

Case Officer: Wayne Campbell

Applicant: Bloor Homes South Midlands

Proposal: Outline application (all matters reserved apart from access) for the development of up to 135 dwellings (including affordable dwellings), day nursery facility, SuDS attenuation, village parkland public open space, including children's play area, access arrangements off Banbury Road, and associated landscaping, infrastructure and ancillary development.

Ward: Deddington

Councillors: Cllr Brown, Cllr Reeves and Cllr Williams

Reason for Referral: Development of 10 or more dwellings

Expiry Date: 17 April 2023

Committee Date: 13 April 2023

RECOMMENDATION: REFUSAL

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site measures around 13.4ha of agricultural land located to the northern edge of Deddington off the A4260 Banbury Road which is the main highway between Oxford and Banbury. The southern boundary is marked by semi-mature trees and hedgerow followed by a modern housing development of The Swere and Daedas. To the north the site boundary is marked by open countryside and fields as well as the County Council highways maintenance depot. To the west the boundary is marked by agricultural fields and open countryside and to the east the site shares a boundary with the A4260 Banbury Road.
- 1.2. All boundaries to the site maintain a level of existing landscaping in the form of semi-mature trees and hedgerows. The level of landscaping varies with a significant clump of trees in the north – eastern corner as well as a larger area of trees in the north – western corner. A defined line of trees and hedgerow marks the southern edge of the site with existing properties in The Swere and Daedas View.
- 1.3. The application site is located outside the built form of Deddington and as such is considered as an area of open countryside. A public Right of Way runs north – south along the western boundary of the site.

2. CONSTRAINTS

- 2.1. In terms of topography the site is on a plateau on the southern edge with a noticeable but not significant dip towards the western / north-western edge. The site, which is situated beyond the existing built-up limits of Deddington village comprises an area of open countryside.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application seeks outline planning permission for the development of the site for up to 135 dwellings with access to the east onto the A4260 Banbury Road. The indicative masterplan submitted with the application shows the area of residential development located in the southern section of the site with the northern area of the site allocated as an area of country park / recreational use.
- 3.2. The Design and Access Statement advises that the residential element would cover an area of approximately 4.3 Ha with the community country park covering an area of around 8.98 Ha. With a further 0.15 Ha allocated for a new children's day nursery.
- 3.3. In terms of residential development, the applicant states that the development would include a range of dwelling types and sizes from 2-bed to 5-bed properties. Up to 35% of the dwellings would be allocated as affordable housing to secured by a S106 agreement. To reflect the character of the local area, the applicant states that most of the buildings would be 2-storey although some single storey bungalows included within the scheme, and some 2.5-storey buildings to add variety and character, as well as to help establish a sense of place within the scheme. The built form of the children's day nursery could be flexible with either one or two storeys subject to a future operators' requirements. Delivery of up to 135 homes on 4.34ha (the net residential area) equates to an overall density of 31 dwellings per hectare, which is considered appropriate having regard to recently constructed residential development in Deddington and settlement edge location.
- 3.4. *Timescales for Delivery*: The applicant/agent has not advised that in the event that planning permission is granted they anticipate development commencing by a particular date. However, this is an outline application and in the event that permission is granted no development would start until the approval of a reserved matters application(s).

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **22 November 2022**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. A total of 259 letters of objection, 3 letters of support and 13 comments have been received. The comments raised by third parties are summarised as follows:

OBJECTIONS:

- Principle of development – This is grade 2 agricultural land, required to produce crops and food not houses. Deddington starting to feel more like a town than a village. No more building until developers have finished the current new estates. Understood there was a cap of 100 dwellings for future development. Would support a smaller development but not one of this scale that will increase the population by around 15 - 20%.

- Impact on landscape - Loss of green space, countryside area and loss of open countryside views and impact on Deddington circular walk along Cosy Lane to Daeda's wood. Development would result in light pollution and disrupt area of natural beauty. Landscape at the front of the village has already been dramatically altered development will remove the green belt / agricultural land between the new Deddington Grange development (2019) and the council depot, to give appearance of further extending village along the A4260
- Density - Over development with 12.5 houses per acre or 31 dwellings per hectare is an incredibly high density for such a small area development will appear out of scale for a small Cotswold village and ruins the aesthetic of the local surroundings
- Adverse impact on the historic character of Deddington village.
- Impact on infrastructure - Deddington Infrastructure cannot support this level of development. Impact on Deddington amenities, local doctors, schools, sewage all of which are under pressure.
- Impact on highway safety - Increase in traffic passing through village which already excessive will result in highway safety issue but current condition of roads in the village really poor in places. Already a parking issue outside local shops, this will make it worse. Access onto Banbury Road could raise the risk of unnecessary traffic accidents and therefore would traffic lights be required at the junction to Banbury Road?
- Impact on ecology in the area.
- Archaeology - Area of archaeological interest and an evaluation of this site should be carried out while development would impact near-by listed buildings
- Contrary to emerging Deddington Neighbourhood Plan, local housing needs for July 2021 indicates local need for 2022 – 2040 of 126 houses. It would make more sense to consider the democratic voting decision of the Parish.
- Contrary to Local Plan Policies BSC 2, ESD1, ESD13, EASD15, and Policy Villages 2 Cherwell Design Guide, HELA assessment.
- Prime Minister has stated that he *would use the change in planning laws ordering local authorities to automatically reject greenfield proposals and making it clear any inappropriate development should not be permitted particularly on the green belt under any circumstances*.
- Proposed Country Park would only benefit the new residents, Deddington does not need any further open spaces.
- Carbon footprint for development unsustainable and unacceptable, both in terms of carbon cost of building the development and vehicle traffic generated plus with very little employment in Deddington new residents will need to commute to of work increasing CO2 emissions and add to congestion.
- Proposed nursery would have no funding but current Deddington nursery struggling.

- Affordable housing level exceeds local demand. New houses are not affordable for most people. Affordable should not just mean council houses and shared ownership, there is a need for one and two bed properties for youngsters
- Noise and flood lighting from Council depot intrusive to residents on new development.
- New path would result in privacy and security issue to existing residents.

SUPPORT

- Local school is taking pupils from other villages therefore has capacity for the new residents of this proposal and will assist in keeping the local school.
- Support the application.
- Comment that would be helpful to all Deddington residents if Bloor Homes are required to extend the existing footpath on the west side of the A4260 to give safe pedestrian access to the bottle bank in the slip road for the Oxfordshire County Council Highways Department depot and a pedestrian access from this development through Deddington Grange to the footpath leading to Gaveston Gardens

6.3. DEDDINGTON HEALTH CENTRE: **Objection.** *Health Centre under increasing pressure to accommodate the increasing population requiring Primary Care Services. The building at more than capacity for several years and it is at such a point that we are unable to recruit additional healthcare professionals or supporting administrative staff due to the building constraints. We do not have enough of either operational staff space nor clinical rooms for providing healthcare. During recent years, Deddington Health Centre was the fastest growing Practice in Oxfordshire and we cannot accommodate any further growth without significant investment in premises.*

Patient numbers almost doubling since it was built and has undergone several refurbishments to utilise every possible space, further space is now not available on the current footprint. We have had to close our patient list with NHS England permission for the last year due to staffing levels. Health Centre would not be able to accommodate any increases in patient population until further accommodation is provided along with parking to accommodate patients and staff in a safe way or if a new Practice were built within the area but this does not seem to be an option.

