

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 7th January 2019

**REPORT OF THE HEAD OF PLANNING
AND STRATEGIC HOUSING**



**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

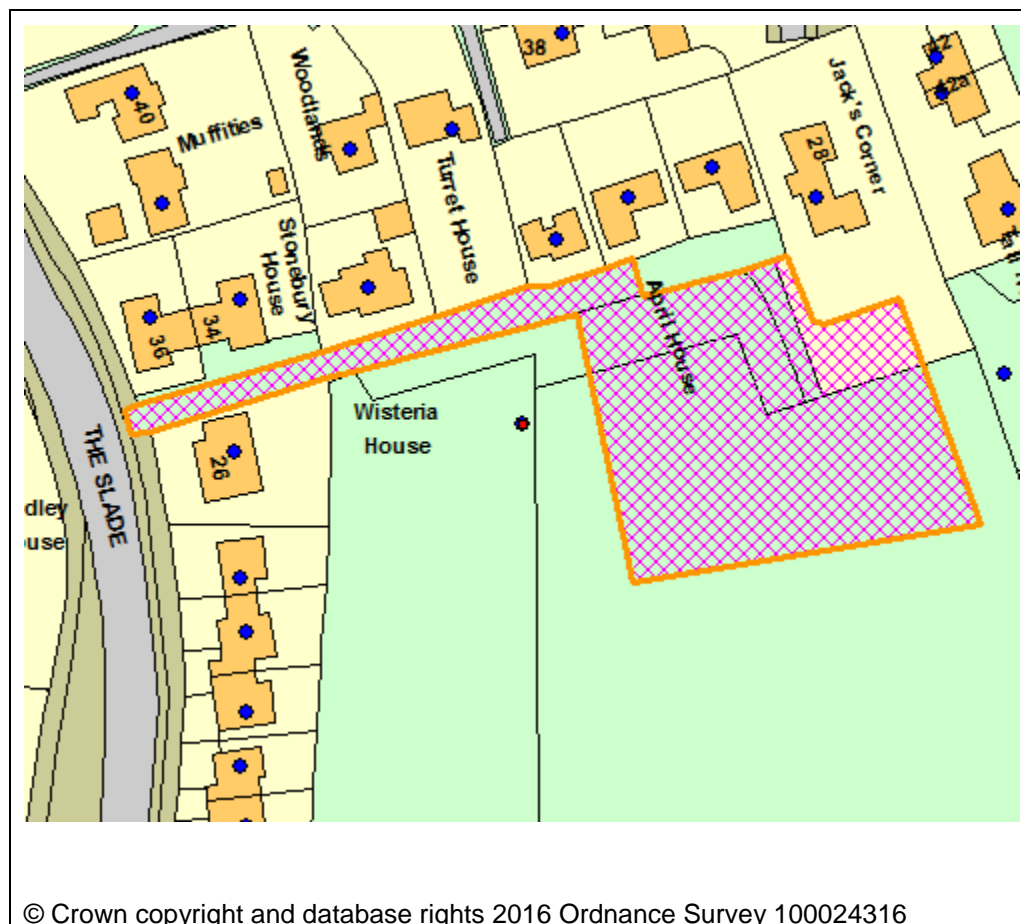
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

Application Number	Address	Page
18/02738/FUL	<u>Land East of 26 The Slade, Charlbury</u>	3
18/03198/FUL	<u>Land North of Pomfret Castle Farm, Banbury Road, Swerford</u>	18
18/03035/RES	<u>Land West of Shilton Road, Burford</u>	22
18/03288/FUL	<u>Blenheim Palace, Blenheim Park, Woodstock</u>	32

Application Number	18/02738/FUL
Site Address	Land East of 26 The Slade Charlbury Oxfordshire
Date	19th December 2018
Officer	Chloe Jacobs
Officer Recommendations	Approve
Parish	Charlbury Town Council
Grid Reference	436264 E 219537 N
Committee Date	7th January 2019

Location Map



Application Details:

Erection of three dwellings and associated works

Applicant Details:

Mr Gomm, C/O Agent.

I CONSULTATIONS

- I.1 WODC Drainage Engineers No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.
- I.2 Conservation Officer No additional comments
- I.3 OCC Highways
- The existing access drive is private and not public highway. Even though the drive has restricted width adjacent to the large tree there is adequate geometry to serve the proposed site.
- Visibility at the junction of the private drive with The Slade complies with standards. Vehicles park in the layby along The Slade adjacent to the existing access.
- Notwithstanding the advice detailed in Manual for Streets that parked vehicles do not obstruct visibility I consider it appropriate and an improvement to highway safety for a ' build out ' to be marked out on the carriageway in accordance with a scheme to be submitted and approved.
- The proposal (for an additional dwelling to that already approved), if permitted, will only generate an additional vehicular movement during the peak hour (which coincides with ' drop off ' time at the school).
- One additional vehicle during that period cannot have a significant impact on the safety and convenience of highway users at that time.
- At the appeal into the refusal of the previous application, 16/00939/FUL (5 dwellings), the Inspector considered a range of objections including highway safety. He concluded that he did not share the concerns of objectors on this subject.
- The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network.
- I.4 WODC Landscape And Forestry Officer No Comment Received.
- I.5 Biodiversity Officer
- As this application is for an amended site layout to a previous approval (17/00832/FUL), I recommend that the Updated Phase I Habitat Survey Report dated 19th February 2017 prepared by Windrush Ecology is still valid and no further ecological surveys are required.
- As construction works have already commenced on site, it is unlikely that site clearance works need to take account of the likelihood that protected and priority species might be present, such as nesting birds.

I therefore recommend that a CEMP Biodiversity condition is not required for these additional 3 dwellings.

I recommend that the native hedgerow planting mix is increased to at least 6 woody species. It currently comprises hawthorn, dog rose, hazel and field maple. I recommend that it should also include an additional two species such from spindle, holly, wayfaring tree, guelder rose or small leaved lime (from the list provided in the Windrush Ecology report). An amended landscaping scheme is therefore required and could be submitted for approval as a condition of planning consent.

I therefore recommend the following conditions are attached to planning consent, if minded to approve.

- | | | |
|-----|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I.6 | ERS Env. Consultation Sites | I have No Objection in principle. And no conditions to recommend. |
| I.7 | Town Council | <p>We object to this application on the following grounds:</p> <ol style="list-style-type: none">1. a. Access to and exit from the site is at a difficult point with sight lines often obstructed and is opposite the entrance to the primary school.b. The development does not reflect local housing need as evidenced by the emerging Neighbourhood Plan and therefore does not meet policies CO4, CO5 and CO6 of the adopted local plan.c. The private, unadopted road is inadequate to serve the additional units.d. The precedent for further development will surely follow (policy 9.26.9 of the local plan applies)e. We believe that this proposal will impact on the privacy of adjacent dwellings. Previously a reason for refusal. <p>2. The current consent removed permitted development rights (para. 5 of the decision notice) "Control is needed to protect the residential amenity of the occupants of the adjacent properties as well as the visual amenity of the area:</p> <p>3. We would ask that this go to committee and be subject to a site visit.</p> <p>4. If permitted there should be section 106 or CIL contributions to community infrastructure (school, community buildings, play areas) and a significant contribution to improve the traffic safety on The Slade and in particular the school approaches.</p> |

2 REPRESENTATIONS

2.1 13 letters of objection have been received highlighting concerns over:

- The application for 5 dwellings was refused once and so should be refused again.
- Overlooking gardens
- Issues with incorrect plans
- Increase in traffic movements
- Overlooking on property at no. 28
- Increased pressure on the community
- No passing bays along the private road
- Once refused so why should it be approved again
- Greenfield site and shouldn't be developed on
- Dangerous for children living down the road who play outside

2.2 The Charlbury Conservation Area Advisory Committee have stated:

The Committee had welcomed the reduction in the number of houses from five to four in the approved scheme (17/00832/FUL) and had opposed the subsequent application to increase the number to five again (18/01466/FUL) because the revised layout was less satisfactory than the approved scheme with a greater impact on the character of this part of the Conservation Area and the increase could not be justified on grounds of housing need. Both sets of comments are at Annexe A.

The current proposal increased the size of the site to the east to accommodate a further revised layout of five houses. While this gave a slightly improved arrangement within the site, it created a denser wall of buildings along the southern edge of the site when viewed across the valley from the south and from the access road. Any permeability to open country at the eastern end of the site was closed off by a relocated garage and by the houses on plots 4 and 5 moving further east. It was noted that no legible copy of the proposed landscape masterplan was provided with the application and the proposed treatment of the site boundary on the eastern side and the boundary between the plots was unclear. Members considered the new proposal to be less satisfactory than the approved scheme in terms of its impact on the Conservation Area and AONB.

No evidence of specific local (housing) need as set out in paras 5.34a(ii) and 9.6.29b of the adopted Local Plan 2031 was provided. The housing figure of 774 to 2031 for the Burford-Charlbury sub-area had already been met. The additional house could not be justified in terms of Charlbury's housing needs which, as the emerging Neighbourhood Plan would demonstrate, were for affordable housing, described in the Local Plan (9.6.5) as a 'key issue' for the area.

2.3 Additional objections have raised concerns over:

- Side facing window within plot 5 would overlook garden and main bedroom of no. 28.
- Significant overlooking of the garden
- Potential for applicant to put forward an application to develop the whole site
- Access and highways safety issues

The Committee therefore reiterated its previous opposition to the additional house and urged refusal of the application.

