

Application No: 12/00026/OUT	Ward: Adderbury	Date Valid: 12/01/2012
Applicant:	Berkeley Homes (Oxford & Chiltern) Ltd	
Site Address:	OS Parcel 4100 Adjoining and South of Milton Road, Adderbury	

Proposal: Outline - Erection of 65 dwellings with associated access, open space and landscape works and provision of a sports pitch (football) with changing facilities and car park – Resubmission.

1. Site Description and Proposal

- 1.1 This is an outline application for a single development comprising of 65 residential dwellings with associated access, open space and landscape works and the provision of a sports pitch with changing facilities and car park. The site is a 4.63 hectare parcel of land to the south of Milton Road and west of St Mary's Road and Norris Close. Access to the site is to be obtained via a vehicular access onto Milton Road, approximately 95 metres west of the existing access into St Mary's Road.
- 1.2 The site is rectangular in shape and is currently in arable agricultural use. The site consists of one field. A footpath crosses diagonally across the northern third of the site. There are existing hedgerows that bound the site. The site lies within an Area of High Landscape Value.
- 1.3 The application seeks permission for 65 residential properties 40% of which (26 units) are proposed to be affordable units.
- 1.4 The application is in outline only and all matters with the exception of the access are reserved to be considered in a Reserved Matters application in the event of the proposal be approved. Although the application is in outline an indicative site plan has been submitted along with a Planning Statement, a Design and Access Statement, Transport Statement, Landscape and Visual Appraisal and Arboricultural Impact Assessment, Flood Risk Assessment, Ecological Survey, Foul Drainage Assessment and a Contamination Report.
- 1.5 **Planning History**
- 1.5.1 In May 2010, Members refused a planning application (10/00270/OUT) for the same proposal as above for the following reasons;
1. *The proposal represents development beyond the built up limits of the settlement and will cause harm to the character and appearance of the countryside. Notwithstanding the Council's short term inability to demonstrate that it has the 5 year supply of housing land required by PPS3 Housing, the development of this site cannot be justified on the basis of a temporary land supply deficiency alone, a development of this scale is inappropriate at this time given the existing lack of provision of village facilities. As such the proposed development is contrary to the saved policies H13, H18 and C7 of the adopted Cherwell Local Plan and Planning Policy Statement 3 Housing.*
- 1.5.2 At the time the application was made the Council was not able to demonstrate a five year housing land supply and it had been on this basis that the application had been recommended for approval. Following the refusal of the application the applicants

appealed the decision and by the time the appeal was determined the Council was able to demonstrate to the Inspectorate that it had a five year housing land supply. The appeal was dismissed with the Inspector reaching the following conclusion;

The potential benefits of the scheme proposed, including the contribution towards meeting affordable housing need, the provision of a replacement sports pitch, and the improvement to the appearance of this edge of the village, are recognised. I am mindful of the opportunity to bring the development forward at an early stage, with the land being available immediately for development with no significant physical constraints that might impede delivery. However, those considerations, even when taken together, do not outweigh the harm that would be caused by allowing residential development in the open countryside, with the associated adverse visual impact that I have identified, without sufficient justification. In this respect, I have found that, in all likelihood, the Council is able to demonstrate a rolling five year supply of deliverable housing sites for the District. In these circumstances, there is no suggestion in PPS3 that applications for housing should be considered favourably. I conclude on balance, therefore, that the appeal should not succeed.

- 1.5.3 In September 2011 the same proposal was resubmitted following the Council identifying that it could no longer demonstrate a five year housing land supply (11/01409/OUT). The target date for this application was 29 December 2011 and soon after this date had passed the applicants submitted an appeal against its non-determination.
- 1.5.4 Despite the appeal being lodged the applicants submitted a further application (12/00026/OUT) and quite openly state in their covering letter that this is in order to 'provide the Council with the opportunity to grant planning permission in advance of the Public Inquiry and thereby avoiding the time and expense of that Inquiry'. The applicants consider that the change in housing land supply position since the appeal was determined is sufficient to outweigh all other considerations and that therefore the application should be approved.
- 1.5.5 Each submission has been a resubmission of the same proposals with the applicant's agents only providing a brief update as to the current housing land supply position and attempts to address the concerns of the planning inspector.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice and press notice. The final date for comment for 12/00026/OUT is 16 February 2012. This date had not passed at the time of drafting the report therefore any comments received prior to the application being considered will be summarised in a written update.
- 2.2 To date only 1 letter has been received in relation to 12/00026/OUT. It would seem that there has been some confusion resulting from the number of resubmissions, within a relatively short period of time, and the public may not necessarily appreciate the need to resubmit their comments for each individual application so it may also be worth noting that in relation 11/01409/OUT approximately 278 letters/emails were received and in relation to the original application (10/00270/OUT) there were over 250 letters of objections. As well as receiving

letters from individual members of the public, letters were also received from Cllr Rick Atkinson (Ward Member for Adderbury and Milton) and Adderbury Conservation Action Group. The main reasons for objecting to the applications have remained similar for all three and are summarised below;