Ongoing struggle with parking which is exacerbated by the parents of the local primary school using the very small car park at dropping off and collecting times causing significant challenges for patients requiring parking, an increase in patients will only increase these challenges. Staff do not use the car park as it is kept for patients, parking in and around the Practice/village has to be found by staff each and every day. Parking by parents along the lane in addition to our car park causes significant risk to pedestrians and our patients.

6.4. DEDDINGTON DEVELOPMENT WATCH: **Objection.** Development contrary to HELA assessment which considered site unsuitable for development as the site forms part of the landscape setting for the village. Proposal contrary to emerging Deddington Neighbourhood Plan. According to paragraph 5.159 of the Cherwell Annual Monitoring Report 2021: *Since 1 April 2014 a total of 1,062 dwellings have been identified for meeting the Policy Villages 2 requirement of 750 dwellings. In terms scale the permission for 135 dwellings would therefore result in the building of*

almost double the net housing requirement of the Parish for the next 18 years ('windfalls' excepted) at the outset of the neighbourhood plan period.

The proposed housing density of 31 dwellings per hectare is very high for a development on the edge of a rural village adjacent to open countryside. CDC has previously indicated that lower densities are more appropriate for edge of settlement developments in Deddington.

Many children of primary school age living on the new estate would need to travel to Adderbury rather than walk several hundred yards to the Deddington Primary School which is at capacity as required by the Governors. Although the proposal allocates a new nursery school, there is no certainty that this will be realised as no sources of funding for the new building are identified.

The Health Centre list is currently closed to newcomers in the villages surrounding Deddington, apart from Clifton and Duns Tew therefore question to what extent the practice could cope with an influx of (say) 325 new residents from the proposed new estate in a short period of time.

Proposal does not comply with Policy ESD13 in terms of impact on landscaping and will result in visual harm. No certainty that the new planting would effectively conceal views of the estate within 15 years as indicated by the Landscape and Visual Appraisal, especially if the planting includes deciduous trees. The Defra Magic website shows southern part of the application site, is classified as Grade 2 - very good quality agricultural land, while the northern part is classified as Grade 3 - good to moderate quality agricultural land.

From the higher ground on the northern side of the Swere valley, the upper half of the tower of the parish church of St Peter and St Paul, with its eye-catching pinnacles and gilded vanes, which is grade II* listed, is clearly visible from the Deddington Circular Walk. A high-density housing development with rooflines up to 2½ storeys high in the foreground would ruin for ever this timeless view of the parish church.

The pre-submission Deddington Neighbourhood Plan, currently the subject of a Regulation 14 consultation, does not include the above site but does allocate a number of other sites around the village. Serious concerns in the community about the harm to local character and landscape a development on this scale and in this location would cause, and pre-empting the emerging Deddington Neighbourhood Plan, especially in the context of the proposed changes to the planning regime under the Levelling-up and Regeneration Bill.

The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. DEDDINGTON PARISH COUNCIL: **Objects** on the following grounds:

Biggest post-war development in Deddington. A Housing Needs Survey carried out by the independent consultants AECOM estimated the housing need in Deddington

to 2040 to be 126 homes. From this number can be deducted 56 homes which have been approved since 2019, many of which are currently under construction. The development would alone increase the population of Deddington by more than 15%.

CDC Local Plan requires global figure of 750 new homes in the 26 most sustainable villages and has already been exceeded including a large contribution of new development in Deddington. Emerging Local Plan, likely target figure for larger villages will be an average of 50 homes and even if Deddington ranks at the higher end of the larger villages, the target figure less than half the number proposed in this scheme.

Deddington Health Centre has closed its books to new patients and has four-week waiting time for appointments, unlikely to be able to cope with an influx of 135 new households within the timeframe of such a development. Concern that the primary school and the Warriner secondary school may not be able to accommodate so many additional pupils.

Development extends the village boundary unacceptably to the north, creating a ribbon formation. *Density of the scheme is too high for Deddington area.* Proposal would have an adverse impact upon landscape of the area contrary to CDC Policy ESD13 and impede views across the Swere valley and from Coombe Hill to the Deddington church. Site was not considered acceptable in the 2018 HELA report. Strategic Environmental Assessment (SEA) of all available sites carried out by AECOM for the Deddington Neighbourhood Plan last year, this site given two red flags meaning it is likely to have adverse effect (without mitigation measures) with one red flag for impact on landscape. Second red flag was development likely to lead to loss of productive agricultural land.

Survey conducted by the DNP steering group, under the aegis of Deddington Parish Council, indicated that this site north of Deddington Grange was sixth in order of preference of the residents of Deddington village – lower than sixth if sites in the adjoining hamlets of Clifton and Hempton are taken into account. Other potential development sites in Deddington village - preferred for planning reasons and because of their selection as favoured sites by parishioners, some of which are to be included for allocation in the draft DNP – would provide at least as many homes as this one site if numbers of this order were required in the future.

Up to 8.98 hectares provided as a natural play area and a SUDS attenuation with remaining land proposed as village parkland. *This land to the north of the site slopes fairly steeply downhill and would be planted with trees. Maintenance of what would amount to perhaps 8 hectares would fall on the district council or Deddington Parish Council. Since Deddington parish is already provided with extensive parkland, woods and open space – the Castle Grounds, Daeda's Wood, the Windmill sports pitches, copse and woodland trail, as well as Welford's Piece in Clifton – the parish council is likely to be reluctant to take on the expense of maintaining extensive parkland at the northern extremity of the parish. The council asked Bloor, whether there would be a commuted sum to cover future maintenance of the entirety of the parkland. The answer was not wholly reassuring, offering a "stewardship scheme alongside the existing farming operations".*

Concern over impact on traffic with congestion already a problem in the village, particularly at peak times.

In the event that permission is granted the Parish Council would request that the permission is subject to a S106 agreement to cover improved infrastructure across and in Deddington village.

OTHER CONSULTEES

- 7.3. CDC LANDSCAPE: **Objection** - site was considered unsuitable for development in Cherwell's HELAA report 2018. Application site forms the landscape setting for the village while adjacent DWH site is screened by existing broad belt of trees, and this forms the natural periphery to the village being located at the edge of the plateau and results in a strong clear boundary between the village and countryside where existing development being barely visible in the wider landscape. Considerable screening is proposed for this development, and this suggests that if this is necessary then the development will not fit easily into the landscape. Developing this site pushes development further out into open countryside.

Development would be detached from the village with another access point off Oxford Road which will cut a gap into the boundary hedgerow and therefore the site screen. The LVIA states that the site slopes to the north from 154m to 133m which is not an insignificant elevation difference. The DWH development lies on the top of the plateau and visually demarcates the village from open countryside which is an existing natural edge and should be maintained for visual reasons, the proposed development is outside this and represents more encroachment into open countryside.