3 APPLICANT'S CASE

- 3.1 In support of this application, the agent has submitted a design and access statement that concludes the following. The full text can be found on the WODC website.
- 3.2 This Planning and Design Statement has been prepared on behalf of Mr Gomm in support of an application for full planning permission at Land East of 26 The Slade, Charlbury, OX7 3SJ for the Erection of three dwellings with associated works.
- 3.3 The proposal is an amended submission following the withdrawal of application 18/01466/FUL to address officers concerns with regard the development layout. Following further pre-application discussions with officers, the proposed development has been amended in accordance with officer advice to achieve appropriate levels of residential amenity and landscaping.
- 3.4 This statement considers that the proposal can be supported both in terms of compliance with the adopted and emerging development plans and in accordance with the presumption in favour of sustainable development. The below summary demonstrates how the development complies with the relevant policies:
- The proposal is for a residential development, sited within a Rural Service Centre that is suitable for modest housing development. The site is bounded to the north, east and west by built form and as such the proposal comprises infilling/development of undeveloped land within the built-up area, in accordance with Policy H7 and Draft Policies OS2 and H2;
 - The proposal is for a small, high-quality development, resulting in a net gain of one dwelling. The scheme forms a logical complement to the settlement pattern and, through the introduction of landscaping will enhance the setting of the town in accordance with the objectives Policies BE2 and H2 and Draft Policies OS2, H2 and BC1.
 - The amended scheme proposes improved landscaping and a similar layout and design to application 16/00939/FUL (which was supported in relation to the impact on the Conservation Area and the AONB). As such, it is considered to at least equally conserve the landscape and scenic beauty of the AONB in accordance with Policies BE2, NE3 and NE4, Draft Policies OS2, EH1a and EH1 and NPPF chapter 15.
 - By reason of the above, the appeal scheme and its inclusion of building designs and a materials palette based on the local vernacular, equally preserves the character and appearance of the Conservation Area in accordance with Policies BE2 and BE5, Draft Policies OS2 and EH8 and NPPF chapter 16.
 - As a result of the amended layout (including the loose grouping of dwellings with space for planting), the proposal delivers a high standard of amenity for existing and future residents in accordance with Policies BE2 and H2, Draft Policy OS2 and NPPF chapter 12.
 - The provision of native hedge and tree groups to the south of the development will soften the built form presence and will filter views from across the minor valley, providing a

positive contribution to the character of the area, setting of the settlement, Conservation Area and AONB in accordance with Policies NE6 and NE13 and Draft Policy EH1;

- Through the recommendations of the ecology survey, the proposal accords with Policy NE13, Draft Policy EH2 and NPPF chapter 15; and
- As the scheme is sited within a sustainable location, provides adequate levels of parking and achieves safe and suitable access, it complies with Policies BE3, H2 and T1, Draft Policies OS2 T1 and T4 and NPPF chapter 9.

Planning Balance

- 3.5 The Local Plan 2011 is out of date with regard the provision of housing and until the Local Plan 2031 is adopted, the Council is unable to demonstrate a 5-year housing land supply. In such circumstances, NPPF paragraph 11 dictates that permission be granted unless any adverse impacts of the development significantly and demonstrably outweigh the benefits.
- 3.6 NPPF paragraph 7 identifies three objectives to sustainable development comprising economic, social and environmental objectives. The benefits and adverse impacts of the proposal are summarised under these headings, below:

An Economic Objective

- 3.7 The proposal will provide additional housing where there is an identified requirement to increase housing targets and boost housing supply. The associated construction jobs and will be of economic benefit to the local area. The proposal has economic benefits and no significant and demonstrable adverse impacts.

A Social Objective

- 3.8 The development will provide high quality housing in a sustainable location where there is an identified requirement to increase housing targets and boost housing supply. The proposal has been amended to deliver a high standard of amenity for existing and future residents. The proposal has social benefits with no significant and demonstrable adverse impacts.

An Environmental Objective

- 3.9 Particular regard has been given to the setting of the town within the Conservation Area and AONB. Existing mature trees of significance will be retained and the proposal will not be prominent in the street scene. In views from across the minor valley to the south, the development will be seen in the context of existing housing and will not harm the character or visual amenity of the settlement edge. The development has been designed to allow filtered views between buildings and the native hedge and tree planting on the southern boundary will in time soften and screen the existing and proposed development - leading to an overall enhancement. The proposal will lead to environmental.

4 PLANNING POLICIES

EHI Cotswolds AONB
EH10 Conservation Areas
EH13 Historic landscape character
H2NEW Delivery of new homes
H6NEW Existing housing
OS2NEW Locating development in the right places
OS4NEW High quality design
T4NEW Parking provision

The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The application site is part of a parcel of agricultural land which lies to the east of existing housing at The Slade, and south of other housing accessed off The Slade. Whilst the land ownership extends to the bottom of the minor valley to the south, and east into open countryside, only the upper part of the land is proposed to be developed. At present 2 detached dwellings which were granted permission in 2017 as part of the approved application for 4 dwellings (17/00832/FUL) are under construction.
- 5.2 The site is within the Cotswolds Area of Outstanding Natural Beauty and Charlbury Conservation Area.

Background Information

- 5.3 A planning application relating to a similar development of five dwellings was refused on this site by members of the Uplands Committee in 2016 (16/00939/FUL). The application was refused for the following reasons:

1. The site is located within the Charlbury Conservation Area and Cotswolds Area of Outstanding Natural Beauty. The location, siting, and scale of development would fail to respect or enhance the character of the area and its landscape, and would be harmful to visual amenity. Further, it would erode the character and appearance of the surrounding area as a result of encroachment into open countryside which makes an important contribution to the setting of the settlement. In addition, it would set an undesirable precedent for similar, further development in this sensitive location. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 Policies BE2, BE4, BE5, NE1, NE3, NE4, and H2, emerging West Oxfordshire Local Plan 2031 Policies OS2, H2, EH1 and BC1, and the relevant policies of the NPPF.

2. By reason of the location, siting, design and scale of the proposed development, and land levels within and adjoining the site, it would give rise to unacceptable impacts on residential amenity with regard to privacy and the overbearing appearance of the development, particularly as regards the relationship with existing residential properties which adjoin the site at The Slade. The proposal is therefore contrary to West Oxfordshire Local Plan Policies BE2, and H2, emerging Local Plan Policies OS2, and H2, and the relevant policies of the NPPF.

The applicants appealed the Council's refusal decision for the above application. The subsequent appeal (APP/D3125/W/16/3155795) was dismissed by the Planning Inspector on amenity grounds consistent with refusal reason 2, whilst the Inspector concluded that there would not

be adverse harm caused to either the Conservation Area character or the character of the Cotswolds AONB. The Inspector concluded that harm would be caused to the amenity of the occupants of the nearby properties in The Slade, namely Nos. 24 and 26 by reason of overlooking and the overbearing appearance of the dwellings, owing significantly to the raised topography of the site in relation to the properties in The Slade, which sit at a notably lower level.

- 5.4 In attempt to address refusal reason two of planning application 16/00939/FUL, the applicants reduced the number of dwellings to four and set the proposed dwellings further back into the site increasing the separation distance between the proposed dwellings and the existing properties fronting The Slade. This application (17/00832/FUL) was approved and remains extant.
- 5.5 The current application seeks permission for 3 new dwellings occupying a different red line area further east that overlaps the previously approved site. In terms of siting, and in conjunction with the 2 dwellings under construction, there would be a net increase of 1 dwelling.
- 5.6 Members will be aware that this application was deferred at the previous Uplands Sub Committee Meeting held on the 3rd December for a site visit.
- 5.7 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
 - Siting, design, form and impact on the character of the area
 - Residential amenities
 - Precedence
 - Highways
 - Open space and Ecology
 - SI06 contributions
- Principle
- 5.8 The site is located immediately adjacent to the existing urban edge of Charlbury. The town has a wide range of local amenities, including primary school, shops, post office, doctor's surgery, community facilities, employment and railway station. It is accordingly one of the more sustainable settlements in the District.
- 5.9 Charlbury is recognised as an appropriate place for some new development under Local Plan policy H2. Under the terms of the policy it is acceptable to develop new dwellings on undeveloped land within the built up area. In this context, the proposal would infill between permitted development under construction to the west and existing development to the north and east. In the view of Officers the proposal would not represent an extension into open countryside. It would be considered windfall development in the context of Local Plan housing requirements expressed in policy H1.
- 5.10 The site is significantly visually contained by established housing and landscape features, although it would be visible from the public footpath approximately 150m to the south and in longer range views where another footpath further south crosses higher ground. The site is not

considered to be particularly prominent in the wider landscape of the area, and the development would be seen in the context of existing housing in this part of Charlbury.

- 5.11 Given the site's relationship to the settlement, the nature of the locality, and the site's characteristics, it is considered that the proposal is in a sustainable location and development here is acceptable in principle.

Siting, Design and Form

- 5.12 The addition of three dwellings, each with a detached garage is proposed within a small cul-de-sac development. The proposed dwellings would be 1.5 storeys and would be constructed from Cotswold Stone. The general layout and design approach does not greatly differ from the previous application, albeit that the overall number of dwellings proposed has been increased by 1 property.
- 5.13 The general design approach is reflective of the existing dwellings in the immediate area and is broadly in keeping with the local vernacular. The site exists as open space of an agricultural character although public views of the land are relatively limited. Officers note that the Inspector in the previous appeal on the site concluded that the development would be 'set against the backdrop of existing development and would consist of only 5 dwellings of one and a half storey height constructed of sympathetic local materials'. The Inspector considered that the development would not cause harm to the character and appearance of the Conservation Area setting or the setting of the AONB.
- 5.14 To reduce the visual impact of the development, the provision of a landscaping plan can be secured by condition. It is advised that soft landscaping in the form of hedges be provided along the south and east boundaries.

Residential Amenities

- 5.15 The proposed layout of the additional 3 dwellings provides for appropriate privacy distances to be achieved between dwellings within the site. There would therefore be no unacceptable overlooking. Plot 5 would have its gable elevation facing towards the existing properties to the north, with no principal first floor windows. The distance between of approximately 20m is acceptable in this regard. The difference in levels between the site and properties in The Slade is noted. However, the distances achieved between buildings and main windows adequately takes account of this.
- 5.16 An appropriate area of garden would be available for each new unit, and general amenity would therefore be catered for. The space between dwellings and aspect of existing properties is such that there would be no unacceptable loss of light to properties within or adjoining the site. Loss of a private view or reduction in property values are not material planning considerations.

