

Our Ref: HM/7385

18 February 2015

FAO Bob Duxbury
Cherwell District Council
Planning Department
Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA

Dear Mr Duxbury,

Proposal: 14/02004/HYBRID | OUTLINE:- Up to 1500 dwellings, including affordable housing and up to a 150 unit care village (C2) with associated publicly accessible ancillary facilities; site for a new primary school; up to 930sqm of retail space; up to 7,500sqm locally led employment (B1/B2/B8) including link and ride; site for a football association step 5 football facility with publicly accessible ancillary facilities; public open space, associated infrastructure, engineering and ancillary works, (all matters reserved except for means of access to the development); and Full Planning:- development of Phase 1 at the south western corner of the site for the erection of 29 residential dwellings (29 or the 1500 described above) with associated open space, parking and landscaping; with vehicular access provided from Upper Campsfield Road (A4095), Shipton Road and Oxford Road (A44) | Land South Of Perdiswell Farm Shipton Road Shipton On Cherwell

I have been instructed to write to you on behalf of Woodstock Town Council (WTC) to object to this application. In short the proposal is plainly contrary to national planning policy and policies within both West Oxfordshire's and Cherwell District Council's local plans. I will explain.

The Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 provide the legislative framework for consideration of this appeal. Section 70(2) of the Town and Country Planning Act 1990 states that in the determination of applications:

"The Authority shall have regard to the provisions of a development plan, so far as material to the application, and to any other material consideration."

Section 38 (6) of the 2004 Act states that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

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Policy H7 in West Oxfordshire's Adopted Local Plan 2011 (WODCLP) only allows residential development through infilling, the rounding off within the existing built-up area, conversion of appropriate buildings and sites specifically allocated for residential development in the plan.

Policy H2 in the plan seeks to prevent development which would set a precedent for undesirable development and erode the character and environment of the area.

Cherwell District Council's Adopted Local Plan 1996 (CDCALP), Non Statutory Local Plan 2004 (CDCNSLP) and Emerging Local Plan (CDCELP) all highlight areas for where residential development will be permitted.

Strategically, none of the plans allow for residential development in this type of location which is effectively open countryside. As the proposal is clearly contrary to the adopted development plan and there are no material considerations to indicate otherwise (see below), planning permission should be straightforwardly refused.

WTC acknowledge that neither Council currently has a five year housing land supply as required under paragraph 47 of the National Planning Policy Framework (the Framework) although it is noted that a new Housing Land Supply Position Statement February 2015 presented to WODC Cabinet on 18 February 2015 states that it now has a 5.6 year supply based on its new Submission Local Plan 2031. CDC's Local Plan has gone through examination and once adopted will address its five year housing land shortfall.

A ministerial letter sent to Councils on 19 December 2014 explained that Local Authorities should have the opportunity to properly assess and progress a plan which meets its objectively assessed housing need in the most sustainable locations. WTC would argue that this application is premature to this process and does not allow either Council to properly plan for development in their district. Furthermore, existing and emerging planning policies demonstrate that in principle, neither Council considers this a sustainable location for this level of development.

WTC would also point out that this very site was considered in 2006 for residential development during the Examination in Public for the WODCLP. After hearing the evidence the Government Inspector concluded that:

"Notwithstanding the existing and proposed landscaping, the Proposal would constitute a significant incursion into the open countryside to the east of the town. I also consider that the size of the proposed development is excessive when measured against the scale of this small, attractive market town."

"At Woodstock whilst there is some scope for limited development within and on the fringe of the town, the potential impact on the historic fabric of the town in particular the Blenheim World Heritage Site is a key consideration."

The Inspector dismissed the site from consideration for any residential development. Indeed it should be borne in mind now that the current proposal is even larger (in fact some 8 times larger) than the one considered by the Inspector above. WTC also note with interest that one party to the current



planning application (Pye Homes) objected at the time to the above proposal, but this is not referred to in any recently submitted documentation by Pye Homes.

In the interests on the Government's Localism agenda borne out in the Localism Act 2010 which gives greater power to local communities in decision making, WTC wish to draw the Council's attention to a poll carried out by WTC on 6 November 2014.

The poll asked:

"Do you oppose any development or urbanisation on green fields abutting and surrounding our town of Woodstock?"

Of those who responded to the poll, 85% stated 'yes' they did oppose any development or urbanisation on green fields abutting and surrounding our town of Woodstock

At the time of writing of this response both Kidlington and Kirtlington Parish Councils have objected to the proposal.

Notwithstanding these points, there are a number of other key areas under which WTC wish to object to the application.

