

**SUPPLEMENTARY INFORMATION**

**Planning Committee**

**4 September 2014**

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# Agenda Item 21

## CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

4 September 2014

### WRITTEN UPDATES

#### **Agenda Item 7 14/00137/F Heyford Park Camp Road Upper Heyford**

**Recommendation of deferral** at the applicant's request to enable further discussion with regard to the proposed condition.

#### **Agenda Item 8 14/00801/F Swalcliffe Park Equestrian, Grange Lane, Swalcliffe**

**The application has been withdrawn by the applicant**

#### **Agenda Item 9 14/00844/OUT OS Parcel 6680 North of Hook Norton Primary School and South of Redland Farm Sibford Road Hook Norton**

Paragraph 5.13 of the committee report should state that the Neighbourhood Area Designation, not the submitted plan, has been considered by the Executive.

**Hook Norton Parish Council** draw attention to the submission of the Hook Norton Neighbourhood Plan (HNNP) was **submitted to the Council on the 21<sup>st</sup> July 2014**. They make reference detailed reference to the NPPF and recent National Planning Guidance (NPG) and a decision with regard to the Tattenhall Neighbourhood Plan.

In summary they consider greater weight should be given to the HNNP, which has been submitted and which has been through comprehensive consultation. The application is contrary to several policies in the plan. In particular the plan seeks to provide a pattern of growth consistent with the village's character and development in appropriate locations.

Further comments from **Council's Planning Policy Officer;**

Hook Norton Parish Council submitted their Neighbourhood Plan to us under paragraph 15 of the Neighbourhood Planning (General) Regulations 2012 in late July. CDC officers have recently completed a validation check on the plan, as we are required to do. There has been an unavoidable delay in completing this work while we progress the local plan. We are now making arrangements for publication this month, after which there will be a six week period for receiving representations. A letter has been sent to Hook Norton Parish Council confirming arrangements for publication and receiving representations.

With regard to the reference to 'lack of conformity' with the submission Local Plan, in paragraph 5.13 of the committee report, this observation concerns procedures and prematurity, and is not expressing a view on the Neighbourhood Plan content. This text was written following the suspension of the Local Plan Examination but prior to publishing proposed modifications of the Local Plan. CDC Proposed Modifications are now published and out for consultation. For clarification, the site is not proposed for

allocation in either the Local Plan (as amended by proposed modifications) or the submission version of Hook Norton's neighbourhood plan.

Two further letters of representation have been received raising the following issues;

- increase in traffic associated with this amount of building will be untenable for this still small village.
- The size of the application is not in keeping with the Council's intention for limited increase in domestic dwellings in the villages, but is too large.
- Hook Norton is already exceeding the level of housing (adjusted to meet the SHMA) required by the local plan
- not aware that any of the building on this planning application is for affordable housing,
- no provision for the range of housing requirements in the Banbury area (villages are not just for the wealthy).
- The village school is already over-subscribed, and so any increase in children in the village will not be adequately provided for by existing facilities.
- Reference by the applicants to the Secretary of State's decision for Bourne Lane are irrelevant as they apply to the specific site

A letter has been received from the Applicant and additional points are summarised as follows;

In reference to the recommendation for refusal produced by the Case Officer, the balancing exercise does not appear to have been undertaken correctly. The following extract is from the Institute of Air Quality Management's Guidance on the assessment of odour for planning:

*"Where the overall effect is greater than "slight adverse", the effect is likely to be considered significant. Note that this is a binary judgement: either it is "significant" or it is "not significant". Concluding that an effect is significant should not mean, of itself, that a development proposal is unacceptable and the planning application should be refused; rather, it should mean that careful consideration needs to be given to the consequences, scope for securing further mitigation, and the balance with any wider environmental, social and economic benefits that the proposal would bring." (IAQM Guidance on the assessment of odour for planning, pg 11)*

The proposed development site is affected by "slight adverse" conditions which is a level below moderate adverse and therefore cannot be considered to be significant or a circumstance where permission should be refused (as stated in the guidance). Gladman have also proposed mitigation features on site to further mitigate the "slight adverse" situation affecting the proposed development.

The report to committee for the proposed new cubicle building and new young stock building (Planning ref: 11/01599/F), granted permission on the 6th January 2012, states, "As set out by the Council's Anti-Social Behaviour Manager, there is no history of any complaints about the management of the site from neighbouring properties."

We have already indicated that we would be happy to complete a suitable planning obligation.