Precedence

- 5.17 Whilst the precedence for the site has been set from the previous extant permission, this precedence only refers to the development site at present which is for the 4 dwellings. This does not mean that there is a precedence set for the whole of the land to the East of The Slade. Future applications for the potential development of more houses could be controlled by

officers and are not likely to be supported as they would be contrary to policy H2 and OS2 of the West Oxfordshire Local Plan 2031.

Impact on heritage

- 5.18 In terms of the impact of the development on the Charlbury Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 5.19 In the Planning Inspectorate's appeal decision (APP/D3125/W/16/3155795) for the original planning application for 5 dwellings (16/00939/FUL) there was special consideration given to the impact of the development on the character and appearance on the Charlbury Conservation Area and the Cotswold AONB. However, the Inspector concluded that the proposal would not harm the character and appearance of the Conservation Area.
- 5.20 Consistent with the Inspector's assessment of the site, Officers consider that the current proposed development would preserve the Charlbury Conservation Area, is appropriately designed and would not result in material harm. It is considered to respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed, its scale and its location. The application therefore complies with policies EH9, EH10 and OS4 of the Local Plan and relevant paragraphs of the NPPF.

Impact on Landscape and ecology

- 5.21 In terms of the impact on the Cotswolds AONB, the provisions of paragraph 172 of the NPPF 2018 requires great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty. The proposed detached dwellings will be viewed in its immediate context whereby it is a somewhat cul-de-sac of existing residential houses. Therefore it is considered that the proposed development would conserve the wider Cotswolds AONB and would not be of material harm to locality given its design form and setting seeks to replicate the development within the immediate vicinity.
- 5.22 There would be no harm to protected species.

Highways

- 5.23 The extant planning permission (17/00832/FUL) provides for access to the development from The Slade. Each of the 3 proposed new dwellings will have 2 car parking space and 2 integral car parking spaces located within the garage which meets the car parking standards set out by OCC Highways. Whilst OCC Highways are yet to comment on this application, it has been noted that Highways officers have not raised any objections and thus the previous scheme for 5 dwellings was not adjudged to be harmful in terms of highways safety.

S106 contributions

- 5.24 As the proposal is for an additional 3 dwellings, the scheme would not attract a requirement for financial contributions or affordable housing.

- 5.25 There has been suggestion locally that this is a deliberate ploy by the applicant to avoid making contributions, and that a proposal for additional development may come forward in the future. However, Officers consider that the number of dwellings is constrained by the shortcomings of the access, and a requirement for a low density of development with gaps between buildings in the interest of reducing visual impact and protecting the landscape context and character of the area. Any future proposals would be considered on their merits.

Conclusion

- 5.26 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. It would preserve this part of the Conservation Area and Cotswolds AONB. The dwellings would not have an unacceptable impact on neighbouring amenity and Officers are therefore recommending that the application is approved.

6 CONDITIONS

- 1 The works must be begun not later than the expiration of three years beginning with the date of this consent.
REASON: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application and in accordance with the materials and samples approved under permissions 17/00832/FUL and 17/03772/CND unless otherwise agreed in writing with the local planning authority.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, and G, and Schedule 2, Part 2, Classes A and B shall be carried out other than that expressly authorised by this permission.
REASON: Control is needed to protect the residential amenity of the occupants of the adjacent properties as well as the visual amenity of the area
- 5 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 and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. 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 Framework and Planning Practice Guidance).

- 6 For the avoidance of doubt the applicant is advised that this permission is for the erection of 3 dwellings in addition to Plots 1 and 2 of previously approved scheme 17/00832/FUL. The permission shall be implemented as an alternative to the erection of plots 3 and 4 of 17/00832/FUL and not in addition to these dwellings.
REASON: For the avoidance of doubt as to what is permitted.
- 7 The development shall be completed in accordance with the recommendations in Section 5.2.1 (nesting birds) and 5.2.3 (amphibians) of the Updated Phase 1 Habitat Survey Report dated February 2017 prepared by Windrush Ecology (ref. W2359_rep_land off The Slade Charlbury_19-02-17). All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.
REASON: To ensure that precautionary measures for nesting birds and amphibians are implemented in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 8 Prior to the above ground works commencing, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) within the walls of the new buildings shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.
REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraph 175 of the National Planning Policy Framework 2018, Policy NE13 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.
- 9 Before occupation, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will not directly illuminate hedgerows and trees likely to be used by foraging/commuting bats and other nocturnal wildlife.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details, and these shall be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To protect bats in accordance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 10 A Hedgerow Management Plan (including hedgerow trees) shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of the development. The content of the Plan shall include, but not necessarily be limited to, the following information:
- i. Aims and objectives of management;
 - ii. Appropriate management options for achieving aims and objectives;
 - iii. Prescriptions for management actions;
 - iv. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over a 5-10 year period);
 - v. Details of the body or organisation responsible for implementation of the plan;
 - vi. Ongoing monitoring and remedial measures;
 - vii. Timeframe for reviewing the plan; and
 - viii. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The Plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The Plan shall be implemented in full in accordance with the approved details.

REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular Chapter 15), Policy EH3 of the Local Plan 2031 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 11 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.

- 12 Notwithstanding the submitted details, a scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The said scheme shall include details of a planting buffer of at least 3m width outside the proposed boundary fences and shall include an increase in the number of woody species in the native hedgerow planting mix to at least 6 with species such as spindle, holly, wayfaring tree, guelder rose or small leaved lime. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. 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 the character and landscape of the area.

- 13 Except insofar as may be necessary to allow for the construction of the means of access, the existing hedge along the whole of the north boundary of the land shall be retained at a height of not less than 2 metres; and any plants which die shall be replaced in the next planting season with others of a similar size which shall be retained thereafter.

REASON: To safeguard a feature that contributes to the character and landscape of the area.

- 14 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, dormers, rooflights, external doors, chimneys, flues, porches, eaves, verge and garage doors at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the architectural details match the character and appearance of the area

- 15 No dwelling shall be occupied until the private road, parking and manoeuvring areas shown on the approved plans have been drained, constructed and surfaced in accordance with a detailed plan and specification that has been first submitted to and approved in writing by the Local Planning Authority. Those areas shall be retained thereafter and shall not be used for any purposes other than for the parking and manoeuvring of vehicles.

REASON: In the interests of highway safety and amenity

- 16 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 dwelling to which those spaces relate and shall thereafter be retained and used for no other purpose.

REASON: In the interests of highway safety and amenity.

- 17 No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

I The parking of vehicles for site operatives and visitors

II The loading and unloading of plant and materials

III The storage of plant and materials used in constructing the development

IV The erection and maintenance of security hoarding including decorative displays

V Wheel washing facilities

VI Measures to control the emission of dust and dirt during construction

VII A scheme for recycling/disposing of waste resulting from demolition and construction works.

VIII Working hours at the site.

REASON: In the interests of highway safety and amenity.

- 18 Before first occupation of any dwelling all bathroom/WC window(s) shall be fitted with obscure glazing and shall be retained in that condition thereafter.

REASON: To protect the privacy of the occupants of the proposed dwellings and the amenity of the adjacent properties.

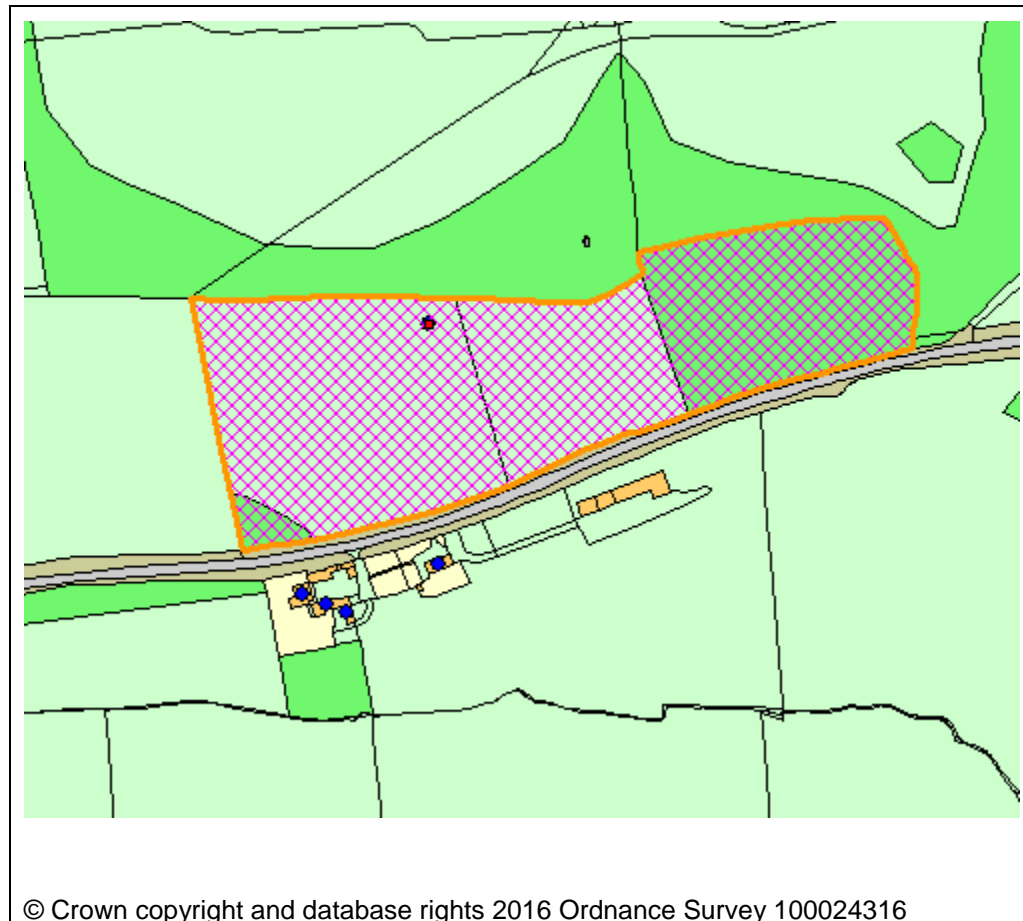
- 19 The building shall not be occupied until the private road, parking and manoeuvring areas shown on the have been drained, constructed and surfaced in accordance with a detailed plan and specification that has been first submitted to and approved in writing by the Local Planning Authority. Those areas shall be retained thereafter and shall not be used for any purposes other than for the parking and manoeuvring of vehicles.
REASON: To ensure that a usable parking area is provided and retained.