- Contrary to planning policies
- Outside built up limits of village on green field site
- Prime agricultural land
- Turning village into town
- Potential for villages to merge
- Reliance on car for school and work trips
- Increase volume of traffic in and around village
- Original reasons for objecting still apply, in fact some have worsened
- Preference for pitches in alternative location
- Potential over provision of pitches
- Adderbury needs to develop its sports pitches but scheme does not take issue much further
- Potential for scheme on North side of Milton Road to be resubmitted
- Level of public opposition
- Set a precedence
- Landscape impact
- Lack of village facilities/infrastructure including school,
- Transporting children to schools outside Adderbury by bus is not sustainable
- Impact on wildlife
- Adderbury should not be same category as Bloxham and Deddington
- Footpath or cycle link onto Norris Road would be dangerous due to traffic using the turning head
- Impact on listed buildings, conservation area and Area of High Landscape Value
- Impact on public footpath
- Unlikely to be far behind 5 year housing target and developments being built elsewhere
- Adderbury already taken fair share of housing
- Nothing changed since previous application
- 40% affordable housing is too much
- Density too high and gardens not big enough
- Insufficient parking for residents and football facility
- Increased risk of flooding
- Changes to Government Policy are not yet law and are being contested
- Many residents do not want any development in this part of the village
- Proposal does not comply with PPS 3 as it does not achieve high quality design and the Council have not sought to engage with the community.

Non-Planning issues

- Waste of Council's resources having to deal with multiple applications
- Cheaper to build on green field sites

3. Consultations

Please refer to the electronic copy of consultation responses, available on Public Access, for the full responses.

3.1 **Adderbury Parish Council** has consistently objected to the proposal and has objected on the following grounds:

- No attempt been made to enter discussions with the Parish Council
- Unsuitable site and should not be forced to accept it based on requirement for housing.
- Adderbury had 100 new houses in last 5 years and should not have to have more at this stage
- No additional community facilities proposed
- Large number of houses at high density contrary to NSCLP Policy H3
- No commitment to use appropriate materials
- Excessive number of affordable houses which may not be necessary in Adderbury. Contrary to ACLP policy H5 and NSCLP Policy H7 and PPS3
- Major development outside built up limits of village
- No thought to traffic calming along Milton Road
- Parish Council would welcome a softening of village edge but further planting required and greater buffer between existing and proposed properties
- Football pitch and changing facility not discussed with Parish Council or Football Club therefore is opportunistic and may go to private club therefore not benefiting the village
- Inadequate parking for residents and football pitch
- Adderbury not as sustainable as other villages in the same category
- School has limited capacity and little space for expansion

3.2 The **Local Highway Authority** has made a number of relevant comments (see below) that will need addressing at prior to an approval of reserved matters but ultimately does not object to the proposal;

- The submitted TA states that there is unlikely to be an impact on the local highway network, this is deemed reasonable.
- A review of the accident data for the area appears to indicate that incidents that occurred were down to driver error rather than the characteristics of the Milton Road. Proposed development is unlikely to increase the number of recorded accidents in this area.
- The proposed access arrangements for the site meet the required design standards for a road in this location.
- Proposal to extend the existing 30 mph speed limit which is desirable. However a traffic calming scheme for this section of Milton Road will also be required.
- As part of the proposed off-site works a new footway is proposed to link up the site to the existing network, which is acceptable. The proposed pedestrian links into St Mary's Road and Norris Close are also acceptable.
- Parking levels should be at the maximum levels and agreed through reserved matters. And parking levels for the sports facility will need to be reviewed.
- The layout of the site appears to take into account the guidance in Manual for Streets which is desirable, however there a few issues that will need to

be consider for the reserved matters application,

- In addition to providing traffic calming scheme (to be agreed) and other related works for this site along the Milton Road, the proposed development will add to the existing public transport services.

For the previous planning application a financial contribution of £37,082.70 index linked at September 2009 prices has been agreed between Berkeley Homes and OCC as the LHA.

Recommending refusal would not be appropriate or sustainable at appeal; therefore it is recommend that conditions are imposed (as well as securing the required financial contributions and off-site works by legal agreement).

3.3 The **Council's Strategic Housing Officer** has express general satisfaction with the provision of 40% affordable housing but has requested some amendment to the ratio of Affordable Rent and Intermediate dwellings.

3.4 The **Council's Landscape Planning Officer** is yet to comment in relation to 12/00026/OUT but for information made the following comments in relation to 11/01409/OUT;

- Agree with Inspector's conclusion that the development extending further into the countryside will create some visual impact in the immediate locality from existing properties and the public footpath.
- Topography and existing hedges will generally restrict long distance views
- Principle of extending built development into the countryside has been given more weight in her analysis.

3.5 **Oxfordshire County Council's Drainage Officer** has provided information about the future adoption of SUDS and as such has requested that if the developer wishes OCC to adopt any SUDS on site that a commuted SUM be provided for their maintenance.

3.6 The **Council's Environmental Protection Officer** has not commented specifically in relation to either of the recent applications with regard to the treatment of potentially contaminate land but did request that appropriate conditions be imposed on the first application, 10/00270/OUT.

