

Committee: Planning Committee
Date: Thursday 22 January 2015
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor Rose Stratford (Chairman)	Councillor Colin Clarke (Vice-Chairman)
Councillor Andrew Beere	Councillor Fred Blackwell
Councillor Michael Gibbard	Councillor Chris Heath
Councillor David Hughes	Councillor Russell Hurle
Councillor Matt Johnstone	Councillor Mike Kerford-Byrnes
Councillor James Macnamara	Councillor Alastair Milne Home
Councillor Nigel Randall	Councillor G A Reynolds
Councillor Barry Richards	Councillor Trevor Stevens
Councillor Lawrie Stratford	Councillor Douglas Williamson

Substitutes

Councillor Ken Atack	Councillor Andrew Fulljames
Councillor Carmen Griffiths	Councillor Jon O'Neill
Councillor D M Pickford	Councillor Alaric Rose
Councillor Nicholas Turner	Councillor Bryn Williams
Councillor Barry Wood	Councillor Sean Woodcock

AGENDA

1. **Apologies for Absence and Notification of Substitute Members**
2. **Declarations of Interest**

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting

3. **Requests to Address the Meeting**

The Chairman to report on any requests to address the meeting.

4. **Urgent Business**

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

5. **Minutes** (Pages 1 - 18)

To confirm as a correct record the Minutes of the meeting of the Committee held on 18 December 2014.

6. **Chairman's Announcements**

To receive communications from the Chairman.

Planning Applications

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|-----|----------------------------------------------------------------------------------------------------------------|---------------------|
| 7. | Part Of OS Parcel 7749 Adjoining And South Of Birchell House Hook Norton Road Milcombe (Pages 21 - 29) | 14/01107/OUT |
| 8. | OS Parcels 1200 3100 2000 1981 Land South of Salt Way and West of Bloxham Road, Banbury (Pages 30 - 82) | 14/01188/OUT |
| 9. | Land South of Greenacre adj to South Side Steeple Aston (Pages 83 - 93) | 14/01434/F |
| 10. | Norbar Torque Tools 6 Wildmere Road Banbury OX16 3JU (Pages 94 - 101) | 14/01650/F |
| 11. | Tuthill Park, Banbury Road, Wardington (Pages 102 - 115) | 14/01671/F |
| 12. | The Paddocks, Chesterton (Pages 116 - 163) | 14/01737/OUT |
| 13. | Land adj to Vespasian Way, Chesterton (Pages 164 - 191) | 14/01899/F |
| 14. | Former Spiceball Park Sports Centre, Spiceball Park Road, Banbury (Pages 192 - 196) | 14/02070/CDC |

Review and Monitoring Reports

15. **Decisions Subject to Various Requirements** (Pages 197 - 201)

Report of Head of Development Management

Summary

This report aims to keep members informed upon applications which they have authorised decisions upon subject to various requirements which must be complied with prior to the issue of decisions.

An update on any changes since the preparation of the report will be given at the meeting.

Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

16. Appeals Progress Report (Pages 202 - 205)

Report of Head of Development Management

Summary

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged. Public Inquiries/hearings scheduled or appeal results achieved.

Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwellandsouthnorthants.gov.uk or 01295 227956 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

Please contact Aaron Hetherington, Democratic and Elections
aaron.hetherington@cherwellandsouthnorthants.gov.uk, 01295 227956

Sue Smith
Chief Executive

Published on Wednesday 14 January 2015

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 18 December 2014 at 4.00 pm

Present: Councillor Rose Stratford (Chairman)
Councillor Colin Clarke (Vice-Chairman)

Councillor Andrew Beere
Councillor Fred Blackwell
Councillor Michael Gibbard
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Matt Johnstone
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor Alastair Milne Home
Councillor Nigel Randall
Councillor G A Reynolds
Councillor Barry Richards
Councillor Trevor Stevens
Councillor Lawrie Stratford
Councillor Douglas Williamson

Also Present: Councillor Douglas Webb, Local Ward Member for Wroxton, for agenda item 9

Officers: Bob Duxbury, Development Control Team Leader
Rebecca Horley, Principal Planning Officer
Ross Chambers, Solicitor
Natasha Clark, Team Leader, Democratic and Elections

132 **Declarations of Interest**

Members declared interests in the following agenda items:

9. Land North West of Wroxton Mill, Wroxton.

Councillor Alastair Milne Home, Declaration, as the applicant was known to him and would leave the meeting for the duration of the item.

133 **Requests to Address the Meeting**

The Chairman advised that requests to address the meeting would be dealt with at each item.

134 **Urgent Business**

There were no items of urgent business.

135 **Minutes**

The Minutes of the meeting held on 27 November 2014 were agreed as a correct record and signed by the Chairman.

136 **Chairman's Announcements**

The Chairman made the following announcement:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

137 **Heyford Park, Camp Road, Upper Heyford**

The Committee considered application 12/01468/F for the continued use of a section of the former flying field for the provision of driving experiences.

The Development Control Team Leader advised the Committee that since production of the written update there had been considerable correspondence from local Members, local residents and the Anti-Social Behaviour Manager, the recommendation had therefore been changed to deferral to enable further noise assessment work to be undertaken.

Councillor Rose Stratford proposed that consideration of application 12/01468/F be deferred to enable further noise assessment to be undertaken. Councillor Colin Clarke seconded the proposal.

Resolved

That consideration of application 12/01468/F be deferred to enable further noise assessment to be undertaken.

138 **Otmoor Lodge, Horton Hill, Horton Cum Studley**

The Committee considered application 14/00430/F, a retrospective application for the change of use of existing building to four dwellings.

Robert Froud-Williams, agent for the applicant, address the Committee in support of the application.

In reaching their decision, the Committee considered the officers' report, presentation and the address of the public speaker.

Resolved

That application 14/00430/F be approved, subject to the following conditions:

1. That the vehicular access and 4 no. car parking spaces detailed on drawing no. 12.900/32A shall be kept free of obstructions at all times and used only for the purposes of access to and vehicle parking for the Otmoor Lodge Cottages.
2. Notwithstanding the provisions of Classes A, B, C and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, the dwelling shall not be further extended, nor shall any further structures be erected within the curtilage of the dwelling, without the prior express planning consent of the Local Planning Authority.

139

Land North West of Wroxton Mill, Wroxton

Prior to the consideration of the application, Councillor Milne Home addressed the Committee and subsequently left the meeting for the duration of the item having declared an interest in the application.

The Committee considered application 14/01491/F for a proposed new dwelling.

Local Ward Member, Councillor Douglas Webb addressed the Committee.

Parish Councillor Michael Robarts, Chairman of Wroxton and Balscote Parish Council addressed the Committee in support of the application.

Councillor Macnamara proposed that application 14/01491/F be approved, subject to conditions. Councillor Reynolds seconded the proposal. The motion was duly voted on and subsequently fell.

Councillor Randall proposed that the application be refused for the reasons set out in the officers' report. Councillor Lawrie Stratford seconded the proposal.

Resolved

That application 14/01491/F be refused for the following reasons:

1. The proposed dwelling constitutes residential development beyond the built up limits of the settlement for which no justification for essential need has been submitted. In its proposed location the dwelling would be an unsustainable form of development which would furthermore detract from the open and spacious, rural character of the area. As such the proposal is considered to be contrary to government guidance contained within the National Planning Policy Framework and Policy H18 of the adopted Cherwell Local Plan.

2. The proposed dwelling, by virtue its design and siting would cause harm to visual amenity, would not be in keeping with the character of the area, and would therefore neither conserve nor enhance the rural character of the area. As such the proposal would cause harm to the character and amenity of the area which falls within a designated Area of High Landscape Value, contrary to government guidance contained within the National Planning Policy Framework and Policies C7 and C28 of the adopted Cherwell Local Plan.

140

Bacon Farm, Whichford Road, Hook Norton

The Committee considered application 14/01542/F for the demolition of and existing dwelling and some outbuildings, repairs to retained outbuildings and the erection of a family dwelling and new swimming pool (the application was an alternative to the previously approved application 14/00549/F).

In reaching their decision, the Committee considered the officers' report and presentation.

Resolved

That application 14/01542/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement ref: W1051_CF-DAS, aboricultural method statement, discharge of Condition document ref; DisCon051-WIL01, Letter ref nw/5807 dated 19 August 2014, proposed boundary treatment, drawing numbers, 051 – 002, 002 – Rev A, 004, 004 – C,303, -003 Rev A, -304, 003 – C, 003-A, 001 – Rev A (All dated April 2013)
3. Notwithstanding the photo of a stone sample shown in the discharge of condition document, prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural stone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a

period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

5. All construction traffic serving the development shall enter and leave the site via the northern access only and not via the southern access onto Whichford Road.
6. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.
7. The garage shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.
8. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

141

Part Land SW of Bicester Golf & Country Club Adj to M40 and Akeman St, Chesterton

The Committee considered application 14/01598/F for the erection of new building to house an activity hall adjacent to the assault course plus 6 No. covered driving bay ranges

In reaching their decision, the Committee considered the officers' report and presentation.

Resolved

That application 14/01598/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Location plan received with the application; drawing no. SK.14-652-01B received on 1 December 2014 and drawing nos. SK.14-652-02B, 03A, 04A and 05B received on 2 December 2014.

3. Prior to the commencement of the development hereby approved, samples (including colour) of the cladding to be used on the walls of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
4. Prior to the commencement of the development hereby approved, samples (including colour) of the cladding to be used on the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
5. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.
7. A Construction Traffic Management Plan (CTMP) will be required to be submitted for approval and the approved CTMP shall be implemented prior to any works being carried out on site.
8. That the activity building and driving bay ranges hereby approved shall be operated as an ancillary function and in connection with the Bicester Hotel Golf and Spa only.

142

Land North of Railway House, Station Road, Hook Norton

The Committee considered application 14/01738/OUT, an outline application for the development of 48 houses, access, open space and landscaping.

In reaching their decision, the Committee considered the officers report and presentation.

Resolved

That application 14/01738/OUT be refused for the following reasons:

1. Notwithstanding the Council's present inability to demonstrate that it has a five year housing land supply as required by paragraph 47 of the NPPF, the development of this site cannot be justified on the basis of the land supply shortfall alone. The proposal constitutes development which fails to respect the traditional settlement pattern, and extends beyond the existing built up limits of the village into the open countryside. It would by virtue of its layout form and location, together with the significant change in levels from Station Road into the site, result in a incongruous and visually intrusive form of development which would cause demonstrable harm to the visual amenities of the immediate locality and the open countryside, in particular when viewed from Council Hill, contrary to Policies C7, C8, C27, C28 and C30 of the adopted Cherwell Local Plan and Policies ESD13 and ESD16 of the Submission Local Plan and Central Government Advice within the National planning Policy Framework. Furthermore the development proposed also runs contrary to the Hook Norton Neighbourhood Plan.
2. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure and affordable housing directly required as a result of this scheme will be delivered. This would be contrary to Policy H5 of the adopted Cherwell Local Plan and Policy INF1 of the Submission Local Plan and Government guidance within the National Planning policy Framework.
3. On the basis of the lack of information available the Local Planning Authority consider that the vehicular access to the site will require to be engineered in such a way as to be visually harmful to the appearance of the streetscene in Station Road and consequently contrary to Policies C28 and C30 of the adopted Cherwell Local Plan

143

OS Parcel 8300 East of Deene Close, Aynho Road, Adderbury

The Committee considered application 14/01743/F for the demolition of an existing agricultural building and the development of 14 dwellings with highways, public open space, landscaping and infrastructure.

In introducing the report, the Development Control Team Leader advised the Committee that the applicant had requested that consideration of the application be deferred as there were three matters outstanding: 1. Response to CDC letter of 24 November requesting a number of changes awaited;

2. CDC to ask OCC to revisit the Education request following meeting last week, given the apparent complete misunderstanding by all parties; and 3. Applicant to revert on the viability implications of replacing 1 no market 4 bed detached with 2 no 2 bed market units.

Councillor Rose Stratford proposed that consideration of the application be deferred as per the applicant's request. Councillor Clarke seconded the proposal.

Resolved

That consideration of application 14/01743/F be deferred to allow for the resolution of outstanding matters.

144 **Greenup, Banbury Road, Bloxham**

The Committee considered application 14/01826/F for the demolition of existing bungalow and garage and construction of 3 No. new dwellings

Jeremy Dunn, agent for the applicant, addressed the Committee in support of the application.

In reaching their decision, the Committee considered the officers' report, written update and presentation and the address of the public speaker.

Resolved

That application 14/01826/F be approved, subject to the following conditions:

1. That the works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form, site plan and drawing nos. 5760 – Ovr 1, 5627-01a, 5760-Ovr 2, 5760-plt 1, plt 2, and plt3
3. Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural non-weathered ironstone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.
4. Prior to the commencement of the development hereby approved, a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m² in size) shall be constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be constructed in strict accordance with the approved brick sample panel.

5. Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.
6. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site for the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.
7. Prior to the occupation of the development a hedge shall be planted along the western boundary of the site the species to be used shall be agreed in writing by the Local Planning Authority and the hedge shall be retained and properly maintained at a height of not less than 1 metre, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.
8. Prior to the construction of the dwellings hereby approved, the proposed means of access between the land and the highway shall be constructed in accordance with the geometry shown on plan No. 5760-Ovr 2 and formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.
9. Prior to the commencement of the development hereby approved, full specification details of the access drive including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings the development shall be constructed in accordance with the approved details.
10. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
11. Prior to the commencement of the development hereby approved including any demolition and any works of site clearance, an emergence survey for bats shall be undertaken on the main house and the survey shall be submitted to and agreed in writing by the Local Planning Authority.
12. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development

hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on [bats/newts] until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

13. All biodiversity enhancement works shall be carried out in accordance with the statement prepared by Swift Ecology submitted with the application.
14. All site clearance and construction works shall be carried out in accordance with the Construction Environment Management Plan prepared by Swift Ecology submitted with the application.
15. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the [insert].

16. The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the Arboricultural Method Statement (AMS) and/or the Tree Protection Plan prepared by Sacha Barnes Ltd on 17 January 2014.
17. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.
18. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the [dwelling/north/west elevation] without the prior express planning consent of the Local Planning Authority.

19. Prior to the first occupation of the development hereby approved, the appropriate number of refuse bins required in relation to the dwellings shall be provided.

145 **Springfield Farm, Ambrosden**

The Committee considered application 14/01205/HYBRID for the variation of condition 28 of the previously approved application 13/00344/HYBRD requiring level 4 of the Code for Sustainable Homes.

Following the presentation of the Principal Planning Officer, the Committee agreed that prior to making a decision on the application they would consider the exempt appendices to the application.

146 **Exclusion of Press and Public**

Resolved

That, in accordance with Section 100A (4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraph 5 of Schedule 12A of that Act.

147 **Springfield Farm, Ambrosden - Exempt Appendices**

The Solicitor advised the Committee of a letter that had been received from the applicant's solicitor after the publication of the written update.

The Committee considered the exempt appendices for application 14/01205/HYBRID, Springfield Farm, Ambrosden, and received legal advice pertaining to elements of the application.

148 **Re-admittance of the Press and Public**

Resolved

That the press and public be re-admitted to the meeting.

149 **Springfield Farm, Ambrosden**

Further to the consideration of the exempt appendices and readmittance of the public and, the Committee continued consideration of application 14/01205/HYBRID for the variation of condition 28 of the previously approved application 13/00344/HYBRD requiring level 4 of the Code for Sustainable Homes.

In reaching their decision, the Committee considered the officers' report and presentation.

Resolved

That application 14/01205/HYBRID be approved, subject to the following conditions:

- a) completion of the S106 linking agreement
- b) the following conditions:

The following conditions relate to the Full permission

1. The development to which this permission relates shall be begun not later than 3 March 2016 being the date of the expiration of 13/00344/HYBRID.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: PL-01 Rev B (Site location plan) received 13.05.13;
 - PL-03 Rev N (Planning Layout) received 12.12.13
 - PL-04 Rev C (Materials Layout) received 19.06.13
 - PL-05 Rev C (Areas for Adoption) received 19.06.13
 - SS-01 (Street Scenes) received with the application
 - SE-01 Rev A (Site Sections) received 06.06.13
 - EXT-01 Rev A (External Works Finishes) received 13.05.13
 - House Type Drgs: HT-BH303-01 Rev B
 - HT-BH305-01 Rev C
 - HT-BH401-01 Rev A
 - HT-BH350-01 Rev B
 - HT-BH350-02 Rev B
 - HT-BH351-01 Rev A
 - HT-BH405-01 Rev A
 - HT-BH406-01 Rev C
 - HT-BH412-01 Rev B
 - HT-BH412-02 Rev A
 - HT-BH421-01 Rev B
 - HT-BH419-01 Rev C
 - HT-BH419-02 Rev C
 - HT-BH422-01 Rev A
 - HT-BH422-02 Rev B
 - HT-BH422-03 Rev A
 - HT-BH423-01 Rev C
 - HT-BH423-02 Rev B
 - HT-BH423-03 Rev C
 - HT-BH505-01 Rev C
 - HT-BH506-01 Rev C
 - HT-BH506-02 Rev B
 - HT-BH506-03 Rev B
 - HT-2B4P(R)-01 Rev B
 - HT-3B5P(R)-01 Rev A
 - HT-3B5P(R)-02 Rev A

HT-3B6P(R)-01 Rev B
HT-3B6P(R)-02 Rev B
HT-4B7P(R)-01 Rev B
HT-2B4P(SO)-01 Rev A
HT-3B5P(SO)-01
HT-1B-BUNG-01 Rev A
HT-1B-FLAT-01 Rev B
HT-1B-FLAT-02 Rev A
HT-GAR-01 Rev A
HT-GAR-02 Rev A
HT-GAR-03 Rev A
HT-GAR-04 Rev A
HT-GAR-05

Or as amended by application 14/00075/NMA with regard to plots 35, 37, 38 and 40.

3. The development shall be carried out in accordance with the details agreed under 14/00090/DISC and 14/00121/DISC unless otherwise agreed in writing by the Local Planning Authority.
4. Unless otherwise agree under 14/00306/DISC, no dwelling shall be occupied until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
5. Prior to the commencement of any approved tree works, any operations that present a risk to retained trees, or any operations to facilitate specialised tree planting (eg: tree surgery, trenching operations close to the Root Protection Areas of retained trees or construction of load-bearing structured cell planting pits), the applicant shall give the Local Planning Authority seven days written notice that works are due to commence.
6. All agreed service trenches, pipe runs, drains or any other excavation to be constructed within the agreed Root Protection Area (RPA) of the tree/trees on the site shall be undertaken in accordance with National Joint Utility Group 'Guidelines for the Planning, Installation and Maintenance of Utility apparatus in Proximity to Trees - Volume 4 and all subsequent revisions and amendments thereof.
7. No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

8. Unless otherwise agreed under 14/00306/DISC, details (including the siting) of the public art scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved.
9. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Ref WB02358, Rev D, Final, dated 05 March 2013 and the following mitigation measures detailed within the FRA:
 - Limiting the surface water run-off generated by all events up to and including the 100 year plus climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
10. Unless otherwise agreed under 14/00306/DISC, prior to the occupation of any of the dwellings hereby approved, full specification details of the vehicular accesses, car parking, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.
11. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed between the dwelling(s) and the highway without the prior express planning consent of the Local Planning Authority.
12. The garage(s) shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.
13. Prior to the commencement of construction of any dwellings an Energy Strategy shall be submitted to and approved by the Local Planning Authority. This strategy shall be in line with the mandatory requirements of Code 4 in respect of ENE1 2010 or otherwise agreed with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved Energy Strategy.

The following conditions relate only to the Outline permission (site for community building)

14. That no development shall be commenced until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

15. That in the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.
16. That the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
17. That the development shall be used as a community facility only and for no other purpose whatsoever.
18. That any building shall be no higher than two storey (8m).

150 **Springfield Farm, Ambrosden**

The Committee considered application 14/01742/F for the demolition of the existing building and development of 27 units.

In reaching their decision, the Committee considered the officers' report and presentation.

Resolved

That application 14/01742/F be approved subject to

- a) Completion of the S106 linking agreement which will ensure that the contributions agreed under 13/00344/HYBRID will continue to apply to this planning permission and include the additional contributions sought.
- b) The following conditions:
 1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
 2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Design and Access Statement Addendum October 2014, Transport Assessment by Clarkebond dated September 2014 and drawing numbers PL-01.2, HT-GAR-01 Rev B, HT-GAR-03 Rev B, HT-GAR-06 and HT-GAR-07 received with the application, drawing numbers PL-03.2 Rev A, PL-04.2 Rev A, PL-05.2 Rev A, SS-01.2 Rev A, SE-01.2 Rev A, HT-BH356-01 Rev A, HT-BH356-02 Rev A, HT-BH401-01 Rev C, HT-BH414-01 Rev A, HT-BH419-01 Rev E, HT-BH419-02 Rev E, HT-BH420-01 Rev A, HT-BH454-03 Rev A, HT-BH454-04 Rev A, HT-2B4P-01 Rev C, HT-3B5P-01 Rev A, HT-1B-BUNG-01 Rev C and HT-3B5PLTH-01 Rev C received on 4 December 2014 and EXT-01 Rev C received on 5 December 2014.

3. The development shall be carried out in accordance with the details agreed under 14/00090/DISC and 14/00121/DISC unless otherwise agreed in writing by the Local Planning Authority.
4. Unless otherwise agreed under 14/00306/DISC, no dwelling shall be occupied until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
5. Prior to the commencement of any approved tree works, any operations that present a risk to retained trees, or any operations to facilitate specialised tree planting (eg: tree surgery, trenching operations close to the Root Protection Areas of retained trees or construction of load-bearing structured cell planting pits), the applicant shall give the Local Planning Authority seven days written notice that works are due to commence.
6. All agreed service trenches, pipe runs, drains or any other excavation to be constructed within the agreed Root Protection Area (RPA) of the tree/trees on the site shall be undertaken in accordance with National Joint Utility Group 'Guidelines for the Planning, Installation and Maintenance of Utility apparatus in Proximity to Trees - Volume 4 and all subsequent revisions and amendments thereof.
7. No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between 1 March and 31 August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.
8. Unless otherwise agreed in writing by the Local Planning Authority, the scheme of public art shall be carried out as agreed under 14/00306/DISC prior to the commencement of development. The development shall be carried out in accordance with the details so approved.
9. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Ref WB02358, Rev D, Final, dated 05 March 2013 as supported by the Drainage Statement dated September 2014 and the following mitigation measures detailed within the FRA:
 - Limiting the surface water run-off generated by all events up to and including the 100 year plus climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
10. Unless otherwise agree under 14/00306/DISC, prior to the occupation of any of the dwellings hereby approved, full specification details of the vehicular accesses, car parking, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.
 11. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed between the dwelling(s) and the highway without the prior express planning consent of the Local Planning Authority.
 12. The garage(s) shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.
 13. Prior to the commencement of construction of any dwellings an Energy Strategy shall be submitted to and approved by the Local Planning Authority. This strategy shall be in line with the mandatory requirements of Code 4 in respect of ENE1 2010 or otherwise agreed with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved Energy Strategy.

151 **Decisions Subject to Various Requirements**

The Head of Development Management submitted a report which informed Members upon applications which they had authorised decisions upon subject to various requirements which must be complied with prior to the issue of decisions.

Resolved

- (1) That the position statement be accepted.

152 **Appeals Progress Report**

The Head of Development Management submitted a report which informed Members on applications which had been determined by the Council, where new appeals have been lodged, public Inquiries/hearings scheduled or appeal results achieved.

Resolved

- (1) That the position statement be accepted.

The meeting ended at 6.00 pm

Chairman:

Date:

PLANNING COMMITTEE

22 January 2015

PLANNING APPLICATIONS INDEX

The Officer's recommendations are given at the end of the report on each application.

Members should get in touch with staff as soon as possible after receiving this agenda if they wish to have any further information on the applications.

Any responses to consultations, or information which has been received after the application report was finalised, will be reported at the meeting.

The individual reports normally only refer to the main topic policies in the Cherwell Local Plan that are appropriate to the proposal. However, there may be other policies in the Development Plan, or the Local Plan, or other national and local planning guidance that are material to the proposal but are not specifically referred to.

The reports also only include a summary of the planning issues received in consultee representations and statements submitted on an application. Full copies of the comments received are available for inspection by Members in advance of the meeting.

Legal, Health and Safety, Crime and Disorder, Sustainability and Equalities Implications

Any relevant matters pertaining to the specific applications are as set out in the individual reports.

Human Rights Implications

The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations are in accordance with the law and are necessary in a democratic society for the protection of the rights and freedom of others and are also necessary to control the use of property in the interest of the public.

Background Papers

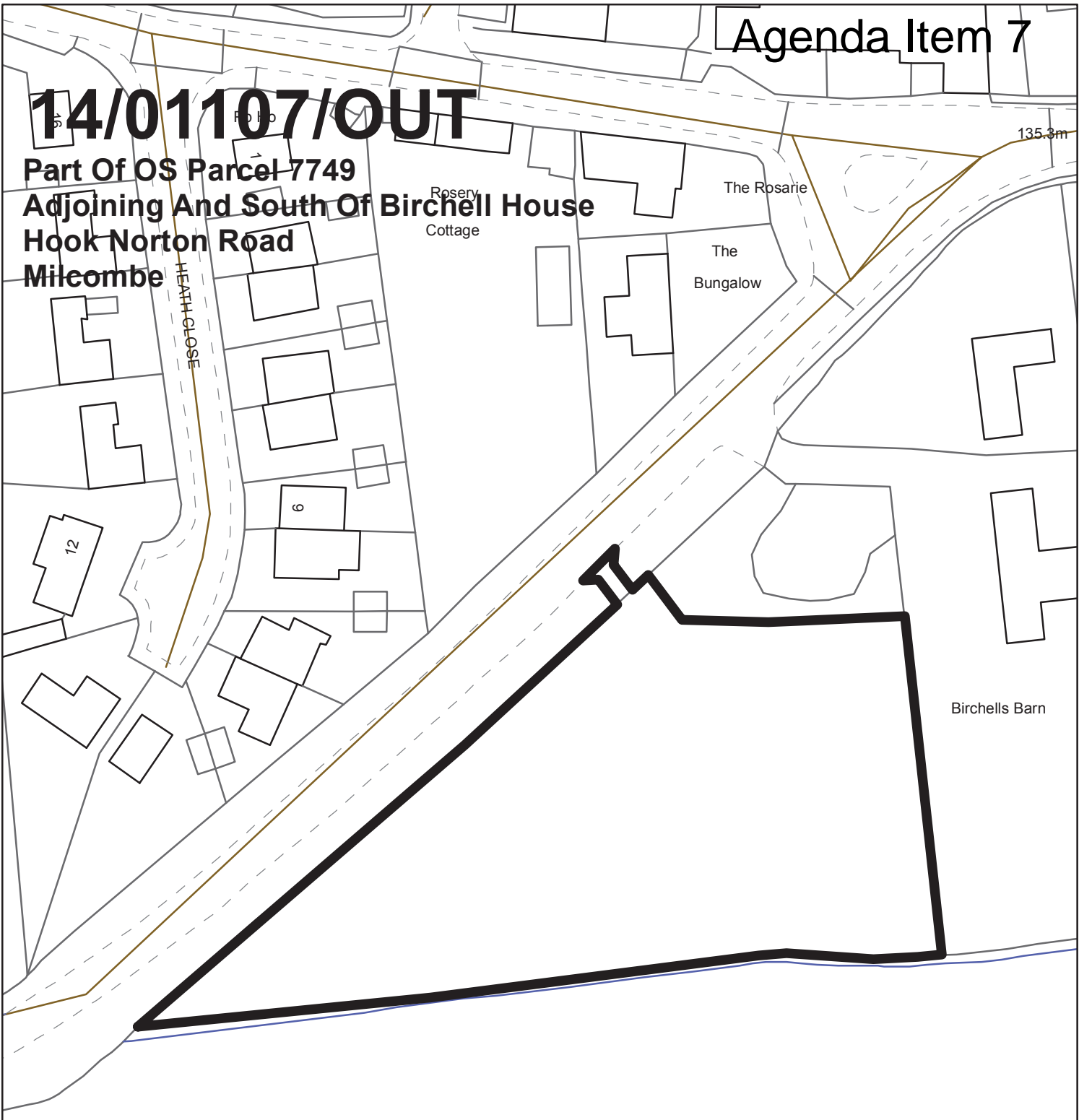
For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision notices or letters containing previous planning decisions relating to the application site.

Applications

	Site	Application No.	Ward	Recommendation	Contact Officer
7	Part Of OS Parcel 7749 Adjoining And South Of Birchell House Hook Norton Road Milcombe	14/01107/OUT	Bloxham and Bodicote	Approval	Shona King
8	OS Parcels 1200 3100 2000 1981 Land South of Salt Way and West of Bloxham Road, Banbury	14/01188/OUT	Banbury Easington	Approval	Tracey Morrissey
9	Land south of Greenacre adj to South Side Steeple Aston	14/01434/F	The Astons and Heyfords	Approval	Shona King
10	Norbar Torque Tools 6 Wildmere Road Banbury OX16 3JU	14/01650/F	Banbury Grimsbury And Castle	Approval	Ernest Addae-Bosompra
11	Tuthill Park, Banbury Road, Wardington	14/01671/F	Cropredy	Approval	Rebekah Morgan
12	The Paddocks, Chesterton	14/01737/OUT	Ambrosden and Chesterton	Approval	Aitchison Raffety
13	Land adj to Vespasian Way, Chesterton	14/01899/F	Ambrosden and Chesterton	Approval	Aitchison Raffety
14	Former Spiceball Park Sports Centre, Spiceball Park Road, Banbury	14/02070/CDC	Banbury Grimsbury and Castle	Approval; subject to the expiration of the consultation period	Rebekah Morgan

14/01107/OUT

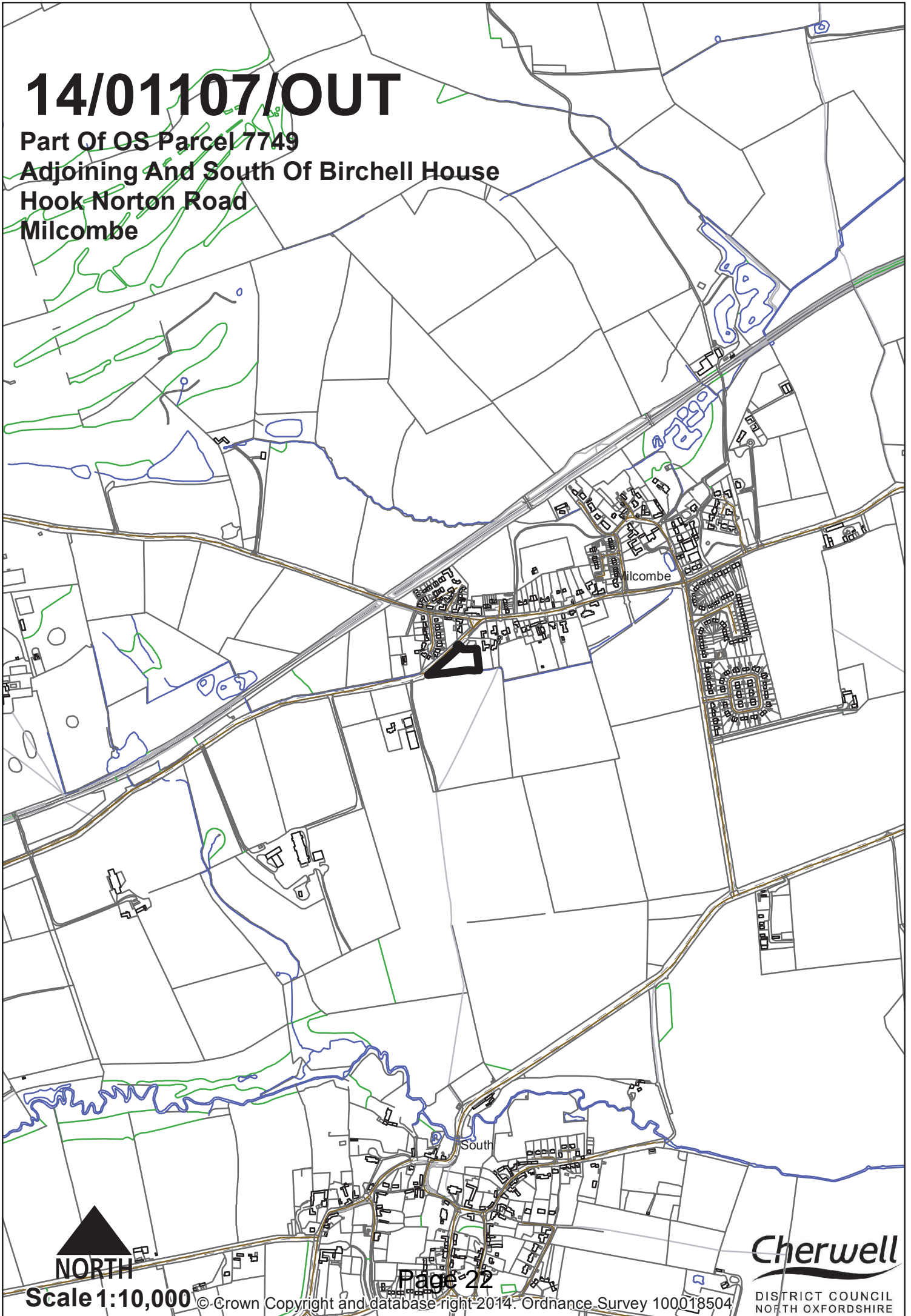
**Part Of OS Parcel 7749
Adjoining And South Of Birchell House
Hook Norton Road
Milecombe**



NORTH
Scale 1:750

14/01107/OUT

Part Of OS Parcel 7749
Adjoining And South Of Birchell House
Hook Norton Road
Milcombe



Scale 1:10,000

**Site Address: Part Of OS Parcel 7749
Adjoining And South Of Birchell House
Hook Norton Road Milcombe**

14/01107/OUT

Ward: Bloxham and Bodicote

**District Councillor: Councillor Christine Heath and
Councillor Lynda Thirzie Smart**

Case Officer: Shona King

Recommendation: Approval

Applicant: Mr M Nicholls

Application Description: Outline – Erection of two dwellings

**Committee Referral: Departure from Adopted
Local Plan Policy**

Committee Date: 22 January 2015

1. Site Description and Proposed Development

- 1.1 The application site is located on the western edge of Milcombe. It comprises a triangular shaped field bounded by mature hedges. Access is to be taken from the Hook Norton Road.
- 1.2 The application seeks outline consent for the erection of two dwellings. All matters are reserved for subsequent approval except for access.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letters and a site notice. The final date for comment was the 15th August 2014. Two letters have been received as a result of this consultation process and the following issues have been raised:
 - Whether the development is inside the boundary of the village
 - Whether it is infilling
 - Loss of privacy
 - Highway safety
 - Drainage

3. Consultations

- 3.1 Milcombe Parish Council: No objection

Oxfordshire County Council Consultees

- 3.2 Highway Authority: No objections subject to:
 1. S.C. D 1 construction.....dwellings. Proposedgeometry as plans
 2. S.C. D 15
 3. S.C. D 9 Close existing access.....Hook Norton Road.....reinstatement of boundary hedge and grassed verge
 4. Prior to first occupation a footway is to be provided linking the site with the existing system to the north-east, design and full details to be agreed in writing with LPA (see note) DR 1
 5. Prior to occupation the highway verge is to be cleared of undergrowth to the south-west for a distance of 100 metres on both sides of the carriageway DR 1

Note that the provision of the footway is to be the subject of a formal agreement with O.C.C. covering its provision to the required standard and at no cost to the authority. A section 278 agreement will be required to cover this matter.

This response is offered following the recent submission of more detailed proposals regarding in particular the highway aspects of the proposal.

Other Consultees

3.3 Thames Water: Waste Comments

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

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments

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

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

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- H14: Category 2 Settlement
- C27: Development in villages to respect historic settlement pattern
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Submission Local Plan (January 2014) (SLP)

SLP has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June

2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation and the examination is set to reconvene in December 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031.

- Policy Villages 1 is considered to be material to this case and is not replicated by saved Development Plan Policies.

5. Appraisal

5.1 The key issue for consideration in this application is the principle of the development.

Principle of the development

5.2 Milcombe is a Category 2 settlement as designated by Policy H14 of the Adopted Cherwell Local Plan. This Policy restricts development to conversions, infilling and other small scale development that can be shown to secure significant environmental improvement within the settlement.

5.3 Policy Villages 1 of the Submission Local Plan categorised Milcombe as a Category B satellite village where infilling and conversions only are appropriate. The Proposed Main Modifications to the Submission Local Plan (August 2014) now categorise Milcombe as a Category A village where minor development is allowed within the built-up limits of the settlement as well as infilling and conversions.

5.4 The NPPF indicates that the Adopted Cherwell Local Plan 1996 is considered to be out of date as it was adopted prior to 2004, however it also advises that due weight should also be given to relevant policies within existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

5.5 The NPPF states at para 49 "that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites". The Council cannot currently demonstrate it has a 5 year housing land supply, however the development of two additional houses would not have a significant impact on the overall housing land supply figure.

5.6 The development does not comply with the infilling or conversion requirement of either the adopted Cherwell Local Plan or the Submission Local Plan and would not secure significant environmental improvement within the settlement and therefore it is contrary to the adopted and emerging Cherwell Local Plan housing Policies. However, paragraph 14 of the NPPF states that where the development plan is out-of-date permission should be granted 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 in this Framework indicate development should be restricted

5.7 It can be argued that the proposed development is in a location that would result in a logical extension to the settlement. It is well related to the development to the east and north, on the northern side of Hook Norton Road. It is in a sustainable location

immediately adjacent to the village and there are local services in the village (public house and shop). The Highway Authority is satisfied that the additional traffic using the access into the site will not give rise to any significant detriment to highway safety. Therefore it is considered that there should be a presumption in favour of the development.

- 5.8 The only matter to be considered at this time as part of the outline application is the access as scale, layout, appearance and landscaping are reserved for subsequent approval. However a sketch layout has been provided with the application and it is considered that the location of the proposed dwellings will not give rise to any significant adverse impacts on the living amenities of the neighbouring properties. The sketch layout and design and access statement refer to the existing hedges being retained and additional planting carried out to the boundaries. This will help to visually contain the development.

Engagement

- 5.9 With regard to the duty set out in paragraphs 186 and 187 of the Framework, it is considered that the duty to be positive and proactive has been discharged as the applicant has been able to submit additional information to support the application to ensure that an appropriate form of development has been arrived at.

Conclusion

- 5.10 To conclude, the assessment demonstrates that the proposal is considered to be an acceptable form of development that will cause no significant harm. As such, it is considered to comply with the above mentioned policies and is recommended for approval as set out below.

6. Recommendation

Approval, subject to the following conditions:

1. No development shall commence until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

2. In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as

amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

- 4 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: application form, site plan and block plan (amended 15 October 2015)

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

- 5 Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 6 Prior to the construction of the dwellings hereby approved, the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

- 7 Prior to the first use of the access hereby approved, the existing access onto Hook Norton Road shall be permanently stopped up by means of the reinstatement of the boundary hedge and grass verge and shall not be used by any vehicular traffic whatsoever.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

- 8 Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

- 9 Prior to the first occupation of the dwellings a footway is to be provided linking the site with the existing system to the north-east. The design and full specification details are to be agreed in writing by the Local Planning Authority

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

- 10 Prior to the occupation of the dwellings the highway verge is to be cleared of undergrowth to the south-west for a distance of 100m on both sides of the carriageway.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

- 11 Except to allow for the means of access and vision splays the existing hedgerow along the north west boundary of the site shall be retained and properly maintained at a height of not less than 2 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 12 Within the first available planting season following the occupation of the building, or on the completion of the development, whichever is the sooner, the existing hedgerow along the southern boundary shall be reinforced by additional planting in accordance with a detailed scheme which shall firstly be submitted to and approved in writing by the Local Planning Authority. Thereafter, any plant/tree within the hedgerow which, within a period of five years from the completion of the development dies, is removed or becomes seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species in accordance with BS 4428:1989 Code of practice for general landscape operations (excluding hard surfaces) or the most up to date and current British Standard). Thereafter the new planting shall be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 13 Prior to the commencement of the development hereby approved, full details of the enclosures along the eastern boundary and within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure, in respect of those dwellings which they are intended to screen shall be erected, in accordance with the approved details, prior to the first occupation of those dwellings.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

- 1 The provision of the footway is to be the subject of a formal agreement with O.C.C. covering its provision to the required standard and at no cost to the authority. A section 278 agreement will be required to cover this matter.
- 2 Where the developer proposes to discharge to a public sewer, prior approval from

Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 3 Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 4 This permission shall not imply or be deemed to imply approval for:
 1. the size, form or layout of the dwelling(s) shown on the plans accompanying the application;
 2. the external appearance and design of the buildings or layout of houses as shown on the plans accompanying the application;

for which separate consent would need to be obtained from the Cherwell District Council.

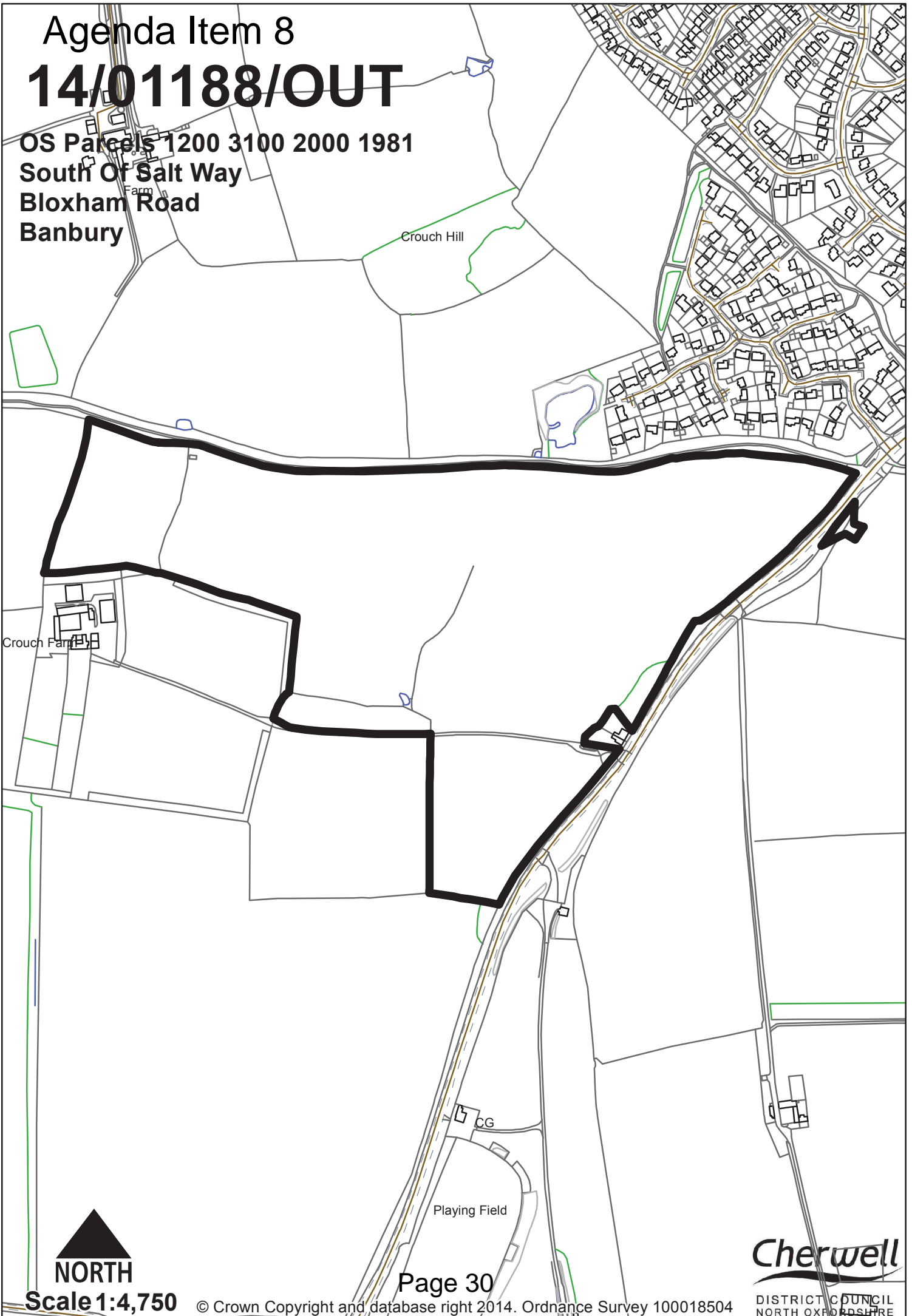
STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as the applicant has been able to submit additional information to support the application to ensure that an appropriate form of development has been arrived at.