NOTES TO APPLICANT

- 1 Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017, or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.
- 2 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
 - Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
 - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - CIRIA C753 SuDS Manual 2015

Application Number	18/03198/FUL
Site Address	Land North of Pomfret Castle Farm Banbury Road Swerford Chipping Norton Oxfordshire
Date	19th December 2018
Officer	Declan Jermy
Officer Recommendations	Approve
Parish	Swerford Parish Council
Grid Reference	436741 E 230466 N
Committee Date	7th January 2019

Location Map



Application Details:

Siting of caravan for use as mess facility during lambing and turkey season, and erection of polytunnel both in association with existing agricultural use of land. (Retrospective).

Applicant Details:

Mr Stephen Holmes, Netherby Farming, 11 Warneford Place, Moreton-in-Marsh, Glos, GL56 0CR

I CONSULTATIONS**I.1 Parish Council**

This is to advise that Swerford Parish Council objects to the above application. It not only rejects the items formally detailed in the application but asks that the Council fully examines the site and reject also the items NOT detailed such as the access and glamping. Their comments are as follows:

The site referred to consists of three small fields which when sold to the present owners some two years ago was described as being a total of 15 acres including 4 acres of woodland. These fields had been used for low density grazing as a part of a larger holding. At the time of sale and for at least some 30 years previously there was NO vehicular access from these fields onto the A361. We understand that the new owners rent a number of fields around the district in which, primarily, sheep are grazed.

It is the Swerford Parish Council's opinion that the above numbered application should be rejected for the following reasons:

1. The plans as submitted are inadequate in detail, quality and completeness to accurately assess what is proposed
2. The proposal, such as it is, completely ignores a number of what we believe to be infractions of the Planning process that have already taken place.
3. In addition to the already erected polytunnel and a caravan the applicants have built on the 15 acres a "glamping" site with a Yurt and what they advertise as a cooking/washing/toilet "block" - try Googling Woodland Glamping in Swerford.
4. The owners have erected "Lorry -Sized" gates onto the A361 without we believe any permission from the Highways Authorities. These gates are on a low vision bend and, as is well known, the A361 is a highly dangerous road and any new access is overseen with concern by the Highways Authorities.
5. The fields are too small to support the 260 ewes plus presumably the 400 or so lambs and therefore a considerable amount of feed and straw will be needed all of which requires slow moving trucks to draw off the A361 into the unapproved entrance. Around 75% of the ewes that they intend to lamb will also have to be trucked in and out via these gates.
6. The Applicants further intend to use the polytunnel, presumably in the Autumn, to fatten up turkeys - again a commercial-sized operation requiring feed, bedding and young birds to be shipped in and finished stock to be shipped out - all onto the A361 through the newly created, dangerous and unapproved entrance.

In summary the site and in particular its legal access is entirely unsuited to the scope of the lambing, turkey-raising and holidaying

activities that the owners have launched themselves into without seeking any prior approval. We ask that WODC not only reject the items formally detailed in this application but fully examine the site and reject also the items NOT detailed such as the access and glamping operation.

2 PLANNING POLICIES

OS2NEW Locating development in the right places

EH2 Landscape character

E2NEW Supporting the rural economy

The National Planning Policy framework (NPPF) is also a material planning consideration.

3 PLANNING ASSESSMENT

- 3.1 The application seeks retrospective planning approval for the erection of a poly tunnel and a caravan as a mess facility in association with the agricultural use of the land for seasonal rearing of livestock. It came to light following receipt of a complaint that both the polytunnel and mess facility require express planning permission.

Background Information

Planning History

- 16/00644/FUL- Planning permission was granted for an access onto the A361. A condition of the consent was that the former access onto the A361 serving the land be closed.
- The site is not within the AONB or Conservation Area.
- Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
 - Evidence of need for the polytunnel and mess facility
 - Impact on visual amenity
 - Impact on residential amenity
 - Impact of Highway Safety

Evidence of Need

- 3.2 The land is used for seasonal rearing of livestock, both lambs and turkeys. The polytunnel is used to provide shelter for the animals as well as storage of feed and bedding.
- 3.3 The caravan is used as a mess facility for overnight stays when lambing is taking place in the interests of animal welfare and as a security presence for the last 3 to 4 weeks before the turkeys are slaughtered.

- 3.4 In light of the above Officers consider that both a polytunnel and mess facility can be justified on the basis of agricultural need.

Impact on Visual Amenity

- 3.5 The poly tunnel is constructed with clear polythene sheeting. It measures 9.2 meters in width, 5.6 meters to ridge and 18.4 meters in length. In terms of its design and scale Officers consider that the polytunnel is a relatively modest addition on land and given it's agricultural character does not appear as an alien feature in the rural landscape.
- 3.6 The juniper green coloured caravan measures 3.6 meters in width, 2.5 meters in height and 11 meters in length. It is well screened by existing planting and cannot be seen from the A361 or the public right of way to the West.
- 3.7 In light of the above the retrospective development is not considered to result in material harm to the rural character and appearance of the area.

Impact on Residential Amenity

- 3.8 Officers are of the opinion that by virtue of it's siting some distance away from residential uses that the development does not harm the residential amenity of those occupiers.

Highways

- 3.9 OCC Highways has advised your Officers that it has no objection to the application as it cannot demonstrate that the siting of the polytunnel and mess facility results in harm to highway safety and convenience.

Conclusion

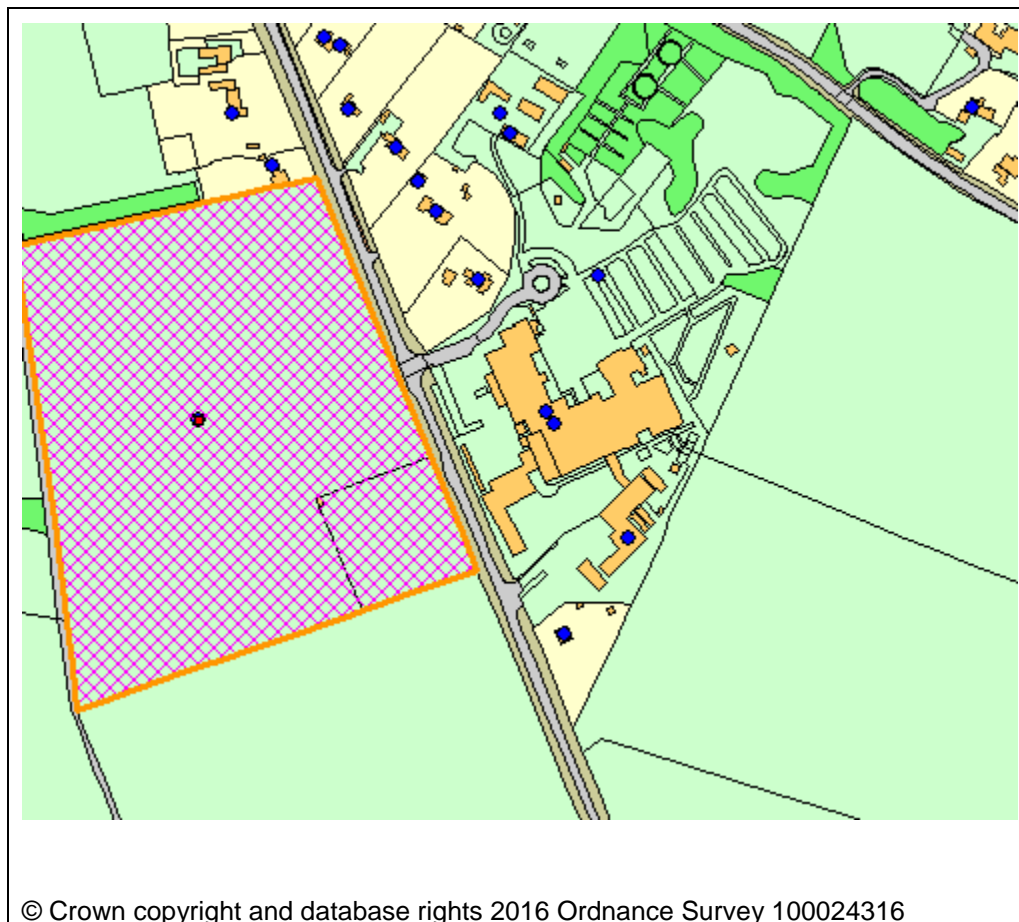
- 3.10 In light of the above assessment and that a condition be attached to any grant of planning permission limiting the use of the caravan to a 'mess' facility only, Officers consider that the retrospective development is acceptable on its merits and is compliant with policies E2, OS2 and EH2 of the West Oxfordshire Local Plan and relevant paragraphs of the NPPF.

6 CONDITION

- 1 Overnight stays in the mess facility shall be limited to times when lambing is taking place on the land and for no more than 28 nights in any calendar year prior to the slaughter of turkeys.
REASON: The mess facility is unsuitable for occupation beyond the scope of this application and permanent residential use would be contrary to the housing policies of the West Oxfordshire Local Plan 2031 and relevant paragraphs of the NPPF.

