

- It is currently used as a car park and has been so for approximately 50 years.
- It is in a relatively elevated position; the creation of a small bund to the western end of the site therefore allows the introduced hard surfaces to be screened when viewed from the wider landscape.
- The site is located close to the main entrance, pulling cars deeper into the Park before parking would not only be unsightly but cause a greater intensity of movements and a greater opportunity for conflict with visitors.

The expansion of the Pleasure Gardens car park would:

- Cause greater visibility of the hard surfaced areas from the wider Park
- Require development of previously undeveloped parkland'

A full assessment of the proposed site was included as an attachment to the Design and Access Statement.

<i>In respect of other options considered I summarise these in the table below:</i> Location	Commentary
Pleasure Gardens	See above
Low Park (to South of the Palace near Bladon)	Would be visually intrusive when viewed from the Palace and interrupt one of the more important views from the Palace looking out.
North Park	Difficult to access the volume of vehicles to this area would result in disturbance of previously undeveloped Parkland.
Water Meadows (Long Hanborough)	Easy access from A4095 but prone to flooding

4. POLICY

- 4.1 In your officers opinion the key policies of the West Oxfordshire Local Plan 2011 in the consideration of the application are policies:
- BE2 (General Development Standards),
 - BE3 (Provision for Parking and movement),
 - BE8 (Development Affecting the Setting of a Listed Building),
 - BE11 (Historic Parks and Gardens), and
 - NE6 (Retention of Trees, Woodland and Hedgerows).
- 4.2 In addition, to the above, the National Planning Policy Framework (NPPF) is of consideration, particularly section 12. The National Planning Practice Guidance is a material consideration.

5. PLANNING ASSESSMENT

- 5.1 Taking into account planning policy, other material considerations and the representations of the interested parties, your officers are of the opinion that the main issues considerations are:
- Impact on the significance of the World Heritage Site, and
 - Impact upon the character, appearance and setting of the Listed Buildings.
- 5.2 The District Council has carried out the statutory requirement for consultation with English Heritage. Your officers are of the understanding that in relation to applications for World Heritage Sites it is English Heritages responsibility to consult with DCMS if they see fit and DCMS to consult with UNESCO as they see fit. Clarification has been sought on this matter (from English Heritage) and they have confirmed this to be their understanding also. Officers only have a requirement to refer the application to the Secretary of State where the application is to be approved contrary to objections from English Heritage.

Impact upon the World Heritage Site

- 5.3 The application proposes the replacement of the existing surfacing with a more permanent solution for this part of the site. The site is visible along one of the main avenues which forms an entrance to the parkland; however, due to the rolling nature of the remainder of the parkland the site is in a relatively elevated position compared to the remainder of the parkland. Whilst there are no specific policies in the West Oxfordshire Local Plan in relation to World Heritage Sites policy BE11 of that plan seeks to protect the Registered Historic Park and Garden. The policy states that development will not be permitted which: *'adversely affects the character, setting, amenities, historical context or views within, into or form a Park and Garden of historic interest'*.
- 5.4 The site, as existing, as a mix of surface materials including hardcore/ gravel, grasscrete and grass. The site has limited areas of hardstanding and does suffer from poor access at times of bad weather. At present there are seven access points from the main avenue into the area of parking. The site is screened, to a certain extent, during the warmer months by the trees along the tree lined avenue. The application proposes the creation of a more formal car parking area topped with rolled gravel (similar in appearance to the immediately adjacent to the Palace itself). The formal rows of the parking area will be separated by green swales which will break up the area of hardsurfacing. In addition to this the application proposes the closure of a number of the access points with just one access and two exit point being proposed. This will reduce the number of intrusions in the grass verge along the tree lined avenue by four.
- 5.5 In considering applications for World Heritage Sites the NPPF states (at paragraph 137) that local planning authorities should look for opportunities in World Heritage Sites which enhance or better reveal their significance. It further notes that the proposals which preserve the elements of the setting which make a positive contribution to or better reveal the significance of the asset should

be treated favourably. Furthermore, the National Planning Practice Guidance states that: *'applicants proposing change that might affect the Outstanding Universal Value, integrity and, where applicable, authenticity of a World Heritage Site through development within the Site or affecting its setting or buffer zone (or equivalent) need to submit sufficient information with their applications to enable assessment of impact on Outstanding Universal Value'*.

