

**Site Address: Land adjoin Fenway and
West of Shepherd's Hill, Fenway, Steeple
Aston**

12/01611/F

Ward: The Astons and Heyfords

District Councillor(s): Cllr James Macnamara and
Cllr Mike Kerford-Byrnes

Case Officer: Tracey Morrissey

Recommendation: Approve

Applicant: Sovereign Housing Association Ltd

Application Description: Erection of 12 no. residential units comprising 2, 3 and 4 bed houses and 1 and 2 bed flats including new access road, ancillary drainage and garden shed/cycle storage to each unit.

Committee Referral: Major

1. Site Description and Proposal

1.1 This application relates to a site to the west of the village, comprising a 0.43h triangular section of a 3.49ha field currently used for horse grazing. The majority of the land is fairly flat but rises slightly towards the eastern boundary, however is elevated from the road. Access is currently via a metal gate is off Fenway and a public footpath runs along the western and northern boundaries. The site abuts the Steeple Aston Conservation Area and is also within an Area of High Landscape Value. There is a copse of trees to the east of the site between the site and Shepherds Hill houses.

1.2 Planning permission is sought for the construction of 12 no. affordable dwellings as a Rural Exception Housing Scheme comprising the following mix:

2 no. 1 bedroom 2 person first floor flats (units 4 and 6)

2 no. 2 bedroom 3 person ground floor flats (units 3 and 5)

2 no. 2 bedroom 4 person houses and car port (units 11 and 12)

5 no. 3 bedroom 5 person houses and car port (units 2, 7-10)

1 no. 4 bedroom 6 person house and car port (unit 1)

The 2 bed houses will be for shared ownership

All units will have their own front and rear gardens with shed, cycle and refuse storage and 2 parking spaces (including car ports), although the 1 bed flats will have 1 parking space. In addition there are 2 visitor parking spaces.

1.3 A communal garden area is proposed in the top right corner of the site acting as an area of informal open space. The access to the site will be via the existing access, with the internal road being constructed to adoptable standards and a new footpath

link provided connecting the development to Shepherds Hill. A further informal pedestrian track is proposed along the southern section of the site and adjacent to unit 1, linking it the copse west of Shepherds Hill.

2. Application Publicity

2.1 The application has been advertised by way of a press notice, site notice and neighbour letters. The final date for comment on this application was 10th January 2013.

2.2 3 letters of objection have been received, one anonymous.

Objections include:

- This planned development demonstrates a short term and ill-conceived planning strategy. Understand that there is a government initiative and pressure to provide new affordable housing, but on inspection this application does not show any potential positive aspects for useful social or local progress, quite the contrary, and with the huge developments in nearby Bicester with its far better transport connections and employment opportunities and social facilities, I would question the actual useful impact of this proposal against the potential irreversible damage to the village of Steeple Aston.
- The development is targeted towards young families and the elderly but it is at the extreme edge of the village a considerable distance from the school and village shop and is not on a bus route.
- Dangerous corner of a narrow road, prone to flooding which become worse if built on
- The site is a green field site, and believe we should we should be very careful and wary of expansion onto these areas without really looking at options and understanding what the long term implications of this may be. I am disappointed too that that the plans do not show any real depth of policy for sustainability, why are the solar panels optional, why do the plans not show rainwater recycling and other contemporary eco technologies that should make this an valuable demonstration of what is easily possible for housing in a well informed and planned housing proposal?
- Also concerned that the village schools are running at full capacity too. There is already quite a large proportion of affordable housing in the village of Steeple Aston, and developments such as this would dilute what is as such well preserved and important village type. Redevelopment of existing sites with a better thought out long term plan would surely be a more intelligent and appropriate solution.
- Not only unsightly, out-of-character and bad for the environment but appears to be based on false claims and mis-interpretation of housing need.

The Council should be promoting more imaginative and sustainable re-development of existing sites such as The Crescent which is mainly brownland.

- Existing hedges and coppice likely to be removed and paths and kerbs installed urbanising the whole area and will completely ruin the rural aspect currently enjoyed by residents.
- No referendum has taken place to see if it has community support
- Facts and figures based on out of date housing needs survey
- Urban development in the countryside where there is a lack of employment opportunities and real demand
- Disappointing design and lack of architectural merit and environmental innovation

3. Consultations

- 3.1 **Steeple Aston Parish Council** – Support this application. The Parish Council have worked with Sovereign for a considerable time in order to achieve a second site of Affordable Housing for the village. They have been consulted throughout the design process and the submitted plans have been on public view in the village recently. They are content that these plans represent the wishes of the village and will deliver an excellent development.