Impact on Blenheim Palace as a World Heritage Site

Blenheim Palace is a World Heritage Site meaning the Palace and its setting is an area of outstanding international importance. The scale and magnitude of the proposed development will have a substantial negative impact on the setting of Blenheim Palace.

The Framework is clear about the importance of preserving and enhancing heritage assets. Paragraph 132 of the Framework states that:

'Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'*

Paragraph 133 continues:

'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.'

The United Nations Educational, Scientific and Cultural Organisation (UNESCO) who designate World Heritage Sites state on their website under 'Protection and Management Requirements' for Blenheim Palace:



'Firm implementation of existing policies is important to provide effective protection of the setting of the World Heritage property and it will be important to ensure that the management of the Park prioritises conservation of the elements of the landscape that reflect the work of Vanbrugh and Brown.'

WTC note that ICOMOS UK, which is the official advisor to UNESCO on cultural World Heritage Sites, have commented on and objected to the proposal. Its submission of 29 January 2015 states that the impact assessments on Blenheim Palace itself and its setting that have been submitted with the application are far from satisfactory. A full Heritage Impact Assessment is required.

It states that the replacement of open farmland with a major development would have a negative impact on the tranquillity of the closest part of the Blenheim Palace estate in terms of traffic and light pollution. Impacts to the approach to the Blenheim Palace estate also need to be assessed.

The submission also states that the history of Woodstock is bound up with the history of Blenheim. Doubling the size of the town and providing a new focus away from the historic core would significantly alter this balance. A copy of the ICOMOS submission can be found at Appendix A of this response.

The applicant proposes to use planting as a means to mitigate visual impacts. However, the London Oxford Airport response to the Council dated 12 January 2015 states that for safety reasons, any trees planted should not be of a species which attracts large numbers of birds or would grow above 15 meters. Therefore the effectiveness of any screening is debateable.

Furthermore WTC would draw the Council's attention to the letter received by Mayor Julian Cooper from English Heritage on 3 February 2015. The letter, which has been submitted to Council for reference, raises major concerns over the impact on a Scheduled Ancient Monument through the Woodstock East proposal. It states:

'The prime case for this here, simply because it lies on the land for the application has been made, is the Roman site known as Blenheim Villa: we have major concerns on the setting of this scheduled monument which is not well understood.'

WTC would reiterate the point above that the scale of the current proposal is even bigger (some 8 times bigger) than the scheme rejected by a Government Inspector due to its perceived harmful impact on the setting of Blenheim Palace. Permission should be refused for this application on the grounds that the development will cause significant and irreversible harm to the setting of a historical asset of international importance.

Landscape

WTC also have real concerns over the impact of the development in wider landscape terms. Policies have been put in place by both Council's to prevent development having a detrimental effect on landscapes and open spaces which are important to the character of a settlement.



Policy BE4 – Open space within and adjoining settlements in the WODCLP prohibits development within or adjoining the built up area of a settlement which would result in the loss or erosion of an open area which makes an important contribution to the distinctiveness of a settlement, visual amenity, facilities which benefit local residents, nature conservation and common land or village green.

Policy BE11 - Historic Parks and Gardens states that:

'Development will not be permitted that adversely affects the character, setting, amenities, historical context or views within, into or from a Park and Garden of Historic Interest.'

Policy NE3 - Local Landscape Character states that:

'Development will not be permitted if it would harm the local landscape character of the District. Proposals should respect and, where possible, enhance the intrinsic character, quality and distinctive features of the individual landscape types.'

Policy C7 - Landscape Conservation in the CDCALP prohibits development which would cause demonstrable harm to the topography and character of the landscape.

Policy C10 – Landscape Conservation similarly prohibits development which would have a detrimental effect upon the character and appearance of historic landscapes, parks and gardens and battlefields and their settings.

Policy EN34 – Landscape Character in the CDCNSLP states that:

'The Council will seek to conserve and enhance the character and appearance of the landscape through the control of development.'

Policy ESD 13 – Local Landscape Protection and Enhancement in the CDCELP states that:

'Development will be expected to respect and enhance local landscape, securing appropriate mitigation where damage to local landscape character cannot be avoided.'

The development would result in the loss of valuable open space on the south eastern edge of Woodstock, effectively joining Woodstock to Oxford Airport (boundary to boundary) resulting in the potential for visual and landscape harm. This is above and beyond any noise and safety issues associated with locating residential development next to an active airport.

Moreover the scheme would result in the coalescence of Woodstock and Bladon, eroding the distinctiveness of these two historic settlements.

