

Application 11/00892/F	No:	Ward: Cropredy	Date Valid: 27.06.11
Applicant:	Cascade Partnership Unit 10 London Road Wrotham Kent TN15 7RU		
Site Address:	Land north of DeeJay Farm and south of Chestnut Road Mollington Oxon		

Proposal: Erection of 6no. affordable housing dwellings and associated works

1. Site Description and Proposal

- 1.1 This application refers to a site known as DeeJay Farm to the south of Chestnut Road and adjacent to the village hall in Mollington. The site measures 0.34ha.
- 1.2 The site is screened by trees and a large hedgerow boundary along the site frontage adjacent to the village hall. There is an existing play area outside the site boundary to the west and a recently built housing development of four houses lies to the south west of the site with the village hall and its associated car parking being immediately to the front of the site. Access into the site is taken from the existing access off Chestnut Road.
- 1.3 This application seeks consent to erect six semi detached dwellings comprising three 2-bedroom properties and three 3-bedroom properties. These dwellings are to be built as affordable housing.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice. The final date for comment was 27/07/11.
- 2.2 To date 43 objections have been received. In summary, the main points of these comments are as follows:
 - a. The access to the site is inadequate and dangerous to children and animals. There will be a significant increase in the volume of traffic accessing from Chestnut Road
 - b. Traffic and congestion particularly around the village hall will increase
 - c. Mollington has very limited services and limited public transport
 - d. There is a lack of housing need within the village. The housing survey showed a very minimal need for affordable housing and there is concern that they will instead be used as open market housing contrary to normal planning rules. Ultimately it has not yet been established that there is a housing need in Mollington

- e. Contrary to Parish survey
- f. The land is farmed and not vacant as stated in the design and access statement
- g. The houses will be visible in winter and not screened as is stated in the design and access statement
- h. There will be an impact on the Rights of Way across the site
- i. This is an area of high landscape value and the development will be detrimental to the landscape
- j. The application will have a detrimental impact on the wildlife on this site
- k. Affordable housing should be integrated in to the community. This application proposes to place the affordable housing on the extreme edge of the village
- l. There are no natural boundaries to the site therefore more housing could be proposed on this site
- m. Difficult to understand how the affordable housing on this scheme can restrict ownership to people with ties in the village.
- n. Inaccuracies in the application with regard to whether the land is farmed and the views of the Parish Council are not as stated. In addition there are watercourses on the site not as written in the statement.
- o. Will increase the risk of flooding
- p. The atmosphere in this part of the village will be severely impacted by placing affordable housing in a quiet area where the other properties are of a different style and size
- q. There are legal issues associated with covenants on the Chestnut Vale site which may encumber development on the application site.
- r. The actual construction of the development will have a huge impact on the village
- s. Given the size of the farm, to give up valuable farmland for development is counter to the needs to maintain viable farms in the UK

3. Consultations

- 3.1 **Local Highway Authority** – A Drainage Audit has been provided and further comments are awaited.
- 3.2 **Mollington Parish Council** – Have objected to the application.

They state: “Contrary to the statement made by the developers, Cascade, in their application statement, Mollington Parish Council is not supportive of this application.

Late last year, after a presentation made by Cascade, Mollington Parish Council delivered a questionnaire to every household in the village. Of 201 questionnaires delivered 159 were returned. This represents a 79% response and more than sufficient to be a representative sample of the views of the whole village. Residents were asked if they were in favour of the principle of Rural Exception Affordable Housing. A large majority were in favour. The second question asked was, are you

in favour of Rural Exception Affordable housing on the proposed site at DeeJay Farm. The majority were against this site the main reason given was the very restricted access at the bottom of Chestnut Road. Concerns were also expressed that this could set a precedent for further development as there are no natural boundaries to this site. The results of this survey are available for inspection if required. In view of this Mollington Parish Council would expect Cherwell District Council to respect the wishes of the village and reject this application.”