Proposed layout is very poor, doesn't reflect the landscape character of copse and hedgerows consisting of regimented rows of boxes with no integral open space. The play area should not be detached from a housing development but within it to promote overlooking and passive surveillance. Although the site will have minimal visibility in the wider landscape it is yet another tacked-on proposal with little connection to the existing village. The site is sensitive in terms of its relationship with the wider countryside and its position at the entrance to the village. The main impact would be on the landscape to the north of the village and the appearance of the northern gateway to the village.

Officer comment: The applicant responded to the above comments with a written statement advising where the applicant considered the impact of the development upon the landscape was acceptable and that the existing landscape was robust enough not to be impacted. In re-consulting with the CDC Landscape Officer, the response back was that the statement did not change the objection to the proposal in terms of landscape impact.

- 7.4. CDC CONSERVATION: **no objection**, but essential that the scheme includes retention of the existing hedges, trees and woodland this will help the development to blend in with the surrounding countryside easier.
- 7.5. CDC ENVIRONMENTAL PROTECTION: **no objections** subject to conditions.
- 7.6. CDC RECREATION LEISURE COMMUNITY HALLS ART: **no objections** subject to S106 contributions towards, Community Hall facilities, Outdoor Sports Provision, Indoor Sports Provision, Community Development Worker, Community Development Fund and Public Realm / Public Art.
- 7.7. OCC HIGHWAYS: **no objections** subject to S106 contributions and conditions. S106 contributions to cover Public Transport provision, Travel Plan Monitoring and improvements to Public Rights of Way.
- 7.8. LLFA: **objection** for the following key issues: Potential SuDS not provided for detailed design. • Agreed point of surface water discharge to be provided. • Surface water catchment plan to be provided. • Discharge rates to be shown on the drainage strategy plan. • Phasing plan to be provided.

- 7.9. CDC LAND DRAINAGE: **no objections**. On the Surface Water Drainage, no comments in principle at the stage. The indicative Qbar rates should be verified as the detailed drainage design proceeds.
- 7.10. ENVIRONMENT AGENCY: **no comments** to make.
- 7.11. OCC EDUCATION: **no objections** subject to S106 contributions to cover Early Years, Primary Education, Specials Education provision.
- 7.12. OCC PROPERTY: **no objections** subject to S106 agreement to cover contribution towards library expansion and additional books.
- 7.13. OCC ARCHAEOLOGY: **comment** that prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation.
- 7.14. OCC WASTE MANAGEMENT: **no objection** subject to S106 agreement to cover contribution towards household waste / recycling centre.
- 7.15. OCC BUILDING CONTROL LIAISON & FIRE SAFETY INSPECTOR: **comment** taken that these works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service, to ensure compliance with the functional requirements of The Building Regulations 2010.
- 7.16. BUCKS, OXON & BERKS WEST ICB: **comment** request S106 contributions. PCN area already under pressure from nearby planning applications, and this application directly impacts on the ability of the Deddington Health Centre practice in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services.
- 7.17. THAMES VALLEY POLICE: **comment** appreciate this project is at an early stage, however somewhat disappointed to see that crime prevention and community safety is not a significant consideration at this point. Whilst do not object to this application, request an addendum to the Design & Access Statement (DAS) which comprehensively addresses the issue of safety and security across the site prior to outline permission being granted.

Given the scale and significance of the proposal Thames Valley Police consider it appropriate that the developer should contribute towards the provision of infrastructure to mitigate the impact of the development. Contribution sought towards equipping and training staff, towards Police vehicles, mobile IT, ANPR Cameras programme, improvements to Police accommodation Banbury / Bicester.

- 7.18. THAMES WATER: **comment** unable to determine the Foul water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage but have been unable to do so in the time available and as such, Thames Water request a condition be added to any planning permission.

The application indicates SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

7.19. CDC ECOLOGY: no comments received.

7.20. BBO WILDLIFE TRUST: no comments received.

7.21. NATURAL ENGLAND: no comments received.

7.22. STRATEGIC HOUSING: no comments received.

8. RELEVANT PLANNING POLICY AND GUIDANCE

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

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

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- Policy PSD 1: Presumption in Favour of Sustainable Development
- Policy BSC 1: District Wide Housing Distribution
- Policy BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- Policy BSC 3: Affordable Housing
- Policy BSC 4: Housing Mix
- Policy BSC 10: Open Space, Outdoor Sport and Recreation Provision
- Policy BSC 11: Local Standards of Provision – Outdoor Recreation
- Policy BSC 12: Indoor Sport, Recreation and Community Facilities
- Policy ESD 1: Mitigating and Adapting to Climate Change
- Policy ESD 2: Energy Hierarchy and Allowable Solutions
- Policy ESD 3: Sustainable Construction
- Policy ESD 4: Decentralised Energy Systems
- Policy ESD 5: Renewable Energy
- Policy ESD 6: Sustainable Flood Risk Management
- Policy ESD 7: Sustainable Drainage Systems
- Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD 13: Local Landscape Protection and Enhancement
- Policy ESD 15: The Character of the Built and Historic Environment
- Policy ESD 17: Green Infrastructure
- Policy Villages 1: Village Categorisation
- Policy Villages 2: Distributing Growth Across the Rural Areas
- Policy Villages 4: Meeting the Need for Open Space, Sport and Recreation
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- Policy H18: New Dwellings in the Countryside
- Policy C8: Sporadic Development in the Open Countryside
- Policy C28: Layout, Design and External Appearance of New Development
- Policy C30: Design Control

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Deddington Neighbourhood Plan draft pre-submission plan (Regulation 14) was published for consultation by the Parish Council in November 2022
- Countryside Design Summary (1998)
- Cherwell Design Guide SPD (July 2018)
- Oxfordshire Wildlife & Landscape Study 2004
- Annual Monitoring Report (AMR) (December 2021)
- Annual Monitoring Report (2022 AMR) (February 2023)
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)
- Cherwell District Council Housing & Economic Land Availability Assessment (February 2018)

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Landscape and impact on the character of the area
- Highway impact
- Residential amenity
- Drainage
- Heritage
- Ecology impact
- Sustainability
- S106

Principle of Development

Policy Context

9.2. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

9.3. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 Part 1 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996 (CLP 1996).

9.4. Policy PSD1 of the CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, '*The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area*'.