Application Number	I8/03035/RES
Site Address	Land West of Shilton Road Burford Oxfordshire
Date	19th December 2018
Officer	Phil Shaw
Officer Recommendations	Provisional Approval
Parish	Burford Town Council
Grid Reference	425397 E 211078 N
Committee Date	7th January 2019

Location Map



Application Details:

Reserved matters for the erection of up to 91 dwellings (50% affordable) and care/retirement complex.

Applicant Details:

Lioncourt Homes Ltd, C/O Agent

I CONSULTATIONS

- I.1 Town Council Burford Town Council
Solar energy has been completely ignored, simple to install on new builds, it should be mandatory on the nursing home and affordable homes.
Should install a ground source heat system for the nursing home and affordable homes as a minimum.
Permeable asphalt/paving would be a great advantage allowing rain water to soak back into the system.
We could find no mention of the size of trees to be planted on site
We feel the play park is too close to the Shilton Road.

- I.2 Major Planning Applications Team Highways
No objection subject to conditions
Key Points
- A plan including the location of cycle parking for each dwelling, including the means of enclosure and means of access for cycle stores is required.
- An amended swept path analysis plan and, if necessary, an amended layout plan is required to demonstrate that a large refuse vehicle can safely and easily enter, turn and exit where necessary entirely within the site boundary. A swept path analysis is also required to demonstrate that two vehicles can safely pass at each bend and each junction within the site.
- Vehicle to pedestrian visibility splays are required where parking spaces or driveways abut the back of the highway / footway. A plan should be submitted demonstrating these splays.
- The county council would recommend that parking spaces are not provided on sections of reinforced grass (or grasscrete). This surface type requires more maintenance and can be uneven.
- Tandem off-street parking should be avoided as both spaces are rarely used, resulting in greater instances of on-street parking.
- The county council would strongly recommend that footways with a minimum width of 2m be provided throughout the site
- The crossing of the internal perimeter footpath over the access road must follow pedestrian desire lines.
- Note should be taken of the comments from the county council's Road Agreements Team.

Archaeology
No Objection.

- I.3 Biodiversity Officer I note that updated ecological surveys of the site have been conducted by EDP in 2018, which are a welcome part of the continued evaluation of the site to inform the detailed design proposals. These included botany, reptile, Schedule 8 plants, breeding bird and badger surveys.
The Ecology Technical Note ref 'edp2283_r014c_041018' refers to various options for the retention or translocation of the existing

calcareous grassland (species-poor and slightly more species-rich areas), which do not comprise priority habitat. The retention or re-use of the topsoil of these areas of habitat are welcomed, but the receptor locations are not confirmed. Potential receptor sites for translocated grassland and rare plants are shown on plan EDP2 (habitat loss and retention plan), but this is not confirmed on the landscaping scheme or the Ecology Management Plan. Further confirmation is therefore required before determination or as a condition of consent.

I question the need to remove the dry stone wall around the northern, eastern and southern boundaries of the site, as this would provide habitat for a range of wildlife and should be restored if possible.

The Ecology Management Plan (edp2283_r013) includes details of habitat creation and provides additional information on the establishment of wildflower meadow areas, wetland meadow areas and new hedgerows, etc. I am satisfied with the proposed wildflower and wetland seed mixes. However, it does not provide locations for the re-use of existing topsoil or translocation of turves from the calcareous grassland areas. It also needs to include the provision of gaps/holes through fencing and walls for hedgehogs. I therefore recommend an updated version of the EMP is required - this could be provided as a condition of consent.

I therefore recommend that a condition is attached to any planning consent.

- | | | |
|-----|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I.4 | WODC Landscape And Forestry Officer | No Comment Received. |
| I.5 | ERS Env Health - Uplands | The proposal is not situated on or near land that has been identified as being of potential concern with respect to land contamination. Therefore I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions. |
| I.6 | Thames Water | Supplementary Comments
Thames Water requires the size of the pumping station to be defined and the expected build and occupancy dates for the housing development in order to progress an impact assessment. However, Thames Water recognises that the principle of development has already been accepted by the outline permission. Given the extant condition (14 disposal of sewage) on the outline application (15/00166/OUT) a request for a further condition attached to 18/03035/RES is not considered necessary. Nevertheless, an informative should be attached to any grant of planning permission to ensure that the applicant is aware of the need to discharge the outstanding condition. |
| I.7 | MOD (Brize Norton) | No Comment Received. |

2 REPRESENTATIONS

2.1 Representations have been received from Burford Garden Centre, Burford Golf Club, Responsible Planning in Burford, and Burford Shilton Road Residents Association and are summarised as follows:

Highways

- We wish for alternative traffic calming measures to be sought other than 'speed cushions'.
- Not only are these an anti-social nuisance, given the increase in noise and disturbance, they would result, when coupled with the other measures indicated (road widening, ghost islands, chevroning), in unnecessary over-urbanisation of the streetscene given its semi-rural setting.
- Additionally we understand the access road to Carterton and RAF Brize Norton directly from the nearby A40 dual carriageway ('Witney bypass') is intended for imminent 7.5 ton restriction. This will result in a sharp increase in HGV movement along the Shilton Road (being the only alternative access from the north to RAF Brize Norton and the Carterton industrial estates), and the Highways policy of 'speed cushions' seems wholly incompatible with speed cushioning.
- We would prefer to see either the use of cambered mini-roundabout or verge gates such as those used in Long Hanborough.
- We again raise the issue of what we perceive to be insufficient parking being provided for within the plan. Given car ownership levels, the isolated nature of the site in the context of the town of Burford, the low levels of public transport, and additionally when allowing for guest parking, the number of allocated spaces appears to fall very short. Our concern is that this will lead to residents and their guests attempting to use our site for overflow parking, which we cannot accept. We wish WODC and the developer to provide us with written calculations and assurances that sufficient parking spaces have been incorporated in these plans.
- The application mentions in several places that highway improvements 'have been approved' and therefore do not feature here.
- However, we note that Shilton Road and the two new access roads appear to differ slightly from that agreed by OCC Highways (Jubb Drawing W14132/601/P6). No junction splays, no road widening to accommodate a central 'turn in' lane, no speed cushions and no pedestrian refuges are shown in relation to the development boundary (reference Composite Planning Layout BUSR_01_02).
- We support the removal of the junction splays, road widening and speed cushions which bring a hard-edged, urban appearance to the approach to Burford from the south. Perhaps their removal opens up the possibility of a better highways solution through further discussion.
- Moderating speed to 30mph along Shilton Road is an essential deliverable. It is all the more important given the significant increase in the number of pedestrians walking along the road and the extra traffic from the development itself. More HGVs can be expected too due to the weight limit restriction (7.5t) proposed for Minster Lovell from Carterton. Shilton Road would become the only west-facing route to and from the A40 for HGVs servicing Carterton.
- The establishment of a crossing point to the south of Burford roundabout (A361) is to be welcomed. However, it will be in close proximity to the roundabout, which has a speed limit of 40mph. We believe the refuge would be better located further south to provide

improved visibility for drivers leaving the roundabout and a safer crossing point for school children and users of the golf club.

Design

- Black / blue slate roofs exist in limited numbers in Burford and along Shilton Road. Stonesfield Slate and its equivalent Bradstone Stone slate predominate. The scheme shows black / blue slates used on a high proportion of properties, including some facing Shilton Road and all the terraced houses.
- In our view the appearance of the development would be enhanced if Bradstone Stone slate were used throughout or, as a minimum, on properties facing Shilton Road and on the terraced houses
- the appearance of the development would be enhanced in our opinion if stone rather than rendering was specified for those properties facing Shilton Road
- We would urge that a review should be conducted into the proposed materials for the housing to reduce any disparity between new houses and existing houses along the road and also to minimise disparity between affordable and market value housing within the development. This would be beneficial to its setting neighbouring the AONB and for social cohesion within the community itself.
- The design of the housing should also be sympathetic, e.g. window sizing, chimneys etc, with the heritage status of Burford.
- The absence of bin storage for some of the housing and the few proposed collection points do not seem appropriate.

Landscaping

- We observe the mature planting shown in the original outline application, the purpose of which was to screen the development's Shilton Road frontage and to make it in keeping with the mature nature of the road, has been replaced on the latest drawing with sparse planting which could at best be described as low shrubbery. We request that the original mature and dense planting scheme is conditionally reinstated.
- All the trees specified in Tables EDP 4.1-4.5 are deciduous. The effectiveness of these at screening the development during the autumn / winter months will therefore be limited.
- The depth of planting along the Shilton Road frontage appears less than the 14 metres approved by the Planning Inspector in the Landscape Proving Plan (EDP2283/33b).
- We again note that the dry stone walling surrounding the site, which was specified as to be fully restored and reinstated in the outline plan, has disappeared altogether. We request that this is reinstated as a condition and to be in keeping with local streetscene.
- In his appeal decision, the Planning Inspector stated "The scheme shall include:....retention, repair and rebuilding of existing natural dry stone walls...." (IR SC 7).
- We are pleased to see that a 1.8m high fence alongside the existing stone wall will be constructed but no direct pedestrian access onto the golf course from the development is either acceptable or indeed desirable.

Utilities and facilities

- We have observed the plan to use bulk LPG gas as a means of providing heating and hot water to the development. Given the advances of biomass, ground source and air source technology, we would be very surprised if WODC see fit to approve this in a modern

development scheme. Not only is LPG a noxious substance, it has questionable environmental credentials and importantly is incredibly expensive for domestic users.