Cherwell DC consultees

- 3.2 **Strategic Housing Officer** - The proposal to build 12 residential units at Fenway has been developed in close consultation with Steeple Aston Parish Council and has community support. Several consultation events have been organised by Sovereign Housing Association to engage the community.

The planning proposal is based on analysis of local housing need. In May 2012, there were 26 applicants on the Housing Register with a local connection to Steeple Aston. In December 2011, a Register of Interest was carried out, with 25 respondents, 21 of whom had a local connection to Steeple Aston, needing a range of accommodation sizes.

- 3.3 **Ecologist** – Having read through the Extended Phase 1 Habitat survey report by Abricon dated 3rd December 2012 and visited the site, the survey is a fair appraisal of the site and as such I largely concur with the recommendations within section 7 which should be conditioned as part of any permission.

Given the open location of the site the hedgerows are likely to be used for commuting by foraging bats and for nesting by birds. Understand from the plans that the majority of each hedgerow is to remain therefore in addition to the recommendations within the report, would like to see a wildlife buffer of at least 3m

next to the hedgerows to retain their biodiversity value and allow for maintenance. Hedgerows are a BAP habitat and as such we should have regard to their conservation. A statement of who and how the hedgerows on site will be managed should be produced which maximises their benefits to wildlife.

The lighting for the site was not clear from the plan; however agree with the report's recommendations that the Western and Eastern hedgerows should be maintained as dark corridors. Throughout the site external lighting should be minimised and directional to avoid areas of vegetation.

As regards reptiles the recommended method statement for the avoidance of harm to reptiles in Appendix D of the report is sufficient and should be carried out prior to and during any works (including clearance works) on site. A plan of where the reptile corridor and enhancement for reptiles on site will be should be produced and approved by us prior to works commencing.

In terms of biodiversity enhancements on site which should be sought under the NPPF and would like to see at least two bat boxes included on trees on site and as well as the bird box on a tree recommended in the report a couple of provisions for birds within or on the buildings themselves such as those for house sparrows or starlings should be included. Advice on ideal locations for these can be given.

A fox foraging on site was observed at site visit and the applicant should be aware that they are protected from wilful harm under the Protection of Mammals Act 1996 therefore prior to any works commencing the applicant should ensure that no fox dens are present within the works area such that they could become trapped - please attach this as an informative only to any permission. They are not protected in any other way.

- 3.4 **Landscape Services Officer** - There is no LAP, just a small area of open space. The open space is in a corner and not overlooked. We would want to see a LAP on site. The site could be enlarged to accommodate one. A native hedgerow on the N boundary to screen the houses should be planted. The hedgerow on the SE boundary could be laid to increase its density at low level rather than cut back. Not sure if the hedge to the boundary with Fenway is new or existing, if it is existing, this could be laid to improve its structure. There is very little planting within the development, just grass verges and trees. This is disappointing. Garden sheds could be sited closer to properties and have access paths
- 3.5 **Biodiversity & Countryside Officer** – no comments in respect to the footpath
- 3.6 **Environmental Protection Officer** – comments awaited
- 3.7 **Arboricultural Officer** – No objection in principle subject to sufficient protection of TPO'd group of trees between the site and Shepherds Hill.

Oxfordshire County Council Consultees

3.8 **Highways** – No objection subject to conditions

Other consultees

3.9 **Thames Water** – raises no objection to the proposal and makes the following comments:

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Advise that with regard to sewerage and water infrastructure there is no objection.

Recommend informative regarding water pressure

3.10 **Environment Agency** – No comments as consider this a low risk development

4. Relevant National and Local Policy and Guidance Policy Considerations

4.1 Adopted Cherwell Local Plan (Saved Policies) :

C2: Protected species

C4: Creation of habitats

C28: Layout, design and external appearance of new development

C30: Design of new residential development

H5: Affordable housing schemes

H6: Rural exception sites

H13: Category 1 Settlement

ENV12: Contaminated land

South East Plan 2009

CC1: Sustainable development

CC2: Climate change

CC6: Sustainable communities and character of the environment

H4: Type and size of new housing

H5: Housing design and density

T4: Parking

NRM5: Conservation and improvement of biodiversity

BE1: Management for an urban renaissance

BE6: Management of the historic environment

Other Material Policy and Guidance

National Planning Policy Framework

Cherwell Local Plan – Proposed Submission Draft (August 2012)

The draft Local Plan has been out for public consultation and 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 policy:

BSC1: District wide housing distribution

BSC2: The effective and efficient use of land

BSC3: Affordable housing

ESD1: Mitigating and adapting to climate change

ESD3: Sustainable construction

ESD7: Sustainable Drainage Systems (SuDs)