- 9.5. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states, *'The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car'*.
- 9.6. Policy BSC1 states that Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.
- 9.7. Paragraph E.10 of the Plan states, *'Housing delivery will be monitored to ensure that the projected housing delivery is achieved. The District is required by the NPPF and the NPPG (to maintain a continuous five year supply of deliverable (available, suitable and achievable) sites as well as meeting its overall housing requirement'*.
- 9.8. Paragraph E.19 of the Local Plan states, *"If the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic Housing Land Availability"*.
- 9.9. The Council's latest assessment of housing land availability is its 'HELAA' published in 2018. This is a technical rather than a policy document but provides assessments of potentially deliverable or developable sites; principally to inform plan-making. The application site was reviewed in the HELAA as site reference HELAA120. The accompanying HELAA report confirmed that this site is located outside the built-up limits of Deddington and that Deddington is a Category A village. The HELAA report confirmed that *the site is considered unsuitable for development as the site forms part of the landscape setting for the village. The site comprises open land on part of a plateau that immediately falls away to the north. Development would be very prominent in long distance views from the north and be harmful to the approach to the village. There are likely to be significant potential landscape and visual impacts.*
- 9.10. Policy Villages 1 of the CLP 2015 provides a framework for housing development in the rural areas of the district and groups villages into three separate categories (A, B and C). The categorisation of villages was informed by a defined range of sustainability criteria (CLP 2015 para C.255). Deddington is a Category A village.
- 9.11. Policy Villages 2 of the CLP 2015 states, *'A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014'*. This Policy notes, *'Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission'*.
- 9.12. Policy Villages 2 states that in identifying and considering sites, particular regard will be given to the following criteria:
- i. *'Whether the land has been previously developed land or is of less environmental value'*;

- ii. *'Whether significant adverse impact on heritage and wildlife assets could be avoided';*
- iii. *'Whether development would contribute in enhancing the built environment';*
- iv. *'Whether best and most versatile agricultural land could be avoided';*
- v. *'Whether significant adverse landscape and visual impacts could be avoided;*
- vi. *'Whether satisfactory vehicular and pedestrian access/egress could be provided';*
- vii. *'Whether the site is well located to services and facilities';*
- viii. *'Whether necessary infrastructure could be provided';*
- ix. *'Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period';*
- x. *'Whether land the subject of an application for planning permission could be delivered within the next five years';*
- xi. *'Whether development would have an adverse impact on flood risk'.*

9.13. Saved Policy H18 of the CLP 1996 states that *planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements other than those identified under policy H1 when:*

- (i) *it is essential for agriculture or other existing undertakings, or*
- (ii) *the proposal meets the criteria set out in policy H6; and*
- (iii) *the proposal would not conflict with other policies in this plan.*

National Planning Policy Framework

9.14. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG).

9.15. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

9.16. So that sustainable development is pursued in a positive way, the NPPF includes a 'presumption in favour of sustainable development' (para. 10). Paragraph 11 states that *applying the presumption to decision-making means:*

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;*

- ii. *or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*

9.17. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'. The position on the Council's current housing land supply is provided in the paragraphs below.

9.18. Paragraph 12 advises, *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

9.19. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes and states, *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'*.

9.20. Paragraph 74 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to require updating as in Cherwell's case). The supply of specific deliverable sites should, in addition, include a buffer - 5% in Cherwell's current circumstances (moved forward from later in the plan period).

Housing Land Supply

9.21. In February 2023 Cherwell District Council approved a review of their adopted planning policies carried out under regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. This review concluded that, due to the publication of more recent evidence on Housing Needs to support the preparation of the Cherwell Local Plan Review 2040, policies including Policy BSC1 are "out of date". Paragraph 74 and footnote 39 of the NPPF requires that in such circumstances the 5 Year supply of land should be calculated using the government's standard methodology.

9.22. The use of the standard method has the effect of reducing the annualised requirement from 1,142 dpa to 742 dpa for the purposes of calculating the land supply and consequently Cherwell District Council is able to demonstrate a 5.4 year supply. However, whilst it is for the Local Plan Review to set the revised requirement, the delivery of homes across the district remains an important material consideration in the planning balance.

9.23. The Deddington Neighbourhood Plan is a material consideration although as a draft pre-submission plan (Regulation 14) was published for consultation by the Parish Council in November 2022 the document is of limited weight, given its early stage in the plan making process. Notwithstanding this the neighbourhood plan was supported by an interim SEA of the potential residential site allocations. The site the subject of this application was assessed as part of this process as Site DNP 10. The report concluded that an *allocation at this location would result in the loss of greenfield land. The land adjoins the existing settlement boundary and has a sloped topography, sloping to the north (Swere Valley). Given the topography and open nature of the landscape, the site provides sweeping views towards the north. The existing townscape bordering the south of the site offers some enclosure within the landscape. However, this site is particularly large, and development of a large proportion of the site would be likely to have a significant impact on the built footprint of the DNP area and views from existing settlements.*

Assessment

9.24. The Council's housing supply position of 5.4 means that the relevant development plan policies are up to date and that development proposals must be assessed in accordance with the Development Plan. Whilst the NPPF states the requirement to have a 5 year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight. However, the delivery of homes across the district remains an important material consideration in the planning balance.

9.25. This application seeks planning permission for the development of an agricultural field for a scheme of up to 135 dwellings. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan. The site is an undeveloped green field site that, given its physical and visual relationship to the existing built form, is outside of the existing built form of Deddington village and therefore allocated as an area of open countryside. The proposal to build on greenfield land would have an urbanising impact, though that impact would be relatively localised. The site is bounded by existing residential properties to the south and landscaping of varying degrees to the north, west, east boundaries.

9.26. Deddington is identified in the Local Plan as a sustainable location for meeting defined housing requirements – one of 23 Category A villages intended to provide 750 homes from 2014 to 2031 (Policy Villages 2). The Local Plan reached that conclusion having undertaken a comparative assessment and categorisation of all the district's villages. For the period 2011 to 2022 there have been 131 recorded housing completions in Deddington and as of 1 April 2022 there were 48 dwellings with planning permission but not yet built. Although Deddington is one of the more sustainable category A Villages with a good range of services and facilities it also has to be acknowledged that the village has already seen a significant level of development over recent years.

9.27. The 2022 Annual Monitoring Report reports that 703 dwellings have now been completed at Category A villages, with a further 165 under construction (running total 868) and 48 likely to be built out i.e. sites where part of the development has been completed (running total 916). In addition, there are approvals for a further 314 not yet commenced (running total 1230).

- 9.28. It is understood that development should, as a result of meeting the target of 750 houses, be focussed in Banbury and Bicester and that there should be a presumption against development in/around Category A villages unless there are benefits to the scheme, beyond that which would normally result from a S106. However, in the context of Policy BSC1 and the need to meet the overall district requirements by 2031, regard is given to the planning Inspector's comments under appeal decision APP/C3105/W/19/3228169 on Land at Merton Road, Ambrosden, OX25 2NP in relation to spatial dimension.
- 9.29. The Inspector commented that Policy Villages 2 ("PV2") does not contain any temporal dimension (i.e. at what point in time in the plan period housing in the rural areas should be permitted) nor does it have a spatial dimension (i.e. it does not specify how much development should occur at each settlement). These matters are to be considered on their own merits having regard to any planning harm that arises. Related to the Ambrosden Inspector's comment on spatial dimension, given that appeals have been dismissed at some of the smaller Category A villages on the grounds of locational sustainability it falls that the larger Category A villages would be expected to accommodate a greater share of the 750 than if equalised out over all 23 Category A villages. This is support by Policies PSD1 CLP 2015
- 9.30. In addition, the Tappers Farm (Bodicote) 2019 appeal decision (which applied the same logic as the Launton appeal decision a year earlier) provides a useful steer as to how the decision taker should apply PV2. At the time of the Tappers Farm decision, 271 dwellings had been delivered at Category A villages under PV2, with a further 425 under construction, and an annual delivery rate of 54 dwellings per year from PV2, which would have resulted in the delivery of 750 homes by 2028. The Tappers Farm Inspector stated,

There will undoubtedly be a point where there will be a situation that will result in the material increase over the 750 dwellings figure and at that time there will be some planning harm arising from the figure being exceeded, for example harm to the overall locational strategy of new housing in the district. There is no substantive evidence before me to demonstrate that this is the case in this appeal. Clearly, when considering any subsequent schemes however, this matter will need to be carefully scrutinised.