3.7 The **Council's Head of Planning & Affordable Housing Policy** comments are set out below;

On 6 December 2011, the 2011 Annual Monitoring Report (AMR) was approved by the Council's Executive. The AMR included a comprehensive review of housing land supply which concluded that the district had a 2.8 year supply for the period 2011-2016 and a 2.9 year supply for the period 2012-2017. This equates to significant shortfalls of 1597 and 1560 dwellings respectively. The AMR concluded that supply in the Banbury and North Cherwell area (Cherwell's part of the 'Rest of Oxfordshire') was 1.7 years for both 2011-16 and 2012-17. However, it should be noted that supply in the Banbury and North Cherwell area is on track (1749 completions at 31/3/11 compared to a South East Plan requirement of 1750). At the time of writing, no additional deliverable sites have been identified since the AMR was produced.

As a consequence of the current 5 year land supply position, paragraph 71 of PPS3, requiring applications to be considered favourably [subject to other policies and considerations], takes effect. The Draft National Planning Policy Framework proposes a continuation of the five year supply requirement and suggests that Local Planning Authorities will be expected to provide an additional 20% on top of their five year requirement to ensure choice and competition in the market for land.

PPS3 (para's 52 & 62) uphold the principles of 'Plan, Monitor, Manage' and requires management actions where performance does not reflect housing trajectory requirements. In this context, on 6 February 2012, the Council's Executive approved a Housing Land Supply Position Statement to: i. assist in monitoring and managing the district's housing land supply position so that the district returns to a five year land supply; ii. to provide contextual information and policy advice for development management decision-making in the interests of controlling the release of land in a sustainable way which accords with the evidence base for the emerging Core Strategy; and, iii. to provide a clear understanding of the implications of the current land supply position and potential land releases which will contribute to the five year housing land supply and to the longer term housing trajectory where consistent with completion of the Core Strategy.

The Position Statement takes into account the Written Ministerial Statement: Planning for Growth (23 March 2011) and the Draft National Planning Policy Framework. It sets out how supply could be managed, and from where new deliverable housing sites might appropriately come forward. The Statement seeks to uphold the urban focus of existing and emerging policy. It supports an approach of increasing the supply of deliverable sites in the most sustainable locations where services and facilities, jobs and public transport are most readily accessed, where the need for affordable housing is concentrated, and where there are significant opportunities for economic growth and the provision of new infrastructure which would benefit the wider community. The Statement looks to the most deliverable and Core Strategy compliant sites for meeting the land supply shortfall and strongly discourages the sporadic release of land in less sustainable rural areas where targeted opportunities for meeting local needs require further coordinated, consideration.

The approach to managing supply is set out in detail in para's 31-35 of the Position Statement. It sets out the most appropriate sources for housing land as well as criteria for assessing site suitability. The Statement is accompanied by the Executive's resolutions to authorise officers to undertake detailed pre-application discussions with interested promoters in the interests of identifying appropriate opportunities for addressing the housing land supply shortfall that accord with the principles set out in the Housing Land Supply Position Statement; to work proactively with promoters and developers to ensure that all reasonable measures are taken for bringing forward and delivering appropriate sites within required timescales and for ensuring that developments are constructed to high standard; and, to instruct officers to ensure that all reasonable opportunities are taken for bringing forward the delivery of sites already approved for new housing development but where development has either not yet commenced or where delivery has stalled.

All relevant Development Plan policies and material considerations need to be taken into account. However, the current proposal for an unplanned greenfield extension to Adderbury does not comply with the Housing Land Supply Position Statement and the Council's approach to managing supply. There is therefore a policy objection to both applications.

- 3.8 The **County Council's Strategic Planning Officer** has not responded in relation to the current proposal but has consistently objected in relation to previous submissions on the same site.
- 3.9 **Oxfordshire County Council's Archaeologist** suggests that the site concerned lies within an area of some archaeological interest. The possibility of finds occurring during the course of construction should be borne in mind, in which case the applicant is asked to notify the County Archaeologist in order that he may make a visit or otherwise advise as necessary.
- 3.10 The **Environment Agency** raises no objections to the proposal subject to conditions being imposed in the event of the application being approved.
- 3.11 **Thames Water** has identified an inability of the existing waste water infrastructure to accommodate the needs of the proposal. However in the event of an approval conditions could be imposed to overcome this concern.
- 3.12 **Thames Valley Police Crime Prevention Design Advisor** has made the following comments;
- No specific mention as to how design of development has taken into consideration Crime Prevention or Community Safety.
 - Applicant should consider 7 attributes of safer places detailed in the publication Safer Places – The Planning System and Crime Prevention
 - LAP, LEAP and footpath is not overlooked by surrounding properties
 - Large number of parking courtyards – these can introduce access to the vulnerable rear elevations of dwellings, if they are un-gated and unlit can lead to fear of crime and antisocial behaviour
 - In event of approval request condition requiring compliance with Secured by Design
- 3.13 The **Council's Rural Development and Countryside Manager** has stated that the plans show footpath No. 25 retained on its existing line through the proposed development. This complies with our policy R4.
- 3.14 The **Council's Urban Design and Conservation Officer** has not commented specifically in relation to 12/00026/OUT but has verbally advised that comments made in relation to the previous application are still relevant and are summarised below;
- This site lies on the south west fringe of the village adjacent to suburban development and outside the conservation area. The land is flat and relatively featureless save for boundary hedgerows. I consider that the principle of development on this site is acceptable, doing less harm than development within the conservation area, and that the applicant has demonstrated that the number of dwellings for which permission is sought

can be satisfactorily accommodated on the site.