- We understand no waste water and sewerage management plan has been agreed with Thames Water. Assuming the intention is that this will be via connecting to the mains sewerage system, we would like to take the opportunity to remind Burford councillors, and accordingly the planning committee, that we intend to exercise our right to join this system and the developer must take this into account with its calculations.
- It is widely accepted (including by OCC) that Burford primary school is full and that other local health and welfare services are operating at capacity and so the need for infrastructure investment cannot be ignored as otherwise this will have a detrimental effect on the whole community, including the new residents.
- We would also suggest that ultrafast broadband connectivity and electric vehicle charging should be delivered for both the affordable and market housing.

3 APPLICANT'S CASE

3.1 Several supporting documents have been submitted and are available to view online. The planning statement is summarised as follows:

- The application for the submission of reserved matters closely follows the principles and parameters set at the outline/appeal stage. The submission demonstrates that the affordable housing, open space, landscape and biodiversity requirements (alongside the other technical considerations) have been complied with in accordance with the relevant local and national planning policies, including the West Oxfordshire Design Guide.
- It is considered that the proposals are of an appropriate scale, which have been well-designed and will integrate well with this part of Burford. The layout of the proposals has been carefully designed paying particular attention to the feedback received from the District and County Councils at the pre-application stage. Finally, a high quality landscaping and biodiversity enhancements scheme has been devised that will allow the development to integrate into the existing environment and provide future residents with a verdant and attractive landscape setting.
- The applicants are keen to progress the scheme at the earliest opportunity and to deliver high quality homes for a wide range of people, which will make a positive impact to Burford and the surrounding area.
- On the basis of the above, it is submitted that reserved matters approval should be granted for the proposed development.

4 PLANNING POLICIES

BC1NEW Burford-Charlbury sub-area
EH13 Historic landscape character
EH2 Landscape character
EH3 Biodiversity and Geodiversity
EH4 Public realm and green infrastructure
EH6 Decentralised and renewable or low carbon
EH9 Listed Buildings
H2NEW Delivery of new homes

H3NEW Affordable Housing
H4NEW Type and mix of new homes
OS4NEW High quality design
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks reserved matters consent for Appearance, Scale, Layout and Landscaping pertaining to outline application 15/00166/OUT which was allowed at appeal. The Inspectors decision and accompanying legal obligations set the context for the assessment of the merits of the proposals.
- 5.2 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.3 In that consent has recently been granted at appeal for development of the same description the principle of this form of development is already established. The assessment of the application will focus on the matters not determined with the outline and ensuring that matters that the Inspector required to be addressed by condition are realised as anticipated. In that regard the obligations accompanying the outline consent made provision for financial contributions to the primary school, off site highway works, support for bus services including new bus stops, contributions towards traffic regulation orders, enhancement of the Carterton Leisure Centre, improvements to Burford Play facilities, provision of a LEAP, open space and landscaping and their maintenance, 50% affordable housing and a range of extra care services. Conditions on the outline decision inter alia covered such issues as compliance with the parameters plan, hard and soft landscaping including retention of stone walls and building new walls, provision of buffer planting and frontage planting, ground levels, ecological management, archaeological investigation, fire hydrants, surface water drainage, construction method statement and external lighting.
- 5.4 Of these conditions the parameter plan is the most relevant in that it sets out a series of principles which identify where the various forms of residential development should go, where the open space should be located, the siting of the SUDS and LEAP and imposing a max height of 6.5 m along the southern boundary of the site. These principles have been closely followed in the submission and as such Officers consider that the principle of development in the location and of the general form proposed is acceptable.

Siting, Design and Form

- 5.5 This is a key aspect in the consideration of the proposals and the inspector made clear in his decision letter that the scheme was for 'up to' the stated amounts of development such that if specific design, landscape, golf or ecological criteria dictated then the number should/could be reduced to ensure an acceptable form of development.

- 5.6 In terms of the scale of the units they are generally conventional 2 storey height but there are a number of 1.5 and 1 storey units on the southern edge. The larger C2 and C3 units no larger than the 10.5 m overall height restriction with a substantial proportion being well below that maxima. This is in accordance with/exceeds the parameter plan criteria.
- 5.7 The design form has been dictated by Cotswold vernacular principles with the care units clustered around a series of courtyards/squares. The care home has been designed with the inspiration of a Manor House with the entrance centrally placed on the axis of a new green space that is flanked by terraced cottage forms. Window proportions and conventions are followed and whilst UPVC is proposed the units are flush casements finished in cream or grey and with chimneys to add to the interest of the skyline. A LEAP will be created in the central open space but set into the ground such as to reduce its visual impact.
- 5.8 The units will overwhelmingly be constructed of natural stone with intermittent use of render on less sensitive elevations or to provide visual relief and a combination of blue slates and recon stone slates are proposed as roofing materials.
- 5.9 There are still a number of design tweaks required to some of the units (e.g the use of non balanced casements for 2 light windows, use of barge boards on garages etc) but overall your officers are satisfied that the scheme will be towards the upper end of visual quality and the amendments required can be secured by condition.

Highways

- 5.10 Access was considered extensively as part of the outline application and much of the detail was fixed at that point. Thus with regards to the suggestion of some respondents that the agreed traffic calming measures be altered this is not now a matter that can be insisted upon. Members will note that OCC has raised no overall objections to the proposals but requires clarification on a number of others. At the time of agenda preparation it is considered that these would result in relatively minor alterations to the layout and as such Officers would suggest that this matter could be delegated to officers to resolve prior to any consent being issued. One point that may need more input is the question of tandem parking. OCC's latest guidance seeks to discourage this and clearly where the roads are particularly convoluted in their alignment or if it is a bus route then there are sound reasons for this. That is not the case with this layout and the presence of an occasional on street car can help to limit traffic speeds provided it is not likely to be parked in a position that obstructs pedestrian or vehicular visibility. Again Officers consider that this matter could be addressed by way of a further iteration of the drawings in consultation with OCC.

Residential Amenities

- 5.11 In terms of the residential amenities of existing residents the proposals conform to the Shilton Road building line at the front of the site and are set off the boundary The nearest unit to the nearest existing house features a blank gable end and there will be intervening planting. There is a bedroom window to the rear of plot 12 that has the potential to give rise to some overlooking at an oblique angle but that can be addressed by condition.
- 5.12 With regards to the amenities of the residents of the new units the houses generally feature reasonable rear gardens, on site or convenient car parking and the grouping of the open spaces into greens and courtyards means that the outlook will also be very attractive from a number of

the units - and in particular the majority of the affordable units. The perimeter planting includes a circular perimeter path which should prove useful for informal recreation and the play space is well sited and designed. It is considered that the scheme would offer a good standard of amenity.

Other matters requiring amendment or clarification or that have been the subject of comment

- 5.13 It will be noted that the ecologist has raised a number of issues regarding the retention of a wall and where compensatory planting is to be provided. Amended plans will be needed to address this issue. A number of residents have queried the use of LPG as the proposed heating source. The applicants advise that the development will incorporate high standards of insulation etc and that they will be implementing sustainability initiatives. The site is off mains gas and as such LPG is a common means to provide heat/cooking in such locations. The alternatives suggested in the form of solar panels or heat pumps are considered likely to have too high a visual impact on a scheme that has been designed with traditional vernacular principles as its guiding aim. As regards the materials palette the materials selected conform to the materials palette identified for the limestone wolds in the design guide. With regards to the access to the footpath on the Golf Club the scheme makes provision for that to happen but it is not actually proposed as part of this application. As regards the overall density of development and affordable housing mix the scheme has less development overall than envisaged as part of the 'up to' allowances approved at outline and the AH provision meets the specifications set out.
- 5.14 The main outstanding issue where further work is required relates to the landscape buffer to the south. This was an integral part of the Inspectors decision and he acknowledged that whilst the site may be visible for 20 years as the landscaping matured that in time and with maturity the site should become more or less screened. The applicants are seeking to have the landscaping details approved as part of this submission but the views of the Forestry Officer as to the acceptability of the scheme are awaited. Officers are concerned that at some key points along the southern boundary the landscaping may need to be thinned to make provision for the ecological mitigation measures and the two issues need to be considered in conjunction which may necessitate the submission of amended plans.

Conclusion

- 5.15 The scheme follows the principles established/fixed at outline and has much to commend it in terms of the attempts that have been made to create a design bespoke to the location and that meets the requirements of the outline parameters and conditions. It has the potential to be a high quality development. There are however still some matters that require amendment (window designs, garage details, retention of walls etc) clarification (ecological enhancement, use of LPG, swept paths and tandem parking etc) or where the advice of a key consultee is still awaited.
- 5.16 Much of the outstanding matters could be addressed by condition and it is considered that any amendments likely to result would be of a minor or technical nature such as Members may consider it possible to delegate authority to officers to undertake the outstanding negotiations prior to any permission being issued. Alternatively it may be that in the period between writing the report and the date of the sub committee that amended plans can be secured. Alternatively Members may decide that they wish to defer further consideration of the application until such time as the matters have all been concluded.