Policy Villages 2 Criteria

- 9.31. The applicable criteria of Policy Villages 2 are provided at paragraph 9.12 above. It is clear from the site and supporting information provided in the application that the site has not previously been developed. The site is not within a designated landscape area; however, the position of the site alongside the main access road between Deddington and Banbury the site occupies a very prominent position in the landscape. As such the development of the site would have a significant impact upon the character / landscape and approach into Deddington.
- 9.32. The site is located outside the built area of the village and, as noted in the paragraphs above, allocated as an area of open countryside. As highlighted under the assessment for the HELA report, the site comprises *open land on part of a plateau that immediately falls away to the north. There is limited landscaping along the site and the development would be very prominent in long distance views from the north and be harmful to the approach to the village. There are likely to be significant potential landscape and visual impacts.* The impact of the development in terms of the landscape will be considered in a section later in this report. Although

no formal soil analysis of the site has been provided with the application, the Natural England maps appear to show that the site is made up of grade 3 agricultural land. As such parts of the site are allocated as good quality agricultural land although it is accepted that grade 3 can be subdivided and therefore it is not possible to fully assess if the site is best quality land which should be protected.

- 9.33. As the application site is located outside the village boundary Saved Policy H18 is a material consideration. Under this Policy planning permission will only be granted for new dwellings construction beyond the built-up limits of the settlement when the development is essential for agriculture or other existing undertakings, or where the development would not conflict with other saved policies in the Local Plan 1996. This proposal is for a development of up to 135 dwellings none of which would be for essential agricultural need or any identified existing undertaking. The development would be for a mix of open market housing as well as an element of affordable housing the development does not comply with Saved Policy H18.
- 9.34. Whilst it is accepted that there are clear benefits of the additional housing including the provision of affordable housing in the area, and the proposed infrastructure planned to support this development. It is nevertheless a prominent site clearly visible on the approach to Deddington.

Conclusion

- 9.35. It is clear that this proposal would assist in meeting overall PV2 housing requirements and would contribute to the provision of affordable housing. It is also noted that the merits of providing additional homes (including affordable homes) on this site would assist in delivering new homes and meeting overall Policy BSC 1 housing requirements to 2031.
- 9.36. The latest housing supply figure for the district is calculated at 5.4 years. Whilst the NPPF states the requirement to have a 5 year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight. The principle of providing additional housing at Deddington to meet PV2 accords with the Development Plan. However, as outlined in the paragraphs above, Deddington has seen a significant level of development over recent years although this is not to suggest that no further development can be accommodated within Deddington. The draft Deddington Neighbourhood Plan allocates a number of potential development sites in and around the village this current application is not one of the suggested sites and would represent a development which would make the sites in the draft Neighbourhood Plan potentially redundant before the plan is adopted. This would not allow for a sustained growth of the village and would apply further pressure for additional unwarranted development in the village.
- 9.37. Whilst there are benefits of the additional housing including the provision of affordable housing in the area, the impact on the character and appearance of the countryside through the development of greenfield land is of a concern which needs to be weighed against the benefits of the proposal.
- 9.38. It is clear that the proposal is in line with a number of adopted Policies but also conflicts with others. The Council has a 5 year land supply and as outlined in the paragraphs above the starting point with any application is the Development Plan and Policies within. As with all applications for permission, the fact that the development conflicts with Policy is not in itself a reason to refuse an application. Before reaching a decision, the decision maker has to make a judgement on the development in terms of whether the benefits outweigh any harm the proposal may cause as a result of being contrary to any Policy. As such the acceptability of the

proposed development depends upon the matters covered by the remainder of this report.

Landscape and impact on the character of the area

Policy

- 9.39. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets.
- 9.40. BSC2 of the CLP 2015 states that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.
- 9.41. PV2 of the CLP 2015 states that in considering sites for residential development in Category A villages, particular regard will be given to *whether development would contribute in enhancing the built environment and whether significant adverse landscape and impacts could be avoided.*
- 9.42. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity. Saved Policy C33 of the Local Plan states that, *the Council will seek to retain any undeveloped gap of land which is important....in preserving a view or feature of recognised amenity or historical value.*
- 9.43. Section 12 of the NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Paragraph 130 of the NPPF states that *planning decisions should ensure that developments:*
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*
- 9.44. The quantum of development proposed would give a density of c.31 dwellings per hectare which is within the requirements of Policy BSC2.

Assessment

- 9.45. The site is in open countryside and contributes to the rural character, quality and amenity of the area, in particular the setting and approach of Deddington village. Its open character and extensive views of the historic village and surrounding countryside also contributes to the amenity value and enjoyment of the public right

of way (187/16/20) that passes the western boundary of the Site, with the route connecting the centre of Deddington to Milton Gated Road, north of the Site.

- 9.46. The application is supported by a Landscape and Visual Assessment (LVA), which has considered the potential impacts on the landscape character and amenity of the site and surrounding area and concludes that the proposed development could be accommodated within the landscape with only localised effects upon landscape character and visual amenity.
- 9.47. In considering the details of the LVA the Council's landscape officer accepts that from certain distant viewpoints the development would have limited impact upon the landscape views. However, the landscape officer highlights that the site forms the landscape setting for the village and that the adjacent David Wilson Homes site of The Swere is screened by an existing broad belt of trees which forms the natural periphery to the village being located at the edge of the plateau. This screening results in the existing development being barely visible in the wider landscape, but the proposed development would be located to the front of this existing landscape boundary positioned in a prominent, open location and pushing development further out into open countryside.
- 9.48. It is noted that the LVA states that the site slopes to the north dropping from 154m to 133m which is not considered to be an insignificant elevation difference. The current tree belt to the north of The Swere forms a strong clear boundary between the village and countryside and lies on the top of the plateau and visually demarcates the village from open countryside. As highlighted by the landscape officer this is an existing natural edge and should be maintained for visual reasons. However, the proposed development lies outside this and would result in more encroachment into open countryside with an urbanisation of the area to the detriment of the approach into Deddington village.
- 9.49. Along with the proposals' impact on the wider landscape, it remains the case that the site lies outside the built-up limits of Deddington village. Criteria 'v' of PV2 highlights the need to assess *whether significant adverse landscape and visual impacts could be avoided*. In this particular case it is considered that, having regard to its location, residential development at this site would have a poor and incongruous relationship with the form, character and pattern of the existing settlement. The site is sensitive in terms of its relationship with the wider countryside and its position at the entrance to the village. The development would therefore have an adverse effect on the character and appearance of the countryside as well as the approach to and of the northern gateway to Deddington village. Due to the prominent position of the site and the limited landscaping protection along the eastern and partly northern boundary the development would represent significant and demonstrable harm which should be taken into account in the planning balance.
- 9.50. As this is an outline planning application all matters, other than access, are reserved and this includes layout and design of the estate. Notwithstanding this the application is supported by an indicative site layout plan to show how the site could be developed for 135 dwellings at a density of 31 dwellings per Ha. The development would appear as a significant projection to the north beyond the existing development of The Swere and with the access road serving the dwellings immediately along the northern part of The Swere the proposal would appear as a detached development. Whilst the indicative layout makes an efficient use of land in this respect, it would present a harsh, urban edge to the development which would not help it to integrate with its surroundings. This somewhat weighs against the proposals.