A very important and weighty material consideration is the National Planning Policy Framework (as indicated by paragraph 13 of the NPPF). In this instance, the Council is unable to demonstrate a five year supply of housing. Therefore, for decision taking, this means granting planning-permission where the relevant development plan policies for

the supply of housing are deemed out-of-date, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies within the Framework indicate development should be restricted. The odour is not capable of doing this at a slight adverse level.

For the purposes of decision making it is therefore necessary for the authority to carry out a 'planning balance' exercise. The starting point for the determination of this planning application is that the 'Presumption in favour of sustainable development' is engaged and the 'Planning Balance' exercise should be undertaken to establish whether there is any adverse impacts that would significantly and demonstrably outweigh the benefits.

#### The Presumption in Favour of Sustainable Development

The Council are unable to demonstrate a five year supply of housing and acknowledges a 3.4 year supply. This is a significant shortfall, which in accordance with paragraph 49 of the Framework makes any housing supply related policies out-of-date. The benefits in meeting some of the identified shortfall, carry significant weight.

#### Five Year Housing Land Supply

As set out in the Council's Housing Land Supply Update, there is a significant shortfall in housing land supply in the borough and the extent of this shortfall is a material consideration.

#### Provision of Market Housing

The scheme would create an additional 35 market dwellings, with substantial delivery in the next 5 years helping to rectify the deficient 5 year supply.

#### Provision of Affordable Housing

The scheme would secure the provision of policy compliant 35% affordable houses (up to 19 dwellings). The submitted Affordable Housing Statement by Levvel demonstrates the clear affordable housing shortage and increasing need in the District. A number of recent appeal decisions have made it clear that this represents a significant benefit (see for example APP/R0660/A/11/2158727. Loachbrook Farm, Sandbach Road) that should be afforded considerable weight in the planning balance.

#### Transport Improvements

The principle of transport sustainability underlies the proposed development. Encouraging walk and cycle journeys is an essential component of the development access strategy. The location of the site provides opportunity for residents to undertake journeys on foot and by cycle, for a variety of purposes, including employment, leisure, shopping and school. The development will increase the sustainability of the existing public transport service within Hook Norton, by increasing the patronage from increased housing numbers. Based on the average estimated household size for Cherwell (source: 2011 Census: Households with at least one usual resident, household size and average household size, local authorities in the United Kingdom-Table H01UK) the development of 54 residential dwellings could be home to 130 new residents bringing increased spending power to Hook Norton.

#### Economic Benefits and New Homes Bonus

The scheme will also provide significant economic benefits which are summarised below. Development of the site and localised infrastructure could generate an associated spend estimated in the region of £5.7 million. Construction requiring this level of expenditure would support approximately 53 FTE jobs annually spread over a two year build-out. The scheme will deliver an additional £2.3 million of direct GVA over

the build period. The proposed development in addition to affordable housing and other benefits through a S.106 and as identified within the Socio-Economic Report would be eligible for a new homes bonus in the region of £500,000.

#### Local Spending Power

The proposed development of the application site will reinforce shops and services across Cherwell through the addition of 54 new homes and approximately 130 residents bringing with them increased retail spend and general household expenditure to support the local economy. Given the range of services within the village, a significant amount of weekly spend should be retained locally.

#### Biodiversity and Ecological Benefits

The development's green infrastructure is based upon delivering functional well designed green spaces that enhance biodiversity and landscape character, and provide play and recreational benefits. The landscape proposals include the conservation of existing site hedges and trees wherever possible, which will be enhanced where appropriate. This will ensure that there is increased connectivity across the layout for wildlife, as well as providing long term enhancement for landscape and biodiversity. The attenuation pond would be located along the southern boundary at the low point of the site and be designed to create an attractive landscape feature of value to wildlife and residents alike.

#### Social Benefit

The proposals will deliver new homes of the right type, at the right place and at the right time to meet market and affordable housing need and in turn will support the district's growth aspirations. Without a sufficient supply of new homes the district cannot meet the needs of present or future generations. The site, as demonstrated in the sustainability matrix, is located in an accessible and sustainable location close to the key services and facilities in the town that will help to support the health, social and cultural wellbeing of Hook Norton and Cherwell District.

#### Necessary Contributions

Should the scheme be approved, Gladman Developments Ltd will enter into a planning obligation for all necessary obligations (which meet the relevant statutory tests). Whilst required to make the scheme acceptable in planning terms, they represent investments in the local community, with existing residents benefiting from the additional infrastructure provided.