- Proposal sufficient distance away from Conservation Area to have limited impact on its character and appearance.
- The indicative layout has evolved during pre-application discussions and the Design and Access Statement sets out the options explored and the design rationale behind the application is explained and justified.
- The indicative layout shows the approach to Adderbury from the west to be an attractive one with frontage development seen across a backdrop of sports pitch and wet meadow.
- The indicative layout provides good pedestrian linkages with the adjacent development and, although the dwellings here are indicated as 2 storey in height, their alignment and spacing relates well to the existing development.
- The site can be accessed without undue harm to existing hedgerows and the public right of way is retained along its exiting alignment. Play areas are proposed in accordance with our policy and these and the sports pitch and pavilion will be of benefit to the whole community.

3.15 The **Council's Arboricultural Officer** has not yet commented in relation to 12/00026/OUT.

3.16 **The Council's Ecologist** has stated that the site has very little in the way of ecological features but has suggested that in the event of an approval a scheme should be submitted for biodiversity gain and enhancement and that if there is any significant delay in development commencing update surveys should be required in relation to particular species and that in any event no works to woody vegetation should take place during the bird breeding season.

4. Relevant Key Planning Policies

4.1 National Planning Policy

PPS1 – Delivering Sustainable Communities

PPS3 – Housing

PPS7 – Sustainable Development In Rural Areas

PPS9 – Biodiversity and Geological Conservation

PPG13 – Transport

PPG17 – Open Space

PPS25 – Development and Flood Risk

The Government's Ministerial Statement 'Planning for Growth'.

4.2 South East Plan

SP3 – Urban Focus for development

CC1 – Sustainable development

CC2 – Sustainable development

CC7 – Infrastructure and implementation

H1 – Regional housing provision for the period 2006-2026 in relation to sub-regions and districts

H2 – Managing the delivery of the regional housing provision

H3 – Affordable Housing

H5 – Housing design and encourages regional target of 40 dwellings per hectare

T1 – Development sustainable in terms of public transport and need to travel

NRM5 – Conservation and biodiversity improvements

- C4** – Positive and high quality management of the region’s open countryside
- BE1** – New development helping to provide significant improvements to the built environment
- BE5** – Positive planning to meet defined needs of rural communities for small scale affordable housing, business and services. Seeks to ensure distinctive character of village is not harmed
- S3** – Adequate provision of pre-school, school and community learning facilities

4.3 Adopted Cherwell Local Plan

- H5** – Affordable Housing
- H12** – New housing within existing settlements
- H13** – Residential Development in Category 1 Settlements
- H18** – New dwellings in the countryside
- TR1** – Highway Improvements
- R12** – Provision of open space
- C2** – Protected Species
- C7** – Topography and character of the landscape
- C8** – Sporadic development in the open countryside
- C13** – Conserve and enhance the environment in Areas of High Landscape Value
- C27** – Historic settlement pattern
- C28** – Standards of layout and design
- C30** – Character, scale and layout

4.4 Non Statutory Cherwell Local Plan

- H1** – Location of new housing
- H2** – Plan, monitor and manage housing
- H3** – Housing density 30 dwelling per hectare
- H4** – Types of housing
- H7** – Affordable housing
- H15** – Category 1 villages
- H19** – Dwellings in the countryside, for agriculture
- TR1** – Achieving objectives of local transport plan
- TR4** – Highway and transport mitigation measures
- TR5** – Road safety
- TR9** – Provision of cycle parking
- TR11** – Adequacy of parking provision
- D1** – Urban design objectives
- D3** – Local distinctiveness
- EN24** – Nature conservation
- EN30** – Sporadic development beyond planned built up limits of settlements
- EN34** – Conserve and enhance the character and appearance of the landscape
- EN47** – Archaeology
- R8** – Public recreation play space
- R9** – Amenity space

4.5 Draft Core Strategy

- H1** – Housing distribution
- H2** – Sustainable housing delivery
- H3** – Efficient use of land
- H4** – Affordable housing target
- H5** – Affordable housing requirements
- RA1** – Village categorisation

RA2 – Distribution of housing in the rural areas

4.6 Other relevant documents

Executive Committee Report, Housing Land Supply Position Statement, 06 February 2012.

5. Appraisal

5.1 Main Planning Considerations

The main issues to consider in the determination of this application are as follows –

- Principle of development in relation to Local Plan policies
- Housing delivery and effect of position statement
- Location, sustainability and Mix of housing
- Landscape and visual impact
- Design and layout
- Neighbour impact
- Highway impact
- Other material planning considerations

Each of the above points will be considered in turn having regard to the relevant policies and where appropriate the earlier planning recommendations, the appeal decision and any changes in circumstances since the proposal was last considered.