9.51. The development would not contribute to enhancing the built environment but would result in a significant and adverse impact on the local landscape. The proposal therefore conflicts with Policies ESD13, ESD15 and Villages 2 of the CLP 2015, saved Policy C33 of the CLP 1996 and Government guidance in the NPPF. This weighs significantly against the development.

Quantum of Development / Play Space

9.52. Due to the scale of the development the scheme would need to provide a play area in the form of a NEAP and LEAPs/LAPs as required under Policy BSC11 of the 2015 CLP. The indicative site layout shows the site is roughly divided into two parts, the southern section of around 4.35ha, for the residential development with the remaining northern section and part of the western area of around 9Ha allocated as an area of country park which includes an area of LEAP as well as a separate area allocated for a new children's day nursery. The applicant also highlights that new tree planting is proposed to the west of the site extending the existing woodland further south alongside the bridleway. To the east, new tree planting is also proposed along the Banbury Road to strengthen the existing hedge vegetation, which, together with scattered tree planting within the parkland, will enhance screening and soften the appearance of the development particularly from views from the north of the site and along Banbury Road on entering the village. The existing mature hedge between the site and the Deddington Grange development will screen the development from existing residents.

9.53. It is considered that the level of open space in the form of the country park / open space is in accordance with the adopted policy and it is accepted that the area of open space has the potential to be an attractive feature to the edge of the development. However, it is clear from the comments of the Parish Council that this parkland area is not a feature the Parish considers it could or would wish to adopt nor maintain, and it is considered by the Parish Council that the village already has a significant level of parkland and open space in the village. As such the use and benefit of this feature is reduced in terms of a benefit which goes above and beyond that required under the Policy.

9.54. With regards to the provisions of the play area under the Policy this size of development over 100 dwellings would require the provision of a NEAP rather than a LEAP. As such the development proposal would not comply with the Policy requirement. Notwithstanding this point it is highlighted by the Landscape Officer that the position of the play area is detached from the housing on the development and would not allow for overlooking or passive surveillance. Furthermore, it is not clear whether there would be any integrated open space within the built form of the site or if all the open space is to be contained within the parkland area to the north. Although the position of the play area is noted, and the concern raised about its position along with that of the incidental areas of open space, it must be remembered that this is an outline application, and that the site layout plan is illustrative. The final layout and position of the play area would form part of the reserved matters application(s) and therefore it is considered that the concerns raised are not reasons to refuse the application.

9.55. Turning to the provision of the children's day nursery, the illustrative site plan shows this feature to be located in the south-eastern corner of the site and would occupy an area of around 0.15Ha. The applicant has stated that the nursery would be for use by the existing residents as well as the new residents on the proposed development site. Initially the applicant had stated that only the area of the nursery would be provided although further discussions with the applicant would suggest that a building could be provided as part of the overall development rather than separate funding required by an operator. Deddington does have an existing

children's day nursery on the western side of the village, and it is understood that the building for this existing facility is in poor condition and in need of works. Although not formally confirmed it maybe that the existing day nursery could be the operator who would use the site of the new day nursery as part of this new development although this is not to be taken as guaranteed. Notwithstanding this it is considered that the provision of a children's day nursery would be seen as a benefit of the development and adds weight in favour of the proposal.

Highway impact

- 9.56. Concerns have been raised by the Parish Council and local residents with regard to the proposal's potential transport impacts, in particular the impact of additional traffic flows on the local road network.
- 9.57. The local highway authority (LHA) advises that, subject to conditions requiring access details, visibility splays, estate roads, drainage strategy and construction traffic management plan, and a Section 278 agreement to provide for various off site highway improvements (inc. Pedestrian refuge on the A4260 at a point outside the Deddington highways depot, Proposed vehicle access at the A4260 Banbury Road) involving Traffic Regulation Order), the proposal is acceptable in highway safety terms.
- 9.58. In considering the proposal although it is accepted that the level of development proposed would result in an increase in the level of vehicle movements to and from the site there is no reason or evidence to disagree with the conclusions and advice of OCC Highways. Therefore, the proposal is considered acceptable in transport terms subject to conditions and completion of a satisfactory Section 106 legal agreement, as recommended in OCC Highways' response.

Residential amenity

- 9.59. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states that: new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 9.60. The existing properties which would be most impacted upon by the proposed development would be the properties to the south in The Swere. The application is, however, in outline only and therefore all detailed proposals in the reserved matters applications would need to have due regard to requirements of Section 6 of the Residential Design Guide SPD with regard to appropriate standards of amenity for both existing and future residents. Appropriate positioning and scale of dwellings, boundary treatments and the nature of such treatments could be given due consideration at reserved matters stage.
- 9.61. Given the above, it is considered that the development could be made acceptable in residential amenity terms, both for existing residents neighbouring the site and future occupiers, with acceptable details to be secured at reserved matters stage.

Drainage

- 9.62. Section 14 of the NNPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 167 of which states that when determining any planning applications, local planning authorities should ensure that *flood risk is not increased elsewhere. Where appropriate, applications should be*

supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

b) the development is appropriately flood resistant and resilient;

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

9.63. Paragraph 169 of the NPPF continues by stating that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

a) take account of advice from the lead local flood authority;

b) have appropriate proposed minimum operational standards;

c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and

d) where possible, provide multifunctional benefits.

9.64. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

9.65. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

9.66. The current situation is that the site is located within a flood zone 1 which is land which has less than 1 in 1,000 annual probability of river flooding. The Environment Agency's risk of surface water flooding risk map indicates that the entire Site is at 'Very Low' risk of surface water flooding. The applicant has advised that the drainage strategy been prepared on the basis of attenuation only SuDS. The controlled drainage from the attenuation basins will be directed to the ordinary watercourses present at the northern site boundary. Furthermore, the drainage strategy submitted with the application states that it is proposed to provide the required attenuation storage with two SuDS attenuation basins located in the north of the Site. MicroDrainage calculations have been undertaken to inform this drainage strategy with the basins have been sized to attenuate runoff to the Qbar greenfield rate for the 1% AEP event plus 40% climate change.