- 3.3 **Thames Water** – On the basis of the information provided have no objection to this planning application. They do suggest an informative for any planning permission.
- 3.4 **Landscape Services** – Has visited the site and considers that due to it being relatively low lying, the impact on of the development will be limited to surrounding properties and views from the public footpaths in the vicinity. There is no objection in principle however the detail of the scheme is of concern.
- 3.5 **Environmental Protection Officer** – Has spoken in depth to the applicant’s agent regarding the issue of contamination on the site and following these detailed discussions Is happy to recommend the implementation of an additional planning condition.
- 3.6 **Environment Agency** – Has no comments to make
- 3.7 **Cherwell District Council’s Ecologist** – Has no objections but a number of ecological concerns to be dealt with before any permission are issued.
- 3.8 **Thames Water** – Have no objection to the application but would like an informative added to any permission
- 3.9 **Oxfordshire Playing Fields Association** – Have no objection to the application
- 3.10 **Cherwell District Council Urban Design Team Leader** - This application is for the construction of 6 affordable housing to meet local needs under the Rural Exceptions Policy. This is one of very few relatively unconstrained sites for development in or adjacent to the village and in principle I consider this to be an appropriate general location for this exceptions type of development. However I have the following objections to this particular proposal:
- the actual site boundaries identified do not relate well to existing development, being an intrusion into open countryside. A preferable alternative would have been immediately to the south of the rear of the Chestnut Road properties and outward facing, taking a similar approach to the dwellings recently constructed west of the Village hall
 - The layout and design of the housing does not adequately reflect local character: the repetitive semi detached units create a suburban appearance; the gable fronted house types are non traditional; the wide hipped dormers are not a local feature; the 4 light casements are much wider than the traditional proportion of openings and, whilst there are some rendered properties in the village, this is not a traditional treatment in North Oxfordshire villages.

I advise that this application be refused as contrary to adopted Cherwell Local Plan C27 and C28

- 3.11 **Oxfordshire County Council Footpath Officer** - The Rights of Way Statement submitted with the application shows the public rights of way as they are indicated on the Definitive Map and also the routes that are walked on the ground. The proposals themselves will not directly affect either the definitive route of the paths or the walked routes. It should be noted that a short section of the definitive route is shown to run within the field (and the application site) but this is not being affected by any of the built development.

The proposals will mean that there will be an increase in vehicular movements over the sections of the paths that run over the existing surfaced access road. Although I don't object to the application, any increase in vehicular traffic over public rights of way is of some concern. However, this access road already serves the houses in Chestnut Vale and the village hall so people using the footpaths will be aware of traffic generally. My comments are purely concerned with the public rights of way and not the suitability of the access road itself.

4. Relevant Planning Policies

4.1 Government Guidance

PPS1 – Delivering Sustainable Development
PPS 3 – Housing
PPS 7 – Sustainable Development in Rural Areas
PPG 13 - Transport

4.2 The South East Plan

BE1, BE6, T1, H1, H3, H4, H5

4.3 Adopted Cherwell Local Plan 1996

H6 ,H14, C27, C28 and C30

5. Appraisal

- 5.1 The key issues to consider are the principle of development on this site including the long term future of the site, the design of the submitted proposals, the impact of the proposals on the character and appearance of the area, the affect of the development on the public footpath, the impact that the development may have on the local ecology and landscape and the discrepancies in the application that have been raised.

5.2 Principle of the erection of six dwellings on the site

The dwellings are proposed to be affordable housing and therefore should be

considered against Policy H6 of the adopted Cherwell Local Plan and as an exception to normal planning policies within Mollington.

Planning Policy Statement 3: Housing advises that Local Planning Authorities should consider the use of a “Rural Exception Site Policy” which would enable small sites to be used, specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint.”

This application therefore stands to be considered against the requirements of Policy H6 of the Adopted Cherwell Local Plan which seeks to facilitate the provision of affordable housing in rural areas where there is an identified need.

The policy is very clear in its intentions to allow small low cost housing developments which are to “help meet a specific and identified local housing need”. A Housing Needs Survey was carried out for Mollington in 2006 and a further one in 2009 both of which suggested that whilst there was a need in the village, this need was not for the large three bedroom properties that have been proposed in this application, but what was really needed were smaller one and two bedroom properties.

The development is of a sufficiently small enough scale to be considered under this policy however the question of housing need has not been accurately addressed in the proposals that are before you.

Furthermore, the policy also requires “Secure Arrangements be made to restrict the occupancy of the development to ensure that it continues to meet local needs in the long term”. The supporting text for this policy (para 2.29 of the adopted Cherwell Local Plan), which is also a material consideration, explains that the Council would be looking for a legal agreement with the developer to put these restrictions in place so that there could be no confusion over the future of the dwellings once the planning permission had been issued. The applicants supporting statement does acknowledge this requirement and clearly states that a S106 Agreement **will be** entered into but to date no agreement has been received. This makes it difficult to grant planning permission in accordance with the policy given that this Council is not satisfied that the agreement can be met due to the specific housing needs not being appropriate.