5.2 Principle of development in relation to Local Plan Policies

5.2.1 The adopted Cherwell Local Plan contains no specific allocation for the application site. It is therefore defined as countryside (i.e. previously undeveloped land) where there is a presumption against general residential development on unallocated sites without any special justification.

5.2.3 Policy H12 of the adopted Local Plan states that new housing in the rural areas of the district will be permitted within existing settlements in accordance with policies H13, H14 and H15 and schemes that meet a specific and identified local housing need will be permitted in accordance with policies H5 and H6.

5.2.4 Policy H13 of the adopted Local Plan states that new residential development within Category 1 settlements, such as Adderbury, is restricted to infilling, minor development within the built up area of the settlement and the conversion of existing buildings; subject to other policies in the Local Plan.

5.2.5 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.

5.2.6 The site clearly lies beyond the existing built limits of Adderbury and in an area of open countryside. The built up limits of the village in this case are likely to be defined as the rear and side boundaries of the properties within St Mary's Road and Norris Close which border the application site.

5.2.7 The proposal is not infilling, nor within the built up area of the settlement and not required for agricultural purposes, the development is therefore contrary to Policies H12, H13 and H18 of the adopted Cherwell Local Plan.

- 5.2.8 As with the adopted Local Plan the application site has no specific allocation in the Non-Statutory Local Plan and is defined as open countryside being outside the built up limits of the village.
- 5.2.9 Policy H19 of the Non-Statutory Plan states that permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements when it is essential for agriculture or other existing undertakings, or to provide a small, low-cost, affordable housing exception site to meet a specific and identified local housing need that cannot be satisfied elsewhere. Policy H15 of the same plan identifies Adderbury as a Category 1 village and states that new residential development will be restricted to infilling, minor development comprising small groups of dwellings within the built up area of the village and conversions.
- 5.2.10 The proposal is contrary to Policies H15 and H19 of the Non-Statutory Local Plan for similar reasons to those outlined above in relation to the adopted Cherwell Local Plan.

5.3 Housing Delivery and effect of Position Statement

- 5.3.1 The Council's current position on housing delivery is set out in the comments of the Head of Planning & Affordable Housing Policy's comments in detail at 3.7 above. These highlight that the Council currently has significantly less than a five year housing land supply, as required by PPS3, identified at the current time. PPS3 requires that the Council has in place contingency planning to identify different delivery options in the event that actual housing delivery does not occur at the expected rate.
- 5.3.2 Paragraph 71 of PPS3 states that where LPAs cannot demonstrate an up-to-date five year supply of deliverable sites...it should consider favourably planning applications for housing, having regard to the policies in the PPS including the considerations in paragraph 69. However there is concern that a piecemeal approach to considering applications which seek to contribute to the housing land supply shortage could lead to development occurring in an uncoordinated way in less sustainable locations and that the emerging Core Strategy could be undermined. At the Executive meeting of 6 February 2012 Members considered a Position Statement on Housing Land Supply. The key element to take from the Position Statement is the suggested approach to managing supply;

"...it is considered that until such a time that the Core Strategy supersedes this position statement, or the district returns to a five-year land supply position (whichever is the sooner), the shortfall in housing supply would be most appropriately met from the following sources:

- i. Development within the built-up areas of Banbury and Bicester*
- ii. Development on sites identified for residential development in the Non-Statutory Cherwell Local Plan 2011*
- iii. Development on sites identified for other mixed use development in the Non-Statutory Local Plan 2011 (as part of mixed use proposals)*
- iv. Extensions to the built-up areas of Banbury and Bicester which are demonstrably in accordance with or complimentary to the emerging Core Strategy*
- v. Very limited development within the built-up areas of villages having regard to village categorisation policies.*

(All having regard to varies other criteria)

- 5.3.3 Members resolved to approve the Position Statement without amendments.
- 5.3.4 It is clear that the proposed development does not accord with any of the criteria set out above and is therefore contrary to the Council's Position Statement which is a material consideration.
- 5.3.5 Contrary to Paragraph 71 of PPS3 existing and emerging planning policy for Cherwell dictates an urban focused development strategy. The South East Plan, the saved (adopted) Cherwell Local Plan 1996, the Non-Statutory Cherwell Local Plan 2011 and the Draft Core Strategy all have a clear focus on growth at Banbury and Bicester in the interests of providing access to jobs, services, facilities, public transport, minimising the need to travel by private car and protecting the environment and character of rural areas. Development in the rural areas is restrained and focussed on meeting local needs. The focus on towns is supported by PPS3 and PPS7. The accepted Position Statement reflects these local and national policy principles whilst also taking a proactive approach to the current housing land supply position. Such a proactive approach is required as part of PPS3 and also reflects Policy H2 of the South East Plan which requires that LPAs work to allocate and manage a land supply to deliver both the district housing provision while ensuring appropriate regard to environmental and infrastructure issues. The Council's Position statement is a proactive interim response to the identified shortage in housing land supply which also places specific emphasis on the need to protect the rural areas thus being mindful of the environmental and infrastructure issues resulting from development in the rural areas.
- 5.3.6 Neither the applicant nor its agent has to date commented on the Position Statement but in the application submission they set out that given the site's positive planning credentials and the current deficiency in five-year housing land supply the application should be approved. Specific reference is made to the officer recommendation of approval in relation application no. 10/00270/OUT as evidence of the positive planning credentials.
- 5.3.7 If the Council was looking to approve an application to help contribute to the shortage in housing land supply it would have to be satisfied that the proposal was deliverable within 5 years. In earlier assessments of the proposal through the first planning application (10/00270/OUT) and its subsequent appeal it was acknowledged by officers and the Inspector that the development appeared to be deliverable within 5 years. Thus it might contribute to meeting any shortage in housing land supply. It is understood that the position has not changed and that the applicants still have an Option Agreement with the land owner and would be willing to accept a shorter time limit for the submission of Reserved Matters applications. Yet this does not provide certainty of delivery therefore if this site was to be approved on the basis of contributing to the five year housing land supply greater certainty would be need to be provided to demonstrate the site would be delivered within the required period. It has not yet been confirmed whether or not the applicant is willing to enter into a linking agreement to link any consent to the S106 agreement signed during the earlier appeal process. Notwithstanding all other matters the application would not be considered acceptable without the contributions secured through the S106 agreement. Therefore it is not as clear that the development could be delivered as early as initially thought.