ESD10: Protection and enhancement of biodiversity and the natural environment

ESD13: Local landscape protection and enhancement

ESD16: Character of the Built Environment

Policy Villages 1 : CAT A

Policy Villages 3 : Rural Exception Sites

Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it can be considered as a material planning consideration. The policies listed below are considered to be material to this case and are not replicated by

saved Development Plan policy:

TR1, TR4, TR5 and TR11: Transport and development policies

H3, H4, H7, H8, H15, D1, D2, D3 and D6: Housing and design policies

EN23, EN24, EN25, EN27, EN39 and EN44, EN47: Conserving and enhancing the environment

5. Appraisal

5.1 The issues raised by this development are:

- Principle of development
- Design and visual amenity
- Trees
- Impact on neighbours
- Ecology
- Highway safety and parking.
- Impact on heritage assets

Policy Context and principle of 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 development and in the context of this application would include requiring good design, delivering a wide choice of high quality homes, conserving and enhancing the natural environment and the conservation and enhancement of the historic environment.

5.3 Paragraph 35 of the NPPF states that developments should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. This aspect will be further expanded later on in the report.

5.4 Paragraph 50 of the NPPF requires that local authorities plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes). Local authorities should also identify size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and where there they have identified that affordable housing is needed, set policies for meeting this need on site.

5.5 The general thrust of national policy contained within the NPPF is continued in regional policy, with one of the sustainable development priorities being to ensure the physical and natural environment of the South East is conserved and enhanced. Policy CC6 of the South East Plan 2009 requires decisions associated with the development and use of land to respect, and where appropriate enhance,

the character and distinctiveness of settlements throughout the region.

- 5.6 Steeple Aston is a category I village where settlements are generally the larger villages with a greater range of services available and are suitable for potential growth through small scale housing schemes. Ordinarily such growth would be confined to infill or minor development within the confines of the village (Adopted Cherwell Local Plan Policy H13). However exceptions can be made where there is a demonstrable lack of affordable housing to meet local needs. Affordable housing schemes may be secured, through Policy H6 of the Adopted Cherwell Local plan. This policy allows for small scale low cost housing development which is to help meet a specific and identified local housing need which cannot be satisfied elsewhere. These may be permitted in accordance with similar criteria to that specified above i.e. where it can be demonstrated that the proposed development is economically viable in terms of its ability to meet the need identified and that secure arrangements can be made to restrict the occupancy of the development to ensure that it continues to meet local needs in the long term.
- 5.7 Rural exception sites are also addressed in the Draft submission Local Plan through policies BSC3 and Policy Villages 3. The policies require that in identifying suitable sites, it will be necessary to balance the advantages of providing affordable housing with the degree of harm that would be caused, for example to the appearance of the village, the surrounding landscape or to the historic environment.
- 5.8 Also that the Council will support the identification of suitable opportunities for small scale affordable housing schemes within or immediately adjacent to villages to meet specific, identified local housing needs that cannot be met through the development of sites allocated for housing development.
- 5.9 Arrangements will be secured to restrict the occupancy of the housing to ensure that it continues to meet local needs in perpetuity.
- 5.10 In consultation with Housing Services, confirmation has been received that there is indeed an affordable housing need in Steeple Aston and this is supported by evidence (The Housing Needs Survey undertaken in 2008 and 2011 Register of Interest survey and Council's Housing Register) and in consultation with the Parish Council and local residents. It is concluded that the scheme would meet a specific and identified local need for the village so the development of this site would, in principle, be a candidate as a Rural Exceptions Site. It would be essential, however, to secure the specific policy requirements of occupancy restriction for local needs in perpetuity, by means of a legal agreement.
- 5.11 Concern has been raised by the objectors to the scheme on the grounds that this is an unsuitable site, however, following a lengthy selection process assessing the pros and cons of each site, this site on the western side of the village was considered to be the most suitable for the level of housing need identified that will have the least impact on the visual amenity of the countryside and on highway safety. Also it is closely positioned to the other rural exception site at Shepherds Hill and therefore it is considered that the principle of the development of this site

for the purposes of affordable housing is acceptable.