Agenda Item 8

14/01188/OUT

OS Parcels 1200 3100 2000 1981
South Of Salt Way
Bloxham Road
Banbury

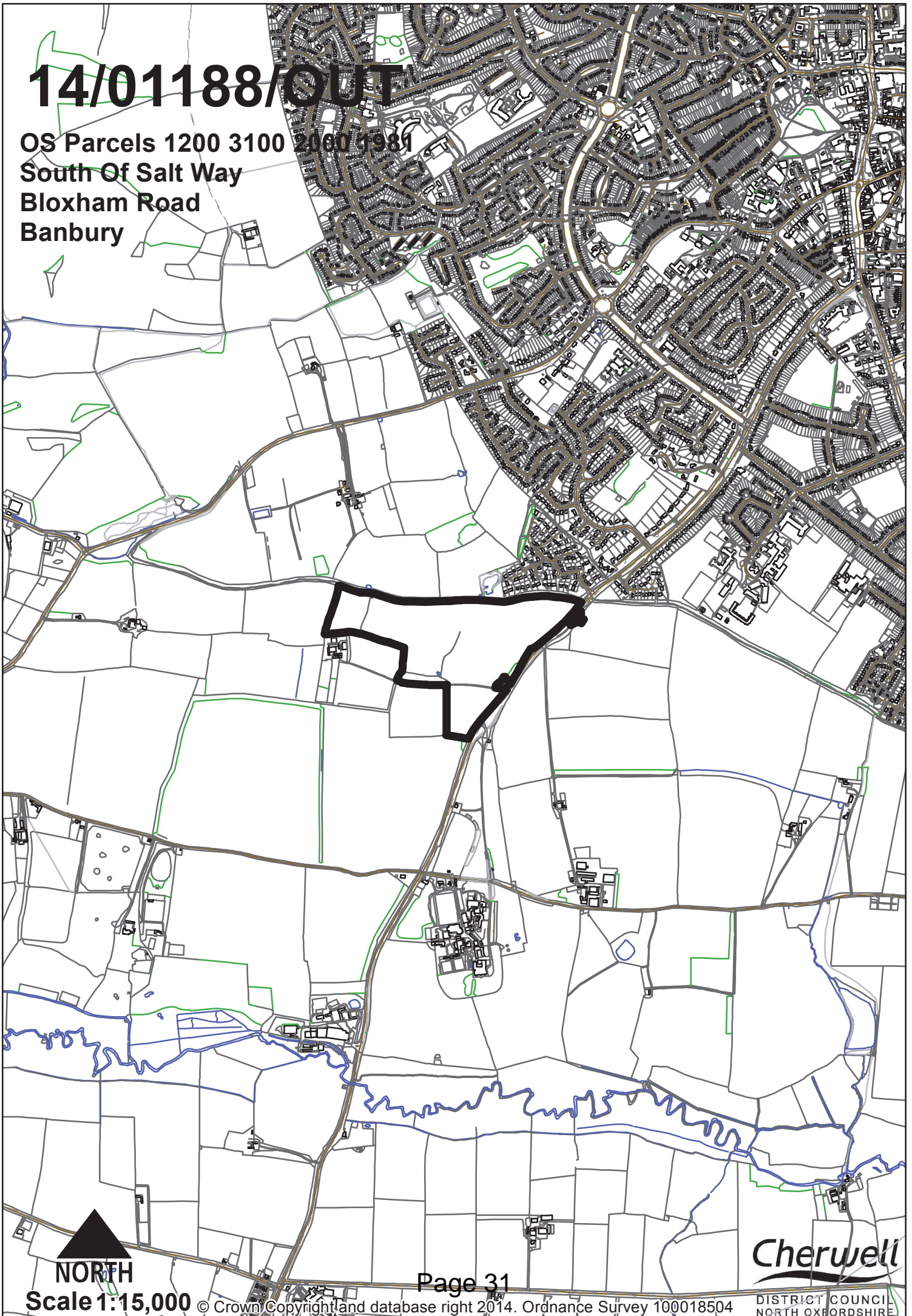


NORTH

Scale 1:4,750

14/01188/OUT

OS Parcels 1200 3100 2000 1981
South Of Salt Way
Bloxham Road
Banbury



Scale 1:15,000

**Site Address: OS Parcels 1200 3100 2000 14/01188/OUT
1981 Land South of Salt Way and West
of Bloxham Road, Banbury**

Ward: Banbury Easington

District Councillor: Councillor Blackwell, Councillor Mallon and Councillor Morris

Case Officer: Tracey Morrissey

Recommendation: Approval

Applicant: Mr M Horgan & Barwood Strategic Land LLP

Application Description: OUTLINE - Development for up to 350 dwellings together with associated infrastructure and public open space.

Committee Referral: Major application (exceeds 10 dwellings and 1ha) and departure from policy

Committee Date: 22.01.15

1. Site Description and Proposed Development

- 1.1 The application relates to a site that has been identified for proposed residential development in the Proposed Main Modifications to the Submission Local Plan (October 2014) (SLP) under Policy Banbury 16 (BAN 16): South of Salt Way - West. Outline planning consent is sought for the above proposed development, which has been amended since its original submission, reducing the number of units from 400 to 350.
- 1.2 The site comprises approximately 18.3 hectares of agricultural land to the southern edge of Banbury and west of Bloxham Road. The site is bounded on all sides by mature trees and hedgerow. A woodland copse on the SE boundary provides a strong presence and forms a tall screen against oblique views from passing traffic along the Bloxham Road. Whilst the site is relatively flat, land to the west and north towards and beyond Salt Way towards Crouch Hill starts to incline. Crouch Hill itself is an historic landmark feature within Banbury and is considered to be a non-designated Heritage Asset. To the northeast of the site is Waller Drive, a 1990's residential development that was previously an allocated site in the Cherwell Local Plan.
- 1.3 In terms of site constraints the site forms part of an Area of High Landscape Value and land containing naturally occurring Arsenic Chromium Nickel. Public footpaths FP120/33, 28, 35, 36 and 49 run through the site. Crouch Farm a Grade II listed building lies to the south-west of the site and there are legally protected species, UK Bap Priority and Section 41 Species and Habitats within the site. There is a TPO in force on a wooded spinney located to the east of the site and also on a wooded copse to the south of the site.
- 1.4 The application is supported by an Ecological Appraisal, Transport Assessment and Travel Plan, Landscape and Visual Impact Assessment, Noise and Vibration Assessment, Flood Risk Assessment and Drainage Strategy, Cultural Heritage and Archaeology Statement, Ground Conditions and Contamination Assessment, Utility Report Design and Access Statement, a Planning Statement and a Statement of Community Involvement and Draft S106 Heads of Terms.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press

notice. The final date for comment on the amended scheme was the 11th December 2014.

To date four residents have made representations objecting and raising the following issues (see file via the Council's Public Access system for full contents):

- Substantial deficiencies in the application documents that require whole scale revision of the key reports and conclusions. Such as the ground stability, flooding and drainage, loss of amenity value, privacy and overlooking, failure to adequately consult, selective interpretation of Government policy and guidance, assessment of transport infrastructure and traffic problems, light pollution and ecology.
- Bloxham Road and town centre is already congested with traffic. The additional housing will add to this traffic issue.
- Landscape harm building over the brow of Cherwell Valley, build on land by M40 instead.
- Historical roadway of Saltway needs protecting and is an historic limit to Banbury.
- Concerned about the values of the developer.
- Housing need has not been demonstrate housing and piecemeal highway proposals do not constitute a safe or comprehensive contribution to the needs of the area's infrastructure.
- The application is premature and unacceptable as it breaches the 'green' boundary on this side of Banbury, until the Inspector's recommendation and the Secretary of State's decision on the Draft Local Plan is published, which will then consider the acceptability of this site.
- Notwithstanding its allocation in the latest Submission Local Plan, the proposal runs contrary to the amount of housing proposed to be allocated, which is only 150 units.
- SHMA's requirements have not been the subject of independent scrutiny
- The fact that a development has been allowed on the Bloxham side of that line, on appeal, regrettable and mis-guided as it was, must not be taken as a precedent that all the green space between Banbury and Bloxham shall now be available to every opportunistic developer who sees this as a chance to make money at the expense of our environment and the loss of much needed productive agricultural land.
- Brown field and infill should be considered if there is a demand for more housing, as local and defined needs might, on examination dictate. There are other undeveloped and under-developed sites north and east of the Salt Way, these should be considered first.
- The proposals do not make any reference to the proposed housing mix and are coy regarding the 'social' element to be provided.
- Whilst there might be a primary school proposed on an adjacent site, no mention of other social infrastructure e.g. secondary education, public transport, utility capacity, GP surgery provision or sports and recreation facilities.

- There should be the provision of a strip of land as public open space 'parkland' as a 'buffer' against the south edge of Salt Way so as to retain and enhance the environment of this important feature.
- Footpath routes south of the Salt Way should follow only those existing at present.
- Surprising, to say the least, that the Highway Authority feels that two roundabouts and a T junction within a distance of 0.5km, on a heavily used cross-country route (A361) which has a bad accident record, is acceptable and in accordance with 'good
- The development of this and adjacent parcels of land offer a 'once in a lifetime' opportunity to incrementally establish a much needed highway link on the west side of Banbury between the Bodicote Flyover and the Broughton Road (initially) and ultimately to the Drayton / Hanwell locality. This should be a 'non-negotiable' objective.
- Established trees along A361 frontage should be retained.
- Construction traffic should only be via existing access lane to Crouch Farm and controlled with hours of operation and no spoil or rubbish deposited onto the highway surface.
- The layout plan provides a large area of 'parkland (5 on plan) in the neighbourhood of Crouch Farm but it is not clear how access to this is to be gained by the general public - is this to be designated 'public open space' or is it a cushion against the intrusion of new housing into the close environment of the Farm?
- Similarly a large area (7 on plan) is set aside for 'sports pitches and 'water drainage'. Who are intended to be the user of these facilities, as they are as far removed from potential access points and users as can be imagined.
- Thus the majority of land not allocated for housing should be concentrated in the north-east sector of the site so as to be as near as possible to potential users.

3. Consultations

3.1 Banbury Town Council: Objection on the following grounds:

- This site extends beyond the amended Local Plan
- There were concerns over road safety with additional numbers of vehicles on the Bloxham Road.

3.2 Bloxham Parish Council: Objection on the following grounds:

- This development would stretch the boundaries of Banbury and does not accord with Banbury's Draft Local Plan.
- It is a ribbon development which would destroy the gateway to Banbury and add to traffic congestion along the A361 into Banbury.
- The A361 is a dangerous road and this development together with the Salt Way development will create hazardous junctions on this road.
- This development intends there to be a roundabout plus a secondary road access for the Bloxham Road, this will exacerbate the existing traffic bottleneck experienced on the route into Banbury. It is noted that a "compact" roundabout was considered for this site but in the view of the developer it would not provide

sufficient capacity.

- The roundabout does not appear suitable to allow HGV and Refuse vehicles to travel in parallel through it.
- The proposed pedestrian refuge island of minimum 2 m should not be viewed as sufficient given the amount of HGV traffic that use this road. This road is used by HGV vehicles through to the West Country; it is not realistic to argue that only 3% of the traffic is HGV.
- Concern over slippery roads caused by mud and surface water from existing farm access roads from both sides onto the A361 near to this development.
- Such a development would place a strain on the already overburdened local medical and educational facilities. The infrastructure to support this development is not in place; therefore this is contrary to the NPPF.

Cherwell District Council Consultees

3.3 Head of Strategic Planning and the Economy: No comments received. The proposal has been subject to discussions with the HoSPE for some time during the Local Plan Examination period. The site as a consequence of modifications to the SLP has been included as a strategic allocation under Policy Banbury 16 albeit for only 150 dwellings. As a result of further landscape work undertaken by the applicant, and with the agreement of the Council's Landscape Consultant (WYG) the HoSPE considers that the principle of more dwellings on the site could be acceptable.

3.4 Urban Designer: (Comments based on original 400 unit scheme – no further comments made on the 350 unit scheme) An illustrative masterplan has been provided as part of the application and forms the basis for the conceptual framework and concept diagrams. The diagram is not particularly helpful and would be better as a simple framework diagram which is simply overlaid with the design principles in a series of concept diagrams / parameter plans. As the diagram is currently drawn, it suggests a number of approaches to built form and character that are unlikely to be considered appropriate by the planning authority.

Rather than pick through the problems of the illustrative plan, I have therefore considered it as a framework plan and assume that further details will be provided on the urban form in the future. These comments therefore focus on the conceptual approach.

- The development of this site marks a break from the built edge of Banbury. While the north-eastern edge of development will interface closely with the existing town edge the western edge of the site encroaches into open countryside and Crouch Hill.
- It is a planning issue as to whether extending the built limits of Banbury in this area would be acceptable or not. However, it would appear to be appropriate for the development to feather into the site at this point, increasing the buffer with Salt Way and improving the relationship with the open farm land beyond.
- We have concerns about the overall structure of the framework plan, especially in relation to the access arrangements. As currently shown there are only two points of access provided for 400 units. While the internal arrangements of much of the framework plan are largely permeable, the site constraints place a significant limitation on the permeability of the site to the larger area.
- I have some concerns about the depth of development plots, which appears quite tight. While this might be viable, this will be dependent on building typology, street and parking arrangement and it will need to be demonstrated that this framework is viable.
- The configuration of development blocks is well orientated, with the greater proportion

of plots sitting in east – west streets and therefore optimising solar gain.

- We are concerned about the profile of development along Salt Way. No scaled profiles have been provided for this area of the application and it is not clear what the implications of development will be along this historic routeway. Further detailed analysis of the character of this route as it runs through the site to determine the development parameters in this area are required to ensure an appropriate response to this heritage asset.
- I do not consider that the cul-de-sac arrangement with Salt Way is appropriate. This will provide a highly domestic environment along the edge of this route. Rather than softening the relationship with this route, this configuration is likely to increase the area of hard standing, parking etc. and I would recommend that the development form is simplified in this area to a simple frontage development.
- There appears to be little consideration to the structure of the public realm. What are the spaces which need to be established to give character to different areas of the site? This needs to consider the relationship with the overall built form and the landscape structure?
- The open space provision appears to be very limited for the scale of the scheme. It is expected that there should be significant areas given over to the public realm, play and strategic open space for a development of this size.
- SUDS strategy should be developed in relation to the existing topography, field boundaries and ditches.
- It is important that the framework proposals are considered in relation to the site context and constraints. The consideration of landscape, views and topography might have a significant impact on the structure of the plan.

Further information is required alongside further consideration of some of the site and design issues to establish an acceptable and robust design and layout for the site.

- The development grain appears very even at present and further work is required to define different characters across the site. Studies indicating variation in density plan and building typology for different areas of the site will be important in this.
- Further development of the landscape structure, including SUDS strategy, strategic open space, play areas and public realm will be important to define.
- Further development of the movement strategy, including streets, public realm and parking, which will be critical to the schemes success
- Integration of the site constraints, including landscape, topography, views and vistas and heritage assets.
- Further information on the character cues is required.

- 3.5 **Housing Officer:** I have no objections to this residential proposal on the outskirts on the south west of Banbury. As noted in the applicants submission there will be a 30% affordable housing requirement. This will need to be a 70/30 split between rented and shared ownership or some other form of low cost home ownership to be agreed with the Council.

There will need to be a range of house types provided as part of the affordable housing delivery. This breakdown will be determined at reserved matters stage, should outline permission be awarded. An indicative mix should be as follows:

21% - 1b2p Maisonette
50% - 2b4p House
20% - 3b5p House
5% - 4b6p House
2% - 2b3p Bungalow
2% - 3b5p Bungalow

The affordable housing will need to be clustered in 10-15 units; however this will depend on the layout and design of the scheme and will also depend on the house types provided. However it will need to be distributed throughout the site so as to avoid any concentration of affordable housing.

50% of the affordable rented will need to be delivered to Lifetime Homes Standard. 2% of the affordable units will need to meet full wheelchair standards or a sum in lieu of this standard in order to provide appropriately adapted housing elsewhere in the district. The RP taking on the affordable housing will need to be agreed with the Council.

- 3.6 **Recreation and Health Improvements Manager:**

Outdoor Sports - On site provision of a youth football pitch to FA and CDC specification with the necessary drainage taking account of ground/soil conditions with commuted sum for on-going maintenance.

Indoor Sports - Contribution towards offsite Indoor sports provision.

The indoor sports contribution is to address the impact that this development would have on the existing infrastructure in Banbury. Spiceball Sports Centre is already operating at capacity and so we need to provide additional improved facilities at the Woodgreen site.

Indoor sports contribution; 400 dwellings x 2.39 people x £302.31 = £289,008.

The football pitch is to be constructed by completion of 100 dwellings. An establishment and maintenance period of 2 years. Indoor sports contribution paid when works start on site.

- 3.7 **Landscape Officer:** Comments in respect to the master plan:

- The layout respects the setting of the Saltway by off-setting the development from this important feature. It would be beneficial if the off-set was the same distance as that in the Miller Homes development on the other side of Bloxham Road.
- 2 out of 3 of the existing footpaths are retained within green corridors which is also beneficial. Retention of existing hedges and tree belts is also essential to integrate the scheme into the landscape
- Currently most of the proposed open space is on the periphery of the development. Play provision needs to be located centrally for easy access.

- The central green does not work well. It is too small, looks like an-add on and doesn't flow in relation to the road network. A central green space can be used as a focus for the development with housing located around it. Play provision can be located on this central area. More than one play space may be required depending on distances from the play facility to each dwelling. Combined LAP/LEAP's must be located within 400m or 5 minutes walking time of each dwelling

Comments in respect to the original LVIA:

- The LVIA is very long and repetitive.
 - The Schedule of effects in table A7.1. The table should be assessing the effects of the development on the NCR and Landscape Character Areas, not talking about vegetation on site. And explaining why the effect is felt to be Moderate/minor or whatever.
 - Table A7.2 The assessment covers a mixture of general statements from non-specific points along with a few assessments from photo viewpoints. The assessments should be from specific locations so that they can be verified. This is advised in the GVLIA 3rd edition p134.
 - Unfortunately the assessment is to my mind not comprehensive or clear.
 - However, observations on site and any subsequent reduction in developed land reduce the impact of this scheme. This is illustrated by the wireline taken from the PROW on Crouch Hill. Inevitably some of the development will be visible but lower densities on this boundary and mitigation planting can contribute to minimising the effect.
- 3.8 **Arboriculturalist:** There is a TPO in force on a wooded spinney located to the east of the site and also on a wooded copse to the south of the site. These should remain unaffected by the proposals. There are trees on the periphery of the site which should be retained. A BS5837 survey (Trees in relation to design, demolition and construction 2012) should be produced to identify which trees are to be retained and which if any trees to be removed. In addition a Tree Protection Plan should be produced to safeguard any trees to be retained during construction. The layout should allow for the planting of trees to enhance the development. The proposals should not compromise the wooded copse located in the middle of the site. The proposed properties should be a sufficient distance away from the edge of the wooded copse to the south to prevent issues of shading.
- 3.9 **Ecologist:** The proposed development will have a small adverse impact on local biodiversity, mainly through the loss of hedgerows and farmland bird habitat. There are no ecologically valuable habitats that will be lost. To avoid the damage of retained features (such as the Salt Way Local Wildlife Site and other hedgerows) and protected species habitat during construction Ecological Protection Zones (EPZ) with appropriate buffers will need to be set out prior to works commencing. Works within these zones may need to be carried out under ecological supervision.

Other issues include:

Surveys for the possible presence of bat tree roosts need to be done once a layout has been decided, although it is already known that one tree required for removal to create the access road has bat roost potential.

A dormouse nest was found in a hedgerow adjacent to the Salt Way, meaning that they are likely to be present at low densities in the area. Their habitat will be protected within an EPZ during construction. A badger sett was found within the application site, which may need to be closed under licence. There is the potential for reptiles (grass snakes were found on site) and great crested newts to be present, therefore temporary fencing

to keep them away from construction will be required.

The following ecological enhancements are recommended in the EDP ecological appraisal:

- Establishment of species-rich grassland in the northern buffer strip adjacent to the Salt Way.
- Enhancement of existing grassland to be retained within the proposed 'country park'. It states that grazing should cease in favour of mowing but I consider that lower density grazing at certain times of the year would be more appropriate.
- New hedgerow & tree planting.
- Management of existing woodland to increase its structural diversity.
- Restoration of the existing pond & creation of a new pond in the country park.
- Creation of seasonally wet grassland within the SUDs area.

Given the need to ensure these enhancements are carried out and to control the construction process to ensure the existing wildlife and biodiversity value of the site is protected during construction where possible, suggested conditions are proposed.

- 3.10 **Waste and Recycling Manager:** Planning application states there are no provision for Waste storage or collection this is unacceptable and needs to be rectified asap. If the developer needs any more advice please refer to: Waste and Recycling guidance which can be found on the Cherwell District Council website <http://www.cherwell.gov.uk/index.cfm?articleid=1735>. Section 106 contribution of £67.50 per property will also be required.

Oxfordshire County Council Consultees

- 3.11 **ARCHAEOLOGY:** The site is located in an area of archaeological potential in an area where a number of Iron Age and Roman sites have been recorded. A probable Iron Age farmstead has been recorded 300m east of the proposed site (PRN 27606) and further similar enclosures have been identified 300m to the north of the site through geophysical survey (PRN 28283). In the wider area a Roman settlement site has been identified 650m south of the proposal site (PRN 1713) close to the proposed line of a Roman trackway or road and further Roman buildings have been identified 600m west of this application site (PRN 5378) along with scatters of Roman pottery along the route of the current Saltway.

A geophysical survey has been undertaken on the site which did not identify any geophysical anomalies of potentially archaeological origin. It is still possible however that archaeological deposits could survive on the site and therefore a programme of archaeological investigation will be required ahead of any development on the site. As it is not thought likely that significant deposits likely to prevent development will be present this can be undertaken as a condition on any planning permission granted for the site.

- 3.12 **TRANSPORT DEVELOPMENT CONTROL:** No objection subject to conditions and obligations.

Previously the application has been recommended for refusal due to concerns of the traffic impact upon the local highway network and particularly through South Bar Street/ Horse Fair corridor. In addition the County Council questioned the findings of the submitted Transport Assessment due to the data that had been used. This proposal has sought to address those issues.

Transport Assessment

The proposed application for 350 dwelling exceeds the allocation within Policy for Banbury 16 in the (Submission) Local Plan (part 1) August 2014 Policy which states

“Number of homes - Up to 150 dwellings”. Oxfordshire County Council’s transport modelling evidence to support the Local Plan has considered a total 150 dwellings at Banbury 16. However, the County Council has assessed the proposed development and submitted Transport Assessment and addendum on its own merits.

Previous concerns related to the junction of Bloxham Road / Oxford Road / South Bar Street. Additional information submitted in the addendum identifies the junction is over capacity in 2023 without the inclusion of development traffic. The development proposal results in a 2.5% increase in traffic through the junction. An increase of less than 5% is normally considered negligible unless the junction is ‘sensitive’. In this case further modelling and use of the County’s network model, SATURN, shows that this junction, given such a low increase in flow, would not be a key pinch-point on the local network.

The proposal is likely to increase the use of the South Bar/Horse Fair corridor. The Local Transport Plan seeks to redirect traffic from the South Bar/Horse Fair corridor to alternative North – South routes; however the Plan does not go so far as to suggest an increase through this corridor would be unacceptable. It is recommended, therefore, that a financial contribution is sought towards the improvement of alternative routes as recognised in by the Local Transport Plan and Banbury Area Strategy.

The development traffic would add to traffic through a proposed Air Quality Management Area (AQMA). It appears the AQMA is yet to be implemented and should the LPA wish to appraise the impact of development traffic upon AQMA then the traffic flows and queues demonstrated in the TA and addendum are considered fair appropriate for such an appraisal.

Public Transport

Bus services will not divert from Bloxham Road into this development and any reserved matters application should pay particular attention to walking distances to bus stops on Bloxham Road. The number of dwellings located more than 400 metres from these stops should be minimised. To improve pedestrian accessibility to bus stops, for those with reduced mobility, the provision of street furniture such as benches or other resting places should be included.

Bus service 488 runs adjacent the site along Bloxham Road and currently provides an hourly service into Banbury during weekday daytimes. A strategy exists to increase the frequency and time range of this service and contributions have been sought from developments along this route, to fund this enhancement, on a pump-priming basis. A more comprehensive service would also help encourage those with further to walk to the bus stops.

Access

Three separate development sites are proposed or confirmed on the A361 Bloxham Road and it would be preferable to see a collaborative masterplan approach to development such that access provision is delivered congruently to provide a high quality environment in terms of public realm and highway safety.

The provision of a roundabout, marked 1 primary access, is acceptable in principle and will be subject to a detailed design and submission. The secondary access, a priority junction marked 2, would jeopardise access to Local Plan Submission site Banbury 17 and the potential link road; as such this is not acceptable. Revised plans should include no more than an emergency access at this location.

Appropriate provision must be made for safe and convenient access by foot and bicycle. Footway provision must connect with the local network.

Public Rights of Way

The Salt Way (recorded as Banbury Restricted Byway 120/34, 120/35 and 120/36 and a

Sustrans national cycling route) runs along the northern boundary of the site. This route is well used by pedestrians and cyclists and should not be adversely affected by the development. There are three public footpaths that will be directly affected by the development. Banbury Footpath 28 (120/28) runs from the Salt Way in a south-westerly direction past Crouch Farm. The route shown on the Illustrative Masterplan has now been amended to show it correctly. Banbury Footpath 33 (120/33) runs generally north – south at the eastern end of the site. This too must be accommodated on the alignment shown on the Definitive Map. There is an additional length of footpath 120/33 that runs over the footway alongside the Bloxham Road from Crouch Cottages in a Northerly direction. The masterplan shows a secondary access junction which will cross this section of footpath 120/33. This will need to be looked into in more detail and the footpath will either need to be accommodated, diverted or extinguished.

Banbury Footpath 40 (120/40) runs around the outside of the Banbury Academy. This provides a walking route from the development to the school which is approximately 500m less than via footways along roads. However, the route is currently unsurfaced and would need to be improved to provide an all-weather route.

For information on the public rights of way including detailed plans showing their alignments please contact the County Council's Rights of Way Officer Sarah Aldous sarah.aldous@oxfordshire.gov.uk or 01865 810222.

Travel Plan

A travel plan has been submitted in support of the application. This will need to be updated prior to first occupation so that it aligns with Oxfordshire County Council's (OCC) guidance document "Transport for New Developments: Transport Assessments and Travel Plans" (March 2014). A copy of the guidance and travel plan templates can be obtained from the OCC's Travel Plans Team.

The travel plan needs to set out how this development will link into the existing walking and cycling networks for the town and what links can be made by sustainable travel from the site to the wider trip generators.

The OCC guidance document sets out the requirement for the travel plan monitoring post occupation and the monitoring fee required. The travel plan will require monitoring for 5 years post occupation to check that the plan objectives are being met or remedial action is being taken to meet the agreed targets. A Section 106 contribution of **£2040** will therefore be required.

Drainage

Full drainage plans and layout drawings along with full drainage calculations need to be submitted and approved by Oxfordshire County Council Drainage Team prior to the development commencing on site.

3.13 **ECOLOGY:** District should be consulting their ecologist

3.14 **EDUCATION:**

Key issues:

It has been noted that a number of applications have recently been made in isolation which do not facilitate a sustainable education solution. If these development sites could be covered by one master plan, a new school could be viable. If only 350 homes are to be built in this area, as proposed by this application in isolation, a new school would not be viable and instead contributions towards expanding existing schools would be sought. However, to secure only extension rates from this development at this stage would compromise the County Council's ability to later provide a suitable new school should other developments in this area come forward. If this application is approved developer contributions will be required towards new primary and secondary schools, and towards SEN capacity.

If this application is considered in isolation, contributions are required at extension rates of £11,582 per pupil place. Should further development in this area come forward, the need for a 1.5 form entry school with potential to increase to 2 form entry for higher rates of pupil generation could be triggered. The cost of a 1.5 form entry primary school (low carbon) is currently assessed to be £6,877,000 at 3Q12 (equivalent to £21,832 per pupil place). A site of 2.22ha (size, shape and standard acceptable to OCC) would also be required.

Banbury secondary schools currently have spare capacity, but the rapid rise in primary school numbers over recent years is expected to require increases in secondary school Admission Numbers from 2016, excluding the impact of new housing. The level of planned housing currently proposed indicates that a new secondary education establishment will be required in the longer term. The nature and scale of the new secondary school provision required cannot be identified until housing numbers in the Cherwell Local Plan are confirmed, so at this stage calculations have been based on the assumption of a new 1200 place secondary school (low carbon), which is currently assessed to cost £ 25,902,803 at 3Q12 (equivalent to £21,586 per pupil place).

Legal Agreement required for the following:

£1,308,766 Section 106 developer contributions towards the expansion of permanent primary school capacity serving this area, by a total of 113 pupil places. This is based on extension rates of £11,582 per pupil place. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index.

£1,856,396 Section 106 developer contributions towards the expansion of permanent secondary school capacity serving the area by a total of 86 pupil places (including 10 6th form places). This is based on the pro rata cost of building a new 1200 place secondary school, as detailed below, of £21,586 per pupil place. This is index linked to 3rd Quarter 2012 using PUBSEC Tender Price Index.

£70,509 Section 106 developer contributions towards the expansion of permanent Special Educational Needs school capacity by a total of 2.3 pupil places. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index. We are advised to allow £30,656 per pupil place to expand capacity in special educational needs schools.

3.15 OTHER COUNTY COUNCIL SERVICE DELIVERY/PROPERTY ISSUES:

If the proposal was to take place the County Council would expect that any additional strain on its existing community infrastructure would be mitigated.

Legal Agreement required to secure financial contributions towards: Library, Strategic Waste and Recycling Facilities, Museum Resource Centre, Social & Health Care (Adult Day Care) and Adult Learning, from the developers of the site to mitigate the impacts of additional population on county council services as outlined.

Other Consultees

- 3.16 **Thames Water:** Waste Comments - With the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied - "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the

community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Water Comments

The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

Supplementary Comments

No documentation containing confirmed details of the proposed drainage plan could be located on the local authority website. In order for Thames Water to determine whether the existing sewer network has sufficient spare capacity to receive the flows from the proposed development, a drainage strategy must be submitted detailing both the foul and surface water strategies. Details of any proposed connection points or alterations to the public system, including; calculated foul and surface water discharge rates (pre and post development), details of any attenuation and associate capacity requirement calculations, and details of incorporated SuDS, must be included in the drainage strategy.

If initial investigations conclude that the existing sewer network is unlikely to be able to support the demand anticipated from this development, it will be necessary for the developer to fund an Impact Study. To ascertain, with a greater degree of certainty, whether the proposed development will lead to overloading of existing waste foul and surface water infrastructure, and, if required, recommend network upgrades.

In accordance with the Building Act 2000 clause H3.3. Positive connection to a public surface water (or combined) sewer will only be consented when it can be demonstrated that the hierarchy of disposal methods have been examined and proven to be impracticable. The disposal hierarchy being; - 1st Soakaways; 2nd Watercourses; 3rd Sewer.

Thames Water's preferred option would be for all surface water to be disposed of on-site using SUDs.

3.17 **Natural England:** Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. In respect to protected species - refer to standing advice. The application also offers opportunities for landscape and biodiversity enhancements.

3.18 **Environment Agency:** The additional information has been reviewed and previous objection raised can now be withdrawn. No objection to the application as submitted, subject to the inclusion of a condition relating to the provision of a surface water drainage scheme to be submitted, based on the FRA by Peter Brett Associates, Ref: 30369/4001, Revision 00, June 2014) and information submitted in Philip Edwards letter (Peter Brett Associates, Ref: 30369/NTN/MP/PE/CB, 28 August 2014).

3.19 **Sport England:** Sport England supports this application in principle.

The site is not considered to form part of, or constitute a playing field as defined in The

Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No.2184). Therefore, Sport England is not a statutory consultee in relation to this application.

Sport England notes that the number of proposed dwellings has been reduced (now up to 350) and that the Illustrative Masterplan has been amended. Apart from making an amendment to the wording of one of the recommended conditions, so as to reflect the latest drawing number (SK06 Rev. J), Sport England does not wish to add to the comments made previously in its letter dated 25 August 2014.

The application is accompanied by an "Illustrative Masterplan" (drawing numbered SK06 Rev. J) which identifies an area in the south eastern part of the site for "sports pitches and water drainage". It is understood that this is the lowest part of the site; hence it being identified to provide a means of surface water attenuation from the proposed development. However, it is unclear what effects, if any, there are likely to be on the surface of the proposed pitches during times of heavy rainfall and whether interim arrangements will need to be planned to accommodate the needs of affected sports when pitches may be out of use.

Sport England recommends that a ground conditions assessment is undertaken by a sports turf specialist/agronomist who can recommend a scheme for preparing the pitches to the required specification. The recommended scheme should then be implemented. Detailed guidance on the issues that require consideration is set out in Sport England's design guidance note 'Natural Turf for Sport'.

It is noted that one of the obligations in the Draft Heads of Terms for a s106 agreement is "The provision and management of formal and informal public open space at the site". It is assumed that this includes the proposed sports pitches.

The sports to be accommodated on the site, the size of pitches and the provision of ancillary facilities, such as changing rooms, are not specified in the application. Therefore, reference will need to be made to the Council's Playing Pitch Strategy and relevant Supplementary Planning Documents to ensure that the proposed development meets identified needs and is likely to be sustainable in the longer term.

By providing new pitches that could help address established playing pitch deficiencies, the proposal would meet Sport England's objectives and would accord with the NPPF.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H5:	Affordable Housing
H12:	Residential development in rural areas
H18:	New dwellings in the countryside
R12:	Provision of public open space in association with new residential development
C1:	Protection of sites for nature conservation value
C2:	Development affecting protected species
C4:	Creation of new habitats
C7:	Landscape conservation
C8:	Sporadic development in the open countryside
C13:	Area of High Landscape Value
C14:	Trees and landscaping
C17:	Enhancement of the urban fringe through tree and woodland

- planting
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C31: Compatibility of proposals in residential areas
- ENV1: Development likely to cause detrimental levels of pollution
- ENV12: Contaminated land
- TR1: Transportation funding

Non-Statutory Cherwell Local Plan

- H1a: Availability and suitability of previously developed sites
- H3: Making Efficient Use of land
- H4: Types/variety of housing
- H7: Affordable Housing
- H19: New dwellings in the countryside
- TR1: Transport and development: Local Transport Plan
- TR2: Traffic generation
- TR3: Transport Assessments and Travel Plans
- TR4: Transport mitigation measures
- TR5: Road Safety
- TR8: Cycling and Walking
- TR29: Reserve Land for Railway
- TR31: Cycling and Walking
- TR11: Parking
- R1: Future Recreation Use
- R3: Informal Open Space
- R4: Rights of Way and Access to the Countryside
- R8: Public Outdoor Recreation
- R9: Amenity Areas
- R10A: Built Sport and Recreation Facilities
- EN1: Environmental Impact
- EN5: Air Quality
- EN6: Light Pollution
- EN7: Noise
- EN14: Flood Defence
- EN15: Surface Water Run-off and Source Control
- EN17: Contaminated Land
- EN22: Nature conservation and mitigation
- EN23: Ecological Surveys
- EN24: Protection of Sites and Species
- EN25: Protected Species
- EN31: Development size, scale and type in a rural location
- EN34: Landscape Character
- EN44: Setting of listed buildings
- EN47: Archaeology and the Built Heritage
- D1: Urban Design Objectives
- D3: Local Distinctiveness
- D4: The Quality of Architecture
- D5: The Design of the Public Realm
- D9: Energy Efficient design
- OA1: General Infrastructure policy

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Policy Guidance

Oxfordshire Minerals and Waste Local Plan Policy SD10 on protection of mineral resources

Submission Local Plan (October 2014) (SLP) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation, from 22nd August to 3rd October 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The examination reconvened and closed in December 2014.

The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan Policies:

Sustainable communities

PSD1: Presumption in Favour of Sustainable Development
BSC1: District wide housing distribution
BSC2: Effective and efficient use of land
BSC3: Affordable housing
BSC4: Housing mix
BSC7: Meeting education needs
BSC8: Securing health and well being
BSC9: Public services and utilities
BSC10: Open space, sport and recreation provision
BSC11: Local standards of provision – outdoor recreation
BSC12: Indoor sport, recreation and community facilities

Sustainable development

ESD1: Mitigating and adapting to climate change
ESD2: Energy Hierarchy
ESD3: Sustainable construction
ESD4: Decentralised Energy Systems
ESD5: Renewable Energy
ESD6: Sustainable flood risk management
ESD7: Sustainable drainage systems
ESD8: Water resources
ESD10: Biodiversity and the natural environment
ESD11: Conservation Target Areas
ESD13: Local landscape protection and enhancement
ESD15: Green Boundaries to Growth/Urban Rural Fringe
ESD16: Character of the built environment
ESD18: Green Infrastructure

Strategic Development

Policy Banbury 16: South of Salt Way - West

Infrastructure Delivery

INF1: Infrastructure

Cherwell District Council's Annual Monitoring Report (AMR) December 2013

The Oxfordshire Strategic Housing Market Assessment (SHMA), April 2014

5. Appraisal

The key issues for consideration in this application are:

- Planning Policy and Principle of Development
- 5 year HLS position
- Landscape Impact
- Indicative Design/Layout/Scale
- Housing Mix
- Residential Amenity
- Transport Impact
- Air Quality
- Flooding and Drainage
- Historic Environment
- Ecology
- Trees
- Footpaths
- Developer Obligations
- Pre-application community consultation

Planning Policy and Principle of Development

- 5.1 The development plan for Cherwell comprises the saved policies in the adopted Cherwell Local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the development plan unless material planning considerations indicate otherwise.
- 5.2 The NPPF is one such material considerations and it clearly states in highlighted paragraph 14 that 'At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking'. For decision taking this means¹ approving development proposals that accord with the development plan without delay or where the development plan is absent silent or relevant policies are out of date, granting planning permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or specific policies in the NPPF indicate development should be restricted².
- 5.3 With specific regard to housing proposals the NPPF, in paragraph 49, further advises that 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.' To achieve sustainable development, the NPPF sets out the economic, social and environmental roles of planning including contributing to building a strong, responsive and competitive

¹ Unless material considerations indicate otherwise.

² For example, those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Specific Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast, or within a National Park; designated heritage assets and locations at risk of flooding or coastal erosion.

economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (para 7). It also provides (para 17) a set of core planning principles.

- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
- proactively drive and support sustainable economic development
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- support the transition to a low carbon future in a changing climate
- encourage the effective use of land by reusing land that has been previously developed
- promote mixed use developments
- conserve heritage assets in a manner appropriate to their significance
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are of can be made sustainable; and
- deliver sufficient community and cultural facilities and services to meet local needs

5.4 Local Planning Authorities (LPAs) are expected to set out a clear economic vision and strategy for sustainable economic growth and to identify priority areas for economic regeneration, infrastructure provision and environmental enhancement (para' 21). Local Plans are considered to be the key to delivering sustainable development that reflects the vision, aspirations and agreed priorities of local communities (para's 150 & 155). An adequate, up-to-date and relevant evidence base is required (para' 158).

5.5 LPAs are expected to create sustainable, inclusive and mixed communities (para' 50). Paragraph 52 advises, *"The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities. Working with the support of their communities, local planning authorities should consider whether such opportunities provide the best way of achieving sustainable development"*.

5.6 As well as allocating sites to promote development and the flexible use of land, LPAs are expected to *"identify land where development would be inappropriate, for instance because of its environmental or historic significance"* (para' 157). Para' 126 of the NPPF emphasises the importance of seeking to conserve heritage assets in preparing Local Plans; the wider social, cultural, economic and environmental benefits of doing so; and, the desirability of new development making a positive contribution to local character and distinctiveness.

5.7 The NPPF does not change the statutory status of the development as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise. (para 12)

5.8 The adopted Cherwell Local Plan contains no specific allocation for the application site. It is therefore defined as an existing land use, where there is no specific allocation. Policy H18 of the adopted Local Plan states that new dwellings beyond the built up limits of settlements will only be permitted where they are essential for agricultural or other existing undertakings. The proposal clearly does not comply with this policy criterion and therefore represents a departure from the adopted development plan (the Adopted Cherwell Local Plan 1996 – ACLP).

5.9 The Non Statutory Cherwell Local Plan (NSCLP) 2011 was approved by the Council

for development control purposes. The site is not allocated for development within this plan and therefore, is a location where new residential development is restricted to where they are essential for agricultural or other existing undertakings (Policy H19 refers). The development must also therefore be considered a departure from the NSCLP.

- 5.10 Having established that the proposal conflicts with principle policy H18 it is necessary to establish the status of that policy, what it is seeking to do and how much weight it should be given. Recent appeal cases have found that this policy is out of date and no weight can be attached to it, however the policy seeks to achieve two main objectives. The first is to restrict the supply of housing (which needs to be weighed against the objective housing need test) and the second is to serve the purpose of protecting the countryside (which is ultimately a more subjective test), it therefore has a dual purpose.
- 5.11 The SLP seeks to meet the NPPF's objectives. A clear development strategy has been set out in the interests of securing growth and achieving sustainable development. As modified the Plan includes proposals for major land releases to meet employment, housing and other needs and to achieve place specific objectives. Whilst the site is not allocated for development within the ACLP, it has been identified in the October Main Modifications to the SLP as a proposed site for residential development allocated under Policy Banbury 16 (BAN16) within the SLP.
- 5.12 Paragraph 216 of the NPPF advises that emerging Local Plan policy can attract weight and consistency with the emerging Local Plan is an advantage of those sites allocated for inclusion within the SLP, whilst those sites not within the emerging Local Plan do not. This paragraph states:
- From the day of publication, decision-takers may also give weight³ to relevant policies in emerging plans according to:
 - the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.13 The key components of Policy BAN16 of the Main Modifications to the SLP are to provide approximately 150 dwellings, to achieve 30% affordable housing and to ensure that infrastructure needs relating to education, open space, allotments, access and movement, community facilities and utilities are met. The key design objectives include:
- Public open space to form a well connected network of green areas within the site, suitable for informal recreation;
 - A layout that maximises the potential for walkable neighbourhoods and allows for integration with land that comprises the South West Banbury area and existing communities in Banbury;
 - A linked network of cycle and footways to provide access into Banbury;

³ Unless other material consideration indicate otherwise

- Layout of development that enables a high degree of integration and connectivity with existing development
- A high quality locally distinctive residential district for the south west of Banbury that is designed with consideration to the landscape setting and well integrated with the adjacent residential area.
- Consideration of the impact of development on Crouch Hill
- A layout that maximises the potential for walkable neighbourhoods and enables a high degree of integration and connectivity between new and existing communities,
- New footpaths and cycleways should be provided that link with existing networks, the wider urban area and community facilities with a legible hierarchy of routes to encourage sustainable modes of travel
- The existing footpath extending from the southern corner of the site to Salt Way should be enhanced to enable a circular link from the new footpath/bridleway to be provided at the southern edge of site Banbury 17 to Salt Way
- Good accessibility to public transport services should be provided for with effective footpaths and cycle routes to bus stops. including the provision of a bus route through the site and new bus stops on the site.
- Bus stops should be provided on Bloxham Road, with good walking routes. The developers will be required to contribute towards the cost of improved public transport.
- Retention of Public Rights of Way and a layout that affords good access to the countryside
- Public open space to form a well connected network of green areas within the site, suitable for formal and informal recreation

5.14 Notwithstanding the proposed Policy BAN16 provisions and the supporting evidence to the SLP, whilst it has been through the Local Plan examination it still carries limited weight (until the Inspector's report is published in Spring 2015); more weight has to be attributed to the NPPF given the current status of the development plan and the Council's five year land supply position. The NPPF includes a presumption in favour of sustainable development and states that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted 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" (para. 14).

5.15 The NPPF goes on to state that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites". (para 49).

5.16 All these factors are key material considerations to the determination of this current application and that an on balance assessment of the proposal in policy terms needs to be given. As the adopted Local Plan is the 'starting point' and that it is clear that this proposal conflicts with it, the logical route should be to refuse the application but

only if other material considerations do not indicate otherwise. In this planning balance is the landscape impact, the status of the BAN16 and other SLP policies and the housing need (detailed further below) and that this site would provide up to 350 dwellings, of which 105 would be affordable homes. The housing need case is quite weighty in this regard and is considered below.