- 5.3.8 In addition to the need to demonstrate deliverability PPS3 requires sites coming forward to meet the following requirements ;
- provide high quality housing;
 - provide a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
 - be suitable site for housing, including its environmental sustainability;
 - represent an effective and efficient use of land;
 - be in line with planning for housing objectives, reflect the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.

5.3.9 These issues are covered through the more detailed assessment of the proposal in the following paragraphs.

5.4 Location, sustainability and mix of housing

5.4.1 Adderbury has been identified as one of the District's more sustainable villages capable of accommodating some limited further housing development. It continues to be identified as one of the more sustainable villages in the Draft Core Strategy. The Inspector, in relation to the earlier appeal, concluded that the appeal site would provide a relatively sustainable location for the scale of development proposed, although this did not outweigh harm to the countryside. However development of a site such as this, in the open countryside, would usually only be permitted if it were allocated as part of an adopted district plan and if it did not give rise to harm. The Position Statement refers to the potential for unplanned developments to compromise the production of the Core Strategy. Whilst a previous officer recommendation applied weight to the fact that Adderbury was one of the District's more sustainable villages this was prior to the production of the Position Statement. Paragraph 69 of PPS 3 states that regard should be had for the potential for developments to undermine wider policy objectives and more weight has been added to this in the production of the Position Statement (and Members support of such a statement). The position statement recognises that the District's strategy of extending the existing urban areas, as the most sustainable locations for more development, is the most sustainable approach and measures have been put in place to ensure the delivery of the identified sites. Within the rural areas the existing local plan policies continue to apply and enable development appropriate in scale to the location. .

5.4.2 Policy SP3 of the South East Plan states that the prime focus for development in the South East should be urban areas in order to foster accessibility to employment, housing, retail and other services, and avoid unnecessary travel. This supports the local plan policies which restrict development in the rural areas. Adderbury is a rural village and whilst it is identified as one of the districts more sustainable villages the proposal remains contrary to Policy SP3 of the South East Plan as Adderbury is not considered to be an urban area.

5.4.3 This scheme provides a mix of market and affordable dwellings. The offer of providing 40% of the units as affordable presented by the applicant is above the current local plan requirement but would help to meet the local needs for affordable units of accommodation. However this is not considered sufficient to outweigh the strong policy objection to the proposal.

5.5 Landscape Impact

- 5.5.1 The site lies within the Ironstone Downs Area of High Landscape Value where policies C13 of the adopted Cherwell Local Plan seeks to conserve and enhance the environment. Policy C7 of the same plan restricts development that would harm the topography and character of the landscape. Policy EN34 of the Non-Statutory Local Plan also seeks to conserve and enhance the environment.
- 5.5.2 The site lies beyond the built-up limits of the village in an area of open countryside. The site is physically contained within existing hedgerows however given the relatively flat topography, the development within it would clearly be visible, particularly from the west and north west along the Milton Road.
- 5.5.3 Currently the view from the west consists of the development on St Mary's Road and Norris Close. This is a development from the 1950's (approx.) which has little regard to the layout and design features of the existing village and provides a rather blunt edge to the village entrance with the rear and side elevations of properties visible from some distance. It is recognised that the proposed development would intrude into the open countryside although it does provide an opportunity to create a new edge to the village with active frontages and appropriate use of materials which could help to improve the general appearance on the approach to Adderbury.
- 5.5.4 In the report to committee in relation to 10/00270/OUT officers made the following observation; *'despite this extension to the village and encroachment onto open countryside it is not considered that the visual impact would be so significant that the application could be refused on these grounds'*. Members did not agree with this view. The Inspectors consideration in the assessment of the previous appeal proposal is a material consideration. The Inspector concluded that; *'...the scheme would as a matter of fact, extend built development into the countryside. Even with the framework landscaping and planting proposed, there would be some visual impact, particularly in views from the west and north-west, which would fundamentally affect the not unattractive rural landscape that abuts this part of the built up area, with an adverse impact on the character and appearance of the area, contrary to the relevant policies and guidance.'*
- 5.5.5 Although the Inspector was considering landscape impact in the context of a housing proposal at a time when there was considered to be a five year housing land supply the conclusions and the impact of the proposal on the landscape do carry some weight that now needs to be balanced against all other relevant planning considerations and changes in circumstances. In the Inspectors final conclusions all the benefits of the scheme were acknowledged yet none of these even when combined were sufficient to outweigh the harm caused by the encroachment into the open countryside and the associated adverse visual impact without **sufficient justification** (officers emphasis). It could therefore be argued that this should carry significant weight in the consideration of this proposal.
- 5.5.6 The Council's Landscape Officer has previously commented in relation to the position of the play space, size of some gardens and the ability to provide additional planting. The application is in outline and these are matters that might be resolved at the reserved matters stage by amendments to the layout of the scheme which is only indicative at this stage. However in light of the Inspectors conclusions the Landscape Officer confirms that the development extending further