- 5.6 As noted above, the applicant has submitted a Landscape and Visual Impact Assessment and an arboricultural Report in support of the application. In addition a detailed Design and Access Statement has been submitted. The conclusions of the documents submitted can be read above. The Design and Access Statement submitted in support of the application notes the current difficulties in parking at the site, particularly when there are adverse weather conditions. It is also noted that in circumstances where the car park is inaccessible insufficient parking is available elsewhere and vehicles park on the verges of the avenues. Whilst this is only a temporary intrusion to the park it does detract from the experience of visitors to the park which should be encouraged due to its internationally recognised importance.
- 5.7 It is important for Members to note that this site is already used for parking and has been done for a significant number of years (albeit on the existing grass surface) and the refusal of this application would not result in this area no longer being used for such a purpose.
- 5.8 The proposed development would remove an area of grassland in the park. The park itself is Listed and is recognised as an important contributory factor to the significance of the World Heritage Site and Parkland. Whilst this is the case, considering the wider context of the palace your officers are of the opinion that this is one of the more discrete locations within easy access to the palace. The site is relatively elevated compared to the more immediate context of the palace and this, along with the grass bund proposed will limit views of the car park from the palace and the majority of the wider parkland. The site will be visible on approach from the Hensington Gate which is one of the key approaches to the palace however, a balance needs to be struck between the limited harm the development will cause to this immediate area and the potential wider harm which could be caused by an alternative site which does not impact upon this avenue. Whilst the impact on the avenue is noted, officers do not consider that this impact would be so significant to impact upon the outstanding universal value, integrity or authenticity of the World Heritage Site.
- 5.9 The comments of English Heritage are noted and officers acknowledged however, English Heritage have also recognised the importance of access to the Heritage Site and the numbers of visitors to the site each year and acknowledge that the parking area is not unnecessarily large and caters well for anticipated visitor numbers.
- 5.10 In addition, it is acknowledged that the parkland is important to the significance of the heritage asset, however, it is a relatively discreet corner of the asset and would allow for better and more sustainable access to the asset. Furthermore, other sites have been considered by the applicant (as detailed above) and officers do not disagree with the conclusions drawn in relation to those other sites.
- 5.11 On this basis, your officers are of the opinion that whilst the development will impact upon the character of the World Heritage Site and Listed Parkland, the harm is limited to this immediate location and would be in a position where car parking is already a permanent feature. On this basis, the development is not considered to give rise to such harm to the character of the parkland or important views, into, out of or within the parkland and heritage site to justify the refusal of planning permission.

Impact upon the character, appearance and setting of the Listed Buildings

- 5.12 As detailed above, the site is closely located to a number of Listed Buildings. Those of particular note are China Corner, The Palace itself and Hensington Gate. Whilst, upon entrance at Hensington gate the palace will be seen in the context of the parking area, these are relatively distant views and given this officers do not consider that the car parking would be any more harmful to the setting of the Palace than the parking area immediately adjacent to the Listed Building. Importantly, in views from the Palace the parking area will largely be screened by existing planting and the proposed bund on the south west boundary.
- 5.13 There will be views of the parking area in relation to Hensington Gate again, these will be distance views and are not considered by your officers to be so harmful to the character or special interest of that building to justify the refusal of planning permission.
- 5.14 China Corner is the closest property to the application site sitting just 60 metres to the north. From the Palace Grounds the building will be seen in the context of the car park. From this point, views of this building will be impacted however; the property has a very clear boundary defined by a boundary wall with intervening planting which provides some separation between the car park and the Listed property. Overall, officers do not consider that the impact of this development upon the character and setting of the Listed Building would be so harmful to justify the refusal of planning permission.

Conclusions

- 5.15 In light of the comments above, officers are of the opinion that the development is considered to be acceptable. The development will cause some harm to the character of the Listed Parkland/ World Heritage Site however, due to the position and scale of the proposal officers do not consider that this harm would be substantial or that it would adversely affect the significance of the asset. This, as well as the purpose of the facility to provide better and more convenient access to a site of universal importance, is considered to weigh in the favour of the application. In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits.

RECOMMENDATION

Permit subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: The time condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 (As amended).
- 2 That the development be carried out in accordance with the plans accompanying the application.
REASON: For the avoidance of doubt as to what is permitted.
- 3 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: "Trees in Relation to Design, Demolition and Construction" and has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.
REASON: To safeguard features that contribute to the character and landscape of the World Heritage Site and wider area. (Policies BE11 and NE6 of the adopted West Oxfordshire Local Plan 2011)

- 4 Notwithstanding any indication contained in the application, a detailed schedule of all hard surface materials including samples, shall be submitted to and approved in writing by the Local Planning Authority before building work commences within these areas. The surfaces shall be constructed in accordance with the approved details before occupation of any associated building.
REASON: To safeguard features that contribute to the character and landscape of the World Heritage Site and wider area. (Policies BE1 I and NE6 of the adopted West Oxfordshire Local Plan 2011)
- 5 That a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall be implemented as approved in the first planting season following the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with a maintenance scheme which shall be submitted to and approved in writing by the Local Planning Authority. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To safeguard features that contribute to the character and landscape of the World Heritage Site and wider area. (Policies BE1 I and NE6 of the adopted West Oxfordshire Local Plan 2011)