- 5.17 As detailed above, the status of the SLP and emerging policies within it are key to the consideration of the proposal and the applicant had made representations to the Examination of that local plan, which includes this site. As detailed above, the status of the SLP and emerging policies within it are key to the consideration of the proposal and the applicant has made representations to the Examination of that local plan, which includes this site. Guidance on prematurity is provided in the Planning Practice Guidance. The guidance advises “in the context of the National Planning Policy Framework and in particular the presumption in favour of sustainable development arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process”.

- 5.18 Whilst the new Local Plan would ideally proceed to adoption before new greenfield strategic sites are released, the Government policy and advice on the need for new housing to be provided urgently is clear:

- Laying the Foundations: A Housing Strategy for England, 2011) - aims to get the housing market and house building ‘moving again’ and emphasises that urgent action is need to build new homes
- Written Ministerial Statement: Planning for Growth (23 March 2011) - “...there is a pressing need that the planning system does everything it can to help secure a swift return to economic growth”
- NPPF (March 2012) – “Planning should operate to encourage and not act as an impediment to sustainable growth” (para’ 19)
- Written Ministerial Statement: Housing and Growth (6 September 2012) - in announcing a package of measures to support local economic growth, the Secretary of State for Communities and Local Government advised that the need for new homes is ‘acute’.

Paragraph 216 of the NPPF indicates that weight may be given to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to policies in the NPPF (the closer the policies in the emerging plan to the policies in the emerging framework, the greater the weight that may be given).

- 5.19 The Local Plan has now reached an advanced stage. It has been through several rounds of consultation and is now supported by an extensive evidence base. It has been submitted for Examination with the hearings scheduled to commence in June. The Submission Local Plan policies are considered to be generally consistent with the NPPF. It is considered that the first and third bullet points of paragraph 216 of the NPPF are met and therefore some weight can be given to the Submission Local Plan policies.
- 5.20 However the requirements of the second bullet point limit the weight given to the Submission Local Plan policies relating to the site. Whilst the application for residential development is consistent with the strategic allocation in the Submission Local Plan, there are alternative strategic sites at Banbury which are being promoted through the local plan process, which are not the subject of proposed allocations in the plan, and which are the subject of unresolved objections to the location of strategic sites. A balanced judgement is therefore required where an emerging plan is out for consultation then refusal on grounds of prematurity will not usually be justified because of the delay in determining the future use of the land in question. The weight that can be given to an emerging plan depends on the stage of its preparation and the level of representations received which support or opposes the policy. The emerging local plan policy is the subject to a significant number of objections, further objections have been received in response to the recent focused consultation response, this reduces the weight that can be attached to the policy.
- 5.21 All applications submitted for determination should be treated fairly and consistently – whether or not they are favoured within the emerging Local Plan. That means acknowledging any disadvantage (whether in prematurity terms or otherwise), and otherwise conducting the planning balance in the ordinary way.
- 5.22 There is an obvious difference in the number of dwellings proposed in this application (350) and that of the local plan allocation under Banbury 16 (150). Clearly the SLP policy is a material consideration, but whilst the applicant has pursued this site through the Local Plan Examination, the application submission needs to be determined ahead of the Inspector's report (it cannot be held up waiting for its publication) and therefore this application needs to be considered on its own merits taking into account other material considerations which are considered in detail further in the report. The application is not however, considered to be so significant as to prejudice the development of the local plan. The Council is currently faced with a number of applications around Banbury which cumulatively would have a more significant impact, including the proposed development of land to the east of Bloxham Road for 1000 houses under 14/001932/OUT. Nevertheless this has to be balanced against the range of issues raised by the application including the position on five year housing land supply.
- Five Year Housing Land Supply Position**
- 5.23 On 28 May 2014, the Council published a Housing Land Supply Update which showed that there was a five year housing land supply, based on the Submission Local Plan requirement of 670 homes per annum from 2006 to 2031.

- 5.24 The examination of the Local Plan began on 3 June 2014. On that day, and the following day, 4 June 2014, the Local Plan's housing requirements were discussed in the context of the Oxfordshire Strategic Housing Market Assessment (SHMA) 2014, published on 16 April 2014 (after the submission of the Local Plan in January 2014).
- 5.25 The Oxfordshire Strategic Housing Market Assessment (SHMA) 2014 was commissioned by West Oxfordshire District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council and Cherwell District Council and provides an objective assessment of housing need. It concludes that Cherwell has a need for between 1,090 and 1,190 dwellings per annum. 1,140 dwellings per annum is identified as the mid-point figure within that range.
- 5.26 The Planning Inspector appointed to examine the Local Plan made clear his view that the SHMA document provided an objective assessment of housing need in accordance with the NPPF and suspended the Examination to provide the opportunity for the Council to propose 'Main Modifications' to the Plan in light of the higher level of need identified. The 1,140 per annum SHMA figure represents an objective assessment of need (not itself the housing requirement for Cherwell) and will need to be tested having regard to constraints and the process of Strategic Environmental Assessment / Sustainability Appraisal. However, the existing 670 dwellings per annum housing requirement of the Submission Local Plan (January 2014) should no longer be relied upon for the purpose of calculating the five year housing land supply. Until 'Main Modifications' are submitted to the Secretary of State for Communities and Local Government, the objectively assessed need figure of 1,140 homes per annum from the SHMA is considered to be the most robust and defensible basis for calculating the five year housing land supply.
- 5.27 A further Housing Land Supply Update (June 2014) has been approved by the Lead Member for Planning. It shows that the District now has a 3.4 year housing land supply which includes an additional 20% requirement as required by the NPPF where there has been persistent under-delivery. It also seeks to ensure that any shortfall in delivery is made-up within the five year period.
- 5.28 Given the out of date adopted housing land supply policies and the limited weight that can be afforded to the emerging housing policies contained within the SLP and that the Council cannot demonstrate 5 year HLS Paragraphs 14 and 49 of the Framework are consequently engaged.
- 5.29 However, notwithstanding the Council's Housing Land Supply position as stated above, the proposal would give rise to conflict with a number of policies in the ACLP, NSCLP and SLP. Paragraph 14 of the Framework makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. It does not however indicate that an absence of a five year land supply means that planning permission for housing should automatically be granted for sites outside of settlements. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. 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 Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole.
- 5.30 Material to the consideration of this application is the potential for adverse impacts in

particular landscape impacts and harm to significance of heritage assets and this is expanded further below, but it is considered that where harm does exist, that the presumption should not automatically apply and planning permission be granted.

Landscape Impact

5.31 Paragraph 9 of the NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment. One of the core planning principles enshrined within paragraph 17 of the NPPF requires planning to recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

5.32 More specifically, paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by, [inter alia] protecting and enhancing valued landscapes, geological conservation interests and soils.

5.33 The following policies of the Adopted Cherwell Local Plan are relevant to the consideration of the landscape impact of the proposal:

C7 – Development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.

C8 – Prevents sporadic development in the open countryside.

C9 – Beyond the existing and planned limits of the towns of Banbury and Bicester, development of a type, size or scale that is incompatible with a rural location will normally be resisted.

C13 – The site and wider landscape is within the Ironstone Downs Area of High Landscape Value

C28 – Control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development.

C31 – In existing and proposed residential areas, any development which is not compatible with the residential character of the area, or would cause an unacceptable level of nuisance or visual intrusion, will not normally be permitted.

5.34 The Non Statutory Local Plan also contains relevant policies as set out below;

Policy EN31 (Countryside Protection) (like its equivalent policy C9 in the Adopted Cherwell Local Plan 1996) states that beyond the existing and planned limits of the towns of Banbury and Bicester, development of a type, size or scale that is incompatible with a rural location will be refused.

Policy EN34 (Landscape Character) sets out criteria that the Council will use to seek to conserve and enhance the character and appearance of the landscape through the control of development. Proposals will not be permitted if they would:

- cause undue visual intrusion into the open countryside
- cause undue harm to important natural landscape features and topography
- be inconsistent with local character
- harm the setting of settlements, buildings, structures or other landmark features harm the historic value of the landscape

5.35 Given its rural location and the presence of heritage assets in the vicinity, the proposal has the potential to cause harm and each of these criteria needs to be

carefully considered.

5.36 The site lies in an area of open countryside and is prominently located within the Ironstone Downs Area of High Landscape Value, protected under saved Policy C13 of the adopted Cherwell Local Plan. Careful control of the scale and type of development is required to protect the character of these designated areas. The Policy states that, 'careful control of the scale and type of development will be required to protect the character of the AHLV, and particular attention will need to be paid to siting and design'. Whilst the AHLV designation has not been carried through with the SLP, the landscape significance of the site and wider landscape is, in accordance with the NPPF adopting a character-based approach instead under Policy ESD13, which seeks to conserve and enhance the distinctive and highly valued local character of the entire district.

5.37 Policy ESD13 (Local Landscape Protection and Enhancement) of the SLP seeks to avoid damage to local landscape character, and mitigation where damage cannot be avoided.

"Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.

Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:

- *Cause undue visual intrusion into the open countryside*
- *Cause undue harm to important natural landscape features and topography*
- *Be inconsistent with local character*
- *Impact on areas judged to have a high level of tranquillity*
- *Harm the setting of settlements, buildings, structures or other landmark features, or*
- *Harm the historic value of the landscape.*

Development proposals should have regard to the information and advice contained in the Council's Countryside Design Summary Supplementary Planning Guidance, and the Oxfordshire Wildlife and Landscape Study (OWLS)".

The supporting text to Policy ESD13 identifies Crouch Hill and its setting as being an important landscape feature of value overlooking Banbury and the surrounding area and also that of Salt Way and its setting.

5.38 Policy ESD15 (The Urban-Rural Fringe) of the SLP seeks to address the need for green edges around Banbury and Bicester, through the designation of Green buffers which:

- *"Maintain Banbury and Bicester's distinctive identity and setting*
- *Protect the separate identity and setting of neighbouring settlements which surround the two towns*
- *Prevent coalescence and protect the gaps between the existing/planned edge of the towns and surrounding settlements.*
- *Protect the identity and setting of landscape and historic features of value that are important to the identity and setting of the two towns*
- *Protect important views"*

The modifications document (October 2014) proposes to change the title of the policy

from “Green Boundaries to Growth” to “The Urban-Rural Fringe” and includes the following clarifying sentence:

“Development proposals within the green buffers will be assessed to determine their impact on the identity and setting of the towns and neighbouring villages including associated features of landscape or historic value, and the extent to which they would lead to coalescence, and intrude on key gaps and views”.

5.39 The buffers do not negate the need for green infrastructure provision within the strategic allocation sites. They are intended to define the limits to built development (including associated green infrastructure) and protect the gaps between the existing or planned edge of Banbury and the villages of Adderbury, Bodicote, Drayton, Hanwell, Little Bourton, Nethercote, North Newington and Wroxton.

5.40 Policy ESD16 (The Character of the Built Environment) of the SLP of the sets out that where development is in the vicinity of any of the district’s distinctive natural or historic assets, delivering high quality design will be essential. New development should preserve, sustain and enhance designated and non-designated heritage assets. Again, the impact of the proposal on heritage assets in the wider vicinity therefore needs to be considered.

5.41 Policy BAN16 within the SLP sets out some key site specific place shaping principles, including:

- Development must respect the landscape setting and provide an appropriate development interface with Salt Way (any buffer is likely to be some 10-20 metres in accordance with the approach adopted at land east of Bloxham Road and south of Salt Way);
- Existing natural features and additional structural planting will reinforce landscape framework upon which to structure development parcels;
- A well designed, ‘soft’ approach to the urban edge, which respects the rural setting
- Retention and enhancement of existing hedgerows and trees
- Provision of Green Infrastructure links beyond the development site to the wider town and open countryside
- Provision of appropriate lighting and the minimisation of light pollution based on appropriate technical assessment

5.42 The landscape and visual impacts of this site and the wider Banbury and Cherwell district have been subject to several reports, the latter being undertaken recently by WYG and LDA as core documents for the evidence base for the local plan, this has built on the previous findings of the Halcrow report dated Sept 2010 (CDC LSCA 2010). These reports include:

- **Banbury Landscape Sensitivity and Capacity Assessment (Sept 2013)**
WYG - This document provides an assessment of the landscape sensitivity and capacity of 10 sites on the periphery and within the town of Banbury. Following this, the sites have then been cross referenced to The Cherwell Local Plan (Local Plan), Proposed Submission, August 2012 to provide further analysis of sensitivity and capacity in relation to the Local Plan. The site areas for each are identified within the CDC LSCA (2010) and have been used as a starting point from which to progress the assessment.

- **Banbury Environmental Baseline Report (Sept 2013) LDA** – *“The Banbury Environmental Baseline Study is intended to serve a number of purposes, including:*
 - *To provide a summary of the character, development and environmental assets of Banbury as a whole, but focussing in detail on its rural setting and the urban-rural fringe.*
 - *To allow an understanding of the environmental ‘baseline’ environment around Banbury.*
 - *To allow an understanding of the ‘setting’ of Banbury and how the town relates to the countryside in which it lies.*
 - *To identify and map environmental ‘assets’ around Banbury and ascertain their function, role and contribution to the sustainability and quality of life of the town’s inhabitants.*
 - *To contribute to the evidence base of the emerging Local Plan.*
 - *To inform other studies of Banbury used as part of the evidence base of the Local Plan.*
 - *To act as a stand-alone reference document for CDC, allowing the Council to make informed decisions about the future growth and development of Banbury.*
 - *To inform the Banbury Masterplan work.*

The study does not consider the urban settlement of Banbury in detail but provides a brief overview of relevant aspects to provide context and allow further understanding. Detailed studies concerning the urban area of Banbury are available as part of the evidence base of the Local Plan.” (para 1.2)

- **Appendix 1 of the Baseline Report: The Historic Landscape Setting of Banbury (Sept 2013) LDA** – *this report is an “outline study of the heritage aspects of Banbury and its surrounding villages, in the context of assessing options for urban expansion and associated studies. The study commences with consideration of Banbury itself, and advances anticlockwise round Banbury, starting from Hardwick in the north. The purpose of the study is to provide a broad view of the relevance of the historic landscape; it does not assess in detail all the potential historic landscape features and assets that would need to be addressed in any specific site study”. (pg 3)*
- **Banbury Green Buffer Report (Sept 2013) LDA** – *“This study determines clear criteria for inclusion of land within the Green Buffer, review the illustrative Green Buffer against those criteria and recommend revised boundaries to the Green Buffers, ensuring that areas recommended for inclusion meet the requirements of the emerging Green Buffer policy. The study has taken into account the Strategic Sites allocated for development in the Proposed Submission Local Plan but, where appropriate, gives a broad indication as to whether areas of the site could meet the criteria for inclusion in the Green Buffer” (para 1.1).*
- **Banbury: Analysis of Potential for Strategic Development (Sept 2013) LDA** – *This is “an appraisal of the countryside around the margins of Banbury’s fringes to assess the extent to which the town is able to accommodate strategic development whilst retaining its historic market town character and rural landscape setting. The appraisal is based on the findings*

of the Banbury Environmental Baseline Study and the Banbury Green Buffer Report. Reference should be made to these documents when reading this report.

The analysis of the town and its setting led to a view on the future of Banbury from an environmental perspective, taking account of the natural, historic, biodiversity and landscape assets and character of the town and its setting. These led to conclusion that the future growth of Banbury is constrained by 'environmental limits', that is, a combination of landform containment, rural setting and historic character and assets beyond which the town should not grow without significant harm to the town's special character and identity".

Conclusions from this appraisal are that "Banbury does have some capacity for further growth in this plan period, but that it is very constrained beyond this. If Banbury is to retain its special identity as a historic market town, the following two guiding themes should be adopted and followed:

- A compact, sustainable, historic market town contained within its environmental limits.*
- A landscape setting which is accessible and rich in environmental assets, which is protected and which contributes positively to quality of life for the town's inhabitants.*

The recommendations made related to strategic development sites have been informed by these environmental themes for the future of Banbury. This strategic development sites appraisal seeks to highlight the constraints to development posed by the countryside around Banbury and identify where there is potential to accommodate strategic development without significant harm to the two environmental themes identified above.

The appraisal follows the same basis as the Banbury Environment Baseline Study, dividing the countryside around Banbury into four quadrants. These are:

- North West*
- North East*
- South West*
- South East*

This strategic analysis includes an appraisal of each of the proposed strategic development sites shown in the Cherwell Submission Local Plan (August 2012), in order to advise on their suitability and capacity for development". (para 1.0)

These documents produced by LDA were not updated to take account of the new allocation of the site in Main Modifications to the SLP.

5.43 In terms of this site, in September 2010, Halcrow Group Limited looked at the landscape sensitivity and capacity of land on the edges of Banbury and Bicester as part of the evidence base for the Council's Local Development Framework. The application site lies within Site H. The overall sensitivity of Site H was judged to be high for the upper, northern and intermediate slopes of Crouch Hill and the area around the farm, with a low capacity to accept development, but moderate, with a moderate capacity for development, for the southern part of Site H (namely the larger fields towards Wykham Lane).

5.44 In response to the need to identify land for an additional 8000 dwellings following the recent suspension of the Examination into the SLP, WYG prepared an Addendum for

a number of the sites it had previously assessed, for which site boundaries were amended, alongside a number of additional sites. The application forms Site 109 and is one of the identified sites. It comprises the southern part of Site H, to the south of Salt Way (an ancient track way). It does not include Crouch Hill or land to the north of Crouch Hill. Overall, the landscape character sensitivity for Site 109, and its landscape value, was assessed as medium, having a medium to low capacity for residential development (not hugely dissimilar to the conclusion of the Halcrow assessment for this part of Site H).

The WYG (Banbury Landscape Sensitivity and Capacity Assessment (25 March 2013)) updated report takes into account the Main Modifications to the SLP. The latest version dated 18.08.14 provides the following assessment of the BAN16 allocated site which is Site 109 (formerly part of site H) (para 4.9 pgs 51 – 55):

Landscape Sensitivity

There is one non designated site within the study which is Salt Way; the route possesses notable habitat potential. Although the landscape is of small to medium scale field pattern within the north of the area, this changes to a large field pattern in the south of the area. The variety of habitat types results in a Medium to Low natural sensitivity.

The area includes a Listed Building, important hedgerows and ridge and furrow all round Crouch Farm. Salt Way forms a strongly defined boundary to the town. The sensitivity of cultural factors is Medium.

The site has few landscape features of importance within it apart from Salt Way passing on the north boundary of the site in an east west direction and the ridge and furrow which is visually notable around Crouch Farm. Both of these elements are important within the local context and are particularly sensitive to development. To the south of Salt Way land is arable yet it retains many of its field boundaries and historical references. The area has a Medium aesthetic sensitivity.

With regard to the quality of the agricultural land, the site is typical of the surrounding areas to the west and east. Although Salt Way is immediately outside the site area it is also of local importance and is particularly sensitive to development. The assessment of landscape quality is considered to be Medium.

The combined Landscape Sensitivity is Medium.

Visual Sensitivity

The general visibility of the site is limited by the presence of vegetation located along the alignment of Salt Way and the structure planting located along Bloxham Road. Mid to long distance views into and out of the site are available to the south and south west across the Sor Brook valley. The general visibility of the site is considered to be Medium.

Visual Sensitivity

The general visibility of the site is limited by the presence of vegetation located along the alignment of Salt Way and the structure planting located along Bloxham Road. Mid to long distance views into and out of the site are available to the south and south west across the Sor Brook valley. The general visibility of the site is considered to be Medium

The area is only generally viewed by those using the public footpath in the local area and by longer distance viewers across the Sor Brook Valley. Dense vegetation located along the north and east boundaries prevent views by users in these directions. The site is considered to be of Medium visual sensitivity to the local visual receptors.

There is potential for mitigation within the site through the re-establishment of hedgerows within the south of the area which would assist in screening views from the south and west.

Implementation of this mitigation would not alter the overall character but strengthen the character that is present within the smaller fields in the north of the area. The site has a Medium sensitivity to mitigation.

The combined Visual Sensitivity is Medium.

Landscape Character Sensitivity

The Landscape Character Sensitivity has been derived using 'Table 3 Overall Landscape Character Sensitivity' as set out within Section 3.0 Scope and Methodology.

The Landscape Sensitivity has been assessed as Medium sensitivity and the Visual Sensitivity has been assessed as Medium sensitivity. Using the matrix in Table 3, this results in a Medium Landscape Character Sensitivity for Site 109.

Landscape Value

There are a number of Important Hedgerows located within the site and one Listed Building; the fields to the east of Crouch Farm also show strong signs of ridge and furrow. There are no known landscape or ecological designations within the area. The value of designations is Medium.

The area is largely screened by the vegetation located along Salt Way and Bloxham Road. Intermittent views are possible for users of the public footpath passing through the centre of the site. Longer distance views towards the site are possible from the south and south west across Sor Brook valley. The scenic value of the area is Medium.

There are no known local groups associated with the area although public access within the area is possible. Salt Way located on the north site boundary is of importance within the local context as a historical transportation route and current leisure route. The perceived value of the area is considered to be Medium.

The Value of the area is Medium.

Landscape Capacity

The Landscape Character Sensitivity and Landscape Value are combined as shown in Table 5 to arrive at the potential Landscape Capacity. In general, the potential Landscape Capacity of Site 109 is Medium. The potential for each considered development type is discussed further below.

Capacity for Residential Development

The area is contained to the south of Salt Way and in order to merge with the existing urban fringe development would require visual and physical connection to the residential area to the north east to prevent it appearing isolated. There is potential to accommodate residential development in the north east corner of the site although development should not take place in the west of the site as it would alter the context of the views from the south west. To maintain the setting of Crouch Farm and views from the south west, development should be restricted to the north east corner of the Site reflecting existing development to the north of Salt Way and committed development to the east of Bloxham Road.

The capacity for residential development is Medium to Low.

Future Management and Maintenance

Future management should ensure safeguarding of the landscape context of Salt Way as a historic route. If development occurs, consideration should be given to the implementation of structure planting to the south of the development to mitigate views across Sor Brook valley”.

5.45 Detailed above is the Local Plan evidence base for the landscape work undertaken by this Council which deals with the wider Banbury landscape and specifically with the application site in terms of landscape impact.

5.46 Although the application is in outline form, indicative scale parameters (upper and lower limits for heights of buildings), layouts, densities and form has been provided and these have been used by the applicants to analyse the impact of the development, including landscape.

5.47 As part of the application submission the applicants have undertaken a landscape and visual impact assessment of the proposed development. Various photographic viewpoints were identified as forming part of the visual envelope (ie the extent of the area from within which the proposed development may be viewed). This document has been considered by the Council’s Landscape Officer and also the Landscape Consultant Mark Ashton of WYG. Following initial concerns on the original submission, regarding the landscape sensitivity of the site, which specifically related to the extent to which the 400 dwelling scheme could extend into views to the south-west of Crouch Hill, the applicant’s amended the quantum of development and updated the assessment in order to demonstrate that an area wider than the modified allocation can still be accommodated.

5.48 The revisions comprise:

- A reduced development footprint, which increases the perception of a wider area of open space around the listed farmhouse when viewed from the southwest and Crouch Hill. The revised scheme:
 - is drawn back from the western edge of the site
 - responds to the sensitivities of the south-west
 - in visual impact terms is now acceptable
 - reduces the housing capacity to 350 units instead of 400
- Revisions to the proposed height limits throughout the development area
 - building heights limited to a maximum of 2 storey towards the western edge
 - designation of areas of 2.5 storey only
- Conditions to control materials and lighting, which would further soften the scheme and limit visual impacts
 - Materials located within the western area to be selected from a recessive colour pallet, with restrictions on the use of white Upvc door/window units and rwg.
 - Lighting impact minimised through fitted cowls to lighting units and other means of reducing the glare.

5.49 The following comments made by Mark Ashton of WYG provide a final view of the revised LVIA and amendments to the scheme to support the application:

“A review of the revised Landscape and Visual Impact Assessment (report No. L_EDP1997_04c dated 17th December 2014) has been carried out alongside a review of the Supporting comments to LVIA 04c.

It is noted that many of the comments previously raised by WYG have been addressed within the revised LVIA which has resulted in the provision of additional information and clarification with the submitted LVIA although a number of items have not been addressed. It is however considered that these do not affect the outcome of the LVIA.

The LVIA does now identify receptor susceptibility and value etc when determining sensitivity and additional narrative has been provided to validate the findings of the assessment resulting in greater understanding of the reasoning for the identified effects. We would still comment that the layout/format is not necessarily simple to use; although this is a matter of professional opinion and does not materially affect the outcome of the assessment.

In summary, we would consider the assessment adequately assesses the potential landscape and visual effects of the proposed development proposals submitted”.

- 5.50 Taking into account the amendment to the scheme, the revised LVIA and comments from WYG, the landscape studies undertaken by Halcrow, WYG and LDA it is considered that the site is capable of accommodating the development proposed without having significant adverse landscape impacts. The indicative scale of development proposed in respect to building heights is accepted and amount of public open space that extends through the site, especially the extreme western aspect which is its most sensitive boundary, essentially protects the viewpoints from the south-west.

Indicative design/layout/scale

- 5.51 In support of this current proposal the applicant has provided a Design and Access Statement and an Addendum to that to consider 350 dwellings instead of 400, which details each element of the scheme as follows:
- Locate open space to the west
 - Retain existing trees where possible and provide new planting
 - Create strong green corridors linking habitats to the Salt Way
 - Creation of a central green defined by a strong built form
 - Establish an informal edge along Salt Way to preserve the character of the route
 - Creation of access points to Salt Way to maximise opportunities for use
 - Creation of a primary vehicular loop road that links the two main access points to Bloxham Road and provision of access to all parts of the development
 - Creation of a clear street hierarchy with character area
 - Use of perimeter development blocks to create a clear distinction between public and private spaces
 - Development of a SUDs strategy

- 5.52 In terms of character and appearance, an analysis of Banbury and the surrounding area has been undertaken as part of the submission. This is for the most part a useful analysis which will help inform the more detailed design work. Taking into account the points raised by the Council's Conservation & Design Team Leader, it is clear that there is still work to be undertaken to inform the proposed layout and form and character and the applicant is aware of this. However as the application is in outline form with all matters except for access reserved and the fact that the 'scheme' submitted is indicative at this stage it would be unreasonable to refuse the application on design, layout and place shaping grounds. Therefore it is considered that notwithstanding the Conservation & Design Team Leader's comments this aspect of the application is generally acceptable.

Housing Mix

- 5.53 For the purposes of this application for up to 350 residential units, the mix will require

30% affordable housing, which equates to up to 105 affordable units, the remaining 245 dwellings will comprise a variety of house types and sizes. In terms of affordable housing units, the indicative mix suggested by the Strategic Housing Officer will be used as part of the S106.

- 5.54 There is no question from the applicant that the provision of 30% affordable housing is required and the final mix will be subject to further negotiation and this matter should be delegated to officers to resolve with all parties should Members approve this application.

Residential Amenity

- 5.55 The indicative layout for the development demonstrates that the proposed dwellings could be accommodated on the site without causing harm to existing neighbouring properties. It is acknowledged that this of concern for the two neighbouring properties at Crouch Cottages. Indicatively the land immediately to the north and west of these cottages is to be public open and play space with associated landscaping. At the time of the reserved matters application(s), the exact detailing of the positioning of the dwellings and their fenestration would be assessed to ensure that no unacceptable harm would be caused to residential amenity by way of loss of light, being over bearing or resulting in a loss of privacy. The landscaping would also be thoroughly considered to ensure that the cottages are not completely enclosed by vegetation.

- 5.56 The indicative layout and submitted information also demonstrates that the new dwellings, would achieve an acceptable standard of amenity in terms of private and public amenity space.

- 5.57 For these reasons, officers consider that the proposed development would comply with Policy C28 of the adopted Cherwell Local Plan and Government Guidance contained within the core principles of the NPPF.

Transport Impact

- 5.58 The proposal seeks to provide new accesses off the Bloxham Road (A361) via a protected right turn junction and a new roundabout which connects to the Morris Homes permitted development of 145 dwellings to the east of Bloxham Road (12/00080/OUT and 14/01225/REM). Secondary pedestrian/cycle access points will also be provided at the northern, western and eastern site boundaries linking National Cycle Route 5 and to Bloxham Road.

- 5.59 There are bus stops approx. 500m from the centre of the development, which provides good access to Banbury town centre.

- 5.60 The application has been submitted with a Transport Assessment, which Oxfordshire County Council as local highway authority are now content with, following the submission of additional information and consider that the scheme in principle is now acceptable. Full comments on this are provided at paragraph 3.12 above. Whilst the application only assesses this 350 unit scheme, the highway works will take account of the adjacent scheme for 145. Highway works associated with other site allocation Banbury 17 (current application 14/01932/OUT awaiting determination) for 1000 adjoining the 145 unit development, will be considered separately by OCC as part the overall highway impact and how the two roundabouts will work together. It is also appreciated that ideally the three sites should be considered together as a larger masterplan approach, unfortunately this was never going to happen given the timings of the applications and different applicants. Therefore this current application is to be considered on its own merits and whilst the proposed highway works will change the character of this part of the Bloxham Road, they are necessary in order to mitigate the impact of more traffic using it. The works proposed are therefore acceptable and accord with the Policy Banbury 16 provisions and the NPPF in ensuring safe and suitable access to the site and provide improvements that cost effectively limit the

significant impacts of the development and promote sustainable transport.

Air Quality

- 5.61 The Planning Practice Guidance (Paragraph: 001 Reference ID: 32-001-2014030) asks “*Why should planning be concerned about air quality?*” and goes on to advise that:

“Action to manage and improve air quality is largely driven by EU legislation. The 2008 Ambient Air Quality Directive sets legally binding limits for concentrations in outdoor air of major air pollutants that impact public health such as particulate matter (PM10 and PM2.5) and nitrogen dioxide (NO2). As well as having direct effects, these pollutants can combine in the atmosphere to form ozone, a harmful air pollutant (and potent greenhouse gas) which can be transported great distances by weather systems.

Defra carries out an annual national assessment of air quality using modelling and monitoring to determine compliance with EU Limit Values. It is important that the potential impact of new development on air quality is taken into account in planning where the national assessment indicates that relevant limits have been exceeded or are near the limit.

The local air quality management (LAQM) regime requires every district and unitary authority to regularly review and assess air quality in their area. These reviews identify whether national objectives have been, or will be, achieved at relevant locations, by an applicable date”.

- 5.62 The Planning Practice Guidance (Paragraph: 005 Reference ID: 32-005-20140306) then goes on to ask “*When could air quality be relevant to a planning decision?*” and advises that “*Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation (including that applicable to wildlife). The steps a local planning authority might take in considering air quality are set out here.*

When deciding whether air quality is relevant to a planning application, considerations could include whether the development would:

- *Significantly affect traffic in the immediate vicinity of the proposed development site or further afield. This could be by generating or increasing traffic congestion; significantly changing traffic volumes, vehicle speed or both; or significantly altering the traffic composition on local roads”.*

- 5.63 Discussion with the Council’s Environmental Protection Officer have found that this development is likely to directly impact the existing Air Quality Management Area No.2 which includes the Bloxham Road / Oxford Road / South Bar junction, where the annual mean air quality objective for Nitrogen Dioxide is being exceeded. The application is not EIA development and therefore the submission does not include an air quality assessment to assess the impact of the development on local air quality and the impact for the development to be affected by local air quality. This is also not a local requirement on the validation checklist so the applicant would have been asked to provide one. Therefore it will be necessary to apply a condition requiring an air quality assessment to be undertaken to ensure the potential impact of the development on air quality and human health is considered, and mitigation measures proposed are appropriate. This will include air quality works being adequately considered and mitigation works proposed.

5.64 OCC highways have acknowledged the traffic flows within the air quality management area and has requested funds to assess alternative routes than through the Horsefair corridor. This recommendation is supported by the Council's Environmental Protection Officer as alternative routes for this traffic are likely to benefit air quality in this area. There is also a proposed Travel Plan and it is considered that some qualification on how these measures are likely to affect local air quality, once an air quality assessment has determined the potential impact on the development, should be included as part of this Travel Plan. It is therefore considered that subject to the necessary condition requiring the submission of an air quality assessment the proposal is considered acceptable and complies with Policy ESD1 of the SLP and the NPPF.

Flooding and Drainage

5.65 The National Planning Policy Framework (NPPF) states that developers should "seek opportunities to reduce the overall level of flood risk in the area through the layout and form of the development and the appropriate application of sustainable drainage systems". The surface water drainage will be designed in accordance with the Environment Agency's current guidance and utilise Sustainable Drainage Systems (SUDS) so as to satisfy the following design requirements;

- Mitigate the risk of flooding to downstream receptors
- For two credits the development must be situated in a flood zone with a low annual probability of flooding.
- Provide sufficient attenuation to comply with the requirements of NPPF
- Consideration of the risk of solution features
- Provide the most practical and economic scheme, utilizing as much of the existing drainage system as practicable
- Provide a scheme that is compatible with the development phasing and site topography
- Designed in the spirit of SUDS techniques as defined with the CIRIA guidance
- Pollution control

5.66 Surface Water Drainage

For sites greater than 1 ha in size, a surface water strategy should be carried out as part of a FRA to demonstrate that the proposed development will not create an increased risk of flooding from surface water. The surface water strategy should be carried out in accordance with NPPF and its associated practice guidance, giving preference to infiltration (where appropriate) over discharge to a watercourse, which in turn is preferable to discharge to surface water sewer.

5.67 Drainage Scheme Requirements

Infiltration rates should be worked out in accordance with BRE 365. If it is not feasible to access the site to carry out soakage tests before planning approval is granted, a desktop study may be undertaken looking at the underlying geology of the area and assuming a worst-case infiltration rate for that site. If infiltration methods are likely to be ineffective then discharge may be appropriate. The surface water drainage strategy has been designed in accordance with the following principles:

- Look to achieve Greenfield runoff rates to reduce the impact of the development on the surface water drainage infrastructure
- Discharge volumes from site will not increase as a result of the proposed development, up to a 1 in 100 year storm with a suitable allowance for climate change;

The site will not flood from surface water up to a 1 in 100 year storm with a suitable allowance for climate change, or that any surface water flooding can be safely contained on site up to this event.

5.68 Increases in Surface Water Volume

If it is identified that the volume of runoff will be increased then the difference should be disposed of by way of infiltration or, if this is not feasible because of the soil type, discharged from the site at flow rates below 2 l/s/ha. Where this is not feasible, the limiting discharge for the 30 - and 100-year return 7 | 34 periods will be constrained to the mean annual peak of runoff for the Greenfield site (referred to as QBAR in IoH Report 124 as part of the ES).

5.69 Sustainable Drainage Techniques

A well designed drainage scheme will involve a number of SUDS features in sequence, forming a surface water management train (CIRIA C609). A management train will incrementally improve the quantity and quality of surface water run off reducing the need for a single, large attenuation feature. Guidance on the preparation of surface water strategies can be found in the DEFRA / Environment Agency publication "Preliminary rainfall runoff management for developments". Guidance on climate change allowances can be found within Annex B of NPPF.

5.70 SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

5.71 A flood risk assessment has been submitted, which demonstrates that the development complies with the NPPF sequential test, following Environment Agency guidance, and appraises the potential flood risk impact arising from the proposed development. All built development, including housing, is proposed within the defined zone 1 area taking account of climate change, which is the preferred location for residential/ community uses. The development of this site would give rise to an increase in the impermeable area of the site and a corresponding increase in the rate and volume of surface water run-off. A SUDS strategy for the surface water drainage would be based on a multi-purpose attenuation pond used to store water, draining to the large areas of open space to the south east of the site.

5.72 The sustainable drainage system will be conditioned for submission, but the current submission demonstrates that such a system can be provided within the development parameters proposed. The assessment demonstrates that there will be no adverse flood risk impacts arising from the proposed development. Comments made by the neighbours at the Crouch Farm Cottages relate to flood risk and that the land around the cottages currently floods, photographic evidence was produced to illustrate the point made. It is therefore apparent that in order to address the existing situation and to prevent it becoming worse the suitable drainage methods would need to be incorporated in the drainage scheme. The applicant's drainage consultant has commented on this matter as follows:

"The FRA includes a topographical survey which provided full details of the terrain contoured at 0.5m intervals. Section 8.6 of the FRA considers overland flows which may occur when the capacity of the surface water sewers is exceeded and recognises that overland flow will be towards the southeast of the site. It is proposed that any such overland flows will be managed and routed from the proposed development towards the proposed balancing pond and 8.6.4 specifically states that overland flows running towards existing properties (ie. Crouch Farm Cottages) will be directed towards the attenuation pond via swales. It is therefore apparent that although the existing topography presents some risk in terms of overland flows to the existing properties, this is acknowledged and measures will be incorporated as

needed to mitigate such risks as described above and in the FRA.”

- 5.73 A further point raised by the neighbours at Crouch Farm Cottages is the excessive surface water run-off from the site onto the A361 Bloxham Road with reference to ditches/culvert within the site and the FRA does not address the run-off adequately. The applicant’s drainage consultant has commented on this matter as follows:

“The resident’s submission fails to understand how the surface water drainage from the proposed development will be attenuated within the proposed balancing pond, such that the rate of discharge from the pond can be accepted by the existing 225mm diameter pipe.

Drainage of the proposed development will not rely upon the existing 600mm diameter culvert which passes under the access road from A361 to Crouch Farm. In the proposed drainage strategy there is no miss-match between the capacity of the existing 600mm diameter culvert and 225mm diameter culvert further downstream. There will be a new network of surface water sewers designed to the requirements of sewers for adoption which will convey water to a balancing pond. The balancing pond will discharge at a restricted rate to the existing 225mm diameter pipe. The key point is that the discharge from the balancing pond to the existing 225mm diameter pipe will be restricted to less than the capacity of the existing 225mm diameter pipe and the balancing pond sized to retain the remainder of the run off (up to an event of 1 in 100 (plus 30% volume for climate change). 10l/s is proposed as the discharge rate from the pond towards the 225mm diameter pipe. This is approximately 25% of the expected capacity of this pipe.

Therefore the drainage strategy proposed fully recognises the existing outfall constraints”.

- 5.74 Further points raised by the residents of Crouch Farm Cottages have been addressed by the applicant’s drainage consultant, the full contents of which are available via the Council’s website. It is considered that the points raised are adequately responded to and that subject to a robust drainage strategy, the existing surface water run-off will be dealt with and will not be exacerbated by the proposed development.
- 5.75 The Environment Agency, raise no objections and are satisfied that the development can be carried out without causing flood risk to the environment subject to conditions.
- 5.76 As part of the drainage strategy, the proposed balancing pond will be located to the south east of the site. The Banbury 16 allocation in the SLP does not include this land, however negotiations involving the Head of Strategic Planning and the Economy have concluded that land outside the allocation will be used for drainage attenuation and public open space.
- 5.77 It is considered that the measures to be put in place will deal with the existing flooding issues experienced by the residents at Crouch Farm Cottages and that subject to the conditions required by the Environment Agency, the proposal will not give rise to flood risk and is there acceptable and is in accordance with Policies ESD6 and ESD7 of the SLP and the NPPF.

Historic Environment

- 5.78 The NPPF at paragraph 131 seeks to ensure the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

- 5.79 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard to the desirability of preserving a listed building or its setting should be taken. In this case it is the setting of listed buildings that is to be considered.
- 5.80 The site is in close proximity (70m) to Crouch Farm a Grade II listed building and further Grade II listed buildings approx. 700m further away (Wykham Park).
- 5.81 The site is also located in an area of archaeological potential (number of Iron Age and Roman sites recorded) A condition requiring a staged programme of archaeological investigation will need to be attached to the planning permission. This approach is consistent with the Framework.
- 5.82 In terms of Salt Way as a Heritage Asset, this matter was debated in detail at the Public Inquiry for the 145 dwelling permitted development under 12/00080/OUT, to the east of Bloxham Road. The Council considered Salt Way to be historic and as such be a heritage asset of local importance and further considered that Salt Way and its setting would be harmed by the proposed development. To support this contention, evidence produced, was designed to show that Salt Way forms part of a medieval network of salt distribution routes between Droitwich and London. However, in allowing the appeal the Inspector concluded at paragraph 24, that *“Salt Way has some importance as a heritage asset both in its own right and as part of its setting, but that this importance has in my view been overstated by the Council. I also note that the actual physical effect of the proposed development on Salt Way would be limited”*. By allowing the appeal, the Inspector essentially paved the way for further development along Salt Way, hence the allocation of this application site and that of Banbury 17 which is to the east of Bloxham road, adjoining the above appeal site.
- 5.83 It is considered that the application site is of sufficient distance from Crouch Hill, (which the Council considers to be a non-designated Heritage Asset) to ensure that its significance and setting is not harmed. The applicant’s LVIA has assessed that the site is not clearly visible from the upper slopes of Crouch Hill because of the strong hedge line separating the lower fields. It is also considered that the site bears no resemblance to the site subject to a recent dismissed appeal (13/01758/OUT – Land adjacent to and off Broughton Road, Banbury) which is to the north of Crouch Hill. The Inspector at this appeal agreed with the Council regarding the importance of Crouch Hill and its setting as follows (paras 33 and 34): *“Crouch Hill is experienced in its landscape setting over a wide area, particularly in views on the approach from the west along Broughton Road and from higher land to the north/north-west on the far side of the road. In those views, it is clear, despite the expansion of Banbury over the years, and taking account of the recent but as yet unimplemented Banner Homes permission and the trappings/shelter belt planting associated with the nearby ‘Pick Your Own’ enterprise, that the Hill is still bounded, in no small part, by agricultural land/countryside. In this regard, nothing challenges, to any material degree, the dominance of Crouch Hill in the aspect from the north and west and nothing precludes the appeal site from playing a valuable role in the setting of the Hill. To my mind, the open, undeveloped nature of the lower slopes on which the appeal site lies is inextricably linked to, and affords an appreciation of the significance of Crouch Hill, emphasising its relatively imposing nature (from which its significance as a heritage asset derives) even if they are not part of the asset itself.*

The erection of up to 117 dwellings on the northern field would create a much stronger urban presence than is currently the case (and will be the case on implementation of the Banner Homes scheme) and would intrude into the experience of Crouch Hill when viewed from north and west, with the consequence that the rural foreground that now informs an appreciation of the heritage asset would be diminished”.

5.84 In conclusion it is considered that the proposal to build 350 houses on the southernmost fields at Crouch Hill will not cause harm to the significance of designated and non-designated heritage assets and the settings of which are so preserved in accordance with SLP Policies ESD16 and Banbury 16 and the NPPF.

Ecology

5.85 NPPF – Conserving and enhancing the natural environment requires that “the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” (para 109)

5.86 Paragraphs 192 and 193 further add that “The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question”. One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. This is a requirement under Policy EN23 of the Non-Statutory Cherwell Local Plan 2011.

5.87 Paragraph 18 states that “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”

5.88 Paragraph. 98 of Circular 06/05: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system states that, “local planning authorities should consult Natural England before granting planning permission” and paragraph 99 goes onto advise that “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”

5.89 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that “every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity” and;

Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.

5.90 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States to prohibit the deterioration or destruction of their breeding sites or resting places.

5.91 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that “every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity” and;

Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”

5.92 The Council's Ecologist has provided advice as set out in paragraph 3.9. She is satisfied that the site has been surveyed satisfactorily at this stage. She confirms that the indicative layout preserves the most important ecological receptors on the site. When a final plan of the development and landscaping is produced the impact on species on site will need to be fully reassessed and a full mitigation plan or working method statements for each drawn up prior to any clearance or any other works commencing on site to include their protection both during construction and in the long term. In addition a Management Plan to conserve and enhance the retained biodiversity - hedgerows, meadow grassland and bankside will need to be produced. The lighting scheme will also be key in whether they are able to retain the value of the green infrastructure on site for wildlife. In line with the recommendations within the NPPF a net gain in biodiversity on site from developments should be sought. Therefore a full plan of biodiversity enhancements to include opportunities for species within the built environment should also be produced before anything commences on site.

5.93 Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. The proposal therefore accords with the National Planning Policy Framework - Conserving and enhancing the natural environment and Policy C2 and C4 where relevant of the adopted Cherwell Local Plan.

Trees

5.94 There is significant tree cover around the boundaries with copses of trees subject to TPO's. The majority of which, save for the vehicular accesses into the site, will be retained. It is considered that there is an opportunity to enhance the site by the provision of additional tree planting on the site and this will form part of the reserved matters submission.