Green Belt

The south eastern corner of the proposed site adjoins the Oxford Green Belt in Cherwell District. The proposal includes a large 3 storey new build commercial element fronting onto the Upper Campsfield Road, directly facing the Green



Belt over the road. The size, height, mass and scale of such a development hard up against the edge of the Green Belt boundary and plainly visible from it, will undoubtedly mean the Green Belt's openness and its purpose will be compromised by the development.

Government guidance is unequivocal on the protection of the Green Belt. Paragraph 79 of the National Planning Policy Framework (the Framework) states that:

'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.'

'Policy ESD 14 Oxford Green Belt' in the CDCELP states that the Oxford Green Belt boundaries within Cherwell district will be maintained in order to:

- *'Preserve the special character and landscape setting of Oxford*
- *Check the growth of Oxford and prevent ribbon development and urban sprawl*
- *Prevent the coalescence of settlements*
- *Assist in safeguarding the countryside from encroachment*
- *Assist in urban regeneration, by encouraging the recycling of derelict and other urban'*

Similar policies appear in both the CDCALP and CDCNSLP and demonstrate Cherwell District Council's commitment to preserving Oxford's Green Belt.

Environment

As a large greenfield site will be developed through the proposal, negative effects on biodiversity are inevitable. This goes against the planning policies for both Councils set out below.

POLICY NE6 - Retention of Trees, Woodlands and Hedgerows in the WODCLP states that:

'Planning permission will not be granted for proposals that would result in the loss of trees, woodlands or hedgerows, or their settings, which are important for their visual, historic, or biodiversity value. Removal will only be allowed where it can be demonstrated that the proposed development would enhance the landscape quality and nature conservation value of the area.'

POLICY NE13 - Biodiversity Conservation' states that:

'When determining planning applications, the Council will seek to safeguard, maintain and enhance priority habitats and species within the District. Development proposals should include measures to mitigate any effects upon features of nature conservation value, including where appropriate the provision of compensatory habitats or management.'



POLICY NE15 - Protected Species states that:

'Development that would have an adverse effect on a site supporting a specially protected species will not be permitted unless damage to the ecological interest can be prevented through compliance with conditions or planning obligations.'

'Policy C1 - Nature Conservation' in the CDCALP prohibits development which result in the loss or damage of Sites of Special Scientific Interest or other areas of designated wildlife or scientific importance. It also states that the Council will seek to ensure the protection of sites of local nature conservation value.

'Policy EN24 – Protection of Sites and Species' in the CDCNSLP states that:

'The Council will seek to promote the interests of nature conservation through the control of development. It also states that proposals which would result in damage or loss of a site of ecological or geological value will not be permitted unless there are imperative reasons or the development outweighs the ecological value.'

'Policy ESD 13 – Local Landscape Protection and Enhancement' in the CDCELP states that:

'Development will be expected to respect and enhance local landscape, securing appropriate mitigation where damage to local landscape character cannot be avoided.'

'Policy ESD 10 – Protection and Enhancement of Biodiversity and the Natural Environment' in the CDCELP states that:

'Protection and enhancement of biodiversity and the natural environment will be achieved by seeking a net gain of biodiversity through development, aim to increase the number of trees in the district, the reuse of soils and adequate mitigation.'

Transport

WTC have major concerns over the potential local traffic implications of such a large development. WTC have commissioned Glanville to appraise the Transport Assessment (TA) submitted with the application. Glanville have raised the following initial issues:

- Would be helpful to see the findings of the consultation process to understand how the site has evolved in transport terms and how the relevant issues and concerns were addressed.
- Was the scope of the TA agreed with the Local Highways Authority?
- There is limited assessment of the full detailed planning part of the application – insufficient information has been provided within the TA to determine the suitability of the layout, servicing, accessibility and the proposed sites access junction.
- The swath of open space between Woodstock and the main development is not good for promoting sustainable travel methods – not attractive for cycling, walking and public transport.



- The proposed right hand turn junction with the A44 appears to be too close to the existing private access on the opposite side to accord with DMRB guidance.
- Traffic surveys were carried out when private schools had most likely broken up so were not typical flows – further surveys are required at agreed times of year.
- No surveyed traffic flow diagrams showing observed and future traffic flows have been provided – difficult to understand relevant issues and check junction capacity modelling.
- The proposed new main site access / A4095 Upper Campsfield Road roundabout design does not appear to conform to DMRB standards in terms of IDC / island ration – the A4095 approach road alignments are considered poor.
- The Marlborough School coach park and road alignment appear to require third party land – it is not clear whether this is available.
- TRICS trip rates used to generate traffic for all elements of the scheme are questionable where the sites and parameters used do not appear to provide entirely reasonable comparison in terms of size type and location to the proposed development.
- Traffic distribution based upon 2011 National Census data – difficult to follow and further explanation is required.
- Proposed bus service identified for 'link and ride' not sufficient to cater for demand if the 300 capacity carpark is fully utilised – it is questionable whether commuters would use this facility rather than Peartree Park and Ride where services into Oxford are more frequent.
- Junction layout diagrams to scale are required in order to check the capacity modelling undertaken.