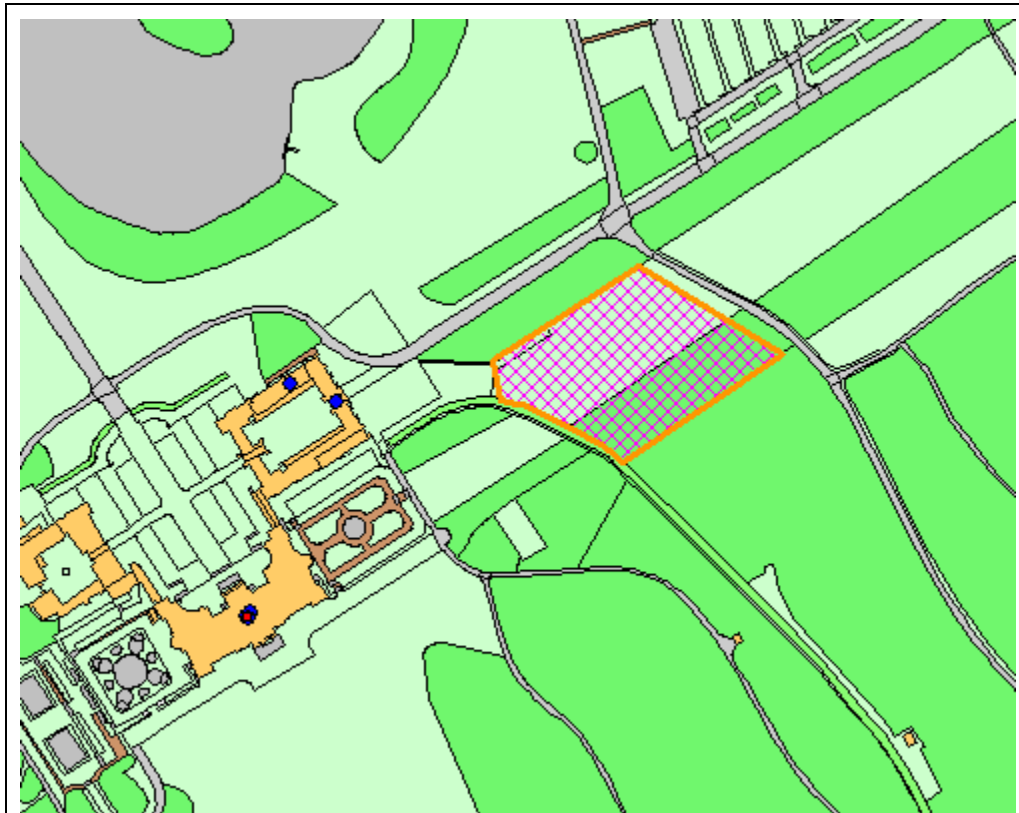
5.7 A full verbal update will be given at the meeting.

6 RECOMMENDATION

Officer to report.

Application Number	I8/03288/FUL
Site Address	Blenheim Palace Blenheim Park Woodstock Oxfordshire OX20 1PX
Date	19th December 2018
Officer	Phil Shaw
Officer Recommendations	Provisional Approval
Parish	Blenheim Parish Council
Grid Reference	444122 E 216054 N
Committee Date	7th January 2019

Location Map



© Crown copyright and database rights 2016 Ordnance Survey 100024316

Application Details:

Temporary siting (4 months) of a Shakespearean theatre at Blenheim Palace

Applicant Details:

Blenheim Palace Heritage Foundation, Estate Office, Blenheim Palace, Woodstock, Oxfordshire

I CONSULTATIONS

- | | | |
|------|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I.1 | OCC Highways | No Comment Received. |
| I.2 | Conservation Officer | No Comment Received. |
| I.3 | ERS Env Health - Uplands | No Comment Received. |
| I.4 | Historic England | No Comment Received. |
| I.5 | Ancient Monuments Society | No Comment Received. |
| I.6 | The Georgian Group | No Comment Received. |
| I.7 | The Gardens Trust | The building proposal does not appear to be especially attractive and is very large. However, important views to the lakes and Brownian landscape are not seriously impacted. The Oxfordshire Gardens Trust has no objection on the basis that it is a temporary structure, with the proviso that no alteration to the ground levels/surfaces are incurred in its erection and removal. However, it is certainly not something that we would support on a year on year basis due to its visually intrusive location. |
| I.8 | The Victorian Society | No Comment Received. |
| I.9 | Society For Protection Of Ancient Buildings (SPAB) | No Comment Received. |
| I.10 | Thames Water | No Comment Received. |
| I.11 | Parish Council | No Comment Received. |

2 REPRESENTATIONS

- 2.1 One Letter of objection has been received from Joanna Lamb on behalf of approx 240 residents and traders in Woodstock and Bladon. In summary she advises that:
- Tickets are already for sale.
 - There will be approx 2000 extra people per day including cast and crew.
 - Blenheim charge an extra £10 on top of the ticket price for parking on site which drives attendees to park within Woodstock resulting in the town centre and adjoining roads becoming choked by traffic and reducing the quality of life for residents and traders.
 - Blenheim's expansion has become intolerable for residents and traders.

3 APPLICANT'S CASE

3.1 Writing in support of the application the agent has tabled a suite of supporting information which may be viewed in full on line. Relevant extracts are quoted below:

- The central part of the project is "Shakespeare's Rose Theatre", a dodecagon shaped building covering an area of 850 square metres and standing up to 13m high at its apex. Joining on to the extremities of this will be four separate "towers" allowing stepped access to the upper levels of the building.
- The building will be created utilising a Layher scaffolding system with an external covering of fire retardant wood designed to give the impression of age. The roof will feature a similar covering of wooden sheets with a "thatch" design.
- Internally the building will hold just over 600 seats on three different levels, with a decked floor at ground level appropriate for up to 350 standing patrons. There will then be a stage 18m wide by 8m deep standing approx. 1.5m above the ground for the performances. At the back and around the sides of the stage will be theatrically designed backdrops.
- To the south of the theatre building will be a secure Back Of House area with 5 Portacabins for dressing rooms, storage, office space and an employees WC.
- To the north of the theatre will be the Front of House area featuring the "traditional" village. This will include
 - Outlets serving a variety of food and beverages including alcoholic drinks solely for consumption on the site itself.
 - A designated VIP/Group area.
 - A small performance space with a waggon allowing for a variety of performers to come and entertain up to 50 people at a time.
 - A carnival area featuring some traditional games, with potentially some fairground activities.
 - A variety of picnic tables and area's for people to enjoy food and drink whilst waiting for the show to start
 - Freestanding space to accommodate the rest of the patrons and visitors to the village
 - WC's for the use of the public.The overall design of the project is incredibly important to us and we'll be ensuring that all aspects fit into the same style.
 - The area will be marked out and surrounded with secure heras fencing but both inside and outside this will be covered in an appropriate wooden structure.
 - The entirety of the floor will be covered in flame retarded wood chip
 - All the outlets, shed's, tables etc will be designed and created in keeping with the idea of a traditional 16th Century village wherever possible.
- It will contribute to building a strong, responsive and competitive economy, by contributing significantly to ongoing investment into Blenheim Palace as one of the nation's foremost 21st Century visitor attractions, bringing direct investment to West Oxfordshire from all around the world. This in turn, will support Blenheim's growing role as a major and highly-regarded employer;
- It will support a strong, vibrant and healthy community, by increasing the vibrancy of Blenheim Palace as a visitor attraction, helping to sustain and increase direct investment into the local community, most notably the businesses in and around Woodstock. It will enhance the provision of the arts and cultural entertainment in the local area, to be enjoyed by local people and visitors alike. It will add to the variety of facilities available to the local community, of which Blenheim comprises a proactive and supportive member.

- It will contribute to protecting our natural, historic and built environment, by conserving the significance of the Blenheim Palace World Heritage Site. The proposal has been developed with heritage at its heart - it is an entirely heritage-based construction, replicating Shakespeare's Rose Theatre. Importantly, as well as blending in perfectly with its bustling, summer-time surroundings, the proposal will make a positive contribution to local character and distinctiveness, drawing specifically on the contribution made by the historical environment to local character, and maximising the wider social, cultural, economic and environmental benefits that appropriate development can bring.
- The proposal therefore delivers sustainable development.
- Further to the above, the provision of an attractive, distinctive and characterful traditional heritage theatre will add significantly to the vitality of the local economy. In providing for matinee and evening performances, it will effectively extend the scope for the visitor attraction to make the most of daylight, as it extends into summer evenings. More visitors to Blenheim, albeit in limited numbers (the theatre's capacity is limited to 950) and in a carefully managed way, will help to support and supplement activities, services and facilities, serving to sustain the successful future of Blenheim and Woodstock.
- Paragraph 200 of the Framework states that Local Planning Authorities should:
- "...look for opportunities for new development within World Heritage Sites...to enhance or better reveal their significance. Proposals that...better reveal its significance should be treated favourably."
- The proposed development comprises exactly the kind of opportunity Paragraph 200 provides for
- The Lower Park comprises an area between the Palace and Pleasure Grounds to the west and the A44 trunk road to the east. It is recognised as an area of parkland characteristic of the English Landscape Style and largely consists of managed park grassland with a scatter of mature and veteran oaks, particularly to the south and east.
- As an English theatre in its most traditional possible sense - based entirely on Shakespeare's Rose Theatre - the proposal is not inappropriate to the Lower Park's English Landscape Style. Between May and September, the proposal would be visible through and between surrounding trees and would appear in open views from the east. It would, to a considerable degree, be framed by mature trees and would be seen in the context of one of the busiest parts of the WHS. This would add to the "festival" atmosphere enjoyed by this part of the WHS throughout the summer. Further, whilst the proposal and the Palace would be largely separated by trees and distance and would only be glimpsed together from the east, as a traditional heritage-style English theatre, almost castellated in appearance, the proposal would sit well with Vanbrugh's distinct military overtones in respect of the Palace itself.
- The WHS has a rich historical association in respect of providing public and private venues for entertainment, dating back hundreds of years. This includes a wide range of interesting and unique offers, from the Georgian "party venue" within the Vanbrugh Bridge itself, to the modern-day "Nocturn" evening concerts immediately in front of the Palace's grand entrance.
- The proposal is entirely in keeping with such historic associations

3.2 Writing in response to concerns raised by Officers the applicant advises:

Car parking/traffic

- We do not think this is an issue. This is a season length event, achieving high numbers by having multiple iterations rather than large crowds on a single day. Using Light Trail parking

penetration, we expect approximately 220 cars per performance - on top of normal summer volumes this is not an issue for the roads or parking (absent other significant but beyond our control factors). In summer, we have a large amount of parking space on the park land. The scale is less than 1/5 of a Light Trail night - and the Light Trail causes no road problems.

- The planned performance times means the bulk of audience traffic will arrive from midday avoiding our busiest times for Palace visitors arriving which is much earlier.