5.95 The Council's Arboricultural Officer has recommends that a tree survey is carried out to identify those trees that are to be retained along with a protection plan to ensure their longevity. This aspect will be subject to condition and consequently it is considered that the proposed development will maintain the existing boundary coverage provided by those trees.

Pre-application Community Consultation

5.96 Under Section 18 of the Planning and Compulsory Purchase Act 2004 Local Planning Authorities (LPAs) are required to produce a Statement of Community Involvement (SCI). As part of the SCI, LPAs are requested to encourage participation from local

community groups where development is proposed.

- 5.97 The principle of development on this site has been subject to consultation as follows:

Notice of the Public Consultation Event consisted of advertisements in the Banbury Guardian newspaper and leaflet drop to around 160 houses in the local area including Waller Drive, Lansdown Close and Bloxham Road to notify them of the opportunity to participate in a community planning exhibition consultation event. The newspaper adverts and invitations aimed to encourage participation by providing details relating to the public exhibition.

- 5.98 The public consultation exhibition was held at Queensway School on Thursday 5th June 2014.

- 5.99 The development proposals along with details were set out on display boards. Members of the applicants technical team were in attendance throughout the exhibition that was available to explain the proposals and answer any questions. Details of the display boards have been submitted in the Statement of Community Involvement.

- 5.100 Attendees were encouraged to either complete a questionnaire at the exhibition and to place that within the comments box provided or take the form home to complete and return to the applicant. Around 80 people attended the public exhibition A total of 29 feedback questionnaires were received.

Developer Contributions

- 5.101 The draft Supplementary Planning Document (SPD) relating to the requirement for financial contributions towards infrastructure or service requirements was considered by the Council's Executive Committee on 23 May 2011 and was approved as interim guidance for development control purposes. It has not been subject to public consultation.

- 5.102 New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National planning policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost, of all or part of the additional infrastructure/service provision that would not have been necessary but for their development. Planning Obligations are the mechanism used to secure these measures.

- 5.103 These matters are directly related to the development and the effects that would arise from it and necessary to enable the impact of development to be mitigated. The proposed development, due to its scale and number of dwellings proposed, meet the threshold for a wide range of developer contributions that are normally sought by both the District and County Councils. The applicant is willing to enter into an appropriate planning obligation, but whilst there is every expectation that an agreement can be reached no final agreement has been completed.

- 5.104 The full S106 Heads of Terms will be based on the requirements set out below, along with development phasing and with the applicant agreeing to making contributions towards 30% affordable housing (the exact provision and terms of affordable or social rent and intermediate is still being negotiated), provision of public open space, formal open space and play areas, indoor sports, access, public transport, offsite highway improvements, education, libraries, adult learning and strategic waste services.

- 5.105 Any contribution sought needs to comply with the guidance in the NPPF which states that they should be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale

and kind to the development and compliant with the CIL Regs.

- 5.106 The heads of terms and financial contributions towards infrastructure/services are as follows:

Oxfordshire County Council

Education

£1,901,790 Section 106 developer contributions towards the construction of a new primary school to serve development south of Salt Way. The total cost of this school, and the mechanism for dividing that cost across the applications, would need to be determined. If application 14/01932/OUT is not approved or implemented, contributions may instead be required at extension rates. This application would generate 99 additional primary school aged pupils.

£1,640,536 Section 106 developer contributions towards the construction of a new secondary school serving the area by a total of 76 pupil places (including nine 6th form places). This is based on the pro rata cost of building a new 1200 place secondary school, as detailed below, of £21,586 per pupil place. This is index linked to 3rd Quarter 2012 using PUBSEC Tender Price Index.

£61,312 Section 106 developer contributions towards the expansion of permanent Special Educational Needs school capacity by a total of 2 pupil places. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index. We are advised to allow £30,656 per pupil place to expand capacity in special educational needs schools.

Transport

Banbury Area Transport Strategy - Contribution toward the Banbury Area Transport Strategy in accordance with the CDC Planning Obligations SPD to be calculated as follows:-

$£(Ax 442) + (B X 638) + (C X 994) + (D X 1,336)$

Where, A = the number of 1 Bedroomed Units

B = the number of 2 Bedroomed Units

C = the number of 3 Bedroomed Units

D = the number of 4 Bedroomed Units

Public Transport – Contribution of **£862** per dwelling towards the cost of pump-priming the 488 bus service to operate more frequently on the Bloxham to Banbury section, and the addition of evening and Sunday services.

Public Transport Infrastructure - **£10,000** towards stops and associated infrastructure, shelters, flags, poles etc.

Public Rights of Way - Contribution of **£40,000** to public rights of way in the vicinity of the development site to include new links and surface/furniture upgrades. This would include the improvement of Banbury Footpath 40 which provides the shortest walking route from the site to Banbury Academy.

Travel Plan – A travel plan fee of **£2040** will be required for the monitoring of the travel plan for a period of 5 years post final occupation

Drainage – SUDS provision will need to be provided and maintained as part of a detailed strategy. Applicant/s will need to provide an indicative SUDS plan and indicative costing for purposes of the Section 106.

Property

General County Council financial contributions Index linked from 1st Quarter 2012 using PUBSEC Tender Price Index

- Banbury Library - **£72,845**
- Central Library - **£14,698**
- Integrated Youth - **£11,484**
- Museum Resource Centre - **£4,285**
- Strategic Waste Management - **£54,848**
- Adult Health and wellbeing including day care - **£27,409**

OCC Admin and Monitoring fee - **£10,399**

Phasing of Payments to be agreed with Oxfordshire County Council

CHERWELL DISTRICT COUNCIL

Open space, and play areas – to be advised and to include:

- 2 LAPs on site (1 minutes walk or 100m from each dwelling)
- 1 LEAP/COMBINED LAP (5 minutes walk or 400m)
- Allotments
- public open space
- hedge maintenance
- mature woodland
- mature tree maintenance
- balancing pond
- ditch/ watercourse

Offsite Outdoor Sports pitches

- **£348,326.96**
- The Cherwell Playing Pitch Strategy identifies an existing shortage of junior pitches in Banbury and to address the impact that any new housing development will have on this an offsite contribution is required towards the cost of increasing capacity of the community playing pitches to the South of Banbury which is to be provided on land to the East of Bloxham Road. £416.41 per person x 2.39 people per dwelling x 350 dwellings

Offsite Indoor Sports

- **£252,882.31**
- off-site contributions for developing additional indoor sports capacity at the Woodgreen sports centre because the town's main sports centre is currently operating at capacity. A scheme to increase capacity of the Woodgreen centre is currently being developed and will cost in the region of £1.5 m. This will be funded from S106 contributions from nearby housing developments and Cherwell District Council budgets. £302.31 per person x 2.39 people per dwelling x 350 dwellings

Offsite Community Facility – A contribution per dwelling based on the size of the dwelling as per the following schedule

- 1 bed - £103.30
- 2 bed - £149.14
- 3 bed - £232.16
- 4 + bed - £319.26

Contribution per dwelling based on figures @ April 2014 subject to further inflation as appropriate

30% affordable housing

- 105 affordable units
- This will need to be a 70/30 split between rented and shared ownership or some other form of low cost home ownership to be agreed with the Council.

And indicative breakdown would be;

21% - 1b2p Maisonette
50% - 2b4p House
20% - 3b5p House
5% - 4b6p House
2% - 2b3p Bungalow
2% - 3b5p Bungalow

The affordable housing will need to be clustered in 10-15 units, however this will depend on the layout and design of the scheme and will also depend on the house types provided.

50% of the affordable rented will need to be delivered to Lifetime Homes Standard

2% of the affordable units will need to meet full wheelchair standards or a sum in lieu of this standard in order to provide appropriately adapted housing elsewhere in the district.

The RP taking on the affordable housing will need to be agreed with the Council.

Other Matters

- 5.107 It is considered that the majority of the third party representations issues and concerns have been addressed in the preceding report.

Engagement

- 5.108 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the Council has worked pro-actively with the applicants during the course of the application and discussions have continued to resolve other matters and throughout this application process. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.109 The determination of this application in advance of the local plan being finalised has to be balanced against the advice in paragraph 14 of the NPPF which sets out the presumption in favour of sustainable development, which should be seen as a "golden thread" running through both plan-making and decision taking. It states that for decision taking this means:

- "Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole, or specific policies in the framework indicate development should be restricted".

- 5.110 The proposed development is not in accordance with the Development Plan. The application site lies in an area of countryside, which is not allocated for development by either the saved policies of the adopted Cherwell Local Plan 1996 or those of the Non-Statutory Cherwell Local Plan 2011. The site is identified in the SLP as a strategic allocation for the growth of Banbury, but the weight of the policies contained within this local plan can only be afforded limited weight given that the Council cannot demonstrate 5 year HLS and the consequential engagement of paragraphs 14 and 49 of the Framework. Paragraph 14 makes it clear that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

- 5.111 In terms of the economic role, the proposed development would create jobs both directly and indirectly and socially the proposed development would provide the benefit of housing to help meet the 5 year HLS deficit and an additional 105 affordable homes.
- 5.112 The Council accepts that it cannot currently demonstrate a five year housing land supply and recognises that the contribution towards achieving that deficit through the proposed housing provision is a material consideration in favour of the application.
- 5.113 Whilst the proposed development is contrary to the adopted Cherwell Local Plan insofar as it is not an allocated site for development, the land is identified for some development in the SLP and as such is part of the emerging strategy to accommodate necessary development, accepting that the plan is in emerging stages and can only therefore carry limited weight. The quantum of development sought in the SLP is significantly less than the 350 unit scheme proposed, however based on the amended landscape detail provided, a higher number of dwellings can be accommodated without causing significant landscape harm, harm to Salt Way or to the detriment of the setting of the listed farmhouse or Crouch Hill.
- 5.114 It is also acknowledged that due regard to prematurity as guided in the PPG must be had along with the cumulative effect of decision taken to the various applications for housing development in the district in advance of the examination of the Local Plan.
- 5.115 The Council has significant Local Plan evidence base for the assessment of landscape impact which has concluded that the application site is capable of accommodating development without compromising the landscape setting of Banbury or the visual amenity of the locality, subject to the mitigation and green infrastructure measures as a soft urban edge to Banbury.
- 5.116 These factors are all key material considerations to the determination of this current application and that an on balance assessment of the proposal in policy terms needs to be given.
- 5.117 Officers accept that the SLP identifies a number of requirements for such development. However, as outlined in the relevant sections above, it is considered that any potential impacts of the development can be mitigated and secured through suitable planning conditions and an appropriate S106 agreement.
- 5.118 Taking the above assessment into account, the proposed development is considered to be acceptable in principle. Whilst the consultee and local residents comments have raised a number of concerns and issues which require further detail it is considered that these are not insurmountable and would be subject to condition or detail/information that would be submitted as part of the next stage reserved matters application.
- 5.119 Taking an on balanced approach, it is considered that the proposed development will not be so significant to prejudice the development of the local plan, will contribute the Council's housing land supply in a plan-led way, will not significantly harm the landscape setting of Banbury, the significance of designated and non-designated heritage assets and will provide the necessary infrastructure to support it. In the context of the presumption in favour of sustainable development set out within the NPPF, it is considered that the proposal would result in sustainable development and for these reasons, the application is recommended for approval as set out below.

6. Recommendation

Approve subject to:

- a) The delegation of the completion of the S106 negotiations as detailed in paragraph 5.106 to Officers in consultation with the Chairman
- b) The completion of the S106 legal agreement
- c) That it is resolved that in accordance with the provisions of Regulation 24 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 that this report is approved as setting out the main reasons, considerations and measures of mitigation proposed with regard to the ES.
- d) The following conditions:

- 1. That no development shall be commenced until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.

- 2. That in the case of the reserved matters, application for approval shall be made not later than the expiration of two year beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.

- 3. That the development to which this permission relates shall be begun not later than the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.

- 4. Except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed with the Local Planning Authority, the development shall be carried out strictly in accordance with the following documents and drawings:

Drawings : TBA

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, and in accordance with Government guidance contained within the National Planning Policy Framework.

- 5. Prior to the commencement of development hereby approved, a phasing plan

covering the entire site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the phasing plan.

Reason – To ensure the proper phased implementation of the development and associated infrastructure in accordance with Government guidance contained within the National Planning Policy Framework.

- 6 Prior to the first occupation of any dwellings on the site, a final Code Certificate, certifying that the dwellings in question achieves Level 4 of the Code for Sustainable Homes shall be issued, proof of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

Land Contamination and mitigation

- 7 Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 8 If contamination is found by undertaking the work carried out under condition 7, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 9 If remedial works have been identified in condition 8, the development shall

not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 8. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 10 If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Landscape, Trees, Maintenance, Public Open Space & Play

- 11 That no development shall take place on a phase identified in condition no. 5, until a full Arboricultural Survey, Method Statement and Arboricultural Impact Assessment, tree protection plan and report on all existing trees and hedgerows within and around the perimeters of the site have been submitted to and approved in writing by the local planning authority. The survey and report shall include details of all trees and hedgerows to be removed and those to be retained; and the methods to protect the retained trees during the course of the development. The development shall be carried out in accordance with the approved details.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 12 That no development shall take place on a phase identified in condition no. 5 until full details of existing and proposed ground levels; all boundary treatments and means of enclosure; hard and soft landscaping works; areas of open and play space have been submitted to and approved in writing by the local planning authority. The development shall be carried out as approved.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 13 That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with an agreed programme of works; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 14 Unless otherwise agreed in writing by the Local Planning Authority, all existing topsoil that is disturbed by construction works shall not be removed from the site but shall be carefully removed and stored within the curtilage of the site and, following the completed planting of the landscaping scheme, shall be distributed throughout the completed planting areas.

Reason - To ensure the protection and conservation of the on-site top soil as a viable growing medium for the approved landscaping scheme and in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 15 Except to allow for the means of access and vision splays the existing hedgerow/trees along the Bloxham Road boundaries of the site shall be retained and properly maintained at a mature height for trees and not less than 3 metres for hedgerows, and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 16 That no development shall take place on a phase identified in condition no. 5, until, full design details of the equipment and layout of the Local Areas of Play (LAPs) and the Local Equipped Area of Plan (LEAP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the LAPs and LEAP shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy R12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Archaeology

- 17 Prior to the commencement of the development hereby approved and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

- 18 Prior to the commencement of the development hereby approved, and following the approval of the Written Scheme of Investigation referred to in condition 17, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

Reason - To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government guidance contained within the National Planning Policy Framework.

Ecology/Biodiversity

- 19 Prior to the commencement of any works on site including works of site clearance or preparation, a full assessment of the impacts on biodiversity and protected/notable species in the light of the proposed final landscape and layout plans shall be submitted for written approval which must include plans for mitigation, timings, details of ecological supervision and working methods and the results of all updated surveys.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 20 Prior to the commencement of the development hereby approved, including any works of site clearance, a Landscape and Ecology Management Plan (LEMP) and method statement for protected species and biodiversity enhancements, together with long-term maintenance, has been submitted to and approved in writing by the local planning authority. The LEMP and method statement shall be carried out and retained in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 21 That no development shall take place on a phase identified in condition no. 5, including works of site clearance or preparation until the site has been thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

- 22 No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 23 Ecology report compliance

Drainage

- 24 Prior to the commencement of the development hereby approved, full details of a drainage strategy for the entire site, based on the agreed Flood Risk Assessment (Peter Brett Associates, Ref: 30369/4001, Revision 00, June 2014) and information submitted in Philip Edwards letter (Peter Brett Associates, Ref: 30369/NTN/MP/PE/CB, 28 August 2014) shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- A surface water discharge rate for the site which does not exceed 10 l/s for all storm events up to and including the 1 in 100, with an appropriate allowance for climate change, event.
- A surface water attenuation pond with sufficient capacity to safely contain the surface water runoff from the site. The capacity required for the attenuation pond is estimated to be 9200m³.
- A utilisation of infiltration measures for the management of surface water runoff unless ground investigations confirm that the soil is not suitable for the use of infiltration techniques.
- Mitigation measures, such as swales, to prevent overland flows during extreme storm events (greater than 1 in 30) from impacting on properties adjacent to the site.

Reason - To prevent an increased risk of flooding from surface water runoff and to ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Government guidance contained within the National Planning Policy Framework.

- 25 Prior to the commencement of the development, impact studies of the existing water supply infrastructure, which shall determine the magnitude and timing of any new additional capacity required in the system and a suitable connection point for the entire site, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason - To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand and to comply with Government guidance contained within the National Planning Policy Framework.

26 Prior to the commencement of the development full details of the foul drainage for the entire site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason - To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand and to comply with Government guidance contained within the National Planning Policy Framework.

27 **Highway**
TBA

28 That no development shall take place on a phase identified in condition no. 5 until details of the proposed street lighting scheme to be installed, which shall include column height, luminaire type, positions, aiming angles and cowl and deflectors to direct light sources, to demonstrate that there is no light spillage from the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details. Once installed the lighting scheme shall be inspected by a qualified lighting engineer and certified as being correctly installed prior to its first use.

Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

29 All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development Order) 1995 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

30 That prior to the first occupation of any phase identified in condition no. 5, fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority

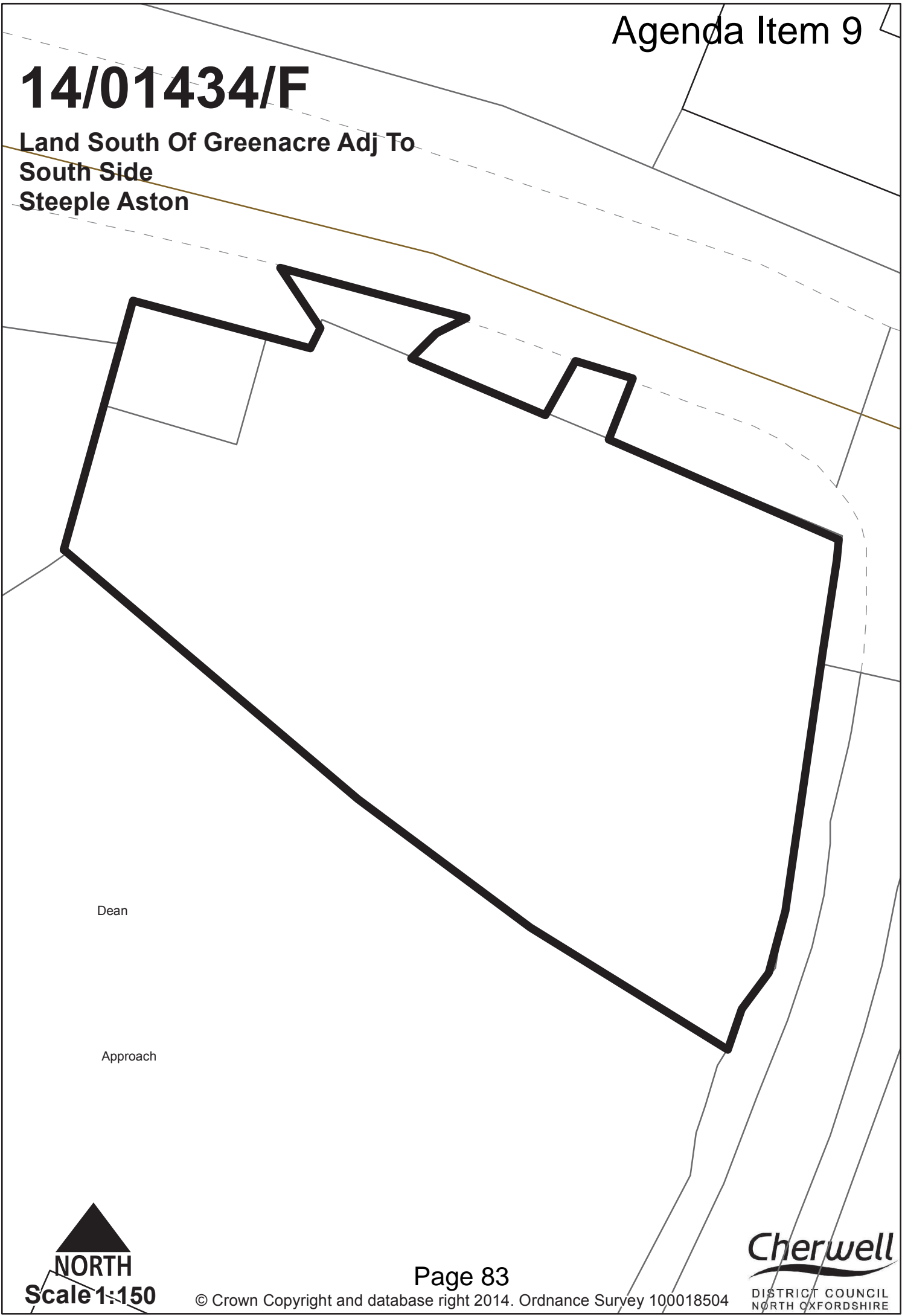
Reason - To secure the provision of essential community infrastructure and Government guidance contained within the National Planning Policy Framework.

31 No development shall commence until a strategy that details the measures to be incorporated into the development to demonstrate how 'Secured by Design (SBD)' will be achieved, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason – In order to comply with Government guidance contained within the National Planning Policy Framework.

14/01434/F

Land South Of Greenacre Adj To
South Side
Steeple Aston



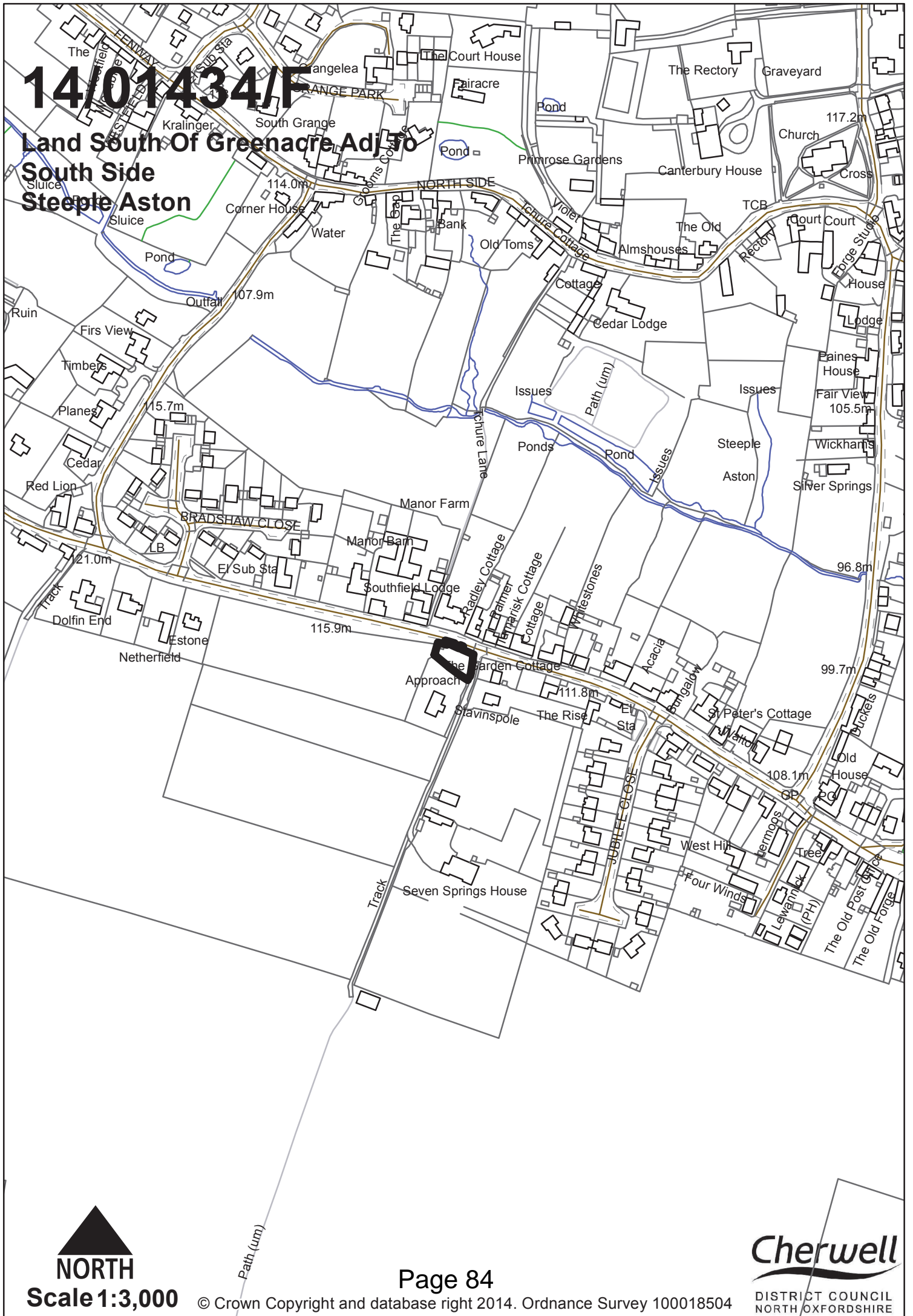
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Approach



14/01434/F

Land South Of Greenacre Adj To South Side Steeple Aston



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE



Scale 1:3,000

**Site Address: Land south of Greenacre
adj to South Side Steeple Aston**

14/01434/F

Ward: The Astons and Heyfords

**District Councillor: Cllrs Kerford-Byrnes and
Macnamara**

Case Officer: Shona King

Recommendation: Approval

Applicant: Mr Ellis and Ms Carlisle

Application Description: Dwelling with garage and access

Committee Referral: Member Request

Committee Date: 22 January 2015

1. Site Description and Proposed Development

- 1.1 The application site is located within the village of Steeple Aston. It is currently a vacant, overgrown piece of former garden land on the southern side of South Side with a track bounding the site to the east and a dwelling to the south. A public footpath runs along the western and southern boundary. There is a natural stone wall along the northern boundary with South Side and along the eastern boundary with the track. The site is elevated from South Side and slopes sharply up towards the south.
- 1.2 The application site is within the setting of the Conservation Area and several listed buildings. The Conservation Area boundary runs along the northern and eastern boundaries of the site.
- 1.3 Consent is sought for the erection of a two storey dwelling and vehicular access into the site. The application has been amended omitting a detached garage.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 30th November 2014.

21 letters have been received in response to the original and amended plans. The following issues were raised:

- Highway safety
- Scale of dwelling
- Size of plot
- Character of area
- Impact on the Conservation Area and listed buildings
- Impact on visual amenities of the area
- Impact on the footpath
- Fenestration
- Overlooking
- Overbearing
- Loss of light
- Accuracy of plans and planning statement
- Loss of stone building and walling
- Timescale for re-consultation

3. Consultations

- 3.1 Steeple Aston Parish Council (original plans): This application gives rise to a number

of concerns, such that Steeple Aston Parish Council wishes to object to the granting of planning permission.

1. Context

The site abuts the village Conservation Area, separated by the low stone wall fronting the site – the wall itself being the boundary. As the site is fully visible from South Side and all the listed and other properties close by, we consider that the impact of the proposal should be considered as if it is in the Conservation Area. The siting of the house so close to the road and in a location where there has traditionally been no development, means that its introduction will have a very significant impact on the views up, down and across South Side. If any scheme were to be permitted here, the site context demands that it be designed with the utmost sensitivity to the Conservation Area, which we consider this proposal has not achieved. We would ask that the comments of the Council's conservation team are sought.

2. Scale

We believe that one of the main reasons for the incompatibility with the Conservation area is the size of the house in relation to its tight site. It would appear that the applicants wish to have a three-bedroom property here, which has required a rear extension of some size. One effect of this is to eliminate any chance of having private outdoor space, which for a family house seems most unfortunate. If any scheme were to be permitted, we would wish to see a more modest cottage-like dwelling, probably of two bedrooms, and without the two-storey rear extension. Additionally, we believe that the impact on the Conservation area would be lessened if such a smaller property was to be sited further to the west of the site than envisaged for the property in the present plans.

3. Impact on Listed Building

We would also seek the views of the Conservation Officer on the impact of the proposal on the Grade II listed building Radley Cottage, directly opposite the planned dwelling. The ground floor level of Radley Cottage is, in common with other houses of C17th origin, set down below the current road level. The proposed dwelling directly opposite has, on the other hand, its ground floor about one metre above the road level. This will not only result in severe overlooking of windows opposite, but also will have an unfortunate effect on the setting of the listed building. We consider that, if the proposals were to be permitted, the dwelling could be set lower on the site, and designed in such a way that it does not damage the setting of the listed building opposite. This also support the view expressed earlier that a modest cottage-like dwelling would be much more appropriate.

4. Design

While attempts have been made to make the front elevation of the proposed house "fit in", the rear and side elevations bear no relation to the traditional building forms in the village. Here the window shapes and proportions are quite wrong for the context, the approach to design being more appropriate for a one-off house on an isolated site, or a modern suburban estate. We therefore object to the inappropriate design of the house. The design guidelines in the Conservation Area Appraisal document support this view, referring as they do to the need for "high quality design" and to the careful use of appropriate materials. In particular, we would want to see stonework of uncoursed rubble, window shapes and forms similar to those in nearby properties, and other sympathetic detailing.

5. Road safety.

The speed of traffic on South Side has been a source of concern over the last few years, and the Parish Council has discussed the problem on several occasions. At the September meeting, before this application was received, it was agreed to request Oxfordshire CC to install a counter to establish the number of vehicles exceeding 30mph, so that an approach can be made to Thames Valley Police to

establish a SpeedAware campaign. The planning application has prompted a number of householders in South Side to make representations to the Parish Council about the possible adverse impact of vehicles serving the new house on road safety, because of its location at a narrowing of the road, close to the well-used farm track up to Seven Springs, from which access to South Side is quite difficult.

With reference to Development Control Advice Note 15, it would appear that this scheme will not comply with the guidance: the application drawings show splay lengths for the new access of 38m and 39m, whereas we understand that 60m is required on each side. We also suspect that the gradient of the proposed driveway will be steeper than the 8% recommended. These non-compliances, whilst not very serious in themselves, could, in our view, create a potential road safety hazard to add to the concerns already expressed.

3.2 Steeple Aston Parish Council (amended plans): No comment to date

Cherwell District Council Consultees

3.3 Conservation Officer (original plans): This site is on the boundary of the Steeple Aston Conservation Area. The proposed development could affect the setting of a number of heritage assets including the conservation area itself and a number of grade two listed buildings (Grange Cottage, Staithe Cottage). The development would also involve the demolition of a section of a historic stone boundary wall.

While it may be possible to build a house on this site without unduly affecting heritage assets, I am concerned about the scale and design proposed. I would consider a more symmetrical design of the front façade to be more in keeping with the character of the immediate vicinity on South Side – this would mean the removal of the utility out-shut, re-ordering of the windows, two chimneys etc. Similarly, gables in the area tend to have little or no fenestration whereas the proposed design includes a relatively large amount of fenestration. Both gable ends would be quite visible from the conservation area travelling up and down South Side.

The windows proposed on the drawings are oak but I would consider that painted timber joinery would be more appropriate than varnished/oiled oak. Similarly, metal rainwater goods would be more appropriate than the proposed uPVC.

I would suggest that a revised design for a smaller, more sympathetic house that would be more suitable for this site. If, however, you are minded to approve I would suggest the following conditions:

- Joinery details at 1:20 including elevations, sections and colour/finish details to be approved. Trickle vents would not be appropriate and provision for adequate ventilation should be made by other means at the design stage.
- Slate sample to be approved.
- Sample panel of stonework to be approved.
- Lime mortar to be used in construction and pointing of stonework.
- Design details of boundary walls and entrances to be approved.

3.4 Conservation Officer (amended plans): Unfortunately the revised drawings don't appear to address any of my concerns. I would still consider the proposed development to be harmful to the setting of both the conservation area and near-by listed buildings.

Oxfordshire County Council Consultees

3.5 Highways Liaison Officer: No objections subject to construction of the vehicular and pedestrian access to specification, construction and retention of parking and manoeuvring areas and protection of visibility splays.

NB

- 1) The vision splay is shown above the proposed walls this is not acceptable. The walls should be set back
- 2) The boundary must reflect the extent of public highway if there is any doubt contact OCC Lands and Records

3.6 Archaeologist: The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- H13: Category 1 Settlement
- C27: Development in villages to respect historic settlement pattern
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Submission Local Plan (January 2014) (SLP)

SLP has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation and the examination reconvened on 9th December 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031.

- Villages 1: Village Categorisation
- Policy ESD16: Character of the Built Environment

5. Appraisal

5.1 The key issues for consideration in this application are:

- Principle of the development
- Impact on the visual amenities of the area and setting of the Conservation Area and nearby listed buildings
- Highway safety

Principle of the development

5.2 Steeple Aston is a Category 1 settlement as designated by Policy H13 of the Adopted Cherwell Local Plan. This Policy restricts development to infilling, minor development

comprising small groups of dwellings within the built-up area of the settlement and conversions.

- 5.3 Policy Villages 1 of the Submission Local Plan categorises Steeple Aston as a Category A settlement where minor development, infilling and conversions are appropriate within the built-up limits of the settlement. The Proposed Main Modifications to the Submission Local Plan (August 2014) do not change this position.
- 5.4 The NPPF indicates that the Adopted Cherwell Local Plan 1996 is considered to be out of date as it was adopted prior to 2004, however it also advises that due weight should also be given to relevant policies within existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 5.5 The NPPF states at para 49 “that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”. The Council cannot currently demonstrate that it has a five year housing land supply, however the development of an additional house would not have a significant impact on the overall housing land supply figure.
- 5.6 The development does not comply with the infilling or conversion requirement of either the adopted Cherwell Local Plan or the Submission Local Plan however it would in my opinion comply with minor development within the built-up limits of the settlement, being surrounded on three sides by development, and having been previously garden land, and therefore it complies with the adopted and emerging Cherwell Housing Policies.
- 5.7 Paragraph 14 of the NPPF states that where the development plan is out-of-date permission should be granted 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 in this Framework indicate development should be restricted
- 5.8 The development is bounded on three sides by dwellings (south, east and on the northern side of South Side) and is within the built-up limits of the settlement. The other impacts of the development are discussed in more detail below however it is considered that the development will not result in significant detriment to the visual amenities of the area or setting of the Conservation Area and nearby listed buildings nor will it result in significant detriment to the living amenities of the neighbouring properties or highway safety.
- 5.9 Therefore it is considered that there should be a presumption in favour of the development.

Impact on the visual amenities of the area and setting of the Conservation Area and nearby listed buildings

- 5.10 The proposed development is considered to be of an acceptable design. It is to be constructed from natural stone with a 40 degree pitched roof and a 6m wide gable span. The footprint of the building has been reduced following discussions with officers. The length has been reduced by approximately 1m and the rear projection reduced by approximately 0.5m. Whilst the utility out-shut has been retained on the amended plans it is set well back from the front elevation and it will not in my opinion make the front elevation unbalanced. Whilst it would be more traditional to have two

chimneys there are other examples of dwellings in Steeple Aston where there is a single chimney.

- 5.11 Whilst it is an open site currently it is bounded to the east and south by dwellings and it is well related to built form. In my opinion it will not appear as an isolated dwelling but will be viewed in the context of the surrounding development. The land immediately to the west however is considered to be an important gap in the street scene which adds to the loose knit character of the village.
- 5.12 The site is elevated above South Side and the land rises to the south. The proposed dwelling will be positioned above the highway and whilst the properties on the opposite side of the road are positioned at the same level as the highway the dwellings to the south and east of the site are at a significantly higher level. It will be necessary to impose a condition on any permission to ensure that the finished ground floor level is as low as viably possible. Therefore in my opinion the dwelling will not appear out of keeping with the surroundings. Also in my opinion it will not appear overbearing and dominant in the street scene due to the other dwellings on the southern side of South Side.
- 5.13 The small stone outbuilding on the site is to be demolished, whilst it is old it is not considered to be of such historic interest to warrant its protection and therefore retention. The stone boundary walls are to be retained and repaired apart from the section to create the access. The height of the wall within the visibility splay will not be able to be more than 0.6m high.
- 5.14 The proposed development is considered to preserve the setting of the adjacent Conservation Area and nearby listed buildings.

Impact on the living amenities of neighbouring properties

- 5.15 The proposed dwelling due to its position, orientation and the land levels will not in my opinion result in any unacceptable overshadowing of nearby dwellings and whilst it is to the south of the properties on the northern side of South Side it will not result in any significant loss of light to the habitable room windows of those properties. Given the distance between the new dwelling, Radley Cottage and the other dwellings on the northern side of South Side it is not considered that it will overly dominate the outlook from those properties to an unacceptable extent, even with the elevation above the highway and the height of the proposed dwelling.
- 5.15 The dwelling has been designed so as to minimise overlooking of the neighbouring properties. The distances between habitable room windows will meet the Council's informal space standards. The properties opposite the dwelling can be currently overlooked by passing pedestrians on the pavement and occupiers of vehicles using the highway.

Highway safety

- 5.16 The Highway Authority is satisfied that the development will not result in any significant harm to highway safety. The application has been amended to omit a garage on the site and to reduce the footprint of the building which increases the parking and turning area for vehicles. Conditions are recommended regarding the construction of the proposed access the layout and construction of the parking/manoeuvring area and the protection of visibility splays.

Engagement

- 5.17 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged as discussions have been undertaken to secure amendments to ensure that an appropriate form of development has been arrived at.

Conclusion

- 5.18 The development is within the built-up limits of the settlement and is considered to comply with the adopted and emerging housing policies. It is also considered that the development will not result in significant detriment to the visual amenities of the area or setting of the Conservation Area and nearby listed buildings nor will it result in significant detriment to the living amenities of the neighbouring properties or highway safety.

6. Recommendation

Approval, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms site plan and drawing numbered 14:3603:3a

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural limestone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. The roof of the development hereby approved shall be covered with natural blue/black slates.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to an approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed

development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing and proposed site levels for the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

7. Except to allow for the means of vehicular access and vision splays, the existing natural stone wall along the northern and eastern boundaries of the site shall be retained and maintained at the existing height of not less than 1 metre.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. Prior to the construction of the dwelling hereby approved, the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

9. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

10. The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

11. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be

erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the dwelling without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Planning Notes

1. Trickle vents would not be appropriate within the windows and provision for adequate ventilation should be made by other means at the design stage
2. The vision splay is shown to include the proposed walls this is not acceptable. The walls should be set back within the site to avoid the vision splays.
3. The boundary must reflect the extent of public highway if there is any doubt contact OCC Lands and Records

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as discussions have been undertaken to secure amendments to ensure that an appropriate form of development has been arrived at.

Agenda Item 10

14/01650/F

Norbar Torque Tools
6 Wildmere Road
Banbury
OX16 3JU

WILDMERE ROAD

Wildmere

Industrial

Estate

Tank



NORTH
Scale 1:750

Page 94

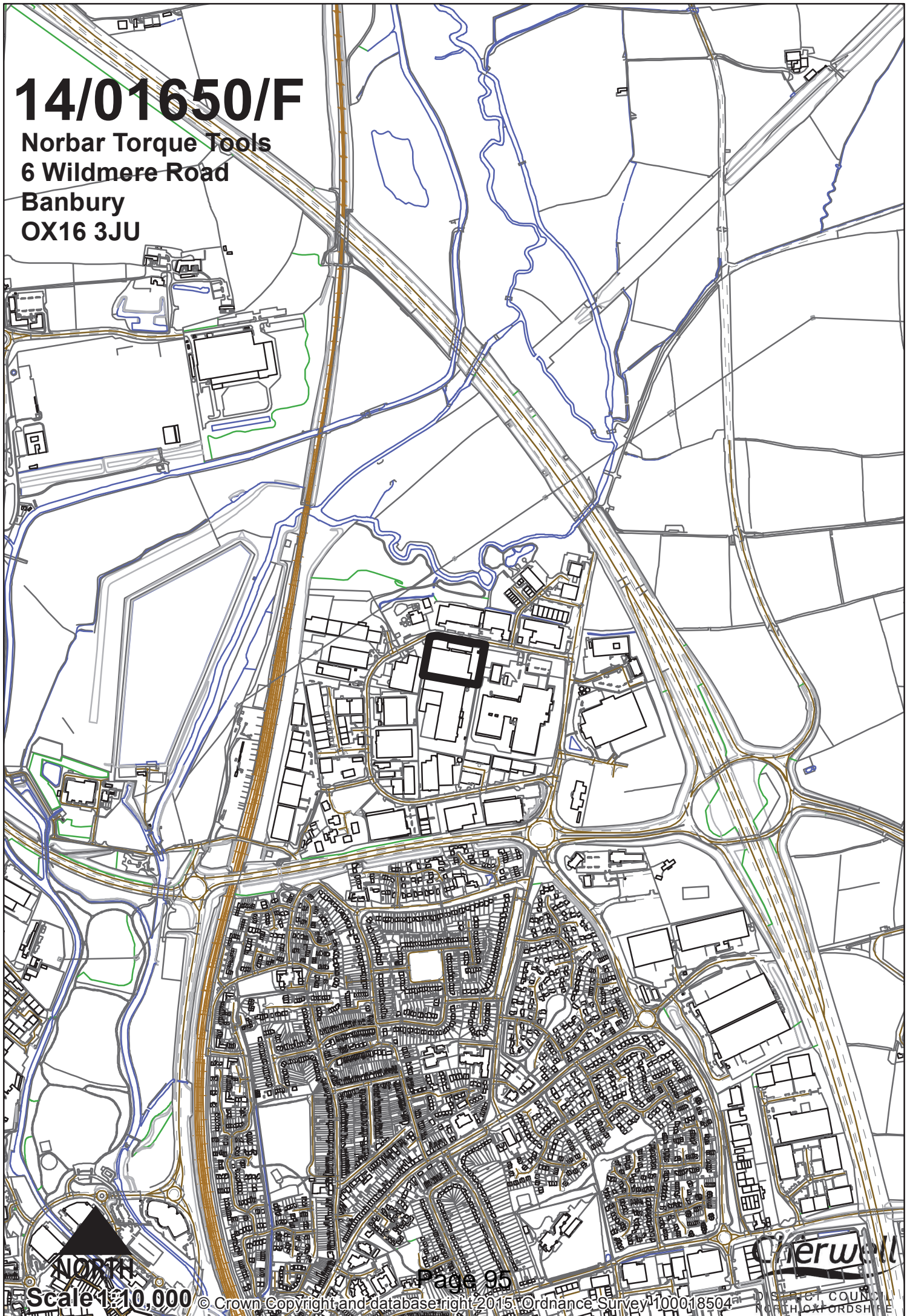
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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

14/01650/F

Norbar Torque Tools
6 Wildmere Road
Banbury
OX16 3JU



NORTH
Scale 1:10,000

**Site Address: Norbar Torque Tools
6 Wildmere Road Banbury OX16 3JU**

14/01650/F

Ward: Banbury Grimsbury And Castle

District Councillor: Cllrs Andrew Beere, Ann Bonner and Margaret Cullip

Case Officer: Ernest Addae-Bosompra

Recommendation: Approval

Applicant: Norbar Torque Tools

Application Description: Replacement two storey structure for office use and re-cladding existing warehouse

Committee Referral: Major development

Committee date: 22nd January 2015

1. Site Description and Proposed Development

- 1.1 The application site relates to an existing office block and warehouse building located on Wildmere Industrial Estate, Banbury. The site is a large plot located in the centre of the estate. The building is currently occupied by Norbar Torque Ltd with part of the rear of the site being sub-let to another manufacturer. Norbar is a leading specialist in Torque tools with facilities devoted exclusively to the design, development and production of Torque tightening and measuring equipment. The area is characterised by a range of industrial buildings/warehousing and most with ancillary offices. Wildmere Road borders the site to the north, south and west. Daventry Road borders the site to the east.
- 1.2 The application site comprises of a building with an existing gross internal floorspace of 7743 sq. metres. Fronting onto Wildmere Road is the existing three storey office block which will be demolished. The existing office is connected to the warehouse building by a series of covered walkways across an alleyway between the two buildings. The building is of a steel frame construction with red brickwork at ground floor level with a grey metal cladding above. The warehouse building is also clad in grey metal. Access on to the site is currently provided through two access points off Wildmere Road. The first access benefits from a gatehouse and serves the warehouse whilst the second access serves the office building. There is capacity for approximately 100 cars on land in the applicants control. The site is within Zones 2 and 3 of a flood plain and is potentially contaminated land.
- 1.3 Planning permission is sought to demolish the existing three storey block to the front of the site and replace it with an 'L' shaped two storey office block. The application also seeks permission for works to the existing warehouse including minor alterations internally and re cladding externally. Internally, the ground floor of the new office block will comprise of a visitor entrance, reception area, locker rooms, medical centre, business & tech support, customer services, and offices. The first floor will comprise of a canteen, lecture theatre, terrace area, kitchen, lobby area, meeting room, marketing area and engineering area.
- 1.4 Materials to be used in the construction of the new offices, the re-cladding of the existing warehouse and external surfaces of the site have been stated as follows;
- The walls of the new office will be clad in a combination of aluminium cladding, cement fibre board and curtain walling.
 - The existing warehouse walls will be re clad in grey aluminium cladding.
 - The roof of the proposed office will be constructed from insulated panels.