9.67. In considering the drainage strategy members will note that although no objections are raised by the Council's land drainage section and no comments made by the Environment Agency, the Lead Local Flood Authority has raised an objection to the scheme. The objection relates to the fact that the drainage strategy fails to provide details of potential SUD's not being provided for detailed design. Also requested are

ownership details on the ditch to which the applicant seeks to drain surface water to and there is a request for the applicant to provide all the assumptions that have been considered as part of the surface water catchment plan details. In addition to this the LLFA request further information relating to discharge rates on the drainage strategy plan and the applicant is to provide a phasing plan in the event that the development is to consist of more than one phase.

- 9.68. To date the applicant has not responded to the LLFA's objection. Although this is an outline application with all matters other than access reserved, the issue of drainage is a material consideration particularly as the applicant seeks to use existing drainage ditches. As such, and unless the applicant provides additional information, the proposal is considered to conflict with policies ESD6 and ESD7 of the CLP 2015 as well as advice contained within section 14 of the NPPF.

Heritage

- 9.69. Section 66(1) of the Planning (Listed Building & Conservation Areas) Act 1990 states that in granting planning permission for development which affects a listed building or its setting, 'a Local Planning Authority must 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.

- 9.70. Paragraph 199 of the NPPF directs that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policy ESD15 of the CLP 2015 echoes this guidance.

- 9.71. Although the site is not located within a Conservation Area nor adjoining a listed building, concerns have been raised by members of the public that the development would impact upon the distant views of the grade II* listed parish church of St Peter and St Paul. Notwithstanding this point the Councils Conservation Officer has confirmed no objection to the proposal but that it is essential that the scheme includes retention of the existing hedges, trees and woodland this will help the development to blend in with the surrounding countryside easier.

- 9.72. Members will note that the County Archaeologist has requested that, in accordance with the National Planning Policy Framework (NPPF 2021, paragraph 189), prior to the determination of any planning application for this site the applicant should be responsible for the implementation of an archaeological field evaluation. The reason for this is that the site lies in an area where little formal archaeological investigation has taken place, however a Medieval find is recorded within the site on the Portable Antiquities Scheme database. An archaeological evaluation should therefore, be carried out, informed by a geophysical survey as the first phase.

- 9.73. In response to this the applicant has submitted a Geophysical Survey Report of the site as requested. This report highlights that there is *little direct evidence for features of archaeological interest with the exception of possible pre-medieval landscape scale enclosure that maybe included livestock management and cultivation, but with no associated evidence for settlement or industrial activity. Medieval arable use of the land is evident with ridge and furrow cultivation throughout, but to what extent this persisted into the post-medieval period is uncertain, there being little association between the cultivation and later field boundaries. A palimpsest of possible small ditch fills in various places across the site hint at other enclosures, but the evidence for these is uncertain. The site of the King's Spring has been located but an*

associated hollow that would once have provided context has been filled with imported materials. Another spring once existed nearby.

9.74. The County Archaeologist has been re-consulted on the Geophysical Survey Report and comments are awaited. On the basis that the Archaeologist confirms that the survey report complies with the requirements to withdraw the objection it is considered that there is no heritage objection to this proposal.

Ecology impact

Legislative context

9.75. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.

9.76. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.

9.77. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.78. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- That there is no satisfactory alternative.
- That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range

9.79. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and

environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.80. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.81. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.82. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.83. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.84. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.85. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.86. The Planning Practice Guidance dated 2014 postdates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities (LPAs) should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.87. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:

- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development.

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all.
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey').

9.88. This application is supported by an Ecological Appraisal of the site with a survey taking place in June 2021. The report highlights that the survey was based on standard extended Phase 1 methodology. In addition, a general appraisal of faunal species was undertaken to record the potential presence of any protected, rare or notable species, with specific surveys conducted in respect of bats and Badger. The report also highlighted that the site is not subject to any statutory or non-statutory ecological designations. The nearest statutory designation is Adderbury Lakes Local Nature Reserve (LNR) located approximately 3.1km to the north-east of the site. The nearest non-statutory designation is Deddington Mill Local Wildlife Site (LWS) located approximately 0.6km to the north-west of the site. Nearby non-statutory designations have the potential to be adversely affected by the proposals through increased recreational usage. Management and maintenance of these sites by local trusts, access restrictions and the inclusion of new areas of open space within the development all reduce the likelihood of these sites being adversely affected by the proposals.

9.89. In terms of the ecology character of the site it is noted by the applicant that the site comprises an agricultural field largely bound by hedgerows. Two off-site areas of woodland are present adjacent to the east and west boundaries of the site and an area of dense scrub is present at the north of the site. Discrete patches of tall ruderal and semi-improved grassland are present at the field boundaries. Features of ecological importance include hedgerows, trees and off-site woodland, which are of local to district level value. Trees and off-site woodland are to be retained under the proposals and would be protected during construction. Small sections of the hedgerow at the eastern boundary would be removed to facilitate access. This would be compensated by new, native species-rich hedgerow planting. The remaining habitats within the site are not considered to form important ecological features and their loss to the proposals is of negligible significance.

9.90. Turning to the issue of any protected species the ecological survey highlights that evidence of, and potential for, protected species was recorded during the specific faunal survey work conducted at the site. Several trees with bat roosting potential are present and evidence of badger was recorded during the survey. It is likely that birds nest within suitable habitat at the site and could therefore potentially be adversely affected by the proposals. Appropriate mitigation measures will therefore be implemented due to the potential for the proposals to impact on these protected species. Long-term opportunities for protected species will be maintained, if not enhanced, under the proposals through the provision of enhanced and sensitively managed retained habitat. In terms of enhancements the applicant considers that the proposals present the opportunity to secure a number of biodiversity net gains, including additional native tree planting, new roosting opportunities for bats, and more diverse nesting habitats for birds.

- 9.91. The application and ecological appraisal were subject to consultation with the Council's Ecology Officer, Natural England and the BBO Wildlife Trust none of whom made any comments on the application. It is considered that although no comments were received there is no evidence to suggest that the development would result in any adverse impact upon any protected species or ecological feature on the site to warrant a refusal.

Sustainable construction

- 9.92. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 150 states that new development should be planned for in ways that: *a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.* Paragraph 151 continues by stating, amongst other things, that *in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*

Development Plan

- 9.93. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, *taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).*
- 9.94. With regards to Policy ESD 2, this covers the area of Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: *Reducing energy use, in particular by the use of sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions.* Any new development will be expected to take these points into account and address the energy needs of the development.
- 9.95. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that *all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy. The Policy continues by stating that Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day. The Policy continues by stating that all development proposals will be encouraged to reflect high quality*

design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.

Assessment

- 9.96. This application seeks outline planning permission for up to 135 dwellings and as such the applicant is looking to establish the principle of a residential development on the site. The finer details in terms of layout, house design and appearance would be the subject of further reserved matters application(s). The applicant has confirmed that the building construction materials and energy efficient measures to be employed will be confirmed at the reserved matters stage but will meet requirements under the latest Building Regulations and seek to achieve higher standards where possible e.g. those relating to water efficiency.
- 9.97. It is considered that the full details of the sustainability measure to be incorporated into the design would be provided or agreed as part of the reserved matters details. However, in the event that permission was granted a condition would need to be attached which highlights the need to ensure that the final design of the building complies with Policy ESD3 as well as the requirements of Section 14 of the NPPF.