Design and visual amenity

- 5.12 Policy BE1 of the South East Plan 2009 sets out the Plan's approach to promoting and supporting imaginative and efficient design solutions in new development, and aims to increase public acceptance of new housing by making sure that its is of a high quality design that respects local context and confers a sense of place.
- 5.13 Policies C28 and C30 of the adopted Cherwell Local Plan relate to all new development and seeks to ensure that it is sympathetic to its context, and the nature, size and prominence of the development proposed, and are compatible with the appearance, character, layout and scale of existing dwellings in the locality and street scene in general.
- 5.14 The site is part of a larger area recognised as having High Landscape Value therefore policy C13 of the adopted Cherwell Local Plan applies. The wider area is recognised as being of particular environmental quality but the actual site has no more specific landscape designations. The policy seeks to conserve and enhance such areas and as such a high design standard will be required.
- 5.15 Policy D1 of the Non-Statutory Cherwell Local Plan 2011 sets out the Council's urban design objectives which seek to ensure that development is compatible with the site's context in terms of its scale, density, massing, height and layout. Whilst Policy D3 seeks to ensure that development reflects or interprets the local distinctive character of the site and its context, by respecting traditional patterns of arrangement, plots and their buildings and spaces and retention and enhancement of existing open spaces and undeveloped gaps of local importance that contribute positively in visual terms to the public realm. The scale, proportion, massing and height of proposed development should be considered in relations to that of adjoining buildings.
- 5.16 Furthermore Policy D6 refers to the consideration of development in design terms which should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity and also that it provides standards of amenity and privacy acceptable to the Council.
- 5.17 Government guidance contained in the new NPPF attaches great importance to the design of the built environment. Para 61 states "Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment." The NPPF requires good design when determining application and that poor design should be refused that fails to take the opportunity to improve the character of the area.
- 5.18 The site is on the edge of the village and will be prominent from the public domain

of the entrance into the village. There are also footpaths which run beyond the west and northern boundaries to the site. The site is, therefore, very visible from the public domain. However, mitigation can be achieved in a number of ways including good design and landscaping.

- 5.19 The land is relatively flat with a slight fall from north to south and east to west so the topography of the land would suggest that the development will not have undue prominence in the landscape. There is an established mature hedgerow along the western, eastern and southern boundaries which is to be retained and protected as part of a landscaping scheme so will assist in maintaining the rural character of the lane. The layout of the development is not exactly ideal but is essentially the best fit and makes the best use of the land available without compromising the character of the rural locality.
- 5.20 The proposed dwellings have been designed in the local vernacular to complement neighbouring development at Shepherds Hill and will be constructed in reconstituted stone with stone heads and cills to external openings. Roofs are proposed to be covered in a slate type of material and plain tiles. The ridge height of the buildings range from 7.5m to 8.2m, with 6.2m gable spans. Characteristic gable features and dormers are built into the design of the proposed development.
- 5.21 The rear gardens of the proposed dwellings are between 10 -12m deep and feature front gardens and parking areas are also proposed. Garden sheds for each unit provides the necessary garden storage and there is sufficient space also in the rear garden for refuse bins. Some landscaping of the site is proposed, which will be conditioned accordingly.
- 5.22 It is considered that the proposed design and layout of the development is acceptable and through further landscaping and management of the hedgerows surrounding the site the proposal will have a limited impact on the visual amenity of the locality.

Trees

- 5.23 The site is enclosed on the southern, western and eastern boundaries by mature hedgerow and trees. The copse of trees between the site and Shepherds Hill are protect by a group TPO and in addition there are several significant trees forming part of the site boundary hedge that lie to the south of the site. These provide a barrier between the two sites as well as impacting on the wider landscape.
- 5.24 The hedgerow and trees along the road frontage are currently unmanaged and contains a lot of scrub. It is proposed that this boundary is to be retained and maintained to a manageable appearance and will be subject to conditions for its retention and management, along with necessary tree protection measures.

Impact on neighbours

- 5.25 Other than the farm opposite, the nearest neighbouring properties are those at

Shepherds Hill, which is some 45m to the east of the site. Between the eastern boundary of the site and no. 8 (end terrace) Shepherds Hill is the car parking area for Shepherds Hill and a small copse of trees, which has some recreational value for the existing and proposed residential development.

- 5.26 It is considered that the proposed dwellings are appropriately sited and at a scale which would not harm the amenities currently enjoyed by the neighbours in proximity. The use of the land for housing is considered to be an entirely compatible use to the neighbouring uses (residential) and working farm.

Ecology

- 5.27 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)
- 5.28 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.
- 5.29 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”.
- 5.30 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.”

- 5.31 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;
- 5.32 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”.
- 5.33 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.
- 5.34 Under Regulation 41 of Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of 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 legal derogation tests are met.
- 5.35 In respect to the application site, an Extended Phase 1 Habitat Survey was undertaken by Abricon dated 3rd December 2012, which found that there was potential for bats and reptiles to use the site, however with sufficient mitigation and enhancement measures the proposed development will have a probable minor short term adverse impact on the overall biodiversity levels until the landscaping becomes mature.
- 5.36 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 of the adopted Cherwell Local Plan.