- Proposed new doors to the offices will be aluminium/steel/glass
- Areas of new hard standing will be tarmacked
- Office windows will be in aluminium/steel frame
- Companies brand will be embedded in the buildings fabric
- New paths and walkways to be constructed from concrete paving slabs and block pavers
- New planters are proposed to the front of the site as a defensive barrier

2 Application Publicity

- 2.1 The application has been advertised by way of neighbour letters, site notice and press notice. The final date for comment was 29th October 2014.
- 2.2 No objection letters have been received.

3. Consultations

- 3.1 Banbury Town Council raises no objection to the proposal.

Cherwell District Council Consultees

- 3.2 **Environmental Protection Officer:** no objections
- 3.3 **Ecology Officer:** no objections

Oxfordshire County Council Consultees

- 3.5 **Highways Officer:** no objections subject to a condition relating to the provision of parking and servicing areas.

4. Relevant National and Local Policy and Guidance

- 4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- C28: Layout, design and external appearance of new development
 ENV12: Contaminated land

- 4.2 Other Material Policy and Guidance

National Planning Policy Framework

Submission Cherwell Local Plan (January 2014)

The Submission Local Plan (January 2014) (SLP) has been through public consultation, and was submitted to the Secretary of State for examination in January 2014, with the examination completed in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan. The examination was carried out in December 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031.

The policies listed below are considered to be material to this case and are not replicated by saved Development Plan Policies:

ESD1: Mitigating and adapting to climate change
ESD3; Sustainable construction
ESD6: Sustainable flood risk management
ESD16: Character of the built environment
SLE1; Employment Development

5. **Appraisal**

5.1 The issues raised by this development are:

- Principle of the development
- Design
- Highway safety and parking
- Flood risk

Principle of the development

5.2 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having 3 dimensions economic, social and environmental. Also at the heart of the NPPF is a presumption in favour of sustainable economic development and in the context of this application would include delivering business and industrial units and securing high quality design.

5.3 The framework seeks to secure sustainable economic growth in order to create jobs and prosperity and encourages Local Planning authorities to proactively meet the development needs of businesses. Furthermore under paragraph 21 Local planning Authorities should support existing business sectors, taking account of expansion, new developments, renovations, renewal and be flexible enough to accommodate needs not anticipated.

5.4 The application site is within an area shown as an existing employment area in the Proposed Submission Local Plan (January 2014). Policy SLE1 states that employment proposals in Banbury and Bicester on non-allocated or on sites which are not shown as approved commitments will be supported if they meet the following criteria;

- Are within the built up limits of the settlement
- Make efficient use of existing and underused sites and premises, by increasing the intensity of the use on accessible sites
- Are , or will be , accessible to the existing and proposed labour supply
- Have good access, or can be made to have good access by public transport and other sustainable modes
- Are designed to a high quality, using sustainable construction, and are of an appropriate scale and character to the surroundings
- Do not have an adverse effect on the surrounding land uses, residents and the historic and natural environment

5.5 There is no specific adopted local plan policy that relates to the site.

5.6 The proposal relates to change to an existing warehouse building and a new replacement building for offices in an established employment park specialising in distribution. The new building is to be occupied by the same company. The new building is required as a facility that will suit the company's future requirements and ensure that the company remain on the Wildmere estate for the foreseeable future. It is considered that the principle of the development proposed which amounts to re

cladding the existing warehouse, proposed two storey replacement office and external alterations with minor landscaping alterations are acceptable and consistent with the core principles of the NPPF and the Submission Draft Local Plan (January 2014)

Design

- 5.7 Government guidance contained within the NPPF attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 5.8 Saved Policy C28 of the adopted Cherwell Local Plan seek to control new development to ensure that it is sympathetic to the character of its context, and that new housing development is compatible with the appearance, character, layout, scale and density of new developments. The proposed new office would replace an existing office at the site and it is considered that the proposed office would be comfortably accommodated within the site without appearing cramped. The new office therefore complies with Policy C28 which seeks to ensure that the standards of layout, design and external appearance including choice of external finish materials are sympathetic to the character of the context of that development.
- 5.9 The proposed footprint of the new office building is not considered to be excessive because it replaces a 3 storey building and the proposed 2 storey building would sit comfortably within the curtilage. The curtilage itself is clearly defined and the choice of materials would be in-keeping with those existing and the local palette.

Highway Safety and Parking

- 5.10 Oxfordshire County Council, as Local Highway Authority made no raised no objections subject to appropriate conditions

Flood Risk

- 5.11 The site is located within a Zone 2 and 3 flood plain and so potential for flooding of the site and surrounding areas as a result of the proposed works must be considered. The proposed development comprises the construction of new offices, the re-cladding of the existing warehouse, minor alterations to the external surfaces of the site, car parking provision and landscaping. The proposal therefore creates an additional gross internal floor space of 393 square metres. No additional flood risk measures are proposed as the proposal creates additional storage volume within the floodplain and therefore reducing risk of flooding. There are no additional residual risks associated with the proposal otherwise requiring further management. The Environment Agency has considered the proposal and raises no objection subject to condition, and consequently it is considered that the proposal is acceptable and will not cause an increase risk to flooding the locality and complies with guidance set out in the NPPF.

Engagement

- 5.12 In accordance with the town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way recommending approval for a scheme which represents sustainable development and is compliant with adopted and emerging local plan policy.

Conclusion

- 5.13 In conclusion therefore taking into account the above appraisal it is considered that the proposal is acceptable and complies with the Government guidance contained in the NPPF and other relevant development plan policies listed above

6. Recommendation

Approval subject to

The following conditions

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents and the materials and finishing details included therein: Application forms, Design and Access Statement, Amended Plans Ref; A14-035-PL001 Rev A received 11 11 14,- PL002 Rev A received 11 11 14, - PL003 Rev A received 11 11 14, - PL004 Rev A received 11 11 14, - PL005 Rev A received 11 11 14,- PL006 Rev A received 11 11 14,- PL007 Rev A received 11 11 14, - PL008 received 11 11 14, and - PL009 Rev A received 11 11 14

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with The National Planning Policy Framework.

3. That the reconfigured parking and manoeuvring areas shall be constructed and laid out in accordance with approved drawing no. A14-035-PL001 Rev A received 11 11 14, prior to the use of the new office building and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and sustainability and to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

4. If during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority), shall be carried out until the applicant has submitted, and obtained written approval from the Local Planning Authority for, a Method Statement as to how to deal with this contamination. Thereafter the development should be carried out in accordance with those approved details.

Reason - To ensure that any unexpected contamination encountered during the developments is suitable assessed and dealt with, such that it does not pose a unacceptable risk to ground or surface water and to comply with guidance contained within the National Planning Policy Framework.

5. Notwithstanding the provisions of Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995 and its subsequent amendments, the new office building shall not be extended or altered without the prior express planning consent of the Local Planning

Authority.

Reason – To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing on the site in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6. The new office building shall be used only for purposes falling within Class B1 as specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.

Reason - In order to maintain the character of the area, sustain an adequate overall level of parking provision and servicing on the site in the interests of highway safety and safeguard the amenities of the occupants of the adjoining premises in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

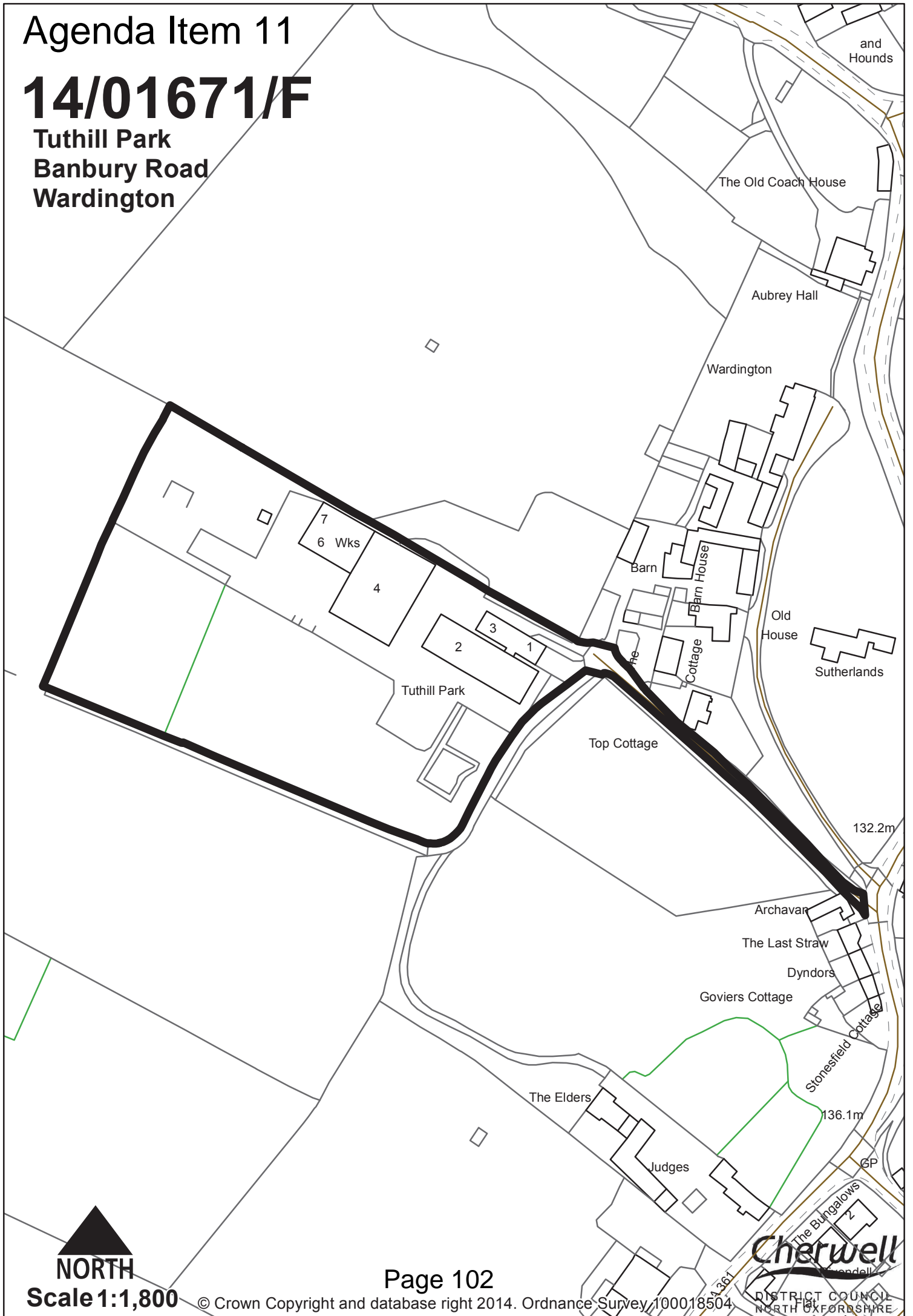
STATEMENT OF ENGAGEMENT

In accordance with the town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way recommending approval for a scheme which represents sustainable development and is compliant with adopted and emerging local plan policy

Agenda Item 11

14/01671/F

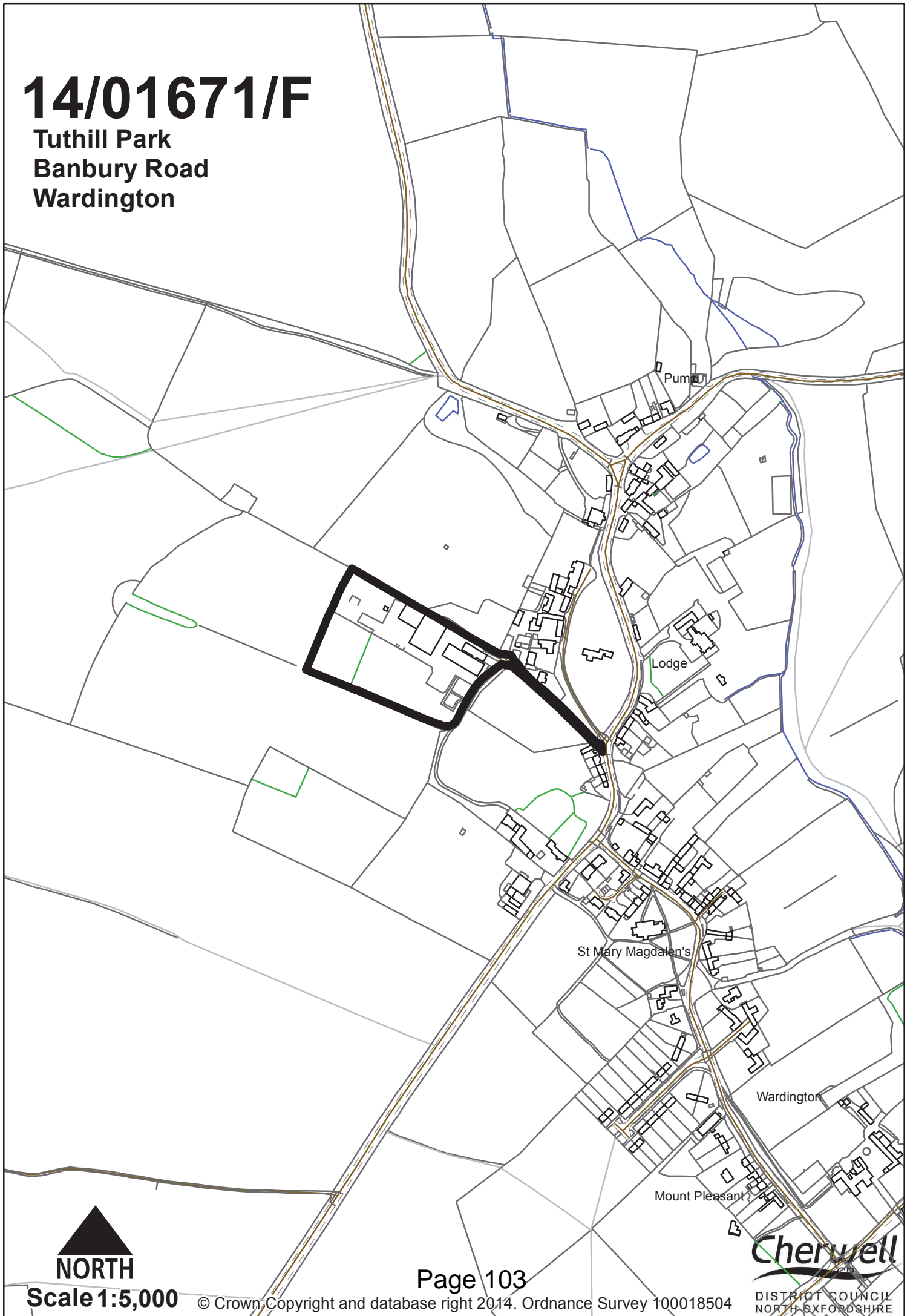
Tuthill Park
Banbury Road
Wardington



Scale 1:1,800

14/01671/F

Tuthill Park
Banbury Road
Wardington



Scale 1:5,000

**Site Address: Tuthill Park, Banbury
Road, Wardington**

14/01671/F

Ward: Cropredy

District Councillor: Ken Atack

Case Officer: Rebekah Morgan

Recommendation: Approval

Applicant: Mr Francis Tuthill

Application Description: Proposed extension and alterations. Demolish existing greenhouse stores and construct new workshop and ancillary office/administration accommodation; refurbish existing industrial buildings and construct new administration/research and development block. Upgrade and reshape existing hard-standing to form new car parking areas.

Committee Referral: Major

Committee Date: 22nd January 2015

1. Site Description and Proposed Development

- 1.1 This application relates to a site on the south-western side of Wardington. It is reached by a long access road off the main Daventry to Banbury A361 road. The access is partially shared with Wardington House Nursing Home, four neighbouring cottages and several Tuthill family properties.
- 1.2 The majority of the site is outside the Conservation Area, but the access road is within it. A Grade II listed building (Old Farm House) is in close proximity and a public footpath runs along the access road and continues in a westerly direction to the rear of the site. The site is also within an Area of High Landscape Value.
- 1.3 The site is contained within a larger well-screened site with large mature trees forming all boundaries. The site currently comprises a range of buildings of varying size and height, which have evolved since the 1970's when Francis Tuthill Ltd established a rally car business. Alongside the Porsche business, the site has previously accommodated a horticultural business and glazing company. Whilst these uses have since ceased a large greenhouse which is currently used for storing parts, and measures 45m x 15m, and the range of other buildings and a large number of storage containers remain. Some of the buildings are still occupied by Francis Tuthill Ltd, however another company (Omlet Ltd) has been operating from the site since 2004.
- 1.4 The existing layout of the site comprises 3 no. separate buildings (including greenhouse), 2 no. buildings (including greenhouse) are solely used by Francis Tuthill Ltd, part of the 3rd larger building has a mezzanine floor and this whole building is used by both Francis Tuthill Ltd and Omlet. 20 no. storage containers are also used by both companies. Car parking at the site is very random although a larger section of the site is mainly used for car parking.
- 1.5 Planning permission is sought for the redevelopment of the site by demolishing a large greenhouse and construction of 2 no. new buildings and refurbishing the existing along with the formation of a new internal access track and associated hardstanding area to form 71 no. car parking spaces.
- 1.6 The proposed layout of the site seeks to rationalise the accommodation providing better facilities for the employees, removal of all the storage containers and allowing Francis Tuthill Ltd to have a rally car display area in the purpose designed building. Omlet will also have a purpose designed building but will still share the larger building on site with Francis Tuthill Ltd for warehouse storage.

1.7 The application is an identical re-submission of application 10/01814/F. That consent lapsed on 25th February 2014.

2. Application Publicity

2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 27th November 2014. No correspondence has been received as a result of this consultation process.

3. Consultations

3.1 **Wardington Parish Council:** No objections

Cherwell District Council Consultees

3.2 **Landscape Officer:** No comments received

3.3 **Ecology Officer:** There are records of reptiles (specifically grass snakes) at and around this site and it is likely therefore that they present. Reptiles are protected from killing and injury under the Wildlife and Countryside Act 1981 and therefore we must ensure that harm to them is avoided during any works.

As far as I can tell from the plans and GIS the land to be affected is largely areas of hard standing with maybe a small encroachment of the shared staff car park onto some of the scrubby grass area to the South? As such a small area of potential reptile habitat is involved a survey is not required as this can be dealt with by making any areas affected unsuitable for reptiles prior to any works. In addition care needs to be taken when moving any piles of rubble or debris on site in case they are being used as hibernaculum, therefore I suggest restricting the timing of these actions.

3.4 **Head of Economic Development:** No comments received

Oxfordshire County Council Consultees

3.5 **Highways Liaison Officer:** No comments received

3.6 **Archaeologist:** No archaeological constraints to the scheme.

3.7 **Rights of Way Officer:** Wardington Public Footpath 4 runs along the access to the site and then to the north of the existing buildings. Where the footpath runs to the north of the buildings it is uneven and it is not clear where it goes. In 2011 it was noted that there was a small building / lean to on the north side of the building which obstructed the definitive route of the path. This building is still there and a further one has now been erected which also obstructs the definitive line of the path. It is possible to walk around these structures but this needs to be addressed. These structures are not shown on the plans supplied with the application.

The uneven nature of the footpath should be addressed and the signage improved. It is particularly important for the path to be well defined while the development is underway to ensure that people are not put off from using it. The plans show that the foul water pipe from the new building will be installed along the line of the footpath. As this will be within the surface of a public highway the relevant NRSWA licence will need to be obtained. If it is not possible to keep the footpath open to the public while this is carried out the applicants will need to apply for a temporary closure.

Following on from the original application in 2011 the Applicant and the Architect met with my colleague Andy Sylvester to discuss the possibility of diverting the footpath although this was never pursued. This is something that they may wish to reconsider now.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

EMP4:	Employment in Rural Areas
C2:	Protected Species
C7:	Landscape Conservation
C13:	Area of High Landscape Value
C14:	Trees and Landscape
C28:	Layout, design and external appearance of new development
ENV1:	Pollution Control

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Submission Local Plan (January 2014)

Submission Local Plan (January 2014) (SLP) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation and the examination is set to reconvene in December 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031.

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of the development
- Landscape impact
- Highway Impact
- Residential amenity
- Impact on heritage assets
- Ecology

Relevant Planning History

5.2 **10/01814/F:** Demolish existing greenhouse stores and construct new workshop and ancillary office/administration accommodation. Refurbish existing industrial buildings and construct administration/ research and development block. Upgrade and reshape existing hard standings to form car parking areas. Application permitted; consent expired 25th February 2014.

5.3 The current application is an identical re-submission of the 2010 consent.

Principle of the development

- 5.4 Paragraph 28 Of the National Planning Policy Framework states: “Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:
- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- 5.5 Policy EMP4 of the adopted Cherwell Local Plan seeks to encourage economic activity in rural areas by identifying opportunities for employment generating development and in particular for small businesses within an existing acceptable employment site, including redevelopment. Providing that the activity can be carried on without detriment to the character and appearance of the locality or residential amenity.
- 5.6 In terms of history, the Tuthill’s (Brothers and Sons) have operated their own and separate businesses from the site and Wardington Nursing Home and have lived in the properties since the 1960’s. These family businesses; Francis Tuthill Ltd, Omlet and Wardington Nursing Home have evolved at the Wardington site over the years and due to their success, need to provide additional accommodation and also rationalise and upgrade the existing accommodation which is fairly old.
- 5.7 Francis Tuthill Ltd build, restore and repair Porsche 911 rally cars for historic motorsport, they also provide road car servicing for Porsche, Audi and VW’s and currently employs 16 local people. A small retail section is included within the business which sells the custom designed and manufactured parts for Tuthill competition cars.
- 5.8 Omlet is the second business operating at the site and currently employs 25 people from the Banbury area (95% live within 7 miles of Wardington). This company produces and delivers modern innovative ‘pet’ housing, including the ‘Eglu’ a purpose designed and built chicken house for domestic properties. The chickens are kept at the site and both Eglu and chickens are dispatched from the site by the company’s delivery vehicles to the purchasers home, where the Eglu is assembled and chickens, their house and run is established as a package. Other housings within the Omlet range includes that for rabbits, guinea pigs and bees.
- 5.9 The Omlet business operates an online ordering system, however the Eglu range and chickens and related products can be viewed and purchased from Barn Farm Plants (garden centre) also located at Wardington. There is no direct retail shop/counter operating for the Omlet business at the application site.
- 5.10 For clarification, the Wardington Nursing Home business is not included in this current application site but partly shares its vehicular access with the other two businesses.
- 5.11 The proposal seeks to expand and consolidate the amount of floorspace by the demolition of the large greenhouse building and the provision of two new purpose designed buildings linked to the existing core buildings. The existing buildings on site (including the greenhouse building but excluding the storage containers) covers approximately 3440m². The proposal seeks to remove the greenhouse (640m²) and the storage containers (624m²) and construct 2 no. separate buildings covering an external floor area of 1736m². Taking into account the floor area covered by the greenhouse, the net increase in floor area equates to about 1096m² which is about 32% increase in building floor area on the site.

- 5.12 In respect of retail sales, none take place at the Omlet business as the nearby Wardington Barn Plants business operates as the Omlet retail outlet. Francis Tuthill Ltd operate a small retail sales outlet as part of their business, however there is no sales counter as such and therefore this aspect of the business amounts to ancillary sales associated with the operation of the business and does not constitute a retail sales element. However in order to control this element of the business a restrictive condition would be necessary.
- 5.13 The proposal represents economic development within a rural area and small scale redevelopment within an existing acceptable employment site and in that respect is in general accordance with Government guidance on supporting a prosperous rural economy contained within the National Planning Policy Framework and Policy EMP4 of the adopted Cherwell Local Plan. However, notwithstanding the compliance with those policies, it could be argued that the site has gradually extended into open countryside without the necessary consent and that the storage containers are also unauthorised. That said, taking a pragmatic view, the harm caused to the locality by the existing operation is considered to be minimal. The site is well screened by mature trees and by allowing the proposed development; it is considered that the site will be contained and conditioned. The development therefore complies with Policy EMP4 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Landscape Impact

- 5.14 The site lies within an Area of High Landscape Value where policies C13 and C28 of the adopted Cherwell Local Plan seek to conserve and enhance the environment and require development to be sympathetic to the character of the area.
- 5.15 The site is physically contained within existing hedgerows and trees, the public right of way runs west to east alongside a line of mature Lime trees. The existing and proposed buildings will not be readily visible from the A361 approach road from the Banbury direction, however will be visible from the public right of way. The line of Lime trees help screen the existing range of buildings. A tree survey was undertaken for the previous application (and has been re-submitted) and with the exception of 2no. trees, the buildings will fall outside the root protection area. However, the survey undertaken was not a full Arboricultural Survey as requested and whilst the trees are not protected by a TPO or in a Conservation Area; they do offer a good level of screening to the site and should not be unduly harmed. Therefore, the previously recommended tree protection condition has been included in the recommendation for the current proposal.
- 5.16 The existing buildings on site range from 4.2m to 7m high, the 2 no. proposed buildings will be constructed from brick, vertical Yorkshire boarding, metal cladding and grey metal sheet roofing and will be 8m high. It is considered that the proposal will not increase the overall impact of the site to the detrimental of visual amenities of the landscape and Area of High Landscape Value and therefore complies with Policies C13 and C28 of the adopted Cherwell Local Plan.

Highway Impact

- 5.17 The proposal seeks to use the existing vehicular access with the access track leading from the A361 to the site being upgraded, an internal access route will be formed with associated hardstanding and parking provision for 71 vehicles (staff, visitor and servicing) including 10 no. cycle parking spaces.
- 5.18 Comments have not been received from the Local Highways Authority with regards to the current application. The scheme is identical to the approved 2010 application (10/01814/F) and therefore, your officers have referred back to comments received

on the previous application.

- 5.19 An initial objection was raised and the application was recommended for refusal as the County's highway engineer considered that "the increase of floor area and parking provision at the site as a result the proposal has the potential to attract an increased number of trips and therefore increase the use of the access to the public highway". They also considered that "the access to the highway is poor, in terms of visibility and geometry, and increased use of the access would be to the detriment of the safety of highway users".
- 5.20 Following further negotiation with the applicant and the submission of further information in respect to access arrangements to the site and highway safety concerns, Oxfordshire County Council withdrew their objection and confirmed that there would not be any significant intensification of the access provided the existing occupiers remain on-site and that any permission be made personal to the businesses operating from the site.
- 5.21 Yours officers have concluded that there has been no change to the situation on site or the proposal, therefore the previous comments are still relevant and the previously recommended conditions have been carried forward to ensure the proposal is still acceptable.

Residential Amenity

- 5.22 Notwithstanding the fact that no letters of representation have been received from any neighbouring property, impact of the buildings has been assessed and it is concluded that they will not give rise to loss of amenity or that the increase in traffic to and from the site will not cause serious harm to residential amenity sufficient to refuse the application on those grounds. Furthermore the site is an existing acceptable employment generating site, the activities of which have not given rise to any amenity issues in the past and therefore complies with the core principles of the National Planning Policy Framework and Policy EMP4 of the adopted Cherwell Local Plan.

Impact on heritage assets

- 5.23 The site is not within a Conservation Area but the access road is and the site abuts the Conservation Area. There are also listed buildings in close proximity to the site. Due consideration of the impact on the setting of Heritage Assets is therefore necessary. The site is contained and very well screened by the mature trees around the boundaries. The proposed development will have no detriment to the significance of the Heritage Assets settings and therefore accords with government guidance on conserving and enhancing the historic environment contained within the National Planning Policy Framework.

Ecology

- 5.24 National Planning Policy Framework – Conserving and enhancing the natural environment requires that "the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are most resilient to current and future pressure" (para 109).
- 5.25 Paragraphs 192 and 193 further add that "The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the

nature and scale of the development proposals. Local planning authorities should only request supporting information that is relevant, necessary, and material to the application in question". One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. This is a requirement under Policy EN23 of the Non-Statutory Cherwell Local Plan 2011.

- 5.26 Paragraph 18 states that "when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"
- 5.27 Paragraph 98 of Circular 06/05: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system states that "local planning authorities should consult Natural England before granting planning permission" and paragraph 99 goes on to advise that "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision".
- 5.28 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that "every public authority must in exercising its functions, must have regard...to the purpose of conserving (including restoring/enhancing) biodiversity" and;
- 5.29 Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that "a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions"
- 5.30 In respect to the application site, there are no known protected species on the site and the current buildings are unlikely to be acceptable bat roosts, and therefore no Ecology survey was sought.
- 5.31 The Council's Ecologist has however considered the development proposals and advises that "there are records of reptiles (specifically grass snakes) at and around this site and it is likely therefore that they present. Reptiles are protected from killing and injury under the Wildlife and Countryside Act 1981 and therefore we must ensure that harm to them is avoided during any works.

As far as I can tell from the plans and GIS the land to be affected is largely areas of hard standing with maybe a small encroachment of the shared staff car park onto some of the scrubby grass area to the South? As such a small area of potential reptile habitat is involved a survey is not required as this can be dealt with by making any areas affected unsuitable for reptiles prior to any works. In addition care needs to be taken when moving any piles of rubble or debris on site in case they are being used as hibernaculum, therefore I suggest restricting the timing of these actions".

- 5.32 Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. The proposal therefore accords with the National Planning Policy Framework and Policy C2 of the adopted Cherwell Local Plan.

Other matters

- 5.33 Oxfordshire County Council Rights of Way Officer has raised concerns about existing containers that are blocking the public right of way. This is an existing problem and the proposal would improve this by removing the containers. The existing problem is a matter for the County Council to enforce against.
- 5.34 The submitted proposal, as detailed in the drawings would not impact on the public right of way. A condition has been included to ensure the removal of the containers following the completion of the development.

Conclusion

- 5.35 Your officers consider that the proposal represents economic development within a rural area and small-scale redevelopment within an existing acceptable employment site that has no serious impact on the landscape amenity, residential amenity, and significance of setting of heritage assets or ecology and therefore accords with the relevant development plan policies and Government guidance.

Engagement

- 5.36 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

6. Recommendation

Approval, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Supporting Statement and drawings numbered: 4170.104 rev A and 4170.105 rev A.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason - To ensure the satisfactory appearance of the completed development and

to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. The buildings and structures to be demolished on the site at the date of this permission shall be demolished and the debris and materials removed from the site before the proposed buildings hereby approved are first occupied.

Reason - In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.

- a) Written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of relevant arboricultural issues.

- b) The relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters
- c) The timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.
- d) The procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and arboricultural incidents
- e) Details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (eg: reduced dig systems, arboresin, tree grills)

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

9. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

10. This permission shall enure for the benefit of Francis Tuthill Limited and Omlet Ltd only and no other persons/company whatsoever, and shall not enure for the benefit of the land.

Reason – In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework and also in order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policies C28 and C31 of the adopted Cherwell Local Plan.

11. The operational use of the premises shall be restricted to the following times:-

Monday-Friday – 8.00am to 6.00pm
Saturday – 8.30am to 5.00pm
Sunday and Public Holidays – No time

Reason - In order to safeguard the amenities of the area and to comply with Policies C31 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. No goods or materials shall be stored at a height greater than 3 metres on the site.

Reason - In order to safeguard the visual amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. That with the exception of ancillary vehicle part sales operated by Francis Tuthill Ltd, no retail sales shall be made to the general public direct by Omlet Ltd, from the site and business premises.

Reason - The use of the premises for retailing purposes would be inappropriate, detrimental to the amenities of the area and in conflict with Government guidance contained within the National Planning Policy Framework.

14. Prior to the commencement of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15. That within 4 months of the development hereby approved being first occupied, all existing external storage containers and the existing paint store building positioned on the north elevation of the existing Francis Tuthill building shall be removed from the site.

Reason – To safeguard the amenities of the area and Public Footpath and to sustain a satisfactory overall level of parking provision in the general interests of highway safety, in accordance with Policies C28 and C31 of the adopted Cherwell Local Plan and government guidance contained within the National Planning Policy Framework.

16. Prior to the commencement of the development hereby approved, including any works of site clearance, all vegetation to be affected by the works should be cut to a height approximately 6 inches (15cm) on the first cut and thereafter maintained at a height of approximately three inches (7cm) up until the commencement of building works. All piles of rubble or debris should not be removed between 1ST November and 31ST March and thereafter removed carefully to allow any reptiles to escape.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Planning Notes

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on

someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

2. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.

3. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.

4. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

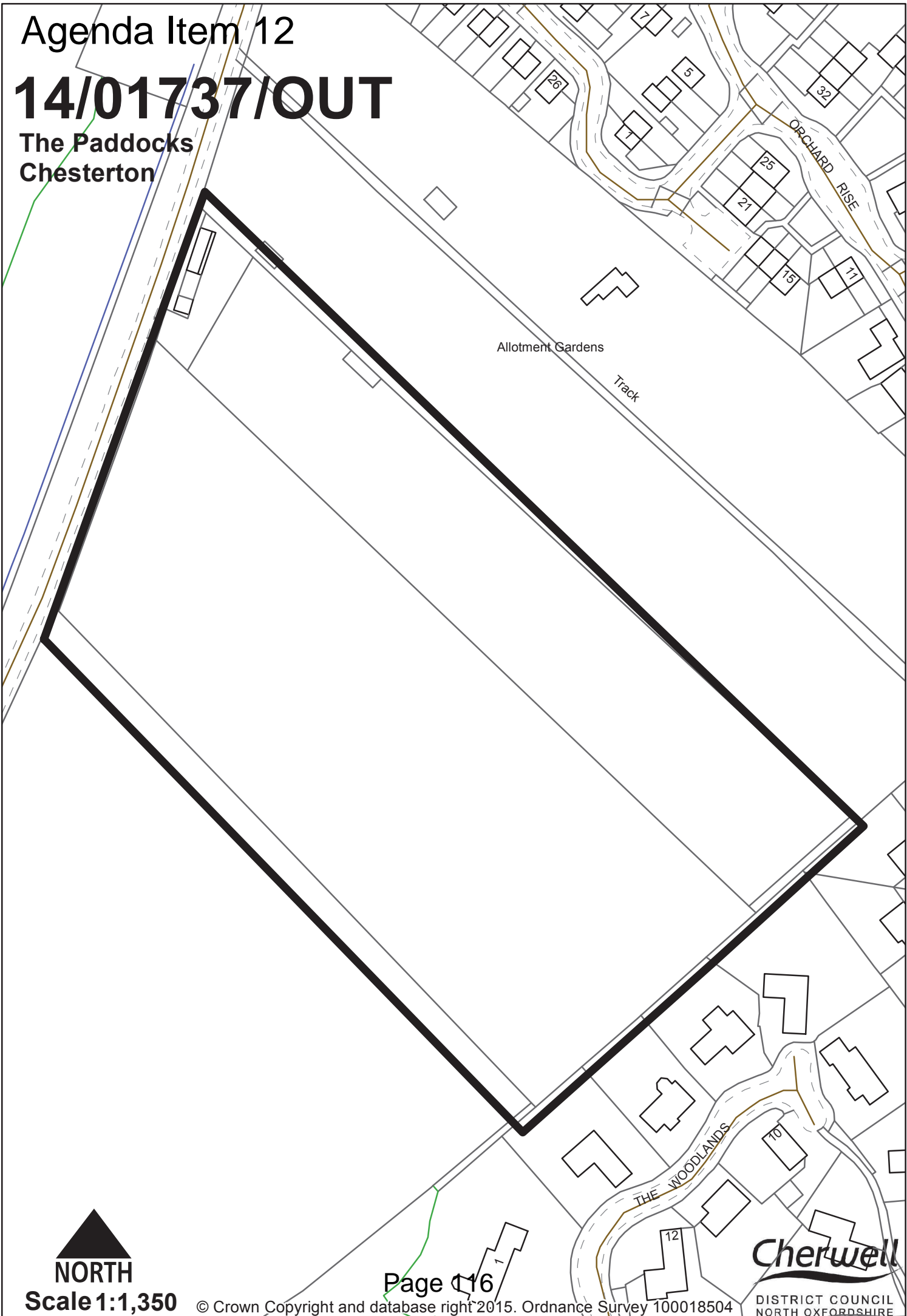
STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as the decision has been made in an efficient and timely way.

Agenda Item 12

14/01737/OUT

The Paddocks
Chesterton



Allotment Gardens

Track

ORCHARD RISE

THE WOODLANDS

Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE



Scale 1:1,350

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14/01737/OUT

The Paddocks Chesterton

Bignell Park

Chesterton

Little Chesterton

Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE



Scale 1:10,000

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Site Address: The Paddocks, Chesterton

14/01737/OUT

Ward: Ambrosden and Chesterton **District Councillor** Cllr. Andrew Fulljames

Case Officer: Aitchison Raffety **Recommendation:** Approval

Applicant: Taylor Wimpey UK Ltd

Application Description: OUTLINE – with means of access for consideration (layout, scale, appearance and landscaping reserved for subsequent approval). For the erection of up to 45 dwellings served via a new vehicular and pedestrian access; public open space and associated earthworks to facilitate surface water drainage; and other ancillary and enabling works

Committee Referral: Major

Committee Date: 22 January 2014

1. Site Description and Proposed Development

- 1.1 The application site is situated to the south and west of Chesterton, off an un-named road that runs along its western boundary. The site is formed by two separate fields, with the smaller northern field used as a paddock and the larger field to the south used for agricultural purposes. The site has an overall area of 2.79 hectares. To the north of the site is an allotment garden, with the main built up area of Chesterton beyond this. To the east is further housing, with The Woodlands and Fortescue Drive immediately adjoining the application site. To the south is a further agricultural field that then leads to Green Lane.
- 1.2 The proposal seeks consent for up to 45 dwellings, with an indication of 30% affordable housing. The site would be accessed via a new vehicular access onto the un-named road to the west of the site.
- 1.3 The site is situated beyond the existing built-up limits of the village.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 12th November 2014.

29 letters have been received. The following issues were raised and summarised below:

- Increase in traffic movements through the village.
- Spoil an open area in Chesterton, which is widely used by village residents.
- Proposal not in keeping with village properties.
- Need for an upgrade to the infrastructure in the vicinity of the site as the road network that will be affected is already supporting a large volume of

traffic from the golf club, the village and traffic avoiding junction 9 of the M40.

- Further development of this village is unnecessary given the amount of development in neighbouring Bicester.
- The Allotment Road is too narrow for the daily increase in traffic.
- There are no provision for any footpaths to the proposed new houses so access to the village would be along busy roads.
- Junction of the Allotment Road and the A4095 daily witnesses near misses.
- High water table in this and the immediate area and so the capacity of the sewerage, water and electricity services will be over stretched and will increase the regularity of power failures.
- The field next to the southern boundary floods every year so this will increase the chance of local flooding.
- The Green Lane development is not yet completed and the impact on the village not properly assessed.
- Destroy existing farmland currently in regular use.
- Not a sustainable location with regard to public transport and amenities.
- Development would be outside the existing housing limits of the village and there would be visual impact on Fortescue Drive and The Woodlands.
- Need to upgrade utility services.
- Impact of the present new development “Alchester Park” needs to be assessed before any further development should be considered.
- No employment opportunities in Chesterton.
- New houses will make a contribution to the retaining the amenities in the village.
- This is a developable site that should be developed.

3. Consultations

3.1 **Chesterton Parish Council:** No comments received at the time of writing.

Cherwell District Council Consultees

3.2 **Planning Policy Officer:** This is a greenfield site outside the built-up limits of the village.

Main Development Plan Policies: The saved policies of the adopted Cherwell Local Plan should be considered. The main policies relevant to this proposal are:

Policy H18: sets out the criteria for allowing new dwellings in the countryside. It is intended to ensure that the countryside is protected from sporadic development.

Policy C7: In preparing any detailed proposals, consideration should be given as to whether development would cause demonstrable harm to the topography and character of the landscape.

Policy C8: applies to all new development proposals beyond the built-up limits of settlements. The Council will resist such pressures and will where practicable direct development to suitable sites at Banbury and Bicester.

Policy C9: aims to limit the level of development elsewhere in order to protect the environment, character and agricultural resources of the rural areas.

Policy C13: Careful control of the scale and type of development will be required to protect the character of the Areas of High Landscape Value, and particular attention will need to be paid to siting and design.

The NPPF should be considered. The paragraphs of the NPPF most pertinent to this application from a Local Plan perspective are:

Paragraph 17 sets out the core planning principles that should underpin plan-making and decision-taking, including that planning should:

- “Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Recognise the intrinsic character and beauty of the countryside
- Contribute to conserving and enhancing the natural environment and reducing pollution
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.”

Paragraph 28 on supporting a prosperous rural economy

Paragraphs 29, 30, 32 and 34-36 on Promoting sustainable transport

Paragraphs 47-50 and 55 on Delivering a wide choice of high quality homes

Paragraph 47 requires local planning authorities to “identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.”

Paragraph 49 states that “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered upto-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

Paragraph 56, 57, 59-64 on Requiring good design.

Paragraph 109, 112, 120 and 123 on Conserving and enhancing the natural environment.

Paragraph 109 states “The planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or

being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.”

The NPPG states that it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. It states that assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas.

The NPPG should be considered, particularly guidance on understanding Housing needs, Rural housing and Natural environment.

The Non-Statutory Local Plan should be considered. Whilst some policies within the Plan may remain to be material considerations, other strategic policies have in effect been superseded by those of the Submission Local Plan (January 2014) and Proposed Modifications to the Submission Local Plan (October 2014).

The main policies relevant to this proposal are:

Housing: Policy H15 Residential development in Category 1 villages

Housing: Policy H19 New dwellings in the countryside

Conserving and enhancing the environment: EN30 Sporadic development in the countryside, EN31 Beyond the existing and planned limits of the towns of Banbury and Bicester and EN34 Conserve and enhance the character and appearance of the landscape.

Submission Local Plan 2011-2031 As Proposed To Be Modified (August 2014)

A new Local Plan was submitted to the Secretary of State on 31 January 2014 for Examination. There are outstanding objections to some policies which have yet to be resolved. The Examination was suspended on 4 June 2014 to enable the Council to propose modifications to the plan involving increased new housing delivery over the plan period to meet the full, up to date, objectively assessed, needs of the district, as required by the National Planning Policy Framework (NPPF) and based on the Oxfordshire Strategic Housing Market Assessment 2014 (SHMA).

Modifications to the Submission Local Plan (Part 1) was consulted between 22 August and 3 October 2014 which generated over 1,500 individual comments. The Proposed Modifications to the Submission Local Plan (Part 1) was submitted to the Secretary of State on 21 October 2014 for examination.

The Main Modifications propose several new sites in order to achieve the District's assessed housing need and maintain a deliverable five year housing land supply. This site is not proposed for allocation.

The main policies relevant to this proposal are:

Policy Villages 1: Chesterton is identified as a Category A village where minor development, infilling and conversions will be permitted.

Policy Villages 2 has been revised by including a total housing requirement for the Category A villages which includes Chesterton. A total of 750 homes will be delivered at Category A villages which now includes Kidlington. Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission.

Policy BSC1: District Wide Housing Distribution includes a table of completions, permissions, allocations and windfalls for the areas of Bicester, Banbury and Rest of District. The table shows that a total of 22,840 new homes will be provided by 31 March 2031.

Policy BSC3: Affordable Housing sets out the requirements for the provision of affordable housing. In rural settlements such as Chesterton, all proposed developments that include 3 or more dwellings (gross), or which would be provided on sites suitable for 3 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site.

Policy BSC4: Housing Mix expects new residential development to provide a mix of homes to meet current and expected future requirements.

Policy ESD13: Local Landscape Protection and Enhancement expects developments to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.

Policy ESD16: The character of the built and historic environment should be protected and where development is allowed it should respect the local character context.

Five Year Housing Land Supply

The Council does not presently have a five year housing land supply. The current published position is reported in the Housing Land Supply Update June 2014 which concluded that the district had a supply of 3.4 years for the period 2014-2019. This reflects the Oxfordshire SHMA 2014 figure of 1,140 dwellings per annum, currently considered to be the objectively assessed housing need for the district. The 3.4 years of supply includes a requirement for an additional 20% buffer, taking into account the shortfall (2,314 homes) within the next five years.