Advice in PPS 3 also states that “Rural exception sites should only be used for affordable housing in perpetuity” and without the accompaniment of a Section 106 Agreement this cannot be relied upon.

The proposal is not considered to meet this policy requirement and therefore this scheme is not acceptable in principle.

5.3 Design

The proposals comprise three semi-detached properties located off a driveway which sweeps around into the site off the main Chestnut Road access. There are two parking spaces allocated to Plot 6 and one space for each of the remaining plots. There is a hedgerow boundary shown around the site with an overall boundary of a 2m close boarded fence set within this on two sides and on the area

facing into the countryside the fence is proposed behind the hedgerow making it very visible.

Policy C27 of the adopted Cherwell Local Plan states that “Development proposals in villages will be expected to respect their historic settlement pattern”. This application proposes a development of relatively large semi-detached properties located some distance from each other which give the area a very suburban feel. In addition the design of the buildings are non traditional with features that are not only unattractive in this area but not at all traditional for the village character. This is at odds with this policy.

The development is very inward looking and therefore creates a segregated development which furthermore is more intrusive into the countryside that is necessary. Whilst the recently developed properties of Chestnut Vale have been designed to front the access road and provide a street feature along from the Village Hall, this proposal has not taken any of that into account and has been designed in a very isolated fashion from the existing vernacular in the area. Furthermore, the Urban Design Officer has recommended refusal of the application as the design is not appropriate and has recommended verbally that further discussion over appropriate design be had with this Council prior to any resubmission so as to achieve the right development for the site.

The proposal is considered to be contrary to the requirements of both Policy C27 and also C28 which also seeks to protect the character of an area and to resist development which can be seen as being out of place with that area.

5.4 Public Footpath

There are two public footpaths located within the red line site plan namely 304/7 and 304/8. Whilst 304/7 is not directly affected by the development given that it begins on the entrance to the farm and then follows the field to the north of the farm, footpath 304/8 does cross into the development site before following along the frontage and disappearing south of the farm at the end of the field.

The Council's Footpath Officer has raised some concerns with the proposal as whilst the Rights of Way statement submitted does not illustrate a problem, the plans that are used in the Council do show the footpath entering the site on two points. Oxfordshire County Council Footpaths Officer has confirmed that whilst one of the footpaths will be within the development site, it is not going to be impacted on by the built development as proposed and there is no objection.

5.5 Impact on local ecology and the landscape

The ecologist has not raised an objection to the application on ecological or protected species grounds but there are a number of concerns which the application does not address.

The concerns are valid particularly with regard to the design of the scheme. The proposed close boarded fences are not only intrusive into the countryside but there is concern that they will negate much of the wildlife benefit from the site and also interfere adversely with the natural wildlife corridors that exist at the moment. Furthermore, this is a view that the Landscape Officer has also taken as they are

considered inappropriate for such a rural location.

In addition a hedgerow survey is required should a buffer of between 3m and 5m not be maintained between the buildings and the hedgerow. It is also possible that the development may require a Reptile Survey depending on how long it has been left unfarmed for.

The ecologist lists further issues which could be addressed by a planning condition should the application be approved

5.6 Conclusion

In conclusion the application is flawed on a number of issues not least with regards to the principle of development on the site. It is considered to be contrary to the requirements of National Government Guidance, the South East Plan and also policies contained within the adopted Cherwell Local Plan and as such is recommended for refusal.

6. Recommendation

Refuse

1. The proposal constitutes built development outside the built up limits of the settlement and within the open countryside. It does not accord with the Policy H6 of the adopted Cherwell Local Plan (with regards to rural exception sites) as there has been no need established for the house types proposed and there are no secure arrangements to restrict the occupancy of the development to ensure that it would continue to meet local needs in the long term. The proposal is therefore contrary to, National Planning Guidance PPS1, PPS3 and PPG 13, Policies BE1, BE6, T1, H1, H3, H4, H5 of the South East Plan and Policies H6 and H14 of the adopted Cherwell Local Plan.
2. The proposal, by reason of its siting, design and appearance is considered to be out of keeping with the general form and character of the surrounding residential development and the development unnecessarily encroaches significantly into the open countryside contrary to established countryside protection policies contained within PPS7: Sustainable Development in Rural Areas. The application is therefore contrary to the provisions of PPS 1: Delivering Sustainable Development, Policy BE1 of the South East Plan and Policies C27, C28 and C30 of the adopted Cherwell Local Plan.

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