The above shows that there are obvious issues and concerns with the proposal in terms of traffic generation and safety and there is insufficient detail and gaps in information provided in the TA. This makes it difficult for the Council to make a fully informed judgement on the transport / traffic impacts of the development. In terms of safety and capacity, WTC have major concerns over the suitability of the proposed access from Shipton Road. It is noted that under the transport' comments issued by the County Council as part of the 'Informal Pre-app for Woodstock' it states:

'No vehicle access will be supported from the Shipton Road to serve this site, although an emergency access may be considered.'

There are also real safety concerns over the proposed cycle path crossing the busy Bladon Roundabout, particularly if it is going to be used by children.

WTC would also add that the 'link and ride' proposals are too vague and that impacts on existing congestion issues and car parking provision in Woodstock have not been considered in the TA. There is no reference to waiting facilities, security measures, car parking charges and impacts on existing bus services including effected bus schedules due to diversions and the likely bottlenecks at Bladon Roundabout.

The combined impacts of development at Long Hanborough, Oxford's Northern Gateway and Witney on the A44 also need to be reflected.



Therefore WTC believe the Council should not make a decision on the application at least until further information is provided.

Indeed, WTC reserve the right to comment further, specifically in this regard, beyond the set deadline for submission of comments, should additional transport related information subsequently be submitted.

Impact on Woodstock's Character and Town Centre

WTC object to this proposal in the strongest possible terms for the reasons set out above and as importantly for the impact as anything it will have on Woodstock's unique historical character and town centre. Once this proposal has spoilt what makes Woodstock special, there will be no turning back.

The local economy in Woodstock relies heavily on tourism. The erosion of Woodstock's historic character which draws people to the town and the impact on facilities such as car parking in the town through this scheme will undoubtedly have a significant negative impact on the local economy.

The proposed development would double the size of Woodstock, effectively creating a satellite town. It would dilute the town's intrinsic distinctive character and put even more pressure on existing infrastructure in the town. This is not in-line with policies BE1 and BE3 in the WODCLP which seek appropriate infrastructure and well-designed development which respects existing scale, pattern and character.

WTC are also concerned that the proposed 'Care Village' will further exacerbate the adverse demographic trend towards a disproportionate concentration of elderly in Woodstock.

'Policy SH4 Shopping - Facilities for the Local Community' in the WODCLP states that:

Proposals for small scale individual shops or groups of shops (Class A1), or other small scale retail premises to meet the daily needs of the local community will be permitted within towns and villages, provided all the following criteria are met:...

b) the proposal would not harm the vitality and viability of an existing town centre or an established village centre for shopping;

The proposal incorporates a Local Centre, with 930m² of retail space including a supermarket. WTC is extremely concerned about the negative impact on the viability and vitality of the retail offer in Woodstock town centre as connectivity between the proposed location and the town centre is poor (see Transport section above). Policy SH4 above was clearly put in place to prevent a situation such as this from arising.

Summary and Conclusions

In summary, this proposal is contrary to adopted planning policy and the spatial strategy for both local authorities. Therefore, according to the Town and Country Planning Act 1990 and Section 38 (6) of the 2004 Act, plainly permission should plainly be refused.



The development would also be premature to the Councils developing Local Plans which seek to allocate development in the most sustainable locations.

It will cause significant and irreparable harm to the setting of a World Heritage Site of international importance and a Scheduled Ancient Monument.

Moreover the proposal will cause wider landscape harm and the coalescence of two historic settlements.

There will be serious detrimental effects on Woodstock's town centre and the local environment.

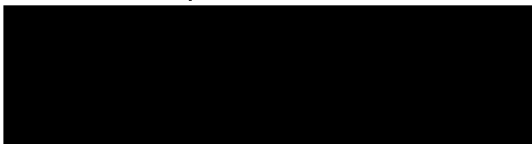
The TA has significant information gaps which means the full traffic impact of the proposal is not known.

The applicants have based their arguments on sustainability factors but have failed to take account of the negative impact on sustainability revealed in the foregoing paragraphs in the Planning Statement on environmental, economic and social grounds.

In light of all these issues, WTC consider that the Council would be seriously remiss in approving this application and should therefore take the only possible decision in the circumstances and refuse planning permission for the clear cut reasons set out.

With Kind Regards.

Yours sincerely



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Appendix A