Strategic Housing Land Availability Assessment Update 2014 (SHLAA)

The SHLAA is a technical document and is a key element of the evidence base for the emerging Cherwell Local Plan. It will help the Council to identify specific sites that may be suitable for allocation for housing development. The SHLAA is to inform plan making and does not in itself determine whether a site should be allocated for housing development.

The application site is part of a larger site (ref. CH004) in the SHLAA Update 2014 (Aug 2014). The site assessment concluded that "*Development of the whole site would be out of scale with the size of the village and the level of*

services and facilities. Individual sections of the site may be appropriate to consider particularly to the north.....This is considered to be a potentially developable site providing for 50 dwellings in the next five year period.”

This application takes the SHLAA assessment into consideration by only proposing to develop on land identified as being appropriate for residential development. The SHLAA Update 2014 also recognises that constraints such as access, integration with the village and potential contamination land issues will need to be addressed.

Overall Policy Observations

The site lies outside the built up limits of the village, would extend development into the countryside and as such is contrary to adopted Development Plan policies.

However, the Council does not currently have a five year housing land supply and NPPF paragraph 49 indicates that planning policies for the supply of housing cannot be considered up to date if this is the case. As such the provisions of paragraph 14 of the NPPF become relevant to the proposal and an assessment will need to be made as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, namely the provision of new homes including affordable homes and associated developer contributions to infrastructure in the locality.

This application for 45 residential units has the requirement for 35% affordable housing, equating to 16 affordable housing units. However the proposed development suggests that approximately 30% of affordable dwellings will be provided.

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 was held between 22 August 2014 and 3 October 2014 and includes Chesterton as one of a group of the most sustainable villages with a rural housing allocation of 750 homes in addition to planning permissions as at 31 March 2014.

Policy Recommendation

The planning policies contained in existing Local Plans, the Proposed Modifications to the Submission Local Plan, the NPPG and the NPPF, together with the Council's five year housing land supply situation will need to be taken into account.

Whilst the proposals are contrary to saved housing policies in the Adopted Cherwell local Plan, as the Council does not currently have a five year housing land supply the housing policies cannot be considered up to date.

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. In the context of the

current, published, five year land supply position, a planning policy objection is not raised subject to all detailed matters having been satisfactorily resolved.

- 3.3 **Housing Officer:** This application for 45 homes in Chesterton is required to provide and affordable housing provision. The applicant states a 30% requirement in their D&A Statement however because of its rural location there is a 35% requirement, amounting to 16 units.

The tenure split is expected to be a 70/30 rented/shared ownership make up.

There is expected to be a range of house types made available for the affordable housing provision, the detail of which will be determined at reserved matters stage should this outline be approved.

However indicatively I would suggest;

4x1b2pM

9x2b4pH

3x3b5pH

There should be 2 clusters of the affordable housing distributed on the site with 50% of the rented homes meeting Lifetimes Homes standards. All the affordable homes should meet the HCA's Design and Quality Standard and specifically the HQI requirements.

The affordable housing should be transferred to an RP which is agreed with the Council

- 3.4 **Landscape Officer:** The findings of the LVIA is generally acceptable in that the site is visually contained and can only be experienced from a limited number of viewpoints. However this is only true if the southwest and southeast boundary hedgerows are maintained at their current height. The hedgerow on the road frontage has been regularly trimmed above 2 metres. In order to retain enclosure and screening from the road I recommend that the hedgerow is maintained to a minimum height of 3 m above ground level.

For me main contentious views are from residential receptors to the northeast, but it is inappropriate to supplement the north-eastern boundary with dense screen tree planting or woodland because of the implications of shade being cast on the adjacent allotment site. However in order to integrate the development into the surroundings in respect of these properties, Banks Furlong and The Rise, landscape mitigation / tree planting will be required in the public open space and the access road.

The trees and hedgerow/ditch to the south eastern boundary must be protected with a 10m minimum buffer zone to be managed by parties other than residents, given that it is essential to retain this vegetation as visual screen to the development for the benefit of adjacent residencies of Woodlands. Alternatively a street adjacent to a reduced buffer, root protection areas and ditch permitting could be include in a revised housing layout.

Similarly a 3 m minimum wide landscape buffer to the hedgerow and trees is necessary.

A flood risk assessment must be implemented in regard to the southern eastern boundaries and adjacent gardens. The attenuation area on the southern corner must be considered as part of the risk assessment.

The LAP appears to have been slotted into an available space. It must be relocated into a more central position at the apex of the junction where the POS is at its widest. This position will allow for greater surveillance for child safety. Full details of the LAP are required.

Detailed landscape proposals and aftercare are to be submitted.

- 3.5 **Arboricultural Officer:** The valued trees and hedgerows are located to the south-east and south-west of the site with particular emphasis on the Category 'B' trees and hedgerow to the south-east.

The Hedgerow identified as H7 to the south-west boundary appears to be reasonably catered for within the outline design proposal although, to maintain and promote biodiversity and to provide additional hedgerow and tree protection, the design should include a 3.0m verge / buffer zone between the hedge and the adjacent access road.

Hedgerow H18 (Cat 'B2') and the significant percentage of Category 'B' trees contained within is without doubt the most valued existing and retained arboricultural feature on site and all efforts must be made at the design stage to ensure that the health, well-being, habitat value and potential longevity of the hedge and the individual trees is protected. Placing dwellings or rear gardens adjacent to the hedgerow and trees will create long-term nuisance issues such as branch encroachment, leaf litter, excessive reduction of natural light levels (particularly up till lunchtime) and residential fears and concerns regarding the structural condition of the trees which may be considered oppressive or even 'threatening' by residents. Such nuisances and risk considerations will place increasing pressures upon individual trees with residential requests or applications for excessive pruning or complete removal.

To reduce the risk presented to the trees within H18 it is recommended that a 10.0m 'buffer zone' is incorporated between the hedge and any residential property. The 'buffer zone' could comprise of a 3.0m grassed / wildflower verge and an access road which not only divides the feature from dwellings opposite but also provides an access route for maintenance purposes.

The north-east boundary faces the existing allotment site therefore consideration should be given towards the impact that any proposed boundary planting may have upon light levels and shading. A native boundary hedgerow should be maintained and rejuvenated if required and any tree planting within the hedge-line itself should consist of medium native species such as rowan, crab apple, wild service tree, and birch. All proposed large species, such as oak, lime, pine, alder and willow should be located away from the boundary line and planted within the proposed 'Open Space' areas in locations where full canopy spread may be achieved without affecting shading levels on adjacent allotment plots.

Within the streetscene, sufficient space must be allocated for 'useful' tree planting of species capable of developing heights which may compliment or

soften adjacent architecture. Highway verges exceeding 2.0m width or the allocation of small but suitable areas of 'Open Space' in prominent locations within the street scene are welcome. Proposing trees within the boundaries of private gardens and therefore out of the public realm would not be considered adequate in terms of 'Green infrastructure'.

- 3.6 **Ecology Officer:** With regard to the above application, the submitted ecological and protected species surveys are appropriate and sufficient in depth at this site.

There are a number of factors to consider on site. The site is used by a good range of foraging and commuting bats although no roosts were identified on site. Within the protected species survey report there is a recommendation for a precautionary methodology should any trees need removing which should be conditioned. In addition lighting needs to be well thought out with regard to its impact on the hedgerows in order to avoid an offence through disturbance. Enhancements on site should include provision for bats within the built environment and on mature trees.

There are nesting birds on site and as such timing of works should be restricted to avoid an offence. Enhancements on site should include replacement of any hedgerow lengths to be removed on site, provision of high quality green space and inclusion of nest boxes both on dwellings (for swifts, house sparrows and house martins for which there are local records) and within green space (e.g. on trees) in order to achieve no net loss for biodiversity in line with NPPF guidelines.

There are reptiles (confirmed slow worms) on site which are protected from killing and injury. Therefore prior to works commencing reptiles will need to be caught and translocated off site to a suitable area. It is likely that this can be combined with the works which will be needed for Great crested newts below.

The site is in the vicinity of a large population of great crested newts and therefore likely to have some value for them as terrestrial habitat. As yet a full mitigation strategy for Great Crested Newts has not been submitted with the application (I see two hibernaculum are included in the current landscape strategy but they will need to include more specific information on habitat enhancements for them and the management of such and may need to include further green space or an enhanced receptor site). With careful planning of translocation and enhancements within the landscaping proposals I think there is enough scope for them to design a scheme for which an EPS licence will be granted given the distance from the ponds and the fact that the current terrestrial habitat is not of high quality. They will need to take into account however that adjacent land is also likely to be proposed for development and therefore the cumulative impacts on the Great crested newt population may be greater. This may lead to Natural England requiring greater levels of mitigation than they might otherwise in order to ensure their continued conservation status.

I would recommend the following conditions therefore:

K2 Mitigation Strategy for Great Crested Newts

Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for great crested newts, which shall include timing of works, exclusion fencing, the location and design of alternative ponds/habitats together with the timing of their provision and future management, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out in accordance with the approved details.

Reason KR1

K4 Great Crested Newt Licence Required to Implement Permission

Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason KR1

K10 Reptile Translocation Strategy

Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance or the translocation of any reptile, a strategy for the translocation of reptiles, which shall include the identification of receptor sites, the management scheme, landscaping and the arrangements for implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be carried out in accordance with the approved details.

Reason KR1

K5 Bats: Restriction Over Lighting

Prior to the commencement of the development hereby approved a full lighting strategy designed in line with Bat Conservation Trust Guidelines is to be submitted and approved in writing by the Local Planning Authority. Thereafter the strategy shall be carried out in accordance with the approved details.

Reason KR1

Bats and tree removal

No removal of trees recorded as Category 2 shall be carried out except in adherence to the precautionary working methodology outlined in Section 2.40 of the Protected species report submitted with the application which was prepared by CSa Environmental Planning dated September 2014.

Reason KR1

K12 Nesting Birds: No Works Between March and August Unless Agreed

No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason KR1

- 3.7 **Refuse & Recycling Manager:** No mention of waste storage or collection this needs to be address before permission is granted. Section 106 contribution of £67.50 per property will also be required.

Oxfordshire County Council Consultees

- 3.8 **Highways Liaison Officer:** No objection subject to conditions

Key issues

- Traffic impact and access arrangements are acceptable.
- A Travel Information Pack will be required.
- Public transport through the village is poor and access to core public transport is also poor.
- The site is not in a sustainable location, and the developer should pursue opportunities to improve this.
- Drainage design is conceptual at the present time.

Legal Agreement required to secure

S106 contribution will be sought for the improvement of pedestrian and cycle connectivity in the village.

Conditions

D4 – Access

D9 – New Estate Roads

D10 – Estate Accesses, Driveways and Turning Areas

D15 – Parking and Manoeuvring Areas Returned

A final drainage design plan and full drainage calculation need to be submitted and approved by Oxfordshire County Council prior to the development commencing on site.

A Travel Information Pack should be developed in accordance with OCC guidelines and submitted to the OCC Travel Plans team for approval prior to first occupation of the site.

Informatives

Prior to commencement of development, a separate consent must be obtained from OCC Road Agreements Team for the new highway vehicular access under S278 of the Highway Act. Contact: 01865 815700; RoadAgreements@oxfordshire.gov.uk.

Detailed Comments:

Transport Statement

The Transport Statement demonstrates that the traffic impact of the development will be within acceptable limits, and presents vehicle and pedestrian access arrangements that are acceptable.

The Transport Statement does not offer any travel planning initiatives, and OCC requires that the development be the subject of a Travel Information Pack.

Public Transport

Chesterton does not possess a good bus service that would be attractive for journeys to work. However, there is a frequent inter-urban bus service between Bicester and Oxford operating along the A41/A34 at frequent intervals, but the nearest stop is some 1.7 km from the development site.

The current Chesterton bus service is supported financially by the County Council, and reduced future funding levels will result in a review and possible reduction of frequency. Although currently there are a few direct buses to Oxford in the peak hours, this situation cannot be relied upon to continue. This development is insufficiently large to fund additional bus services to and from Chesterton village, up to the level of a meaningful and attractive bus service for journeys to work.

Bus service 25 currently links Chesterton village with Bicester Town Centre six times per day. In the other direction, buses serve various other villages before extending to Kidlington or Oxford. The combination of reduced funding by the Council and the probable effect of an expanded Upper Heyford requiring direct links with Bicester and with Oxford will almost certainly result in a reduction in current peak services at Chesterton. Future direct links from Chesterton village to Oxford by bus cannot be assumed.

Bus service s5 operates at least every 15 minutes between Bicester Town Centre and Oxford along the A41 and A34. Peak services are more frequent than this, and a supplementary S5 service also operates directly to Headington. It is probable that the effect of additional residential development in and around Bicester will result in even more bus services along this route.

Making this development accessible to the core public transport network is a huge challenge, but this could be achieved by creating a link suitable for cycling from the residential units to a bus stop on the Bicester-Oxford bus route.

A Park and Ride site is planned adjacent to the Vendee Drive roundabout, where buses on the Bicester-Oxford inter-urban service will call en route in both directions. The existing right of way between the Chesterton to Alchester road and Vendee Drive could be upgraded to be suitable for cyclists with cycle storage facilities at the park and ride site.

Should the Park and Ride site not proceed for any reason, then this developer should provide a cycle track from the Chesterton to Alchester Road to alternative bus stops located at Chesterton Turn, adjacent to the over-bridge. The southbound stop exists currently, but the developer would be required to re-create a northbound bus stop, as well as providing safe cycle storage facilities.

Sustainability

The location of the site is not considered particularly sustainable in strategic transport terms. The proposed footway connecting the site to the village is therefore considered a minimum essential provision.

The County Council expects that the developer will take further initiatives to improve the sustainability of this site. In this respect there are two specific possibilities that could be exploited. These are:

- Improvements to the informal footpath between the eastern corner of the site and Fortescue Drive enhancing pedestrian access to the village centre;
- Upgrading of the existing right of way between the Chesterton to Alchester road and Vendee Drive enhancing pedestrian and cycle access to the proposed new park and ride site.

Regarding the first of these possibilities, this path is not currently recorded on the Definitive Map as a public right of way. However, it appears to be used as a footpath and it is likely that it should be recorded as such. This would need to be surfaced and lit, and the existing path surface improved to provide all-weather pedestrian access into the heart of the village. If this link is not established the development will feel cut off from the rest of the village and its residents are more likely to use cars to access the village. Ideally a financial contribution towards formalising this link should be obtained.

Regarding the second possibility, this currently a grass strip alongside an arable field and would benefit from being upgraded to an all-weather surface. Landowner agreement would be required to widen the path and allow cyclists to use it.

3.9 **Archaeology:** No objection subject to conditions

Key issues:

The site is located in an area of archaeological interest as identified by the submitted Desk Based Assessment and geophysical survey. A condition requiring that a staged programme of archaeological investigation be undertaken ahead of any development will need to be attached to any planning permission for this site.

Legal Agreement required to secure:

None

Conditions:

- a) Prior to any demolition on the site, the commencement of the development and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Policy BE6 of the South East Plan 2009 and Government guidance contained within the National Planning Policy Framework.

- b) Prior to any demolition on the site and the commencement of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition [a], a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Policy BE6 of the South East Plan 2009 and Government guidance contained within the National Planning Policy Framework.

Informatives:

None

Detailed Comments:

The site is located in an area of archaeological potential to the North of Akeman Street, the Roman Road from Alchester to Cirencester (PRN 8921). The Roman town of Alchester, a Scheduled Ancient Monument is located 1.5km to the SW of the site (SAM OX18) and archaeological deposits related to the extra-mural settlement of Alchester have been recorded to the North of the Roman Town, along the line of Akeman Street, (PRN 14292). Further archaeological features have been identified from aerial photographs 1.4km to the south west of the proposed area which are also thought to be of Roman date (PRN 9191). These consist of a trackway and a number of probable buildings to the immediate south of the Roman road. A hoard of Roman coins was recorded 700m south west of the site (PRN 16452) which has been argued suggests the presence of a villa in the area.

A geophysical survey of the proposed site recorded a linear features and a large enclosure. These features are recorded from the geophysical survey alone and are therefore undated but it is possible that they are prehistoric or Roman in date based on their form. These features will be disturbed by this development.

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition as suggested above.

If the applicant makes contact with us at the above address, we shall be pleased to outline the procedures involved, provide a brief upon which a costed specification can be based, and provide a list of archaeological contractors working in the area.

3.10 Education: Approval subject to the conditions

Key issues:

£179,868 Section 106 required for necessary expansion of permanent primary school capacity in the area. Chesterton CE (VA) Primary School is the catchment school for this development. £254,216 Section 106 required for necessary construction of new secondary school facilities in Bicester. £8,939 Section 106 required as a proportionate contribution to expansion of Special Educational Needs provision in the area.

Legal Agreement required to secure:

£179,868 Section 106 developer contributions towards the expansion of permanent primary school capacity serving this area, by a total of 15.53 pupil

places. This is based on Department for Education (DfE) advice weighted for Oxfordshire, including an allowance for ICT and sprinklers at £11,582 per pupil place. This is index linked from 1st Quarter 2012 using PUBSEC Tender Price Index. If extension of an existing school is not feasible, and instead a new school is required, a contribution would be required towards the new build costs, at a rate reasonably related to the scale of this development. £254,216 Section 106 developer contributions towards the construction of permanent new secondary school facilities in Bicester by a total of 10.74 pupil places (including 1.37 sixth form places). This is based on Department for Education (DfE) advice for secondary school construction weighted for Oxfordshire and including an allowance for ICT and sprinklers at £23,670 per pupil place. This is index linked to 4th Quarter 2012 using PUBSEC Tender Price Index.

£8,939 Section 106 developer contributions towards the expansion of permanent Special Educational Needs school capacity by a total of 0.30 pupil places. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index. We are advised to allow £30,656 per pupil place to expand capacity in special educational needs schools.

Conditions:

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

Informatives:

None

Detailed Comments:

Primary: Chesterton CE (VA) Primary School could be affected by housing development both within the villages and in Bicester. The school has limited spare places, and is full in some year groups. Given that the draft Local Plan indicates likely future housing growth in Chesterton, expansion of the school would be an appropriate response to any increase in local population. The feasibility of such an expansion has not been assessed. Housing developers would be expected to contribute towards such expansion.

Secondary: Bicester secondary schools currently have spare capacity, but this will be filled as the higher numbers now in primary school feed through. The large scale housing development planned for the town will require new secondary school establishments, the nature of which will be determined following local consultation. All housing developments in the area would be expected to contribute towards the cost of these new establishments.

Special: Across Oxfordshire 1.11% of pupils are taught in special schools and all housing developments are expected to contribute proportionately toward expansion of this provision.

3.11 Property: No objection subject to conditions

Former OCC ownership: disposal did stipulate restricted use for agriculture and horticulture

Key issues:

The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure.

The following housing development mix has been used in the following contribution calculations

- 0 no. x One Bed Dwellings
- 13 no. x Two Bed Dwellings
- 25 no. x Three Bed Dwellings
- 7 no. x Four Bed Dwellings

It is calculated that this development would generate a net increase of:

- **123.77 additional residents including:**
- 9.11 resident/s aged 65+

Legal Agreement required to secure:

• Bicester new Library	£ 5,452
• Waste Management	£7,921
• Museum Resource Centre	£ 619
• Adult Health & Wellbeing Day Care	£ 7,416
• Central Library	£ 2,123
• Total*	£ 23,531

Contributions are to be index-linked to the relevant price bases (detailed below).

- | | |
|-------------------------------|---------|
| • Administration & Monitoring | £ 3,750 |
|-------------------------------|---------|

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

Conditions:

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

Informatives:

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

Local Library

Oxfordshire County Council has an adopted standard for publicly available library floor space of 23 m² per 1,000 head of population, and a further 19.5% space is required for support areas including staff workroom, totalling 27.5 m². The Bicester library provision is significantly under-size in relation to its catchment population and this development will therefore place additional pressures on the library. A new library is planned for Franklins Yard development and contributions are required from all development in the locality to fund this community infrastructure with £487,205 still to be secured from the total £1.2 M capital cost at 3rd Quarter 2013 price base index. Population forecasts show a population increase of 20,257 to 2026 for the Bicester Library Service catchment area.

Current contribution requirement is £487,205 ÷ by 20,257 = £24.05 x 2169 people = £52,164

The development proposal would also generate the need to increase the core book stock held by the local library by 2 volumes per additional resident. The price per volume is £10.00 = £20 per person.

The full requirement for the provision of library infrastructure and supplementary core book stock in respect of this application is: **£ 44.05 x 123.77 (the forecast number of new residents)** or £105.72 per dwelling = **£5,452**

In addition a *library link* model (25 m²) fitted out, integrated as a dedicated flexible space as part of the new community centre, is required. This will function in conjunction with the Oxfordshire Central Library in Oxford utilising its resources and also work in conjunction with the new Bicester Library once delivered and implemented as part of the District Council development at Franklins Yard.

Central Library

Central Library in Oxford serves the whole county and requires remodelling to support service delivery that includes provision of library resources across the county.

Remodelling of the library at 3rd Quarter 2013 base prices leaves a funding requirement still to be secured = £4.1 M

60% of this funding is collected from development in the Oxford area. The remainder 40% is spread across the four other Districts. 40% of 4.1M = £1,604,000.

Population across Oxfordshire outside of Oxford City District is forecast to grow by 93,529 to year 2026. £1,604,000 ÷ 93,529 people = £17.15 per person **£ 17.15 x 123.77 (The forecast number of new residents)** or £41.16 per dwelling = **£2,123**

Strategic Waste Management

Under Section 51 of the Environmental Protection Act 1990, County Councils, as waste disposal authorities, have a duty to arrange for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of that waste.

The proposed residential development will increase demand for recycling facilities in the area. The nearest household waste recycling centre (HWRC) we provide is Ardley HWRC.

The HWRC strategy, which included a proposal to close Ardley HWRC and open a new site at Kidlington, was agreed by Cabinet on 19 April 2011 following a formal consultation. However, in light of wider changes our countywide plans for the long-term future of HWRCs are currently under review while we consider a number of factors. These include significantly higher levels of planned growth in Bicester as well as the decision not to go ahead with a new recycling centre based at Kidlington. The outcome of reuse trials currently underway at Alkerton and Stanford HWRCs will also play a significant part in defining future plans for the service.

Regardless of the review of HWRC provision, in view of the additional demand that would be generated by the proposed development for reuse, recycling and composting facilities in Bicester we will seek contributions towards meeting the increased demand.

A new site serving 20,000 households costs in the region of £3,000,000; this equates to £64 per person at 1st Quarter 2012 price base
£64 x 123.77 (the forecast number of new residents) or £153.60 per dwelling = £7,921

County Museum Resource Centre

Oxfordshire County Council's museum service provides a central Museum Resource Centre (MRC). The MRC is the principal store for the Oxfordshire Museum, Cogges Manor Farm Museum, Abingdon Museum, Banbury Museum, the Museum of Oxford and the Vale and Downland Museum. It provides support to these museums and schools throughout the county for educational, research and leisure activities.

The MRC is operating at capacity and needs an extension to meet the demands arising from further development throughout the county. An extended facility will provide additional storage space and allow for increased public access to the facility.

An extension to the MRC to mitigate the impact of new development up to 2026 has been costed at £460,000; this equates to £5 per person at 1st Quarter 2012 price base.

£5 x 123.77 (the forecast number of new residents) or £12 per dwelling = £619

Integrated Youth Support Service

The Early Intervention Service offers high quality early intervention and specialist services to children, young people and families with additional complex needs, both through county council staff and across partner agencies. All community partner agencies are actively involved in service delivery to ensure integrated and inclusive solutions to best improve outcomes for children and young people from birth to 19 years (up to 25 years where there are special educational needs).

The Bicester Early Intervention Hub is currently operating at capacity in the delivery of specialist services.

The proposed development and other planned development in and around Bicester will generate further demands on the Early Intervention Service. This proposal is forecast to generate 518 residents aged 13-19.

To adequately address the increased needs, the County Council requires 15sqm of storage for youth kit to be designed into the community hall. This storage space should be able to be accessed internally and externally.

Health & Wellbeing Resource including Day Care Facilities

To meet the additional pressures on Health & Wellbeing provision the County Council is planning to expand day care facilities at Bicester Health & Wellbeing Resource Centre. Current demand is above service provision capacity of 40 places per day at the current site accounting for ward –based catchment areas in terms of population. This proposal will increase pressures on the current service.

Contributions are based upon a 230 m² expansion providing an additional 10 places to the existing service at Launton Road. Cost of expansion at 3rd Quarter 2013 price base is £787,000.

Secured contributions amount to £242K, with the remainder, £542,000 outstanding.

Population forecasting to 2026 based on build out since 2011 census and allocated housing projections including the SHMA within the catchment wards for this Health and Wellbeing Resource = 21,704 people
£542,000 divided 21,704 = £24.97 x 2.4 average house occupancy in Bicester area = £ 59.92

£59.92 x 123,77 (the number of new dwellings) = £7,416.

Administration

Oxfordshire County Council requires an administrative payment of £3,750 for the purposes of administration and monitoring of the proposed S106 agreement, including elements relating to Education.

Indexation

Financial contributions have to be indexed-linked to maintain the real values of the contributions (so that they can in future years deliver the same level of infrastructure provision currently envisaged). The price bases of the various contributions are covered in the relevant sections above.

Security/Bonds

Given the scale of the contributions, where the triggering of payment of financial contributions is deferred to post implementation of the development, it will be necessary for the S106 agreement to include provisions for appropriate security by the landowner/developer for such payments.

General

The contributions requested have been calculated where possible using details of the development mix from the application submitted or if no details are

available then the County Council has used the best information available. Should the application be amended or the development mixed changed at a later date, the Council reserves the right to seek a higher contribution according to the nature of the amendment.

The contributions which are being sought are necessary to protect the existing levels of infrastructure for local residents. They are relevant to planning the incorporation of this major development within the local community, if it is implemented. They are directly related to this proposed development and to the scale and kind of the proposal.

3.12 Street Scene and Landscape Services: Recommends the following S106 contributions:

Attenuation Pond Maintenance

Total area of the attenuation ponds to be measured and this figure to be multiplied by current CDC rate for attenuation pond maintenance: £14.91/m²

Ditch Maintenance

The total length of ditch/watercourse to be measured and the figure multiplied by the current CDC rate of £50.09/Ln m

POS Maintenance

Combined total area of Informal Open Space to be measured and this figure to be multiplied by current CDC rate of £25.07/m²

LAP Maintenance

LAP (equipped) - £31,995.52

Mature Tree Maintenance

The number of mature trees are to be counted and this figure multiplied by the current CDC sum of £2,527.16

Other Consultees

3.13 Thames Water

Waste Comments

Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames

Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Water Comments

The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

Supplementary Comments

Initial investigations have identified an inability of the existing Foul and Surface Water sewer networks to accommodate the needs of this application. Thames Water request that a foul and surface water impact study be undertaken to ascertain, with a greater degree of certainty, whether the proposed development will lead to overloading of existing infrastructure, and, if required, recommend network upgrades. Please liaises with Thames Water Development Control Department (telephone 01923 898072) with regard to arranging an impact study.

- 3.14 **Thames Valley Police:** I have now had an opportunity to carefully examine the proposals having regard to the implications of the development upon the infrastructure requirements of TVP and the impact the scheme will have upon the day to day policing of the area.

As you are aware TVP has undertaken an assessment of the implications of growth and the delivery of housing upon the policing of the Cherwell District Council area and in particular the major settlements in the district where new development is being directed towards. We have established that in order to maintain the current level of policing developer contributions towards the provision of infrastructure will be required. This assessment and information has been fed into the Council's Infrastructure Delivery Plan and is acknowledged by the Council as a fundamental requirement to the sound planning of the area.

The additional population generated by the development will inevitably place an additional demand upon the existing level of policing for the area. In the absence of a developer contribution towards the provision of additional infrastructure then TVP consider that the additional strain placed on our resources and therefore ability to adequately serve the development.

At present the Cherwell Local Police Area (within which Chesterton lies) has a population of approximately 141,900 and 56,700 households. based on 2011 Census information

At present this population generates an annual total of 32,871 incidents that require a Police action. These are not necessarily all "crimes" but are calls to our 999 handling centre which in turn all require a Police response/action. Effectively therefore placing a demand on resources.

The proposed development of 45 units would have a population of 112 (at 2.5 per unit). Applying the current ratio of “incidents” to population then the development would generate an additional 27 incidents per year for TVP to deal with.

In total Cherwell area is served by; ^(all figures = FTE)

- 124.3 Uniformed Officers – a mixture of Patrol and Neighbourhood
- 21 PCSO’s.
- 11 CID Officers.
- 9.25 Dedicated staff

Central staffing provision is provided and drawn upon when required – this ranges from support functions (HR, IT, etc) to operational functions (SOCO, Forensics, Major Crime Unit) these services are provided force wide. Again utilising the ratio of current staff/officers to the projected additional demand then the development would generate the following additional requirements.

Total Additional LPA Officers Required	0.10
Total Additional PCSO	0.01
Total Additional CID	0.01
Total Additional Support Staff (Local/Central)	

In order to mitigate against the impact of growth TVP have calculated that the “cost” of policing new growth in the area equates **£6285.65** to fund the future purchase of infrastructure to serve the development.

The contribution represents a pooled contribution towards the provision of new infrastructure to serve the site and surrounding area. The pooling of contributions towards infrastructure remains appropriate under the terms of the CIL Regs, up until the relevant Local Authority has adopted CIL, whereby pooling will be limited to 5 S106 Agreements (subject to other regulatory tests).

The contribution will mitigate against the additional impacts of this development because our existing infrastructures do not have the capacity to meet these and because like some other services we do not have the funding ability to respond to growth.

The contribution requested will fund, in part, the following items of essential infrastructure and is broken down as follows;

OFFICER/PCSO	
Uniform	£873
Radio	£525
Workstation/Office Equip	£1508
<small>(21 radio)</small>	
Training	£4515
TOTAL	£7421

STAFF	
Workstation/Office Equip	£1508

(21 radio)	
Training	£687
TOTAL	£2195

On the basis that the development generates a requirement for 0.11 (uniformed officers – including PCSO) the set up costs equate to **£816.31 (7421 x 0.11)** staff generation/CID increase is not included given its small impact.

Premises

At present within Cherwell Neighbourhood Policing is delivered from premises in Banbury, Bicester and Kidlington. At present TVP maintain full capacity of accommodation for staff and officers, with any additional capacity delivered via new works to provide floorspace. Each new officer/member of staff is allocated 16.8sqm of floorspace (workstation, storage, locker room etc) at a cost of £1800per sq m. This is a derived cost of adaptation/new build (TVP operate an estate policy of delivering new accommodation principally through the adaptation of existing buildings as opposed to new build at a 90:10 ratio. As this development will generate 0.11 staff/officers the cost is **£3342.24 (16.88 x 1800 x 0.11)**

Vehicles

The purchase of vehicles including response and neighborhood patrol cars and bicycles. The (three year lifetime) capital costs of these items are;

Patrol Vehicle – **£42,300**

PCSO Vehicle - **£25,960**

Bicycles - **£800**

Current fleet deployment within Cherwell administrative area (therefore serving 56,700 households) is broken down as follows;

Patrol Vehicle – 18

PCSO Vehicle - 12

Bicycles – 15

This equates to a cost of £19.13 per household. Accordingly therefore in order to maintain this level of provision the development would generate a required contribution of **£860.85 (19.13 x 45)**

Mobile IT

Provision of mobile IT capacity to enable officers to undertake tasks whilst out of the office, thus maintaining a visible presence. Cost of each item - **£4250**, therefore for this development (which generates 0.21 additional uniformed officer, the cost would be **£467.50 (4250 x 0.11)**.

Radio Coverage/Airwave Capacity

Radio Coverage/Capacity – TVP is currently at capacity with regard to its coverage, therefore each additional household places an additional burden upon our communications ability. TVP roll out a programme of capacity enhancements and improvements of £368,467p.a that is based on a cost of **0.40 per household**. These improvements are expected to last for 5 years, by

which time the telecom capacity will be able to absorb this additional demand. Therefore the cost of this contribution would amount to **£142 (.40 x 45 x 5)**

ANPR Cameras

Automatic Number Plate Recognition (ANPR) Cameras – TVP has a desire to roll out ANPR Cameras throughout the area. There is a limited budget for this at present but a requirement to roll out more cameras. The number and location of cameras is driven by the scale location and road network in the area. Current coverage in Cherwell is limited. An assessment based on the significant planned growth within Cherwell District has been undertaken and it has been assessed that there is a requirement for additional ANPR cameras coverage in the area. Each Camera costs £11,000, and requirement is assessed on the basis of the scale, location, and proximity to the road network of the proposed development. Operationally it has been determined that a development of this scale and in this location does not require any contribution towards the provision of ANPR.

Control Room and Police National Database Capacity

At present Police control room handling is used to capacity at peak times. Our various call handling centre's deploy resources to respond to calls as quickly as possible. We are able to assess the capacity of the existing technology and calls currently dealt with (based on the minimum times with callers) and are able to assess the additional impact of growth upon this capacity. Existing lines, telephony, licenses, IT, workstations and monitoring will be required on the basis of **£15.75** per unit. Therefore the cost generated by this development would be **£1118 (15.75 x 45)**.

1. Necessary to make the proposed development acceptable in planning terms

The creation of safe and accessible environments where crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion is fundamental to planning for sustainable development as confirmed in the NPPF.

The Council's own document; *Cherwell Sustainable Community Strategy – Our District, Our Future* identifies as a key objective the need to reduce the number of people who fear crime and feel unsafe in their community, the strategy goes on to promote the tackling of incidences anti-social behaviour and building confidence in the police and local authority.

There is no dedicated Government funding to comprehensively cover the capital costs associated with policing associated new development. Unless contributions from developments are secured then TVP would be unable to maintain the current levels of policing with resources diverted and stretched, inevitably leading to increased incidents of crime and disorder within the local area.

Developer contributions are therefore necessary to ensure development is in line with the wider objectives of sustainable development as set out in national and local planning policy.

2. Directly related to the proposed development

There is a functional link between the new development and the contributions requested. Put simply without the development taking place and the subsequent population growth there would be no requirement for the additional infrastructure. The additional population growth will lead to an increase in incidents, which will require a Police response.

The infrastructure identified above has been specifically identified as infrastructure required to deal with the likely form, scale and intensity of incidents that the development will generate.

3. Fairly and reasonably related in scale and kind to the proposed development.

The proposed developer contribution is proposed to help achieve a proportionate increase in police infrastructure to enable TVP to maintain its current level of service in the area. As stated the contribution would assist in the provision of necessary infrastructure which have been identified by the Local Area Commander as necessary to provide an appropriate level of policing to serve the proposed development and maintain an appropriate level of community safety.

I would also highlight two recent appeal decisions in Leicestershire (APP/F2415/A/12/217984 & APP/X2410/A12/2173673, Enclosed). In assessing the request from Leicestershire police for developer contributions towards infrastructure the Inspector commented at **para 29** of decision 2179844;

The written evidence submitted by Leicestershire Police detailed the impact the proposed development would have on policing, forecasting the number of potential incidents and the anticipated effect this would have on staffing, accommodation, vehicles and equipment. In view of the requirement of national planning policy to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life, it is considered that, on the evidence before me, a contribution towards policing is necessary to make the development acceptable in planning terms.

Furthermore with regard to appeal decision 2173673, the Inspector is unequivocal in highlighting the acceptability of police contributions being recipients of developer's contributions;

Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services. There is no reason, it seems to me why police equipment and other items of capital expenditure necessitated by additional development should not be so funded, alongside, for example, additional classrooms and stock and equipment for libraries.

Para 292

These appeal decisions confirms that the approach of TVP in assessing the impact of development, having regard to an assessment of the potential number of incidents generated by growth is appropriate, and fundamentally it confirms that police infrastructure should be subject to developer contributions

as the provision of adequate policing is fundamental to the provision of sustainable development.

I trust this sets out sufficiently TVP's request for infrastructure contributions to mitigate against the impact of the development.

For clarification this response is solely linked to the impact of the development upon TVP's infrastructure requirements. You may receive a separate response from TVP's Secure by Design advisor relating to detailed matters of the design and layout of the proposals.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H13	Category 1 settlements
H18	New dwellings in the countryside
C2	Protected species
C5	Creation of new habitats
C7	Harm to the topography and character of the landscape
C8	Sporadic development in the countryside
C27	Development in villages to respect historic settlement pattern
C28	Layout, design and external appearance of new development
C30	Design of new residential development
C33	Protection of important gaps of undeveloped land
R12	Public open space provision
ENV12	Contaminated land
TR1	Transportation funding

4.2 Other Material Policy and Guidance

National Planning Policy Framework

National Planning Policy Framework 2012 – Core planning principles and the delivery of sustainable development with regard to the following sections:-

- 4: Promoting sustainable transport
- 6: Delivering a wide choice of high quality homes
- 7: Requiring good design
- 8: Promoting healthy communities
- 10: Meeting the challenge of climate change and flooding
- 11: Conserving and enhancing the natural environment

Planning Practice Guidance

Non-Statutory Cherwell Local Plan 2011

Whilst some policies within the plan may remain to be material considerations, other strategic policies have in effect been superseded by those in the

Submission Local Plan (October 2014). The main relevant policies to consider are as follows:-

- Policy H15: Category 1 Settlements
- Policy H19: New dwellings in the countryside
- Policy EN30: Sporadic development in the countryside
- Policy EN31: Beyond the existing and planned limits of Banbury and Bicester
- Policy EN34: Conserve and enhance the character and appearance of the landscape

Submission Local Plan 2006 – 2031

The Plan was submitted to the Secretary of State on 31 January 2014 for Examination. There are outstanding objections to some policies which have yet to be resolved.

The Examination commenced on 3 June 2014. On 4 June 2014 the Inspector temporarily suspended the examination to enable the Council to prepare modifications to the plan to accommodate additional homes across the district. The Examination reconvenes on 9th December 2014.

The main policies relevant to this proposal are:

- Policy Villages 1: Chesterton is identified as a village where infilling, minor development and conversions will be permitted
- Policy Villages 2: Distributing growth across the rural areas
- Policy BSC3: Provision of affordable housing. In rural settlements proposals for residential development of 3 or more dwellings will be expected to provide at least 35% affordable homes on site
- Policy ESD3: Sustainable construction. All new homes are expected to meet at least Code Level 4 of the Code for Sustainable Homes
- Policy ESD7: Sustainable drainage. All development will be required to use SUDS for the management of surface water run-off
- Policy ESD13: Local landscape protection and enhancement expects developments to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided
- Policy ESD16: the character of the built and historic environment should be protected and where development is allowed it should respect the local character context

5. Appraisal

5.1 The key issues for consideration in this application are:

- Planning Policy and the Principle of Development
- Five Year Housing Land Supply

- Design and Access Statement
- Landscape impact
- Ecology
- Flooding and Drainage
- Archaeology
- Transport Assessment and Access
- Delivery of the Site
- Planning Obligation

Planning Policy and Principle of Development

- 5.2 The Development Plan for Cherwell District comprises the saved policies in the Adopted Cherwell local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the Local Planning Authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.3 The site in question is not allocated for development in any adopted or draft plan forming part of the development plan. Chesterton is designated as a Category 1 settlement in the adopted Cherwell local Plan. Policy H13 of that plan states that new residential development within the village will be restricted to infilling, minor development comprising small groups of dwellings within the built up area of the settlement, or the conversion of non-residential buildings. The site is not within the built up limits of the village and is therefore in open countryside. Policy H18 of the adopted Cherwell Local Plan restricts new dwellings beyond the built up limits of settlements, in open countryside to those which are essential for agriculture, or other existing undertakings, or where dwellings meet an identified and specified housing need that cannot be met elsewhere. These policies are carried through in the Non- Statutory Cherwell Local Plan. The adopted Cherwell Local Plan contains no specific allocation for this site and the proposal clearly does not comply with this policy criterion and therefore represents development beyond the existing built limits of the village into open countryside. The proposal therefore, needs to be assessed against Policy H18 which limits residential development beyond the existing built up limits of settlements unless they are agricultural workers dwellings or affordable housing.
- 5.4 Quite clearly the development fails to comply with this policy and in doing so also potentially conflicts with the rural conservation Policy C7 which does not normally permit development which would cause harm to the topography and character of the landscape. Policy C8 seeks to prevent sporadic development in the open countryside but also serves to restrict housing development.
- 5.5 The Council's Strategic Housing Land Availability Assessment Update 2014 (SHLAA) is a technical document and is a key element of the evidence base for the emerging Cherwell Local Plan and will help the council to identify specific site that may be suitable for allocation for housing development. The SHLAA is

to inform the plan making and does not in itself determine whether a site should be allocated for housing development.

5.6 The application site was recorded in the SHLAA Update 2014 as part of a larger site that included the additional agricultural field to the south. The site assessment concluded that *“development of the whole site would be out of scale with the size of the village and the level of services and facilities. Individual sections of the site may be appropriate to consider particularly to the north.... This is considered to be a potentially developable site providing for 50 dwellings in the next five year period”*.

5.7 Paragraph 49 of the NPPF states ‘housing applications should be considered in the context of a presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites.

5.8 The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 7). It also provides (paragraph 17) a set of core planning principles which amongst other things require planning to:

- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
- Proactively drive and support sustainable economic development
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Support the transition to a low carbon future in a changing climate
- Encourage the effective use of land by re-using land that has been previously developed
- Promote mixed use developments
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant developments in locations which are, or can be made sustainable
- Deliver sufficient community and cultural facilities and services to meet local needs

5.9 The NPPF at paragraph 14 states ‘At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking’....For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;

- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or
 - Specific policies in this framework indicate development should be restricted
- 5.10 The adopted Cherwell Local Plan 1996 is out of date in relation to the policies regarding delivery of housing. The NPPF advises that due weight should be given to relevant policies within existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight may be given). The Development Plan (the adopted Cherwell Local Plan) contains no up to date policies addressing the supply of housing and it is therefore necessary to assess the application in the context of the presumption in favour of sustainable development as required by the NPPF.
- 5.11 Whilst it is acknowledged that Chesterton is one of the more sustainable villages, this does not necessarily mean that the proposal itself constitutes sustainable development. The NPPF sets out three dimensions to sustainable development, those being economic, social and environmental which are considered below. In respect of the appeal at The Green, it is important to note that the Inspector concluded that Chesterton is a sustainable location. Furthermore, in an appeal at Bourne Lane, Hook Norton an Inspector concluded that whilst the village does not have a piped gas supply and that electricity supply and broadband connectivity can be poor, that these did not alter his overall assessment of the range of facilities available within the village and that it was sustainable.
- 5.12 In terms of the environmental dimension, the development must contribute to the protection and enhancement of the natural, built and historic environment by improving biodiversity. Whilst this is a green field site and its loss will cause harm to the character and appearance of the countryside, this would be limited to short distance views within the immediate vicinity of the site. The development proposal also includes an area of open space, landscaping and additional tree and hedge planting. Conditions can be imposed to ensure that an ecological enhancement scheme is carried out as part of the development.

Five Year Housing land Supply

- 5.13 Section 6 of the NPPF 'delivering a wide choice of high quality homes' requires local planning authorities to significantly boost the supply of housing by identifying key site within the local plan to meet the delivery of housing within the plan period and identify and update annually a 5 year supply of deliverable sites within the District.
- 5.14 Paragraph 031 Reference ID: 3-030-20140306 of the Planning practice Guidance – Housing and Economic Development needs Assessments states that the NPPF sets out that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. Therefore local planning authorities should have an identified five-year supply at all points during the plan period. Housing requirement figures in up-to-date adopted local plans should also be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement

figures in adopted local plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.