into the countryside will create some visual impact in the immediate locality from existing properties and the public footpath and that the topography and existing hedges will generally restrict long distance views. It is emphasised that the principle of extending built development into the countryside has been given more weight in the Inspectors analysis.

- 5.5.7 Given that the Council has previously refused the application on the grounds of landscape impact, the Inspector identified harm in this respect and the fact that the proposal itself and the characteristics of the site have in no way changed since the earlier determinations of the proposal it is considered that the submission remains contrary to policy C7 of the adopted Cherwell Local Plan and Policy EN34 of the Non-Statutory Plan.

5.6 Design and Layout

- 5.6.1 The application has been submitted in outline only therefore the submitted layout plan is indicative only. What the indicative plan does demonstrate is that the proposed number of units can be accommodated largely in a satisfactory manner providing satisfactory living environments, sufficient parking (although the size of garages will have to be assessed at reserved matters stage, as these will not be included as parking spaces if they do not meet the standards) and a good standard to layout that whilst not integrated into the settlement provides links into the existing development.

- 5.6.2 The proposed scheme results in a housing density of approximately 30 dwellings per hectare. This is not a precise figure as accurate calculations of the developable area and open spaces would not be reliable given the indicative nature of the plan. However such a density is likely to be greater than that found on adjoining residential developments. It meets the minimum of 30 dwellings per hectare as was recommended in PPS3 Housing prior to its amendment in June 2010 but falls 10 below what is encouraged by Policy H5 of the South East Plan. PPS3 now states that LPAs may wish to set out a range of densities across the plan area rather than one broad density range and whilst there is no locally adopted density it would seem that the proposed density is considered to be appropriate for this village location.

- 5.6.3 The indicative layout suggests that housing will be provided off one main spine road between residential properties and the football pitch. Smaller roads are shown to visually link and physically link by footpath to the existing cul de sacs of St Mary's Road and Norris Close. If this general principle is carried forward to the reserved matters stage it will help to link the two developments improving access to the pitch and play areas for existing residents or to the rest of the village for new residents.

- 5.6.4 Although detailed elevations have not been provided the scale parameters have been provided which indicate that houses will be no taller than 10.5 metres which is tall for standard two storey dwellings but may be more akin to 2 storey dwellings with rooms in the roof. Therefore if the application were to be approved it may be appropriate to set 10.5 metres as a maximum height and require that heights across the site vary having regard to neighbouring properties and visual context. Whilst the precise details of the materials will also be determined at reserved matters and controlled by condition the proposed materials are likely to be a mix of stone and brick and slate and tile. These are all found in the vicinity of the site and

are appropriate for the location. The Council's Urban Design Officer has considered the proposals and is generally happy with the indicative layout and design of the scheme.

5.6.5 It is considered that the site could successfully accommodate the proposed number of properties and it is acknowledged that the applicants could design properties based on their location and do not necessarily impose the company's standard house types.

5.7 Neighbouring amenities

The site is bounded on its eastern edge by the rear gardens and side elevations of the properties on Norris Close and St Mary's Road. Some of the side elevations do have side facing windows so these would need to be carefully considered at the reserved matters stage to ensure that privacy is not adversely affected. Existing properties would experience a significant change in terms of outlook and the feeling of openness currently experienced due to their proximity to the agricultural field. However there appears to be scope to design a layout that complies with the Council's informal space standards in relation to overlooking, overbearing and loss of light.

5.8 Highway Impact

5.8.1 The Local Highway Authority (LHA) raises no objections to the principle of development on this site in relation to highway safety issues that would be sufficient to recommend refusal for the scheme. The development includes proposals to extend the footpath to the east to link with St Marys Road, widen the carriageway and install traffic calming measures along Milton Road. Widening of the carriageway will allow for vehicles to pass if others are waiting to turn into the site. These measures have previously been secured through the S106 agreement, therefore the Council would seek to ensure that the applicants are willing to enter into a linking agreement to secure these features in the event of the proposal being approved either by the Council or Inspectorate.