Location

The aim of this event is to gain profile and draw large numbers of multi-day visitors to the area (multi-day visits are worth a lot more than day trips to the local economy and we consider that Oxon has a poor evening set of activities which does not encourage multi day visits). This is valuable to the whole economy but also specifically to hotels and restaurants in the area (capacity of the former is set to rise sharply). Notwithstanding that longer term impact, we still need to run it profitably. For this, we need the Theatre to be visible to all visitors to the site (for ticket cross sales) and for the Palace to be visible to Theatre-goers (same reason). No other location is as visible to all-comers as this - except for the Showground which is too heavily used). The location sits on the Shakespeare Way. The site chosen has no other use in the year and is naturally perfect with the tree lines in helpful places and useful security as well as having great services accessibility.

Grass

The grass underneath will yellow as the suspended floor will deprive it of light and moisture but we expect it to come back relatively quickly afterwards, this is our general experience of events in the Park. If further intervention was required this would be easily achieved.

Education tickets

There are around a dozen performances reserved for schools (so hopefully 11,000 attendees), these will be very cheap tickets. If we are successful raising sponsorship, we hope for many schools these will be free.

As discussed we understand the sensitivities of the proposal and that it is difficult to ascertain how it will impact without seeing it in situ. The building in York (<http://www.shakespearesrosetheatre.com/york>) was of similar size, was also adjacent to a listed building and was perceived as having minimal impact.

We are looking for a 1 year consent for this entirely temporary structure, to give us all the opportunity to experience the theatre in its widest sense, should you have any other questions please let me know. As you will appreciate this events will bring significant economic benefit to the local area as well as being a significant cultural and educational experience, as such we would urge you and your colleagues to support this application.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places

OS4NEW High quality design
E4NEW Sustainable tourism
T1NEW Sustainable transport
T3NEW Public transport, walking and cycling
EH8 Conservation Areas
EH9 Listed Buildings
EH10 Conservation Areas
EH11 Listed Buildings
EH13 Historic landscape character
EH14 Registered historic parks and gardens
EW9 Blenheim World Heritage Site
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 This is a very unusual application as it seeks consent for the erection of a theatre but only for a period of 4 months. The proposal takes its precedent from the temporary siting of the Rose Theatre at York Castle, a Grade I Listed Building and Scheduled Ancient Monument. If successful, the temporary theatre would assist in financially supporting ongoing maintenance and improvements in accordance with the World Heritage Site Management Plan.
- 5.2 The theatre would be constructed, sited and removed within a four month period, between May and September 2019 and is essentially a clad scaffolding structure with associated toilet and retail facilities and fencing. It is proposed to be located adjacent to the narrow gauge railway station at the Palace end of the narrow gauge track on site.
- 5.3 Members may be aware that Blenheim Palace's Certificate of Lawfulness of Existing Use or Development (07/1036/CLE) provides for public recreation, public entertainment and associated facilities, including the temporary erection of structures associated with such use. However it is considered that the CLEUD does not allow for the erection of buildings such as is now proposed and in that regard the assessment of a planning application and, if approved for a temporary period monitoring its impacts, would provide for all impacts associated with the proposal to be taken into account, along with the consideration of any necessary and relevant planning conditions. Specifically the planning application if approved would allow all parties to see the proposal work in situ and experience its impacts, before determining whether planning permission for annual siting (for four months each year) would be appropriate over the longer term.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.5 There are a series of overlapping and competing policies that will need to be balanced in the assessment of this application. The site is a World Heritage site within a registered Park and Garden and sited in close proximity to a Grade I listed Palace and numerous lesser graded listed buildings. The Conservation Area boundary runs in close proximity to the proposed site.

As such it has the highest protection as a Heritage Asset of World significance and Members will be aware of the legal requirements under section 66 of the Planning (listed buildings and Conservation Area) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses coupled with the procedural and policy framework that proposals that harm its significance or setting should be resisted unless there are clear and tangible public benefits that clearly and convincingly outweigh the harm (See adopted policy EH9 and section 16 of the NPPF). These factors weigh against the scheme if it is determined that there is harm arising from the siting of the proposed building

- 5.6 To set against this the site already enjoys considerable visitor numbers and the proposals to extend the length of stay and tourism offer of the existing attraction/ District is in accordance with policy E4 of the adopted plan. However in recognising that tourism benefit it needs to be noted that the legal and policy context for supporting tourism is generally accorded less weight in the planning balance than preserving heritage assets - to which great weight and importance must be given.
- 5.7 In your officers assessment therefore the balancing exercise as to the principle of development rests with whether there is harm and if so are there mitigating public benefits of such weight as could convincingly justify it as exceptional when applying the legal tests alongside the provisions of paragraphs 193, 194, 196 and 196 of the NPPF. These matters are addressed more fully below.

Siting, Design and Form

- 5.8 The theatre building is of a scaffold construction over a number of floors and seeks to create the appearance of a structure reminiscent of the Globe Theatre by way of external cladding. Visual representations as to how a similar structure erected in York appeared will be available to view at the meeting. Associated with the new structure are a series of ancillary features such as toilets, ticket and retail facilities etc and the whole complex is surrounded by security fencing. As such, for the months that it is in situ, it will clearly have a considerable visual impact and when removed it is likely that the signs that a structure and associated activity has been in place will be readily visible for some time notwithstanding any remediation that may be undertaken.
- 5.9 The design form is essentially a Tudor building - albeit in an adapted pastiche form. The Palace is of a considerably different architectural style and was designed to sit within a landscaped setting which itself is of recognised importance and significance. Due to the desire to achieve crossover use between theatre users and general patrons of the Palace the proposed theatre has been sited very close to one of the principal elevations of the Palace and on the main arrival route for most visitors. It thus has the potential to transform the character, appearance and significance of what is currently open parkland (albeit slightly compromised by the railway and activity associated with the car park in front of the main arrival point) and whilst there is some very mature planting between the actual theatre and the Palace building there will remain some intervisibility and the dramatic arrival along the avenue of trees to the Palace entrance will be interrupted by the somewhat alien new structure which has little historic or architectural association with this particular location.
- 5.10 The report is being prepared in advance of the Xmas break and at the point of preparation Officers are still awaiting consultation responses from a number of very key consultees as to the heritage impact . However, subject to what they may subsequently advise, your officers initial

assessment is that were this for a permanent (even time limited) consent the degree of harm to the WHS, the setting of the LB, the registered Park etc would be such that no case could realistically be made as could justify its siting in this location. However this initial viewpoint will need to be informed by the advice of the expert consultees and the application is not for a permanent consent but merely for a 4 month trial period to allow one theatre run to take place.

- 5.11 Dealing with this latter point the applicants have agreed that the application should seek to cover just one period and not be for a permanent consent. Confusion had arisen in that the applicants had understood that the proposals were covered by the CLUED and as such did not require planning permission. They had commenced marketing etc before they were informed that planning permission was in fact required. Clearly this is far from ideal but cognisant of the potential adverse tourism impacts were the run to be cancelled and mindful that the applicants were asserting that the visual impacts would be far less than feared by Officers it was agreed on a without prejudice basis that this application should be tabled such that the use could be assessed as a temporary rather than permanent use and if this consent is approved its impacts could be trialled with a view to enabling a more informed decision on a subsequent application.
- 5.12 At the time of agenda preparation Officers have taken the viewpoint of the only heritage consultee yet to have responded that provided the use is remediated afterwards that a one year run can exceptionally be justified in that any harms as may arise are essentially fully reversible. In allowing the use to proceed it will enable the public benefits of supporting the tourist sector with the parallel benefit of a better informed later judgement as to whether it could continue on this site, should continue at all or whether there are other less harmful locations where it could be sited. This initial opinion may however change in light of receipt of further informed technical opinion particularly if the harms/concerns are considered excessive.

Highways

- 5.13 Members will note that the advice of OCC in its capacity as Highway Authority have yet to be received. However it is anticipated that as the proposed use seeks to operate outside the core operating hours that the traffic impacts will be capable, with appropriate management, of being accommodated without undue harms to highway safety or convenience. The issue of the ticketing arrangements may also need to form part of any package of conditions. On the one hand it is clearly preferable that visitors to the site that arrive by non car modes of transport are encouraged by way of a subsidised ticket price. However if the reality of this is that patrons drive most of the way to the site, park in Woodstock and then only walk the last few metres to the site then this is not securing the aim of encouraging non car modes of transport and additionally increases the adverse impacts of the visitor usage of the Palace upon Woodstock and its residents. When the response of OCC has been received it is hoped that this matter can be explored in more detail with the applicants.

Residential Amenities

- 5.14 The traffic, lights and activity associated with the proposed use will have the potential to increase the impact of the operation of the Palace upon neighbours who back on to the site and in particular those in the houses located on the near edge of Woodstock just north of the Palace grounds. However the proposed theatre is proposed to be sited approx 300m from those houses and given existing traffic levels and activity and in the absence of objection it is not considered that a refusal reason based upon amenity impact could be justified

Conclusion

- 5.15 This is a difficult application to make a recommendation upon as with the impending Xmas break, at the point of drafting the report there is a paucity of consultation responses, the site is of exceptional sensitivity and as a result of the commencement of marketing in erroneous anticipation of planning permission not being required the clock is ticking as regards making a decision seeking to balance heritage impacts against tourism benefits. Your Officers have at the point of agenda preparation indicated that they are minded on the basis of the information received thus far and the reversible nature of the proposals that the heritage harms that will arise can exceptionally be justified in this instance in the main as that they are time limited and reversible and in approving such a time limited application it will enable a more holistic look at the benefits, impacts and whether better locations exist should the applicants wish to pursue a more permanent solution. This is considered a pragmatic approach to the position that the applicants have found themselves in but as the recommendation is being made with many key consultation responses still outstanding there may well be a need to consider alternative recommendations should the planning balance dictate. A full verbal update will be given to the meeting.

6 RECOMMENDATION

Officer to report/update.