- 5.15 Where evidence in local plans has become outdated and policies in the emerging plans are not yet capable of carrying sufficient weight, information provided in the latest assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints. Where there is no robust recent assessment of full housing needs, the household projections published by the Department for Communities and Local Government should be used as the starting point, but the weight given to these should take account of the fact that they have not been tested (which could evidence a different housing requirement to the projection, for example because of past events that affect the projection are unlikely to occur again or because of market signals) or moderated against relevant constraints (for example environmental or infrastructure).
- 5.16 On 28 May, the council published a Housing land Supply Update which showed that there was a five year housing land supply, based on the Submission Local Plan requirement of 670 homes per annum from 2006 to 2031. The examination of the Local Plan began on 3 June 2014. On that day, and the following day, June 4 2014, the Local Plan's housing requirements were discussed in the context of the Oxfordshire Housing Market Assessment (SHMA) 2014, published on 16 April 2014 (after the submission of the Local Plan in January 2014).
- 5.17 The Oxfordshire Strategic Marketing Assessment (SHMA) 2014 was commissioned by West Oxfordshire District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council and Cherwell District Council and provides an objective assessment of housing need. It concludes that Cherwell has a need for between 1,090 and 1,190 dwellings per annum. 1,140 dwellings per annum are identified as the mid-point figure within that range.
- 5.18 The Planning Inspector appointed to examine the Local Plan made clear his view that the SHMA document provided an objective assessment of housing need in accordance with the NPPF and suspended the Examination to provide the opportunity for the council to propose 'Main Modifications' to the Plan in the light of the higher level of need identified. The 1,140 per annum SHMA figure represents an objective assessment of need (not itself the housing requirement for Cherwell) and will need to be tested having regard to constraints and the process of Strategic Environmental Assessment/Sustainability Appraisal. However, the existing 670 dwellings per annum housing requirement of the Submission Local Plan (January 2014) should no longer be relied upon for the purpose of calculating the five year housing land supply. Until 'Main Modifications' are submitted to the Secretary of State for Communities and Local Government, the objectively assessed need figure of 1,140 homes per annum from the SHMA is considered to be the most robust and defensible basis for calculating the five year housing land supply.

- 5.19 A further Housing Land Supply Update (June 2014) has been approved by the Lead Member for Planning. It shows that the District now has a 3.4 year housing land supply which includes an additional 20% requirement as required by the NPPF where there has been persistent under-delivery. It also seeks to ensure that any shortfall in delivery is made up within the five year period. The District does not therefore have a 5 year housing land supply and as a result of the NPPF advises in paragraph 14 that planning permission should be granted unless 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole'.
- 5.20 However, notwithstanding the Council's Housing land supply position, it should be noted that the NPPF does not indicate that in the absence of a five year supply that permission for housing should automatically be granted for sites outside of settlements. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits.

Submission Cherwell Local Plan

- 5.21 The Submission Cherwell Local Plan is not adopted and therefore carries limited weight, but does set out the Council's proposed strategic approach to development within the district to 2031, with the majority of new development being directed to the urban areas of Bicester and Banbury. The Plan does, however, recognise that some development will have to be permitted in rural villages in order to meet the needs of the rural population.
- 5.22 Policy Villages 1 of the Plan designates Chesterton as a Category A village, and therefore one of the Districts most sustainable based on criteria such as population, size, range of services and facilities and access to public transport. Policy Villages 2 seeks to distribute the amount of growth that can be expected within these villages, although how the numbers will be distributed is not specified as precise allocations within each village would be set out in the Local Neighbourhoods Development Plan Document, based on evidence presented in the SHLAA. This document is to be prepared following the adoption of the Submission Local Plan. As part of the 'Main Modifications' to the Submission Local Plan following the need to identify further housing in order to achieve the District's assessed housing need and maintain a five year housing land supply Policy Villages 2 has been revised by including Kidlington as a category A village and increasing the number of homes to 750.
- 5.23 It is evident from the above that the proposed development is contrary to policies within the adopted Cherwell Local Plan and is not allocated for development within the Submission Cherwell Local Plan. As previously expressed however, the adopted Cherwell Local Plan is out of date in terms of allocating land for new housing development, and the Submission Cherwell Local Plan currently carries limited weight in the consideration of new development proposals. As such a refusal based on these grounds alone is unlikely to be defensible at appeal and has to be weighed against other material considerations, the most significant being the need to provide a five year housing land supply.

5.24 However, notwithstanding the Council's Housing Land Supply position as stated above, the proposal would give rise to conflict with a number of policies in the adopted Cherwell Local Plan, Non-Statutory Cherwell Local Plan and the Submission Local Plan. Paragraph 14 of the framework makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. It does not however indicate that an absence of a five year land supply means that permission should automatically be granted for sites outside settlements. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. 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 Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole. The identified issues of relevance are identified and considered below.

Design and Access Statement

- 5.25 A Design and Access Statement has been submitted with the application which seeks to set out the framework for the proposed development and is supported by an Illustrative Masterplan which indicates how the dwellings proposed can be accommodated on the site. This shows an area of Green Space, including a potential Play Area on the northern side of the site and a Water Balancing Facility. A further Water Balancing Facility is also to be located in the south-eastern corner of the site.
- 5.26 In terms of design and layout of the proposed dwellings, the Illustrative Layout proposes 3 areas of housing, predominantly fronting onto the internal road, with further housing facing towards the southern boundary. The Design and Access Statement indicates that all dwellings will be 2 or 2 ½ storey to match the predominant two-storey dwellings in the surrounding area.
- 5.27 The Design and Access Statement also indicates that hedgerows along all four sides of the site would be retained. This would seek to ensure that the impact when viewed from the south and west would be mitigated, as well as seeking to protect the amenities of those properties to the east.
- 5.28 It is considered that the details provided within the Design and Access Statement and the Illustrative Layout indicate that the application site can be developed in an appropriate manner that would fit with the context of the wider village.

Landscape Impact

- 5.29 The application site lies beyond the built up limits of the village in an area of open countryside. Policy C7 of the adopted Cherwell Local Plan seeks to resist development if it would result in demonstrable harm to the topography and character of the landscape and the explanatory text states that tight

control should be exercised over all development proposals in the countryside if the character is to be retained and enhanced.

- 5.30 Paragraph 113 of the NPPF states that Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution they make to wider ecological works.
- 5.31 The application is accompanied by a Landscape and Visual Appraisal which has been prepared by CSa Environmental Planning on behalf of the applicant. It has been assessed by the Council's Landscape Officer who has found the findings of the LVIA to be generally acceptable due to the site's visual containment and can only be experienced from a limited number of receptors.
- 5.32 The Landscape Officer makes several recommendations, including landscaping mitigation in the public open space and access road, buffer zones along boundaries, the retention of surrounding hedges and the relocation of the LAP to a more central location.
- 5.33 Officers are also minded to agree with the conclusions of the LVIA and the comments made by the Landscape Officer. The application site has no specific designations or intrinsic features that need retaining or enhancing, other than it being within open countryside. As such, it is considered that the development proposed would not appear unduly prominent in the wider area and so would not be contrary to Policy C7 of the adopted Cherwell Local Plan and Government advice in the NPPF.

Ecology

- 5.34 The application is accompanied by an Ecological Appraisal, as well as Protected Species Survey Report and a Great Crested Newt Mitigation Strategy. The Ecological Appraisal confirms that the site is not within or adjacent to any statutory or non-statutory wildlife sites and that the proposed development would not cause any significant impacts to such sites.
- 5.35 The Ecological Appraisal outlined that there is the potential for several protected/notable animal species to occur on the site, including Bat roosting, bat commuting and foraging, birds, reptiles and Great Crested Newts. As such the Protected Species Survey Report address these issues in further detail.
- 5.36 In respect of bats, it was found that no on-site trees exhibit significant bat roosting potential. Bats were recorded at the site, with most activity along the most mature and tall hedges along the western, southern and eastern boundaries. The report makes a number of recommendations to mitigate any impact arising from the development. These include:

- Whilst no trees are proposed to be felled, ivy should be stripped from the trees prior to felling to check that no cracks, splits or holes are present that could support bats.
- The relatively young hedge that divides the two fields is proposed to be removed. The removal of this hedgerow is unlikely to have any significant impact upon bats.
- Any new lighting for the site entrance is designed to avoid unnecessary light spill onto adjacent, off-site vegetation.
- The minor losses of bat foraging habitats through the removal of sections of hedge and long grassland field margins should be compensated for by the provision of new diverse semi-natural habitats.
- New roosting opportunities for bats to be provided through the provision of integral roost units within new houses and erection of bat boxes on retained trees.

5.37 In respect of nesting birds, the site was found to support a range of common and widespread species typical of the habitats present. The surrounding hedgerows form key foraging and nesting habitat for birds at the site. Those bounding the allotments and adjacent housing to the south supported the highest diversity of birds. The report makes a number of recommendations to mitigate any impact arising from the development. These include:

- Compensation for loss of existing habitats used by birds would be provided through new native tree and shrub planting and enhancement of the existing boundaries through the introduction of low intensity wildlife-friendly management.
- Establishment of species-rich grassland areas.
- Range of bird nest boxes be installed within new buildings.

5.38 In respect of reptiles, a single slow-worm was found along the central hedgerow of the site, which is likely to have come from the allotment site. No grass snakes were found during the survey but it is reasonable to expect that individual grass snakes use the margins of the site. The extent of the on-site reptile habitat is small and is likely to be regularly disturbed by farming operations. The report makes a number of recommendations to mitigate any impact arising from the development. These include:

- Any wood/brush generated from management or clearance works are used to create log piles within retained hedge bases to provide additional cover for reptiles.
- A translocation exercise for reptiles be undertaken in conjunction with the great crested newt mitigation that will be required for the site.

5.39 In respect of Great Crested Newts, surveys identified a large population of great crested newts breeding within two ponds on the golf course to the west, at distances of 90m and 425m from the site. The separating road is unlikely to be a significant barrier to great crested newt movement. On-site hedgerows and long grassland margins of the arable field offer good quality habitat that could be used for foraging and shelter. The report makes a number of recommendations to mitigate any impact arising from the development. These include:

- The production of a mitigation strategy to demonstrate that favourable conservation status of great crested newts would be maintained alongside the development.
- 5.40 The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 109, that, ‘the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 5.41 Section 40 of the Natural Environment and communities Act 2006 (NERC 2006) states that ‘every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity and: ‘local Planning Authorities must also have regard to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of the Conservation Regulations 2010, which states that a ‘competent authority’ in exercising their functions, must have regard to the requirement of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places’.
- 5.42 Under Regulation 41 of the conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met:-
1. is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
 2. there is a satisfactory alternative
 3. is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species
- 5.43 Therefore where planning permission is required and protected species are likely to be found present at the site, or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.
- 5.44 The Council’s Ecologist has assessed the Ecological appraisal which has been submitted with the application and considers that it is appropriate in scale and depth. The Ecologist recommend six conditions to ensure that appropriate measures are put in place to ensure that protected species are adequately managed. Consequently, having regard to the above, it is considered that Article 12 (1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present on the site will continue, and will be safeguarded, notwithstanding the proposed

development. The proposal therefore accords with the NPPF and Policies C2 and C5 of the adopted Cherwell local plan and Policy ESD10 of the Submission Local Plan.

Flooding and Drainage

- 5.45 No objections have been raised by the Environment Agency to the proposed development as the application site is not within a high risk area, being located within Flood Zone 1. A Flood Risk Assessment has been submitted as part of the application which demonstrates that the site is not at risk of flooding and that adequate provision can be made to ensure that the proposed development would not have any knock-on effects to surrounding land.

Archaeology

- 5.46 The Archaeological Statement submitted as part of the application states that it is unlikely that a low-rise residential development within the site will result in any change to the significance of the Chesterton Conservation Area or any listed buildings. It is officers opinion that this conclusion is correct with the site being adequately separated and screened by existing built development so as for the proposed development not to have any visual impact on the character and appearance of the conservation area or the setting of any listed building.
- 5.47 In respect of underground archaeological remains, it is noted that the site lies within 100m of a Roman road, which led to the Roman town of Alchester. In 2009 an archaeological evaluation was carried out approximately 100m to the south, on the southern frontage of Akeman Street but did not identify an significant archaeology. As such, as there still remains the potential for the site to contain buried archaeology of Roman date, the submitted Archaeological Assessment recommends that a geophysical survey be carried out and depending on the results of this survey a programme of trial trenching may also be required.
- 5.48 The Archaeological Assessment has been reviewed by the OCC Archaeology team who have raised no objection, subject to the imposition of two conditions that address the recommendations made in the Assessment.

Transport

- 5.49 The application has been submitted with a Transport Assessment. A single vehicular access into the site is proposed on the north-western side of the site onto the unnamed road adjacent to the Country Club. There is an existing grass verge along the road and the road has a 30mph speed limit. The proposed access will be constructed to an adoptable standard.
- 5.50 The transport Assessment has been assessed by the Highway Authority. The Transport Assessment sets out that for the development proposed, the predicted level of peak hour traffic movements generated from the site would be up to 29 two-way vehicular movements.
- 5.51 Transport and Accessibility is one of the aspects which must be considered in respect of whether development can be considered to be sustainable. Whilst it is acknowledged that the site, being on the edge of a village is less sustainable than in urban areas of Banbury and Bicester, Chesterton has been

assessed as being one of the districts more sustainable villages because of the range of services available. Having regard to this, emerging policy anticipates that villages will take some of the housing growth and that Chesterton is sufficiently sustainable to accommodate some new development. The Highway Authority have questioned the sustainability of Chesterton and the efforts made by the applicant to improve accessibility to the site. In doing so, the Highway Authority have made several recommendations, including improvements to footpaths and rights of ways. It is considered that these matters can be adequately addressed through the imposition of appropriate conditions and obligations.

Delivery of the Site

- 5.52 Part of the justification for the submission of this application is based on the district's housing land supply shortage. The potential of this development to contribute to the shortage of housing is a key factor weighing in favour of this proposal. It is therefore vital that this land is delivered within the 5 year period.
- 5.53 As with other residential applications submitted for consideration on this basis, it is considered that if planning consent is granted, a shorter implementation period should be imposed which will help to ensure that the development contributes towards the five year housing land supply. The application has been submitted by a national house building company, and intend to develop the site as soon as possible.

Planning Obligations

- 5.54 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation, to enable the development to proceed. The draft Supplementary Planning Document (SPD) relating to the requirements was considered by the Council's Executive in May 2011 and was approved as interim guidance for development control purposes.
- 5.55 New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost of all or part of the additional infrastructure/services. Obligations are the mechanism used to secure these measures.
- 5.56 In respect of planning obligations, the NPPF advises at paragraph 204 that they should be sought where they meet all of the following tests:
- necessary to make development acceptable in planning terms
 - directly related to the development; and
 - fairly and reasonably related in kind and scale to the development
- 5.57 Having regard to the above, the Heads of terms relating to the additional development would include the following:-

CDC Contributions

- 35% affordable housing
- Refuse and Recycling - £67.50 per property
- Play Areas – a LAP and £31,995.52 commuted maintenance sum

- Attenuation Pond Maintenance - £14.91 per m2
- Ditch Maintenance - £50.09/Ln m
- POS Maintenance - £25.07 per m2
- Mature Tree Maintenance – £2527.16 per mature tree
- Monitoring fee - £1500

OCC Contributions

- £179,868 – Primary School Expansion in the area
- £254,216 – New Secondary School at Bicester
- £8,939 – Special Education Needs
- £5,452 – Bicester New Library
- £7,921 – Waste Management
- £619 – Museum Resource Centre
- £7,416 – Adult Health and Wellbeing Day Care
- £2,123 – Central Library
- £3,750 – Administration
- Improvements to pedestrian and cycle connectivity into Chesterton from the application site

Thames Valley Police - £6,285.65

Engagement

- 5.58 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.59 Given that the adopted Cherwell local plan housing policies are out of date and the emerging housing policies can only be given limited weight and the council cannot demonstrate a five year housing land supply, paragraphs 14 and 49 of the Framework are engaged. Paragraph 14 makes it clear that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 5.60 The site lies outside, but on the edge, of the village confines and so lies in open countryside and would represent the loss of agricultural land. However, it is clear from the information provided and the assessment's made by officers of the Council that the level of harm arising from the development would not outweigh the benefits of the provision of housing in the face of housing deficit. In accordance with paragraph 14 of the NPPF, the adverse impacts of the proposed development do not outweigh the benefits and so there should be a presumption in favour of sustainable development.

6. Recommendation

Approval, subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined in paragraph

5.57,

b) the following conditions:

1. No development shall commence until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority

Reason – This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General development procedure) Order 2010 (as amended)

2. In the case of the reserved matters, application for approval shall be made not later than the expiration of one year beginning with the date of this permission

Reason – As above

3. The development to which this permission relates shall be begun not later than the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Reason – As above

4. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents:
Application forms,

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework

5. Prior to the commencement of the development, a plan showing the details of the finished floor levels of the proposed dwellings in relation to existing ground levels on the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason – To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

6. No more than 45 dwellings shall be accommodated on the site.

Reason – In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and to comply with Policies C28 and C30 of

the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework

7. Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which this scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Associations current edition 'sewers for adoption'

Reason – To ensure that the development is served by proper arrangements for the disposal of surface/foul sewage, to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework

8. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the

creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, a schedule of landscape maintenance for a minimum period of 5 years, to include the timing of the implementation of the schedule and procedures for the replacement of failed planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscape maintenance shall be carried out in accordance with the approved schedule.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. Except to allow for the means of access and vision splays the existing hedgerow along the north-west boundary of the site shall be retained and properly maintained at a height of not less than 3 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. The existing hedgerows along the south-west and south-east boundaries of the site shall be retained and properly maintained at a height of not less than 3 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. Prior to the commencement of the development hereby approved full details of the provision, landscaping and treatment of open space/play space within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space/play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space/play space.

Reason - In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy R12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Framework.

14. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for great crested newts, which shall include timing of works, exclusion fencing, the location and design of alternative ponds/habitats together with the timing of their provision, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 could occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

16. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance or the translocation of any reptile, a strategy for the translocation of reptiles, which shall include the identification of receptor sites, the management scheme, landscaping and the arrangements for implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

17. Prior to the commencement of the development hereby approved a full lighting strategy designed in line with Bat Conservation Trust Guidelines is to be submitted and approved in writing by the Local Planning Authority. Thereafter the strategy shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

18. No removal of trees recorded as Category 2 shall be carried out except in adherence to the precautionary working methodology outlined in Section 2.40 of the Protected species report submitted with the application which was prepared by CSa Environmental Planning dated September 2014.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

19. No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

20. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

21. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

22. Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in

accordance with the approved details.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

23. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

24. A Travel Information Pack shall be developed in accordance with Oxfordshire County Council guidelines and submitted to the Local Planning Authority, in consultation with OCC Travel Plans team, for approval, prior to first occupation of the site. No occupations shall take place prior to the written approval of the Travel Information Pack by the Local Planning Authority.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

25. Prior to any demolition on the site, the commencement of the development and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Policy BE6 of the South East Plan 2009 and Government guidance contained within the National Planning Policy Framework.

26. Prior to any demolition on the site and the commencement of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition [a], a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in

accordance with Policy BE6 of the South East Plan 2009 and Government guidance contained within the National Planning Policy Framework.

27. That prior to the first occupation of any part of the development hereby permitted, fire hydrants shall be provided on site in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason – To secure the provision of essential community infrastructure on site in accordance with Government guidance within the NPPF.

28. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

29. Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

Planning Notes

1. PN19
2. PN22

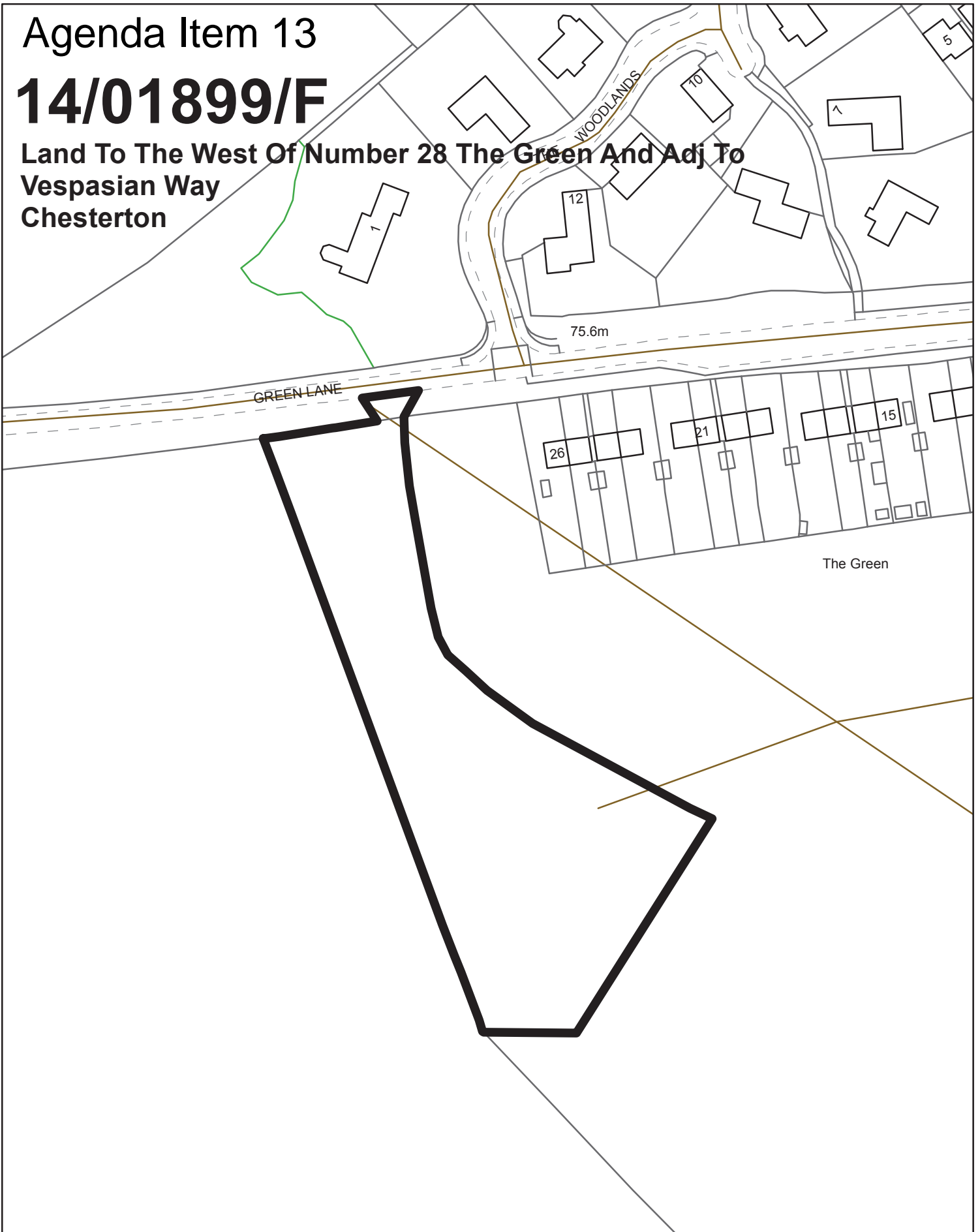
Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

Agenda Item 13

14/01899/F

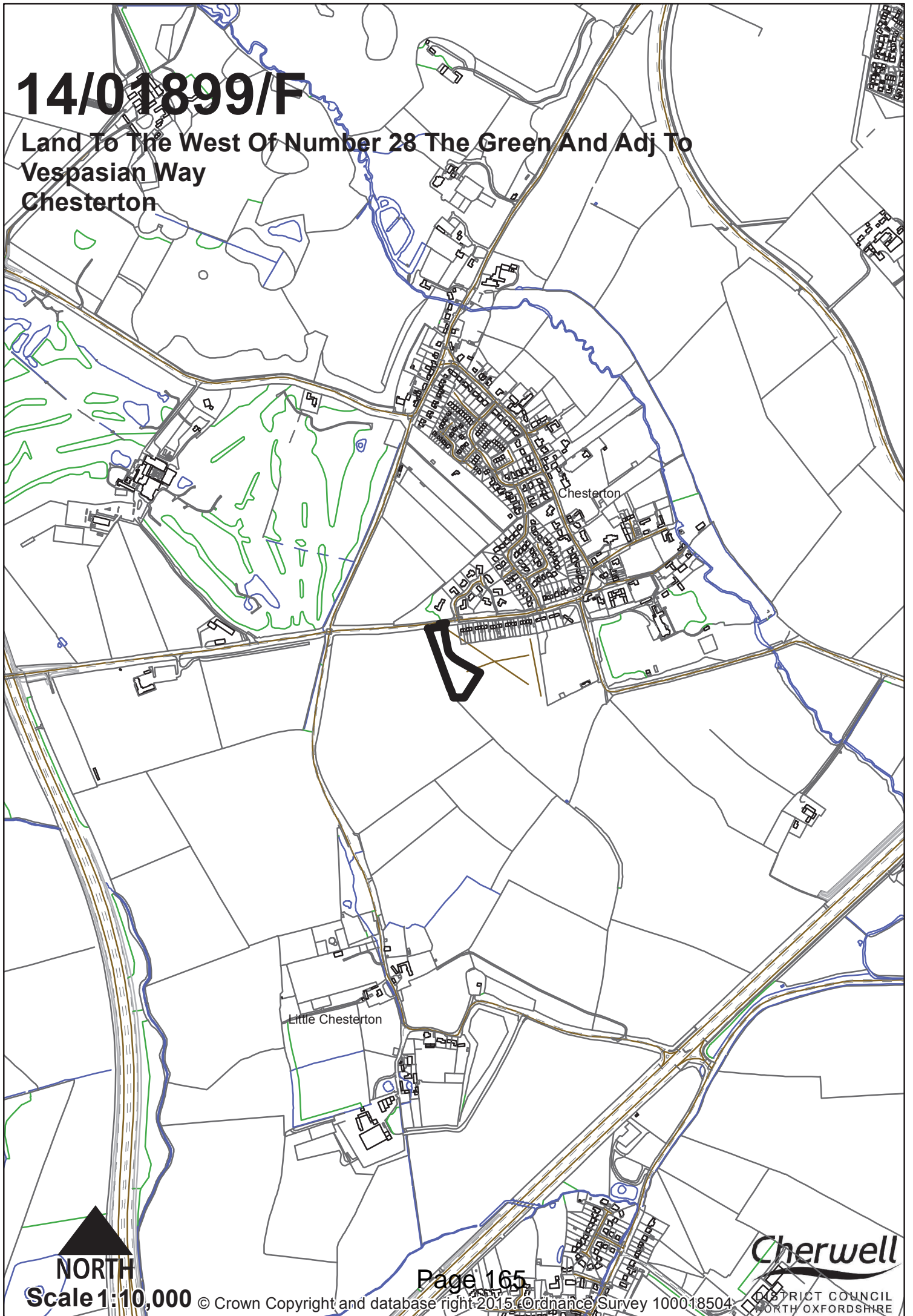
Land To The West Of Number 28 The Green And Adj To
Vespasian Way
Chesterton



Scale 1:1,250

14/01899/F

Land To The West Of Number 28 The Green And Adj To
Vespasian Way
Chesterton



NORTH

Scale 1:10,000

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

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Site Address: Land adj to Vespasian Way, Chesterton

14/01899/F

Ward: Ambrosden and Chesterton **District Councillor:** Cllr. Andrew Fulljames

Case Officer: Aitchison Raffety **Recommendation:** Approval

Applicant: Hill Residential

Application Description: Erection of 10 no. Dwellings with associated means of access, car parking and landscaping

Committee Referral: Major **Committee Date:** 22 January 2014

1. Site Description and Proposed Development

- 1.1 The application site is situated to the south of Chesterton, off Green Lane that runs along its northern boundary. The site sits adjacent to an existing housing development, currently under construction, for 44 dwellings, along with a village hall/sports pavilion. The site has an overall area of 0.66 hectares.
- 1.2 The proposal seeks consent for 10 dwellings, with an indication of 35% affordable housing. The site would be accessed via a new vehicular access that has been constructed to serve the existing development of 44 dwellings currently under construction.
- 1.3 The site is situated beyond the existing built-up limits of the village.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 11 December 2014.

1 letter of support has been received. The following matters were raised and summarised below:-

- Additional affordable housing
- Development delay handover of the Community Centre

3. Consultations

3.1 Chesterton Parish Council:

- i) There is ongoing concern over the capacity of Green Lane/Akeman Street to absorb any more vehicular traffic. Green Lane is well used as a route to the Bicester Golf and Country Club and is part of the "rat run" using Akeman Street and the B430 through Weston on the Green to the A34. Could OCC Highways install "driver activated speed signals" and appropriate traffic calming measures?
- ii) We recognise that an additional 10 homes means that there will be 54 homes built on site – this increases the homes increase in the village by 17% which is not insignificant.

- iii) An additional 10 homes will increase pressure on the Community Centre and Play Area. If planning permission is granted we would want the amended Section 106 agreement to include the installation of an improved floor to the Community Centre. Hill Residential are aware of our concerns over this issue. Also we would want a “safety fence” installed to protect the new Community Centre from footballs since the Community Centre is in the direct “line of fire”.

Cherwell District Council Consultees

- 3.2 **Housing Officer:** I have no objection to this full application to increase the density of homes within the original permission (12/00305/OUT).

There is a 35% affordable housing requirement, which equates to 4 units, although the applicant appears to have only designated 3 affordable units (plots 5, 6, 7).

There will need to be 3 rented and 1 shared ownership or other such low cost home ownership product to be agreed with the Council.

The location of the affordable housing is acceptable as well are the proposed unit types.

Should this application be awarded permission I would require that the RP taking on the affordable housing on the current permission scheme would take on these additional units as well in order to ensure management consistency across the whole development.

The affordable units will need to be built to HCA's Design and Quality Standards and to meet a the HQI requirements. 2 of the units will need to meet lifetime homes standards.

- 3.3 **Ecology Officer:** I have no objections to the above application on ecological grounds. The submitted survey gives sufficient information. There are a few ecological constraints largely the hedgerow and the likely presence of reptiles in some areas. I would suggest the following conditions therefore:

K19 Ecology: Compliance with Submitted Details

The development hereby approved shall be carried out strictly in accordance with the recommendations set out in Section 6.3 (points R4, R5, R6 and R7) of the Preliminary Ecological Assessment submitted with the application, which was prepared by Middlemarch Environmental dated November 2014.

Reason KR2

K21 Construction Environmental Management Statement for Biodiversity

Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Statement which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity in particular the retained hedgerows, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP.

Reason KR2

K17 Biodiversity Enhancement

Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing the biodiversity on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason KR3

K23 Use of Native Species

All species used in the planting proposals associated with the development shall be native species of UK provenance.

Reason KR3

K5 Bats: Lighting

Prior to the commencement of the development hereby approved a lighting scheme will be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason KR1

- 3.4 **Refuse & Recycling Manager:** No mention of waste storage or collection this needs to be address before permission is granted. Section 106 contribution of £67.50 per property will also be required.

In response to this the Agent has made the following comment:

In reply I would say that all the houses have been designed with refuse and recycling in mind, and will accommodate refuse and recycling storage provision on-curtilage within their respective gardens. The main road through the site has been constructed within the previously approved scheme to accommodate a large refuse vehicle, and the proposed new development will form part of this refuse collection route. The proposed houses will utilise traditional refuse and recycling bins in line with the 'Cherwell District Council - Planning and Waste Management Design Advice', placed kerbside on collection day for ease of collection. Residents to plots 2 and 3 will wheel their refuse and recycling bins to the refuse collection point along their private road for collection. This is shown as a minor amendment on the proposed site layout plan (also attached).

Oxfordshire County Council Consultees

- 3.5 **Highways Liaison Officer:** No objection subject to conditions

Key issues

- The application site forms part of a previously submitted scheme which was permitted under planning application number 12/00305/OUT. This included 44 dwellings, currently under construction, with the application site left as green space.
- Access to the dwellings will be via the same access, approved under 12/00305/OUT, and subject to a S278 agreement DLM/45531, which includes extension of the 30mph limit in Green Lane and relocation of traffic calming.
- Pedestrian safety and access within the site – see detailed comments.
- Access for refuse and delivery vehicles – see detailed comments.
- Public transport through the village is poor and access to core public transport is also poor.

- The site is not in a sustainable location, and the developer should pursue opportunities to improve this.

Legal Agreement required to secure

A financial contribution will be sought for the improvement of cycle access to bus services at the new Park and Ride at Vendee Drive.

Conditions

Conditions relating to the site access and access road already agreed through Section 278, should be carried over from the previous planning application(s) mentioned above, and conditions 14-21 are recommended.

Informatives

Prior to commencement of development, a separate consent must be obtained from OCC Road Agreements Team for the new highway vehicular access under S278 of the Highway Act. Contact: 01865 815700; RoadAgreements@oxfordshire.gov.uk.

Detailed Comments:

Transport Statement

The Transport Statement demonstrates that the traffic impact of the development will be within acceptable limits, generating 4 vehicle departures in am peak hour, and 4 arrivals in pm peak hour.

The Transport Statement does not offer any travel planning initiatives, and OCC requires that new residents are provided with a Travel Information Pack as soon as they move in or before.

Public Transport

Chesterton does not possess a good bus service that would be attractive for journeys to work. However, there is a frequent inter-urban bus service between Bicester and Oxford operating along the A41/A34 at frequent intervals.

The current Chesterton bus service is supported financially by the County Council, and reduced future funding levels will result in a review and possible reduction of frequency. Although currently there are a few direct buses to Oxford in the peak hours, this situation cannot be relied upon to continue.

Bus service 25 currently links Chesterton village with Bicester Town Centre six times per day. In the other direction, buses serve various other villages before extending to Kidlington or Oxford. The combination of reduced funding by the Council and the probable effect of an expanded Upper Heyford requiring direct links with Bicester and with Oxford will almost certainly result in a reduction in current peak services at Chesterton. Future direct links from Chesterton village to Oxford by bus cannot be assumed.

Bus service s5 operates at least every 15 minutes between Bicester Town Centre and Oxford along the A41 and A34. Peak services are more frequent than this, and a supplementary S5 service also operates directly to Headington. It is probable that the effect of additional residential development in and around Bicester will result in even more bus services along this route.

Making this development accessible to the core public transport network is a huge challenge, but this could be achieved by creating a link suitable for

cycling from the residential units to a bus stop on the Bicester-Oxford bus route.

A Park and Ride site is planned adjacent to the Vendee Drive roundabout, where buses on the Bicester-Oxford inter-urban service will call en route in both directions. The existing right of way between the Chesterton to Alchester road and Vendee Drive could be upgraded to be suitable for cyclists.

Sustainability

The location of the site is not considered particularly sustainable in strategic transport terms. The proposed footway connecting the site to the village is therefore considered a minimum essential provision.

The County Council expects that the developer will take further initiatives to improve the sustainability of this site. A contribution would be required towards the upgrading of the existing right of way between the Chesterton to Alchester Road and Vendee Drive enhancing pedestrian and cycle access to the new park and ride site. This is currently a grass strip alongside an arable field and would benefit from being upgraded to an all-weather surface. Landowner agreement would be required to widen the path and allow cyclists to use it.

Parking and access within the development

It is noted that there is no footway along the W side of the site access road. However, driveway accesses on both sides of the road should provide sufficient dropped kerbs to allow people to cross to the footway on the E side. Pedestrian visibility splays of 2m x 2m at each side of each driveway access should be provided (see condition D5).

There is no indication of arrangements for bin storage and collection, either hard standing for bins within the curtilages of properties fronting the access road, or for plots 2 & 3. Further information is required by the Highways Authority.

The shared driveway access to plots 2 and 3 appears only approx. 3m wide and approximately 26m in length, and appears to have no footway or passing places. Further drawings to be supplied and approved by the Highways Authority showing how the safety of pedestrians would be protected. Consideration should be given to providing a safe crossing point for pedestrians emerging from this driveway.

I also have concerns about the size of the turning head available in the shared driveway for plots 2 and 3, given that at least some of the space in front of the double garages is likely to be taken up with residents' or visitors' cars. The Highways Authority requires swept path drawings showing how delivery and refuse vehicles would turn safely without damaging kerbs or planted areas. I note that no unallocated spaces are available for visitors' cars.

There is a parking bay adjacent to the LPG tanks, assumed to be for deliveries. Further information is required by the Highways Authority to indicate how this will be kept free of other parking at all times.

Drainage

Surface water drainage ties into the system of an existing granted application. The calculations support the suitability of the existing system being extended for the additional 10 properties and impermeable areas.

3.6 **Education:** Approval subject to the conditions

Key issues:

£44,475 Section 106 required for necessary expansion of permanent primary school capacity in the area. Chesterton CE Primary School is the catchment school for this development.

£69,116 Section 106 required towards the construction of a new secondary school to serve the Bicester area.

£2,300 Section 106 required as a proportionate contribution to expansion of Special Educational Needs provision in the area.

Legal Agreement required to secure:

£44,475 Section 106 developer contributions towards the expansion of permanent primary school capacity serving this area, by a total of 3.84 pupil places. This is based on Department for Education (DfE) advice weighted for Oxfordshire, including an allowance for ICT and sprinklers at £11,582 per pupil place. This is index linked from 1st Quarter 2012 using PUBSEC Tender Price Index.

£69,116 Section 106 developer contributions towards the construction of a new secondary school to serve the Bicester area by a total of 2.92 pupil places (including 0.44 sixth form places). This is based on Department for Education (DfE) advice for secondary school construction weighted for Oxfordshire and including an allowance for ICT and sprinklers at £23,670 per pupil place. This is index linked to 4th Quarter 2012 using PUBSEC Tender Price Index.

£2,300 Section 106 developer contributions towards the expansion of permanent Special Educational Needs school capacity by a total of 0.08 pupil places. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index. We are advised to allow £30,656 per pupil place to expand capacity in special educational needs schools.

Conditions:

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

Informatives:

None

Detailed Comments:

Primary: Chesterton CE (VA) Primary School could be affected by housing development both within the villages and in Bicester. The school has limited spare places, and is full in some year groups. Given that the draft Local Plan indicates likely future housing growth in Chesterton, expansion of the school would be an appropriate response to any increase in local population. The feasibility of such an expansion has not been assessed. Housing developers would be expected to contribute towards such expansion.

Secondary: Bicester secondary schools currently have spare capacity, but this will be filled as the higher numbers now in primary school feed through. The large scale housing development planned for the town will require new secondary school establishments, the nature of which will be determined

following local consultation. All housing developments in the area would be expected to contribute towards the cost of these new establishments.

Special: Across Oxfordshire 1.11% of pupils are taught in special schools and all housing developments are expected to contribute proportionately toward expansion of this provision.

3.7 **Property:** No objection subject to conditions

Key issues:

The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure.

The following housing development mix has been used:

- 0 x One Bed Dwellings
- 3 x Two Bed Dwellings
- 2 x Three Bed Dwellings
- 5 x Four Bed Dwellings

It is calculated that this development would generate a net increase of:

31.11 additional residents including:

1.95 resident/s aged 65+
20.41 residents aged 20+
3.37 resident/s ages 13-19
3.25 resident/s ages 0-4

Legal Agreement required to secure:

Library	£2,644.35
Central Library	£534.00
Waste Management	£1,991.04
Museum Resource Centre	£155.55
Adult Day Care	£2,145.00
Total*	£7,469.94

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

Administration & Monitoring £1,500.00

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

Conditions:

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

Informatives:

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

Detailed Comments:

Library

This development is served by Bicester Library.

This provision is significantly under-size in relation to its catchment population and this development will therefore place additional pressures on the library service.

Costs for these improvements are based upon the costs of extending a library. The costs of extending a library is £2,370 per m2 at 1st Quarter 2012 price base; this equates to £65 ($£2,370 \times 27.5 / 1,000$) per resident.

This calculation is based on Oxfordshire County Council adopted standard for publicly available library floor space of 23 m2 per 1,000 head of population, and a further 19.5% space is required for support areas (staff workroom, etc.), totalling 27.5 m2 per 1,000 head of population.

The development proposal would also generate the need to increase the core book stock held by 2 volumes per additional resident. The price per volume is £10.00 at 1st Quarter 2012 price base; this equates to £20 per resident.

The contribution for the provision of library infrastructure and supplementary core book stock in respect of this application would therefore be based on the following formula:

$$\mathbf{£85 \times 31.11 \text{ (the forecast number of new residents)} = \mathbf{£2,644.35}}$$

Central Library

Central Library in Oxford serves the whole county and requires remodelling to support service delivery that includes provision of library resources across the county.

Remodelling of the library at 3rd Quarter 2013 base prices leaves a funding requirement still to be secured = £4.1 M 60% of this funding is collected from development in the Oxford area. The remainder 40% is spread across the four other Districts. 40% of 4.1M = £1,604,000.

Population across Oxfordshire outside of Oxford City District is forecast to grow by 93,529 to year 2026. $£1,604,000 \div 93,529 \text{ people} = £17.15 \text{ per person}$

$$\mathbf{£ 17.15 \times 31.11 \text{ (The forecast number of new residents)} \text{ or } £41.16 \text{ per dwelling} = \mathbf{£534}}$$

Strategic Waste Management

Under Section 51 of the Environmental Protection Act 1990, County Councils, as waste disposal authorities, have a duty to arrange for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of that waste.

To meet the additional pressures on the various Household Waste and Recycling Centre provision in Oxfordshire enhancements to these centres are

either already taking place or are planned, and, to this end, contributions are now required from developers towards their redesign and redevelopment.

A new site serving 20,000 households costs in the region of £3,000,000 at 1st Quarter 2012 price base; this equates to £64 per resident.

The contribution for the provision of strategic waste management infrastructure in respect of this application would therefore be based on the following formula:

$$\mathbf{£64 \times 31.11 \text{ (the forecast number of new residents)} = \mathbf{£1,991.04}}$$

County Museum Resource Centre

Oxfordshire County Council's museum service provides a central Museum Resource Centre (MRC). The MRC is the principal store for the Oxfordshire Museum, Cogges Manor Farm Museum, Abingdon Museum, Banbury Museum, the Museum of Oxford and the Vale and Downland Museum. It provides support to these museums and schools throughout the county for educational, research and leisure activities.

The MRC is operating at capacity and needs an extension to meet the demands arising from further development throughout the county. An extended facility will provide additional storage space and allow for increased public access to the facility.

An extension to the MRC to mitigate the impact of new development up to 2026 has been costed at £460,000 at 1st Quarter 2012 price base; this equates to £5 per person.

The contribution for the extension of the Museum Resource Centre in respect of this application would therefore be based on the following formula:

$$\mathbf{£5 \times 31.11 \text{ (the forecast number of new residents)} = \mathbf{£155.55}}$$

Social & Health Care - Day Care Facilities

This development is served by Bicester Day Centre and this development will place additional pressures on this adult day care facility. To meet the additional pressures on day care provision the County Council is looking to expend and improve the adult day care facility in Bicester Day Centre

Contributions are based upon a new Day Care centre offering 40 places per day (optimum) and open 5 days per week; leading to an equivalent costing of £11,000 per place at 1st Quarter 2012 price base (this in non-revenue). Based on current and predicted usage figures we estimate that 10% of the over 65 population use day care facilities. Therefore the cost per person aged 65 years or older is £1,100.

The contribution for the provision of adult day care infrastructure in respect of this application would therefore be based on the following formula:

$$\mathbf{£1,100 \times 1.95 \text{ (the forecast number of new residents aged 65+)} = \mathbf{£2,145.00}}$$

Administration

Oxfordshire County Council requires an administrative payment of £1500 for the purposes of administration and monitoring of the proposed S106 agreement, including elements relating to Education. The admin fee may increase depending on the value of any Transport related contributions.

Indexation

Financial contributions have to be indexed-linked to maintain the real values of the contributions (so that they can in future years deliver the same level of infrastructure provision currently envisaged). The price bases of the various contributions are covered in the relevant sections above.

General

The contributions requested have been calculated where possible using details of the development mix from the application submitted or if no details are available then the County Council has used the best information available. Should the application be amended or the development mixed changed at a later date, the Council reserves the right to seek a higher contribution according to the nature of the amendment.

The contributions which are being sought are necessary to protect the existing levels of infrastructure for local residents. They are relevant to planning the incorporation of this major development within the local community, if it is implemented. They are directly related to this proposed development and to the scale and kind of the proposal.

- 3.8 **Recreation and Health:** There is a requirement for a contribution towards public art. The artwork commissioned could be either a stand-alone sculptural piece or a functional artwork. It will need to tie into the landscaping works for the site or it could be used to enhance the play area at the rear of the new village hall, by making a blacksmithed screen or panel to add interest.

Detail

Developers to determine preference for location and type of artwork. This can then be approved by CDC Arts development team who will undertake to procure it on behalf of the developers involving Chesterton Parish Councillors in the decision.

- 3.9 **Recreation and Health Improvement Officer:** Off-site contribution towards providing additional outdoor sports facilities at the Bicester Sports Village. Off-site contribution towards creating additional capacity at the Bicester and Ploughly Sports Centre.

Detail

Outdoor sports: 10 dwellings with a occupancy of 28.44 people x £416.41 = £11,843.