S106

- 9.98. Due to the level of development on the site the issue of S106 contributions along with an element of affordable housing should be taken into account. A number of contributions are sought by Cherwell District Council, via the adopted Developers Contributions Supplementary Planning Document February 2018, which follows the tests of the National Planning Policy Framework and is therefore relevant to this planning application.

Policy Context

- 9.99. Paragraph 54 of the NPPF states that *local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.* Paragraph 56 continues by stating that *planning obligations must only be sought where they meet all of the following tests:*
- a) necessary to make the development acceptable in planning terms;*
 - b) directly related to the development; and*
 - c) fairly and reasonably related in scale and kind to the development.*

Development Plan

- 9.100. Policy INF 1 of the CLP 2015 covers the issue of Infrastructure. This Policy states, amongst other things, that the *Council's approach to infrastructure planning in the*

District will identify the infrastructure required to meet the District's growth, to support the strategic site allocations and to ensure delivery by:

- *Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.*

9.101. Policy BSC 3 of the CLP 2015 states, amongst other things that *at Kidlington and elsewhere, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site. The Policy continues by stating that, all qualifying developments will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes. Social rented housing will be particularly supported in the form of extra care or other supported housing. It is expected that these requirements will be met without the use of social housing grant or other grant.*

9.102. The Council also has an adopted Developer Contributions SPD in place which was adopted in February 2018. Under the SPD it is outlined that *although the scope for securing S106 planning obligations has been reduced since April 2015 due to the pooling restrictions, it is expected that planning obligations will still be sought for:*

- *Affordable housing; and*
- *Infrastructure which is required to mitigate the direct impact of a development.*

9.103. It should, however, be noted that this is a general guide and development proposals will continue to be assessed on a case-by-case basis with the individual circumstances of each site being taken into consideration when identifying infrastructure requirements.

Assessment

9.104. Due to the level of development on the site the issue of affordable housing should be taken into account. Paragraph 64 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. This application is for up to 135 dwellings on the site which would represent a major application in terms of definition. As such the application should provide an element of affordable housing as part of the proposal. In addition, this it is also considered that the development should contribute towards community hall facilities, Indoor and outdoor sports provision, towards Public Art, highway / public transport infrastructure improvements, education contributions, Health Care contributions towards the local health centre, Thames Valley Police contributions all necessary for the development.

9.105. In considering the issue of affordable housing the applicant has confirmed that the development would provide 35% total of affordable homes on the site of which the tenure mix would be 25% First Homes, 70% Social / Affordable Rented homes and 5% Intermediate Homes. In discussions with the Strategic Housing Officer, it is agreed that this level of affordable housing is in line with the Council's Policy and would be agreed as part of the S106 agreement.

- 9.106. Although the applicant has confirmed that they are willing to enter into a S106 agreement this application is not supported by any draft heads of terms. As part of the process of the application the applicant has confirmed that on granting outline planning permission work on the S106 will progress to an agreement which is policy compliant. As such it is considered that the development will comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 54 of the NPPF.
- 9.107. As such it is considered that in the event that permission was to be approved for this development it would be the subject of an agreed S106 being in place. As such it is considered that the development will comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 54 of the NPPF.
- 9.108. However, in the event of a refusal of planning permission, and in order to safeguard the Council's position and be able secure planning obligations should there be a resubmitted application or an appeal, an additional refusal reason relating to the lack of a completed legal agreement should be included.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF.
- 10.2. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

Positive benefits - Economic

- 10.3. The proposals would provide a short-term benefit through creation of construction jobs and would also support facilities and employment in businesses, shops and services within the area. Given the scale of the development these should also be afforded limited positive weight.

Social

- 10.4. The delivery of homes across the district is an important positive material consideration in the planning balance.
- 10.5. The proposals would provide affordable housing at a tenure providing housing for those in need and a significant social benefit. Significant weight is to be afforded to the social benefits of the proposed housing with very significant weight afforded to the benefits of affordable housing.
- 10.6. Through S106 contributions the proposals would result in support for a range of community-based infrastructure in the area to a level expected by policy on-site recreation and play facilities.

10.7. The applicant has committed to providing a new children's day nursery which would be a benefit to the existing residents in Deddington as well as the new residents on this development site.

Environmental

10.8. The proposals commit to provide mitigation measure to mitigate any loss of ecological feature on / near the site.

10.9. The illustrative layout plan shows that a large part of the development would be allocated as a parkland with recreation walks and additional tree and landscaping. This would have the added benefit of improving / enhancing the biodiversity on the site over that of the ploughed field.

10.10. The proposals commit to the provision of a sustainable construction methods, which should be given positive weight.

Negative impacts.

10.11. The site is located beyond the built-up area of Deddington and as such is located in an area of open countryside. The site is prominently located on a plateau and at the northern entrance to Deddington village. The development would appear as a detached estate projecting the built form further into the open countryside to the detriment of the rural character. This adverse visual impact weighs heavily against the proposal.

10.12. The site is not allocated in the Development Plan and for the reasons set out in this report the proposal would be contrary to the Council's housing strategy, as set out in Policies BSC1, Villages 1 and Villages 2 of the CLP 2015 and is not allocated in the draft submission Deddington Neighbouring Plan, on to which significant weight is also attached.

10.13. Overall, and in accordance with the NPPF, the adverse effects are considered to significantly and demonstrably outweigh the proposal's benefits and the proposed development is considered to represent unsustainable development and planning permission should therefore be refused, for the reasons given below.

11. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW

1. The site is located outside the built form of the village and within an area of open countryside. By reason of its location and proposed scale of development, the proposal would have a poor and incongruous relationship with the existing settlement appearing prominent in the open countryside. Its development would therefore have an adverse effect on the landscape of the approach to Deddington to the detriment of the character and appearance of the countryside. In addition, the Council is able to demonstrate a 5.4-year housing land supply, and therefore the housing strategies in the Local Plan are up to date. It is considered that the development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached. Furthermore, the proposal constitutes residential development in the open countryside, beyond the built-up limits of the settlement, for which it has not been demonstrated that there is an essential need. The proposed development is therefore contrary to Policies, ESD13, ESD15, PSD1 and Villages 2 of the Cherwell Local Plan 2011-2031, Saved Policy H18 of Cherwell Local Plan 1996 and Government guidance within the National Planning Policy

Framework.

2. Notwithstanding the details provided in the Flood Risk Assessment September 2022 by Wood Environment and Infrastructure Solutions UK Limited the analysis of the details has shown that the applicant has failed to demonstrate details of design of potential SuDS , has not provided the agreed the point of surface water discharge, the Surface water catchment plan has not been provided, the discharge rates are missing from the drainage strategy plan and no phasing plan has been provided across the site. In the absence of this information the applicant has failed to demonstrate that the proposal would not lead to increased flood risk or result in increased surface water run off or adversely affect ground water quality. The proposed development therefore conflicts with Policies ESD1, ESD6 and ESD7 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within paragraphs 159 – 165 and 167 of the National Planning Policy Framework.
3. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to policy INF 1 of the Cherwell Local Plan 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.