#### Impacts of the Scheme

##### Impact of Odour from Redlands Farm on the Proposed Development

The initial Odour Impact Assessment prepared by Peter Brett Associates, and the subsequent addendum both confirmed that the effect of the odour from Redlands Farm on the proposed development is considered to be slight adverse. With the proposed mitigation features on site, the effects of the odour, already described as slight adverse, would be further reduced by reinforcing and enhancing the existing vegetative buffers between the site and Redlands Farm.

The inclusion of the additional vegetative barrier within the development proposal is likely to further reduce the slight adverse effects of the odour from the Dairy. This in turn will have a further beneficial physical impact upon the odour from the Dairy.

#### Landscape Impacts

A Landscape and Visual Impact Assessment of the proposed development has been carried out as part of an iterative design process by FPCR Environment and Design. The site lies within an 'Area of High Landscape Value'. However, it is considered that

the site has a stronger relationship to existing development to the south than the wider landscape to the east and west. The proposed design has ensured that the siting and design of the development are sensitive to this designation. The development proposals include retention of existing vegetation along the site boundaries and reduced scale development and new tree and hedgerow planting where appropriate to create a low density filtered edge to the countryside.

The site itself has few features of intrinsic landscape merit and the proposals demonstrate how existing site vegetation along the site boundaries can largely be retained as an integral part of the scheme. The site also represents an opportunity for new tree planting within areas of public open space, plots and along streets. The development will not result in any significant adverse effects upon the Cotswolds AONB.

#### Transport Impacts

There is a modest increase in traffic flows in the area but the analysis in the Transport Assessment show the increase is not material. There is ample capacity available on the road network.

#### Summary

The adverse impacts, do not when taken as a whole or cumulatively 'significantly and demonstrably' outweigh the benefits' of the scheme. The NPPF makes clear that only when a decision taker reaches the point where adverse impacts significantly and demonstrably outweigh the benefits, which is clearly not the case here, should permission be refused. None of the technical reports submitted as part of the application indicate a technical constraint preventing the site's development.

#### Further comments from the Council's **Anti Social Behaviour Manager**;

For the reasons already outlined in my response to Linda Griffith I was not satisfied that sufficient work had been undertaken to quantify the odour impact of the Redlands Farm on the proposed development site. The report was based on the results obtained from a single site visit and did not, in my view take into account the season variations in odour producing activities or indeed worst case scenarios such as the conditions prevailing when slurry handling or spreading is taking place. For these reasons I was not satisfied that the conclusion that the effect of odour from Redlands Farm on the development site would be 'slightly adverse' were sufficiently robust to overcome concerns that we had.

With regard to the proposed mitigation the claimed effect of the boundary planting would reduce the level of odour at the development site were not referenced. The odour assessment report authors seemed to place reliance on the fact that odour is carried from source to receiver attached to particulate matter e.g. dust. Whilst this is true in part many odours are dispersed at molecular level and are not bound to any other media. The significance of this situation relates to particle size. Whilst I would accept that dense planting would have some capacity to capture dust particles and as a consequence could in theory reduce the level of odour at the development site odours entrained at solely molecular level would not. It is a question of size, entrained dust particles being significantly larger in size and greater in mass than a molecular emission.

Our comments in relation to the planning application seeking approval for an extension to the farm premises need to be put into context. The absence of recorded complaints of odour from local residents is a matter of fact. This cannot be taken to mean that odour is not a concern for a site that is significantly closer to Redlands Farm. Equally it could indicate that there is a level of tolerance or acceptance within the established

community. Experience tells us that these factors would not automatically be found in the initial occupants of the proposed development.

In conclusion I felt that the technical report on odour was lacking in baseline data and was insufficiently robust to allow it to reach the conclusion it did.

#### Further Comments of the **Applicant's odour consultant**

The Officer's report provides a good summary of the odour assessment that has been undertaken. However, we would like to clarify some of the comments made with regard to the assessment and the conclusions that should be drawn from it.

#### Transport of odour

The proposed vegetative barrier and acoustic fence will reduce the transport of odour by bio-aerosols as well as particulates. This is due to the fact that the barriers help prevent air movement between the odour source and the receptor, thereby helping to prevent transport of odour.

It is interesting to note that there is an existing vegetative barrier on Redlands Farm. This encompasses the silage lagoon and is presumably in place to reduce odour for the residential farmhouse that is located in the south west corner of the farm.