Indoor sports: 28.44 people x £302.31 = £8,598

- 3.10 **Community Development Officer:** As this development is under 50 dwellings our policies do not allow us to make a community requirement.

Other Consultees

- 3.11 **Thames Water**

Waste Comments

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments

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

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

- 3.12 **Environment Agency:** This application is deemed to either have a low environmental risk or relate to conditions that were not recommended by the Environment Agency. Unfortunately, due to workload prioritisation we are unable to make an individual response to this application at this time.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H13	Category 1 settlements
H18	New dwellings in the countryside
C2	Protected species
C5	Creation of new habitats
C7	Harm to the topography and character of the landscape
C8	Sporadic development in the countryside
C27	Development in villages to respect historic settlement pattern
C28	Layout, design and external appearance of new development
C30	Design of new residential development
C33	Protection of important gaps of undeveloped land
R12	Public open space provision
ENV12	Contaminated land
TR1	Transportation funding

4.2 Other Material Policy and Guidance

National Planning Policy Framework

National Planning Policy Framework 2012 – Core planning principles and the delivery of sustainable development with regard to the following sections:-

4	Promoting sustainable transport
6	Delivering a wide choice of high quality homes
7	Requiring good design
8	Promoting healthy communities
10	Meeting the challenge of climate change and flooding
11	Conserving and enhancing the natural environment

Planning Practice Guidance

Non-Statutory Cherwell Local Plan 2011

Whilst some policies within the plan may remain to be material considerations, other strategic policies have in effect been superseded by those in the

Submission Local Plan (October 2014). The main relevant policies to consider are as follows:-

Policy H15	Category 1 Settlements
Policy H19	New dwellings in the countryside
Policy EN30	Sporadic development in the countryside
Policy EN31	Beyond the existing and planned limits of Banbury and Bicester
Policy EN34	Conserve and enhance the character and appearance of the landscape

Submission Local Plan 2006 – 2031

The Plan was submitted to the Secretary of State on 31 January 2014 for Examination. There are outstanding objections to some policies which have yet to be resolved.

The Examination commenced on 3 June 2014. On 4 June 2014 the Inspector temporarily suspended the examination to enable the Council to prepare modifications to the plan to accommodate additional homes across the district. The Examination reconvened on 9 December 2014.

The main policies relevant to this proposal are:-

Policy Villages 1	Chesterton is identified as a village where infilling, minor development and conversions will be permitted
Policy Villages 2	Distributing growth across the rural areas
Policy BSC3	Provision of affordable housing. In rural settlements proposals for residential development of 3 or more dwellings will be expected to provide at least 35% affordable homes on site
Policy ESD3	Sustainable construction. All new homes are expected to meet at least Code Level 4 of the Code for Sustainable Homes
Policy ESD7	Sustainable drainage. All development will be required to use SUDS for the management of surface water run-off
Policy ESD13	Local landscape protection and enhancement expects developments to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided
Policy ESD16	The character of the built and historic environment should be protected and where development is allowed it should respect the local character context

5. Appraisal

5.1 The key issues for consideration in this application are:

- Planning Policy and the Principle of Development
- Five Year Housing Land Supply
- Design
- Landscape impact
- Ecology

- Flooding and Drainage
- Transport Assessment and Access
- Delivery of the Site
- Planning Obligation

Planning Policy and Principle of Development

- 5.2 The Development Plan for Cherwell District comprises the saved policies in the Adopted Cherwell local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the Local Planning Authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.3 The site in question is not allocated for development in any adopted or draft plan forming part of the development plan. Chesterton is designated as a Category 1 settlement in the adopted Cherwell local Plan. Policy H13 of that plan states that new residential development within the village will be restricted to infilling, minor development comprising small groups of dwellings within the built up area of the settlement, or the conversion of non-residential buildings. The site is not within the built up limits of the village and is therefore in open countryside. Policy H18 of the adopted Cherwell Local Plan restricts new dwellings beyond the built up limits of settlements, in open countryside to those which are essential for agriculture, or other existing undertakings, or where dwellings meet an identified and specified housing need that cannot be met elsewhere. These policies are carried through in the Non- Statutory Cherwell Local Plan. The adopted Cherwell Local Plan contains no specific allocation for this site and the proposal clearly does not comply with this policy criterion and therefore represents development beyond the existing built limits of the village into open countryside. The proposal therefore, needs to be assessed against Policy H18 which limits residential development beyond the existing built up limits of settlements unless they are agricultural workers dwellings or affordable housing.
- 5.4 Quite clearly the development fails to comply with this policy and in doing so also potentially conflicts with the rural conservation Policy C7 which does not normally permit development which would cause harm to the topography and character of the landscape. Policy C8 seeks to prevent sporadic development in the open countryside but also serves to restrict housing development.
- 5.5 Paragraph 49 of the NPPF states 'housing applications should be considered in the context of a presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites.
- 5.6 The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 7). It also provides (paragraph 17) a set of core planning principles which amongst other things require planning to:

- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
 - Proactively drive and support sustainable economic development
 - Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
 - Support the transition to a low carbon future in a changing climate
 - Encourage the effective use of land by re-using land that has been previously developed
 - Promote mixed use developments
 - Conserve heritage assets in a manner appropriate to their significance
 - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant developments in locations which are, or can be made sustainable
 - Deliver sufficient community and cultural facilities and services to meet local needs
- 5.7 The NPPF at paragraph 14 states 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking'....For decision taking this means:
- Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
 - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or
 - Specific policies in this framework indicate development should be restricted
- 5.8 The adopted Cherwell Local Plan 1996 is out of date in relation to the policies regarding delivery of housing. The NPPF advises that due weight should be given to relevant policies within existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight may be given). The Development Plan (the adopted Cherwell Local Plan) contains no up to date policies addressing the supply of housing and it is therefore necessary to assess the application in the context of the presumption in favour of sustainable development as required by the NPPF.
- 5.9 Whilst it is acknowledged that Chesterton is one of the more sustainable villages, this does not necessarily mean that the proposal itself constitutes sustainable development. The NPPF sets out three dimensions to sustainable development, those being economic, social and environmental which are considered below. In respect of the appeal at The Green, it is important to note that the Inspector concluded that Chesterton is a sustainable location. Furthermore, in an appeal at Bourne Lane, Hook Norton an Inspector concluded that whilst the village does not have a piped gas supply and that electricity supply and broadband connectivity can be poor, that these did not alter his overall assessment of the range of facilities available within the village and that it was sustainable.

- 5.10 In terms of the environmental dimension, the development must contribute to the protection and enhancement of the natural, built and historic environment by improving biodiversity. Whilst this is a green field site and its loss will cause harm to the character and appearance of the countryside, this would be limited to short distance views within the immediate vicinity of the site. The development proposal also includes an area of open space, landscaping and additional tree and hedge planting. Conditions can be imposed to ensure that an ecological enhancement scheme is carried out as part of the development.

Five Year Housing land Supply

- 5.11 Section 6 of the NPPF 'delivering a wide choice of high quality homes' requires local planning authorities to significantly boost the supply of housing by identifying key site within the local plan to meet the delivery of housing within the plan period and identify and update annually a 5 year supply of deliverable sites within the District.
- 5.12 Paragraph 031 Reference ID: 3-030-20140306 of the Planning practice Guidance – Housing and Economic Development needs Assessments states that the NPPF sets out that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. Therefore local planning authorities should have an identified five-year supply at all points during the plan period. Housing requirement figures in up-to-date adopted local plans should al be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted local plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.
- 5.13 Where evidence in local plans has become outdated and policies in the emerging plans are not yet capable of carrying sufficient weight, information provided in the latest assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints. Where there is no robust recent assessment of full housing needs, the household projections published by the Department for Communities and Local Government should be used as the starting point, but the weight given to these should be take account of the fact that they have not been tested (which could evidence a different housing requirement to the projection, for example because of past events that affect the projection are unlikely to occur again or because of market signals) or moderated against relevant constraints (for example environmental or infrastructure).
- 5.14 On 28 May, the council published a Housing land Supply Update which showed that there was a five year housing land supply, based on the Submission Local Plan requirement of 670 homes per annum form 2006 to 2031. The examination of the Local Plan began on 3 June 2014. On that day, and the following day, June 4 2014, the Local Plan's housing requirements were discussed in the context of the Oxfordshire Housing Market Assessment (SHMA) 2014, published on 16 April 2014 (after the submission of the Local Plan in January 2014).
- 5.15 The Oxfordshire Strategic Marketing Assessment (SHMA) 2014 was commissioned by West Oxfordshire District Council, Oxford City Council,

South Oxfordshire District Council, Vale of White Horse District Council and Cherwell District Council and provides an objective assessment of housing need. It concludes that Cherwell has a need for between 1,090 and 1,190 dwellings per annum. 1,140 dwellings per annum are identified as the mid-point figure within that range.

- 5.16 The Planning Inspector appointed to examine the Local Plan made clear his view that the SHMA document provided an objective assessment of housing need in accordance with the NPPF and suspended the Examination to provide the opportunity for the council to propose 'Main Modifications' to the Plan in the light of the higher level of need identified. The 1,140 per annum SHMA figure represents an objective assessment of need (not itself the housing requirement for Cherwell) and will need to be tested having regard to constraints and the process of Strategic Environmental Assessment/Sustainability Appraisal. However, the existing 670 dwellings per annum housing requirement of the Submission Local Plan (January 2014) should no longer be relied upon for the purpose of calculating the five year housing land supply. Until 'Main Modifications' are submitted to the Secretary of State for Communities and Local Government, the objectively assessed need figure of 1,140 homes per annum from the SHMA is considered to be the most robust and defensible basis for calculating the five year housing land supply.
- 5.17 A further Housing Land Supply Update (June 2014) has been approved by the Lead Member for Planning. It shows that the District now has a 3.4 year housing land supply which includes an additional 20% requirement as required by the NPPF where there has been persistent under-delivery. It also seeks to ensure that any shortfall in delivery is made up within the five year period. The District does not therefore have a 5 year housing land supply and as a result of the NPPF advises in paragraph 14 that planning permission should be granted unless 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole'.
- 5.18 However, notwithstanding the Council's Housing land supply position, it should be noted that the NPPF does not indicate that in the absence of a five year supply that permission for housing should automatically be granted for sites outside of settlements. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits.

Submission Cherwell Local Plan

- 5.19 The Submission Cherwell Local Plan is not adopted and therefore carries limited weight, but does set out the Council's proposed strategic approach to development within the district to 2031, with the majority of new development being directed to the urban areas of Bicester and Banbury. The Plan does, however, recognise that some development will have to be permitted in rural villages in order to meet the needs of the rural population.
- 5.20 Policy Villages 1 of the Plan designates Chesterton as a Category A village, and therefore one of the Districts most sustainable based on criteria such as population, size, range of services and facilities and access to public transport. Policy Villages 2 seeks to distribute the amount of growth that can be expected within these villages, although how the numbers will be distributed is not specified as precise allocations within each village would be

set out in the Local Neighbourhoods Development Plan Document, based on evidence presented in the SHLAA. This document is to be prepared following the adoption of the Submission Local Plan. As part of the 'Main Modifications' to the Submission Local Plan following the need to identify further housing in order to achieve the District's assessed housing need and maintain a five year housing land supply Policy Villages 2 has been revised by including Kidlington as a category A village and increasing the number of homes to 750.

- 5.21 It is evident from the above that the proposed development is contrary to policies within the adopted Cherwell Local Plan and is not allocated for development within the Submission Cherwell Local Plan. As previously expressed however, the adopted Cherwell Local Plan is out of date in terms of allocating land for new housing development, and the Submission Cherwell Local Plan currently carries limited weight in the consideration of new development proposals. As such a refusal based on these grounds alone is unlikely to be defensible at appeal and has to be weighed against other material considerations, the most significant being the need to provide a five year housing land supply.
- 5.22 However, notwithstanding the Council's Housing Land Supply position as stated above, the proposal would give rise to conflict with a number of policies in the adopted Cherwell Local Plan, Non-Statutory Cherwell Local Plan and the Submission Local Plan. Paragraph 14 of the framework makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. It does not however indicate that an absence of a five year land supply means that permission should automatically be granted for sites outside settlements. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. 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 Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole. The identified issues of relevance are identified and considered below.

Design & Layout

- 5.23 The application is a detailed scheme and so full plans and elevations of the proposed dwellings have been provided. The dwellings consist of 8 detached and a single pair of semi-detached properties. 8 of the dwellings (all but plots 2 and 3) would front onto the main access road that would serve the dwellings as well as the wider development of 44 dwellings. Plots 2 and 3 would sit further back from the road served by a private drive. All properties would sit back from the road, separated by front gardens, whilst plot 10 that also fronts onto Green Lane, would be set back from this road, in line with the adjacent plots on the adjoin larger development.
- 5.24 In terms of the design of the proposed dwellings, all would be two-storey, with a mixture of materials to include stone for those properties immediately adjacent to Green Lane (plots 9 and 10) and buff brick and red brick on the

remaining plots. The roofs would be constructed from a mixture of grey and terracotta plain tiles.

- 5.25 The design of these properties seeks to sit comfortably and match those properties currently under development on the adjoining site. Indeed, both sites are owned by the same developer and so there will be an obvious correlation between the sites and ensure that they do not conflict with each other.
- 5.26 It is considered that the design details provided that the proposed development would fit with the context of the wider village.

Landscape Impact

- 5.27 The application site lies beyond the built up limits of the village in an area of open countryside. Policy C7 of the adopted Cherwell Local Plan seeks to resist development if it would result in demonstrable harm to the topography and character of the landscape and the explanatory text states that tight control should be exercised over all development proposals in the countryside if the character is to be retained and enhanced.
- 5.28 Paragraph 113 of the NPPF states that Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of internal, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution they make to wider ecological works.
- 5.29 The application site, like the adjoining land under development, is not within any locally or nationally designated landscapes. Indeed, the wider site was considered by the Planning Inspector in allowing the adjoining development for 44 dwellings and the landscape impact was found to be minor.
- 5.30 The proposed dwellings would most likely be seen when approaching the village from the west, however, intermittent hedging and tree planting breaks up the views available. Even should the dwelling be seen, it should be noted that the new dwellings currently under construction would also be seen in a similar context and so the impact of the proposed dwellings would be of a similar scale, albeit further west from the village. It is proposed to retain existing hedging along the western boundary of the site, which can be ensured by way of a condition and this will continue to protect views when approaching the village.
- 5.31 As such, it is considered that the development proposed would not appear unduly prominent in the wider area and so would not be contrary to Policy C7 of the adopted Cherwell Local Plan and Government advice in the NPPF.

Ecology

- 5.32 The application is accompanied by an Ecological Assessment that confirms that the site is not within or adjacent to any statutory or non-statutory wildlife sites and that the proposed development would not cause any significant impacts to such sites.
- 5.33 The Ecological Assessment considers the potential impact on a number of species, including bats, badgers, hedgehogs, brown hare, birds, reptiles and amphibians.

- 5.34 In respect of all these species, none were found specifically on the site but within the proximity of the surrounding area. As such, it concludes that whilst there is unlikely to be any direct impact arising from the development, precautionary measures need to be taken during construction to monitor the situation further.
- 5.35 The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 109, that, ‘the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 5.36 Section 40 of the Natural Environment and communities Act 2006 (NERC 2006) states that ‘every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity and: ‘local Planning Authorities must also have regard to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of the Conservation Regulations 2010, which states that a ‘competent authority’ in exercising their functions, must have regard to the requirement of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places’.
- 5.37 Under Regulation 41 of the conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met:-
1. is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
 2. there is a satisfactory alternative
 3. is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species
- 5.38 Therefore where planning permission is required and protected species are likely to be found present at the site, or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.
- 5.39 The Council’s Ecologist has assessed the Ecological Assessment which has been submitted with the application and considers that it is appropriate in scale and depth. The Ecologist recommend 5 conditions to ensure that appropriate measures are put in place to ensure that protected species are adequately managed. Consequently, having regard to the above, it is considered that Article 12 (1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present on the site will continue, and will be safeguarded, notwithstanding the proposed development. The proposal therefore accords with the NPPF and Policies C2

and C5 of the adopted Cherwell local plan and Policy ESD10 of the Submission Local Plan.

Flooding and Drainage

- 5.40 No objections have been raised by the Environment Agency to the proposed development as the application site is not within a high risk area, being located within Flood Zone 1.

Transport

- 5.41 The application site would use an existing, consented access, that serves the adjoining development of 44 dwellings and so in respect of the position and size of the access, it is not considered to be inappropriate.
- 5.42 Transport and Accessibility is one of the aspects which must be considered in respect of whether development can be considered to be sustainable. Whilst it is acknowledged that the site, being on the edge of a village is less sustainable than in urban areas of Banbury and Bicester, Chesterton has been assessed as being one of the districts more sustainable villages because of the range of services available. Having regard to this, emerging policy anticipates that villages will take some of the housing growth and that Chesterton is sufficiently sustainable to accommodate some new development. The Highway Authority have questioned the sustainability of Chesterton and the efforts made by the applicant to improve accessibility to the site. In doing so, the Highway Authority have made several recommendations, including upgrading the footpath between the Chesterton to Alchester Road and Vendee Drive. It is considered that these matters can be adequately addressed through the imposition of appropriate conditions and obligations.

Delivery of the Site

- 5.43 Part of the justification for the submission of this application is based on the district's housing land supply shortage. The potential of this development to contribute to the shortage of housing is a key factor weighing in favour of this proposal. It is therefore vital that this land is delivered within the 5 year period.
- 5.44 As with other residential applications submitted for consideration on this basis, it is considered that if planning consent is granted, a shorter implementation period should be imposed which will help to ensure that the development contributes towards the five year housing land supply. The application has been submitted by a local house building company who are developing the adjoining site, and intend to develop the site as soon as possible.

Planning Obligations

- 5.45 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation, to enable the development to proceed. The draft Supplementary Planning Document (SPD) relating to the requirements was considered by the Council's Executive in May 2011 and was approved as interim guidance for development control purposes.
- 5.46 New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost of all or part of

the additional infrastructure/services. Obligations are the mechanism used to secure these measures.

- 5.47 In respect of planning obligations, the NPPF advises at paragraph 204 that they should be sought where they meet all of the following tests:
- necessary to make development acceptable in planning terms
 - directly related to the development; and
 - fairly and reasonably related in kind and scale to the development

- 5.48 Having regard to the above, the Heads of terms relating to the additional development would include the following:-

CDC Contributions

- 35% affordable housing
- Refuse and Recycling - £67.50 per property
- Outdoor sports - £11,843
- Indoor Sports - £8,598
- Public Art
- Monitoring fee - £1500

OCC Contributions

- £44,475 – Primary School Expansion in the area
- £69,116 – New Secondary School at Bicester
- £2,300 – Special Education Needs
- £2,644.35 –Library
- £534.00 – Central Library
- £1,991.04 – Waste Management
- £155.55 – Museum Resource Centre
- £2,145 – Adult Day Care
- £1,500 – Administration
- Improvement of cycle access to bus services at the new Park and Ride at Vendee Drive

Thames Valley Police - £6,285.65

Engagement

- 5.49 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.50 Given that the adopted Cherwell local plan housing policies are out of date and the emerging housing policies can only be given limited weight and the council cannot demonstrate a five year housing land supply, paragraphs 14 and 49 of the Framework are engaged. Paragraph 14 makes it clear that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 5.51 The site lies outside, but on the edge, of the village confines and so lies in open countryside and would represent the loss of agricultural land. However, it is clear from the information provided and the assessment's made by officers of the Council that the level of harm arising from the development would not outweigh the benefits of the provision of housing in the face of

housing deficit. In accordance with paragraph 14 of the NPPF, the adverse impacts of the proposed development do not outweigh the benefits and so there should be a presumption in favour of sustainable development.

6. Recommendation

Approval, subject to:

a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined in paragraph 5.57,

b) the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Site Location Plan (063-500), Revised Site Layout Plan (063-600A), Floor Plan & Elevation Plans (063-700, 063-701, 063-702, 063-703, 063-704, 063-705, 063-706, 063-707, 063-708), Planning Statement, Design and Access Statement, Tree Protection Plan (HILL/19532/03), Landscape Proposals (HILL/19532/11), Landscape Specification (Oct 2014), Arboricultural Impact Assessment (Nov 2014), Tree Report (Aug 2013), Ecological Assessment (Nov 2014), Flood Risk Assessment (Nov 2014), Hydrology & Hydrogeological Assessment (Sept 2013), WYG Transport letter dated 5 Nov 2014, Drainage Strategy Plans (HC70289-D-001 & HC70289-D-002)

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework

3. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development, a plan showing the details of the finished floor levels of the proposed dwellings in relation to existing ground levels on the site shall be submitted to and approved in writing by

the local planning authority. The development shall be carried out in accordance with the approved details.

Reason – To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

5. Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which this scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Associations current edition 'sewers for adoption'

Reason – To ensure that the development is served by proper arrangements for the disposal of surface/foul sewage, to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework

6. All planting, seeding or turfing comprised in the approved Landscaping Proposals and Specification shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. The existing hedgerows along the western boundary of the site shall be retained and properly maintained at a height of not less than 3 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. The development hereby approved shall be carried out strictly in accordance with the recommendations set out in Section 6.3 (points R4, R5, R6 and R7) of the Preliminary Ecological Assessment submitted with the application, which was prepared by Middlemarch Environmental dated November 2014.

Reason -To protect habitats of importance to biodiversity conservation from

any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing the biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. All species used in the planting proposals associated with the development shall be native species of UK provenance.

Reason - To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

12. Prior to the commencement of the development hereby approved, a lighting scheme will be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. Prior to the commencement of the development hereby approved, full details of the access vision splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the dwellings the vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.6m above carriageway level.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

14. Other than the approved access(s) no other means of access whatsoever shall be formed or used between the land and the highway.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

15. Prior to the commencement of the development hereby approved, and notwithstanding the application details, full details of refuse, fire tender and pantechnicon turning within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

16. The delivery bay adjacent to the LPG tanks shall be kept free of obstructions at all times and used only for the specified purpose.

Reason - In the interests of highway safety, to ensure a proper standard of development and to comply with Government guidance contained within the National Planning Policy Framework.

17. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

18. Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

19. That the garage accommodation shall be retained as such and shall not be adapted for living purposes unless planning permission has first been granted by the Local Planning Authority on a formal application.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

20. A final drainage design plan and full drainage calculation need to be submitted and approved by Oxfordshire County Council prior to the

development commencing on site.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

21. Prior to the first occupation, a travel information pack should be produced for this development to ensure all residents are aware of the travel choices available to them from the outset. This should be developed in accordance with OCC guidelines and submitted to the OCC Travel Plans team for approval prior to first occupation of the site.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

Planning Notes

1. PN19
2. PN22
3. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

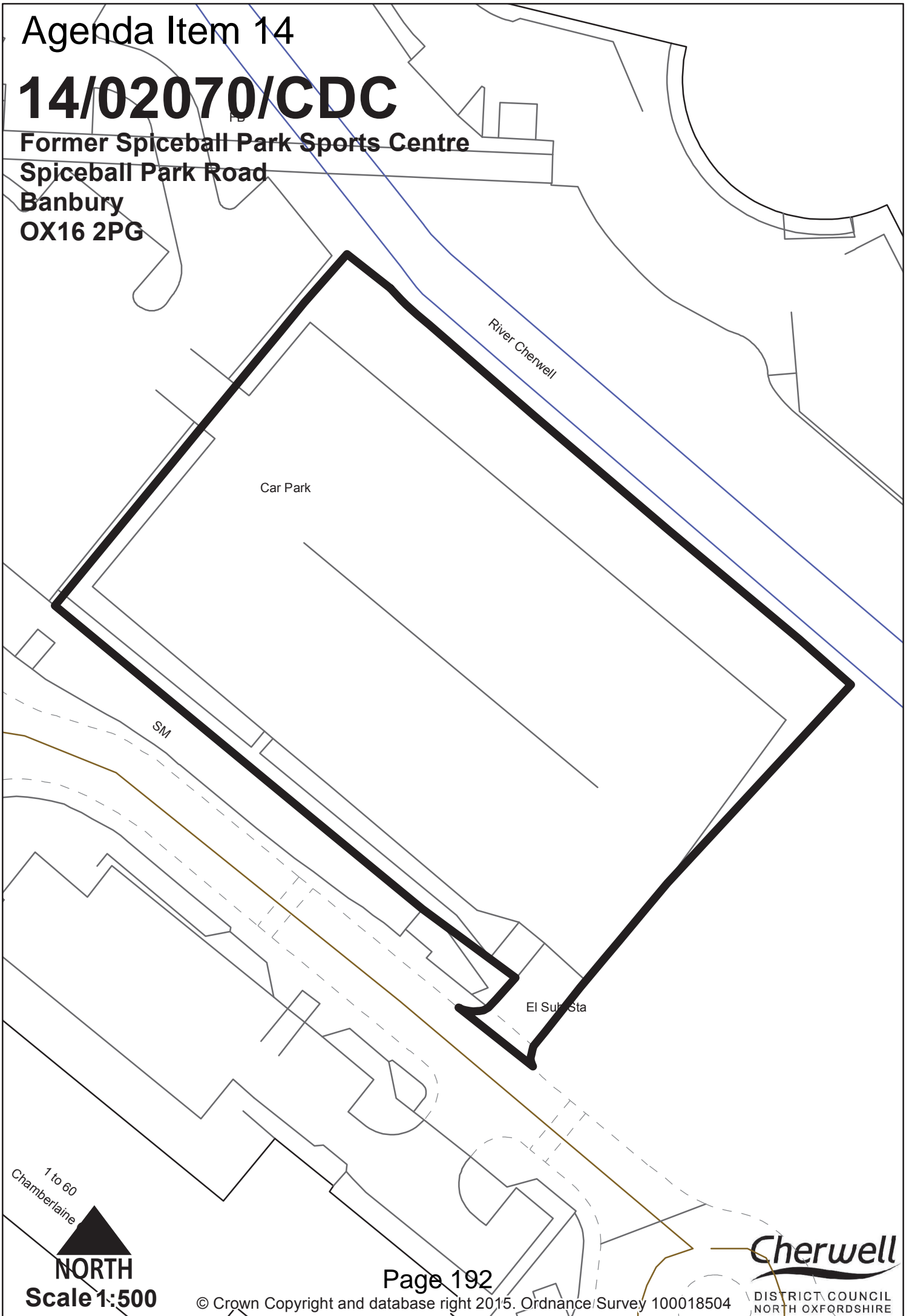
Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

Agenda Item 14

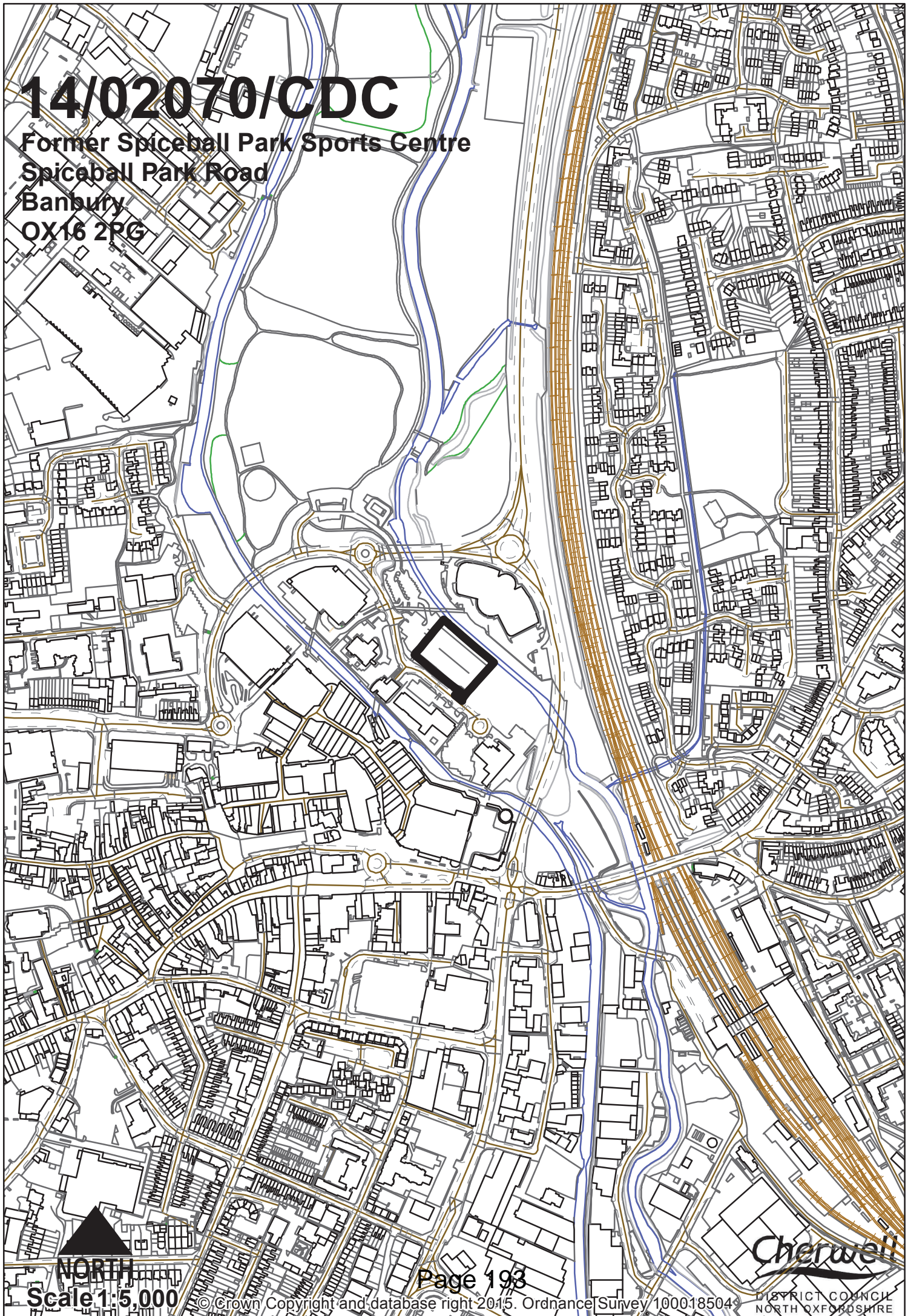
14/02070/CDC

Former Spiceball Park Sports Centre
Spiceball Park Road
Banbury
OX16 2PG



14/02070/CDC

Former Spiceball Park Sports Centre
Spiceball Park Road
Banbury
OX16 2PG



NORTH
Scale 1:5,000

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

**Site Address: Former Spiceball Park
Sports Centre, Spiceball Park Road,
Banbury**

14/02070/CDC

Ward: Banbury Grimsbury and
Castle

District Councillors: Andrew Beere, Claire Bell and
Ann Bonnor

Case Officer: Rebekah Morgan

Recommendation: Approval; subject to the
expiration of the consultation period.

Applicant: Cherwell District Council

Application Description: Change of Use to vehicle park

Committee Referral: CDC
Application

Committee Date: 22nd January 2015

1. Site Description and Proposed Development

- 1.1 The application site is the site of the former Spiceball Park Sports Centre. The previous buildings have been demolished and the site has been used as a public car park for nearly 5 years. The site is located close to Banbury Town Centre, adjacent to other public car parks and opposite a residential development comprising of flats.
- 1.2 The proposal is for the change of use to continue using a section of land as a public car park. The area will remain as it is currently laid out providing approximately 92 parking spaces with an entrance/exit point via the existing carpark onto Spiceball Park Road.
- 1.3 The application seeks a consent to allow the continued use of the site as a car park for a further period.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment is the 29th January 2015. No correspondence has been received at this stage as a result of this consultation process. Members will be updated if any comments are received.

3. Consultations

- 3.1 Banbury Town Council: Awaiting comments

Oxfordshire County Council Consultees

- 3.2 Highways Liaison Officer: Awaiting comments

4. Relevant National and Local Policy and Guidance

- 4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

ENV7: Water quality

C28: Layout, design and external appearance of new development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Submission Local Plan (January 2014)

Submission Local Plan (January 2014) (SLP) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation and the examination is set to reconvene in December 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031.

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of the development
- Highway Safety
- Neighbouring Amenity

Relevant Planning History

5.2 **10/00290/CDC:** Construction of a temporary car-park on site of old Spiceball Sports Centre Sports Hall. Application granted for a five year temporary consent which expires on 08 April 2015.

5.3 **13/01601/OUT:** Major redevelopment of the wider area including a retail foodstore, hotel, cinema, restaurant and cafes. The Planning committee has resolved to approve the proposal subject to conditions and a legal agreement. The application site would be included within this proposal.

Principle of the development

5.4 The site forms part of the site of the former sports centre that was previously demolished. A temporary consent (10/00290/CDC) was granted for a period of 5 years to allow the site to be used as a public car park.

5.5 This application does not specify a time period, but it is envisaged that the use would continue until a time when work commences on the redevelopment proposals for the wider area. As the site is within an area that has been highlighted for redevelopment, it is considered appropriate to restrict the consent to a further five years. As the land is owned and managed by Cherwell District Council, the granting of consent would not prejudice the future redevelopment of the area if it were to come forward within the 5 year period.

5.6 The site is located within the town centre and provides additional parking especially during peak periods. The site is already laid out as a car park with no proposed changes to the surfacing, layout or access arrangements.

5.7 The proposed use is appropriate for the location and the principle of the development is considered to be acceptable.

5.8 The car park has been operating successfully and utilises an existing access via the adjacent public car park.

5.9 The continued use of the site as a car park would not have a detrimental impact on highway safety and complies with government guidance contained within the National Planning Policy Framework.

Neighbouring Amenity

5.10 There will be some continued noise associated with the parking and manoeuvring of vehicles. The site is adjacent to a public car park and other existing car parks are adjacent to the residential properties. The additional area of car parking is not considered to cause significant levels of noise (in excess of noise associated with existing car parking and roads) to cause harm to neighbouring amenity. Therefore, as previously concluded on the last application, this would not cause serious harm to neighbouring amenity to warrant a reason for refusal.

5.11 The continued use of the site as a public car park would not cause harm to neighbouring amenity and accords with the core principles of the National Planning Policy Framework.

Engagement

5.12 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

6. Recommendation

Approval, subject to:

- a) The expiration of the consultation period on 29th January 2015
- b) the following conditions:

1. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement, Ecological Survey Update dated December 2014, site location plan and drawing number 2642 Rev A.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

2. That at the expiration of 5 years from the date hereof the use specified shall be discontinued.

Reason – To enable the Council to review the position at the expiration of the stated period, in order not to prejudice the consideration of future proposals for the land in accordance with the National Planning Policy Framework.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as the decision has been made in an efficient and timely way.

Cherwell District Council

Planning Committee

22 January 2015

Decisions Subject to Various Requirements - Progress Report

Report of Head of Development Management

This report is public

Purpose of report

This report aims to keep members informed upon applications which they have authorised decisions upon to various requirements which must be complied with prior to the issue of decisions.

An update on any changes since the preparation of the report will be given at the meeting.

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

The following applications remain outstanding for the reasons stated:

10/00640/F (re-affirmed 24.5.12)	Former USAF housing South of Camp Road, Upper Heyford Subject to legal agreement concerning on and off site infrastructure and affordable housing. May be withdrawn following completion of negotiations on 10/01642/OUT
----------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

11/01494/OUT (13.6.13)	Site C Ploughley Road, Upper Arccott & Site D & E Ambrosden Road, MOD Bicester
	Subject to legal agreement and departure procedures
13/00330/OUT (6.3.14)	81-89 Cassington Road Yarnton
	Subject to legal agreement
13/00433/OUT (11.7.13)	Land at Whitelands Farm, Middleton Stoney Road, Bicester
	Subject to legal agreement concerning on-site and off-site infrastructure
13/00444/OUT (11.7.13)	Land west of Edinburgh Way, Banbury
	Subject to legal agreement concerning on-site and off-site infrastructure
13/00847/OUT (7.8.14)	Phase 2 SW Bicester
	Subject to legal agreement re infrastructure contributions
13/01372/CDC (6.2.14 and 24.4.14)	Land rear of Methodist Church, The Fairway, Banbury
	Subject to legal agreement re affordable housing
13/01601/OUT (6.2.14) and (7.8.14)	Land adj. Spiceball Park Road, Banbury
	Revised proposal received late May 2014 – reconsultation and return to Committee)
	Subject to reference to Sec. of State and legal agreement re off-site infrastructure contributions following discussions with OCC re highways and parking
13/01652/F (6.2.14)	18B Wildmere Road, Banbury
	Subject to legal agreement re off-site infrastructure contributions

13/01796/OUT (6.3.14)	Land N of Oak View, Weston on the Green Subject to legal agreement
13/01811/OUT	Land at Dow Street, Heyford Park, Upper Heyford Subject to legal agreement with CDC/OCC
14/00250/F (19.6.14)	Land N of Milton Road, Adderbury Subject to legal agreement
14/00403/F (19.6.14)	Franklins Yard, Bicester Subject to legal agreement Planning permission issued 31.12.14
14/01207/OUT (2.10.14)	KM22, SW3 Bicester, Middleton Stoney Rd. Bicester Subject to legal agreement for affordable housing, and on-site provision and off-site infrastructure contributions
14/00066/OUT (30.10.14)	Land N of Hanwell Fields, Banbury Subject to legal agreement for affordable housing, and on-site provision and off-site infrastructure contributions
14/00962/OUT (27.11.14)	Land S of High Rock, Hook Norton Rd. Sibford Ferris Subject to legal agreement to secure the affordable housing
14/01482/OUT (27.11.14)	Banbury AAT Academy, Ruskin Road , Banbury Subject to legal agreement tying in previous agreement to this permission
14/10205/Hybrid (18.12.14)	Springfield Farm, Ambrosden Subject to legal agreement to tie in previous agreement
14/01743/F (18.12.14)	Land E of Deene Close, Adderbury Subject to legal agreement re of-site infrastructure

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

The following alternative options have been identified and rejected for the reasons as set out below

Option 1: To accept the position statement

Option 2: Not to accept the position statement. This is not recommended as the report is submitted to Members information only

5.0 Implications

Financial and Resource Implications

The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.

Comments checked by: Nicola Jackson, Corporate Finance Manager, 01295 221731 Nicola.Jackson@cherwellandsouthnorthants.gov.uk

Legal Implications

There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by: Nigel Bell, Team Leader – Planning and Litigation, 01295 221687, nigel.bell@cherwell-dc.gov.uk

Risk Management

This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by: Nigel Bell, Team Leader – Planning and Litigation, 01295 221687, nigel.bell@cherwell-dc.gov.uk

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

None

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Bob Duxbury, Development Control Team Leader
Contact Information	01295 221821 bob.duxbury@cherwell-dc.gov.uk

Agenda Item 16

Cherwell District Council

Planning Committee

22 January 2015

Appeals Progress Report

Report of Head of Development Management

This report is public

Purpose of report

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged. Public Inquiries/hearings scheduled or appeal results achieved.

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

New Appeals

- 2.1 **14/01531/OUT – Corner Farm, Station Road, Kirtlington, Kidlington**, appeal by Gladman Developments Ltd against the failure of the Council to determine the planning application within the appropriate period for : OUTLINE application for the demolition of the existing bungalow and agricultural buildings and residential development of up to 95 dwellings including highway works, landscaping and public open space - Inquiry

14/01525/F- 32 Sycamore Road, Launton, appeal by Mr Peter Chaundy against the refusal of planning permission for a first floor rear extension- Householder Written Reps

14/01247/F – South Barn, Wigginton, appeal by Mr & Mrs M Barnes against the refusal of planning permission for the removal of existing single storey link extension and replacement with one and half storey extension. Works to fenestration on the single storey wing- SW facing- Written Reps

Forthcoming Public Inquiries and Hearings between 22 January 2015 and 19 February 2015

- 2.2 None

Results

Inspectors appointed by the Secretary of State have:

- 2.3 **Dismissed the appeal by Novus Solar Developments Ltd against the refusal of application 13/01133/F for the installation of solar panels and associated equipment to enable energy generation for connection to the national grid at Long Hill Shutford (Committee)** - In the Inspector's view, the proposal would have an adverse effect on the character of the area, and would harm the appearance of the area. Overall, the proposal would have an adverse effect of moderate/major significance on the local landscape. The development proposed would be temporary, but the harm to the landscape would last for 25 years, and so would be significant. The harm is a consideration that weighs heavily against the proposal. The proposed development would conflict with LP policies C7, C8, C13 and C28

Allowed the appeal by Mr & Mrs Ward against the failure of the Council to determine the planning application 14/00918/F within the appropriate period of 8 weeks for a garden shed at Plot 2, Rosemary, Main Street, Fringford- The Inspector commented " The retrospective grant of planning permission by the Inspector on appeal APP/C3105/A/13/2203150 presupposed that the development had commenced. In the absence of any successful challenge to that Inspector's decision, the overall development, including the dwelling on Plot 2, has planning permission. This is notwithstanding any breach of condition 2, which required alterations to Plot 1 within 6 months." The Inspector went onto conclude that the proposed garden shed would be a discreet addition to the corner of the rear garden of Plot 2.

Dismissed the appeal by Mr & Mrs Farha against the refusal of application 14/00320/F for a change of use of the land to residential curtilage and construction of a garage/stables with storage space above at Field Cottage, Fritwell Road, Fewcott (Delegated) – In the Inspector's judgement, the proposed change of use would cause harm to the character and appearance of an area already effected by the siting of the lawful mobile home. Bearing this in mind, the Inspector could see no justification for either the scale or design of the proposed building to be influenced by any requirements for additional non-equine storage as this would be more appropriately accommodated within the existing extent of the domestic curtilage. The Inspector also agreed with the Council's assessment that the proposed building is far larger that would be appropriate for the relatively limited equine purposes and that both its size and design have more in common with a residential building that one principally proposed for stabling and equine storage.

Dismissed the appeal by Gleeson Developments Ltd against the refusal of application 13/01758/OUT for: OUTLINE permission with some matters reserved for development for residential use of up to 117 residential dwellings with associated gardens, parking, landscaping, services and infrastructure and public open space, with access of Broughton Road. Approval for access, the development area and zone of building heights, with all other matters reserved (Committee) – In the Inspector's view Crouch Hill is experienced in its landscape setting over a wide area, particularly in views on the approach from the west along Broughton Road and from higher land to the north/north-west on the far side of the road. In those views, it is clear, despite the expansion of Banbury over

the years, and taking into account of the recent but as yet unimplemented Banner Homes permission and the trappings/shelter belt planting associated with the nearby 'Pick Your Own' enterprise, that the Hill is still bounded, in no small part, by agricultural land/countryside. In this regard, nothing challenges, to any material degree, the dominance of Crouch Hill in the aspect from the north and west and nothing precludes the appeal site from playing a valuable role in the setting of the Hill. The open, undeveloped nature of the lower slopes on which the appeal site lies is inextricably linked to, and affords an appreciation of the significance of Crouch Hill, emphasising its relatively imposing nature (from which its significance as a heritage asset derives) even if they are not part of the asset itself.

The erection of up to 117 dwellings on the northern field would create a much stronger urban presence than is currently the case (and will be the case on implementation of the Banner Homes scheme) and would intrude into the experience of Crouch Hill when viewed from the north and west, with the consequence that the rural foreground that now informs an appreciation of the heritage asset would be diminished. There would be some harm, therefore, to the setting of Crouch Hill, and thus its significance although, in the parlance of the Framework, the Inspector considered that harm to be less than substantial.

The Inspector went onto conclude that there would be a significant adverse impact on the character and appearance of this part of the District, which impact would be compounded by some harm to the significance of the non-designated heritage asset that is Crouch Hill. There would be substantial environmental harm therefore, in allowing unjustified development in the countryside. There would also be conflict with the economic dimension of sustainability, which seeks to ensure, among other things, the delivery of land in the right place.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

4.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To accept the position statement.

Option 2: Not to accept the position statement. This is not recommended as the report is submitted for Members' information only.

5.0 Implications

Financial and Resource Implications

5.1 The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.

Legal Implications

- 5.2 There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by:

Nigel Bell, Team Leader – Planning and Litigation, 01295 221687,
nigel.bell@cherwell-dc.gov.uk

Risk Management

- 5.3 This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:

Nigel Bell, Team Leader – Planning and Litigation, 01295 221687,
nigel.bell@cherwell-dc.gov.uk

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

None

Document Information

Appendix No	Title
None	
Background Papers	
All papers attached to the planning applications files referred to in this report	
Report Author	Bob Duxbury, Development Control Team Leader
Contact Information	01295 221821 bob.duxbury@cherwell-dc.gov.uk