5.8.2 The application forms set out that the proposal includes 131 parking spaces for the development. Removing the spaces allocated to the changing pavilion results in 1.7 spaces per property. The LHA has questioned the level of parking proposed for the development. This largely results from the fact that it is not possible to determine the size and exact number of spaces from the indicative plans. The applicant is aware of the standards that need to be met in relation to parking provision and this is an issue that could be resolved at the reserved matters stage as it appears that there is sufficient space on the site to accommodate additional spaces.

5.9 Other Considerations

5.9.1 Planning Obligation

The proposed development would generate a need for infrastructure and other contributions, that need to be secured through a planning obligation, to enable the development to proceed. A S106 was agreed as part of the earlier appeal process and as such it is considered that in the event of the application being approved it could be linked to this application, subject to minor changes if necessary. The signed agreement included;

- Contributions towards maintenance of balancing ponds
- Contributions towards the improvement of Adderbury Parish Institute

- Provision of a football pitch on site and sum towards its maintenance
- Provision and sums towards informal open space and play spaces
- Provision of and contribution towards public art
- Refuse bins contribution
- 40% affordable housing
- Adult learning contribution
- Library contribution
- Museum Resource Centre contribution
- Education contribution
- Social and healthcare contribution
- Waste recycling contribution

5.9.2 Confirmation is being sought from the applicant, via the agent, as to their willingness to sign a linking agreement to ensure the provision of the infrastructure contributions.

5.9.3 The County Council had previously concluded that the development is likely to result in unsustainable travel patterns as Primary School students are likely to have to travel to schools outside of Adderbury and for these reasons they objected to the proposal. This would occur because the County Council indicate that the Adderbury Primary School has insufficient capacity, and is not capable of being enlarged. The above agreed education contributions would therefore be used to expand capacity at the receiving schools (Bloxham and/or Deddington). The County Council sought and secured contributions towards the cost of transportation of pupils to primary schools. Whilst this does not prevent the need for children to travel outside of the village it provides money towards communal modes of transport, which is more sustainable than if students were to be transported individually by private car. Never the less this is a far less desirable solution to children being able to be educated at a local school accessible by walking and cycling but the Inspector in relation to the appeal did conclude that she could find no inherent conflict with the thrust of H13 in this respect.

5.9.4 In addition to the above contributions the applicants have included the provision of a sports pitch and changing pavilion as part of the scheme. These elements would not normally be required in their entirety for a development of this scale but the provision of the pitches was secured through the previous S106 agreement and it is expected that the pavilion building would form part of the reserved matters application. It is hoped that the applicants will provide confirmation of their agreement to sign a linking agreement to secure the previously agreed contributions.

5.10 Departure Procedures

This proposal is considered to be a departure from the development plan. Circular 02/2009 means it is no longer necessary for applications such as this to be referred to the Secretary of State.

5.11 Conclusion in relation to the assessment of the proposal

5.11.1 As was the position in May 2010 the Council cannot currently demonstrate it has a five year housing land supply. Never the less previously the application was refused due to the impact of the intrusion into the countryside and the lack of provision of village facilities. By the time the appeal was determined the housing

land supply position had improved and on balance of all the other considerations the Inspector dismissed the appeal. Each of these circumstances, along with the approved Position Statement relating to Housing Land Supply has a bearing on the consideration of the current proposal. It is considered that there is sufficient justification to refuse the application despite the significant shortage in housing land supply. The Council, through its Position Statement is seeking to resolve the housing land supply position through a planned approach which has limited damage to rural areas and does not compromise the production of future policy documents.

- 5.11.2 In conclusion it is considered that harm, by way of intrusion into the open countryside will arise as a result of the proposed development. With the added weight of the agreed Position Statement it is considered sufficient to outweigh the need for the site to come forward to contribute to the housing land supply shortage. Given the Inspectors conclusions with regard to the sustainability of the site Members are advised that a refusal based on lack of village facilities and adequate infrastructure would be weak, unless the applicants do not agree to enter into an amending agreement.

6. Recommendations

That Members refuse planning application no. 12/00026/OUT for the following reasons;

- i. The proposal represents development beyond the built up limits of Adderbury, a rural settlement where development is less sustainable than the urban areas, and where it will cause harm to the character and appearance of the countryside. Notwithstanding the Council's short term inability to demonstrate that it has the 5 year supply of housing land required by PPS3 Housing, the development of this site cannot be justified on the basis of a temporary land supply deficiency alone as it will result in an unplanned development potentially undermining the Council's emerging Core Strategy. As such the proposed development is contrary to the saved policies H12, H13, H18 and C7 of the adopted Cherwell Local Plan, Policies H15, H19 and EN34 of the Non-Statutory Cherwell Local Plan, Policies H2 and SP3 of the South East Plan, Planning Policy Statement 3 - Housing, Planning Policy Statement 7 – Sustainable Development in Rural Areas.*
- ii. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority cannot guarantee that the infrastructure directly required to service or serve the proposed development will be provided, thus adding to the pressures on local infrastructure and services, contrary to Policy CC7 of the South east Plan, Policies H5, TR1 and R12 of the adopted Cherwell Local Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.*

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