#### Assessment conclusions

The odour assessment that has been undertaken concluded that there would be a slight adverse effect of odour in the northern part of the site. This was on the basis of a site odour survey that was undertaken during conditions that are worst case in terms of odour generation whatever the odour source may be, i.e. dry, hot weather. The meteorological conditions were also favourable for the transport of odour in that there were relatively light winds. High winds disperse odours much more readily, leading to lower odour concentrations.

The meaning of a slight adverse effect needs to be correctly interpreted. Referenced guidance states that this level of effect would not be regarded as a significant effect. In other words, this level of effect is not at a level in its own right, that would be sufficient for refusal. In addition, the guidance also states that even the conclusion of a significant effect should not mean automatic refusal of an application, simply that more consideration needs to be given to the effects and the wider social balance of the proposal.

#### Comments from local residents

Reference is made to comments by local residents regarding odour and noise being an issue at certain times of the day and night. It is noted that there are currently no complaints regarding Redlands Farm that we are aware of, and as evidenced in the application for the new cubicle and stock building for the farm (11/01599/F). With reference to the issue of flies, they are widely present in a rural environment and their numbers are dependent on a wide range of factors, with the slurry pit being just one factor that would contribute to their numbers. It is therefore uncertain that the proposed development site will be more susceptible to flies than other properties in Hook Norton.

#### Representation from Redlands Farm

Reference is made to slurry spreading on the local fields; the proposed site is no more susceptible to odour from this source than other residential areas in the north east of Hook Norton. Whether or not a proposal for a new dairy farm would be approved adjacent to existing residential development is conjecture.

An assessment has been undertaken in accordance with the latest guidance. The conclusions of the assessment have not been disputed, i.e. that the northern part of the development site has a slight adverse risk of odour. This is evidence that the site will not be subject to unacceptable levels of odour. In accordance with the guidance, this is not a significant effect, and therefore is not a reason for refusal of planning permission.

**Agenda Item 10**

**14/00950/F**

**Land North Of OS Parcel  
0037, Murcott Road  
Upper Arncott**

The **Environment Agency** have **withdrawn their objection**, subject to the imposition of the following condition:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by Ambiental Technical Solutions Ltd dated 14 August 2014, Reference 2044. The mitigation measures shall be fully implemented in accordance with the timing and phasing arrangements embodied within scheme, or within a period as may subsequently be agreed, in writing, by the local planning authority.

Reason - To prevent the increased risk of flooding in order to comply with Government guidance contained within the National Planning Policy Framework.

It is recommended that this condition be imposed, should planning permission be granted.

**Agenda Item 12**

4 Further letters of objection have been received. These reiterate points summarised in the report but raise 2 additional points;

- A request to require a proper sized and visible access onto Milton Road.
- Also average speed on 43mph along the Bloxham and Adderbury Road as stated in submission is ludicrous.

The comments of the **Planning Policy Officer** have been received.

The report sets out the current policy position and concludes;

The site has previously been considered to be acceptable for residential development in the absence of a five year land supply. At the present time, a five year supply of deliverable housing land cannot be demonstrated (under the requirements of the Oxfordshire SHMA 2014). It is noted that the level of affordable housing proposed accords with emerging policy and the needs for affordable housing is of course high. However, affordable housing is being delivered and planned growth will generate significant additional supply. In advance of the Local Plan Part 2 or a Neighbourhood Plan it will be necessary to consider the district's current housing supply situation, to be mindful of emerging policy and the likely impact of proposed developments on a case



by case basis. Consultation on Proposed Modifications to the Submission Local Plan commenced on 22 August 2014 and includes Bloxham as one of a group of the most sustainable villages with a rural housing allocation. Planning permissions at 31 March 2014, including that for the application site, are additional to the proposed rural allocation (including Kidlington) of 750 homes (Policy Villages 2). The benefits of this proposal and the harm caused, including the impact on the countryside and landscape, need to be considered in the context of the previous appeal decision.

**Policy Recommendation**

From a Policy perspective the proposal would lead to an incursion into the open countryside and the loss of natural resources. There would be benefits from the provision of new houses (including affordable housing) however, landscape and other impacts will need to be considered. However, in the context of the current, published, five year land supply position and the previous appeal decision, there is no planning policy objection in principle.

**Agenda Item 20 Orchard Way The Paddock Somerton**

**Item to be recommended for deferral**