Access and highway safety

- 5.37 Concern has been raised by local residents in respect to the narrowness of the road and the position of the proposed access off the corner of the lane. The proposed access has been subject to considerable negotiation with the local highway authority, who have considered the proposed access point to be the most safest and the provision of the footpath that links the Shepherds Hill footpath to the

site acceptable subject to conditions and maintenance of the southern hedgerow.

- 5.38 The local highway authority raised no objection to the proposal and comment as follows on the various aspects considered:

Access

The application proposes a new vehicular access onto Fenway. The proposed access lies east of an existing byway, and is not proposed to conflict with the byway or require a diversion order. Visibility splays of 2.4m x 43m in each direction comply with Manual for Streets standards. The access works must be carried out to OCC specification under a Section 278 Agreement. It is proposed that a new public road and turning head for service vehicles will be created within the site. These works must meet OCC specifications and will require a Section 38 Agreement with OCC. It is noted that the services strips on the beds adjacent to plots 2 and 11 in particular are laid to grass. It may be necessary to offer some protection in the form of a grasscrete or other hardened surface for these areas to avoid constant future maintenance as a result of over-running vehicles.

- 5.39 A new footway is proposed along Fenway between Shepherds Hill and the development. It is recommended that this footway is continued into the development site, rather than stopping so close to the site access's junction with Fenway. A revised plan is required for Section 278 Agreement.

5.40 Parking

24 parking spaces are proposed for the development. Each 2+bedroom dwelling will have 2 allocated parking spaces, and each 1-bed unit will have 1 allocated parking space. Two dedicated visitor spaces will be provided. Cycle parking will be available in garden sheds for each unit.

5.41 Drainage

The application will comprise permeable access road, courtyard and parking spaces in the interests of sustainable drainage. Surface water is proposed to discharge to SUDS and soakaway. A detailed SUDS drainage scheme will be required.

5.42 Construction Impact

There is a byway to the west of the proposed access and measures will be required during construction to ensure the free passage of users of the byway throughout the construction process. Additionally, there must be no detrimental impact to the highway or highway users as a result of the construction process.

- 5.43 In consultation with the local highway authority, the proposal satisfies current policy with regard to highway safety and parking requirements, subject to standard conditions which are recommended below.

Impact on heritage assets

- 5.44 The site abuts the Conservation Area the boundary to which runs along the southern boundary and access of the site. The characteristics of this part of the CA principally relate to the landscape. It is considered that the preservation and management of the hedgerow, being an important feature which contributes to the character and appearance of the Conservation Area, is a vital element of the proposal. The CA appraisal specifically seeks the retention of important trees and hedgerows and encourages the planting of appropriate species.
- 5.45 It is therefore considered that the proposed development satisfies the requirements of NPPF in ensuring that the heritage asset of the adjacent Conservation Area is preserved and enhanced.

Other matters

- 5.46 It is noted that OCC developer funding officer has sought financial contributions from the proposed development, however, as this is a 100% affordable housing scheme put through as a Rural Exception Site, in accordance with the Council's draft SPD Planning Obligations document July 2011, the financial contribution tariff detailed therein does not apply to such schemes, on viability grounds and therefore no contributions have been sought.
- 5.47 In respect to the lack of LAP provision, during the pre-application discussions with the Parish Council, it was raised as an issue, however the Parish considered that whilst a LAP was a desirable element, the provision of such would impact on the number of dwellings that could be accommodated on the site and therefore to ensure that 12 no. dwellings could be sited appropriately the LAP was not included. Clearly on the majority of market housing developments a LAP is sought as part and parcel of the development, but when there is an acute affordable housing shortage, it is considered that, that overrides the desirable elements of a scheme. It is possible that the communal area at the northern part of the site could cater for children's informal play, however at this stage it is indicated as communal garden area and whilst not of an ideal size, further discussions will take place to see if this is a possibility.

Engagement

- 5.47 With regard to the duty set out in paragraphs 186 and 187 of the Framework, extension pre-application involvement has resulted in the scheme that has been submitted, which essentially has been considered acceptable to the majority of the interested parties. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.48 In conclusion therefore taking into account the above appraisal the proposal is considered acceptable in terms of its design, layout, impact on amenity, character

of the countryside, heritage assets, and landscape and highway safety. With recommended mitigation and enhancement the proposal will not have an adverse impact on ecology. Furthermore the proposal provides 12 no. affordable homes in the district to meet a specific housing need and therefore and complies with the Government guidance contained in the NPPF and the other relevant development plan policies listed above.

6. Recommendation

Approval subject to:

- a) completion of a Section 106 to ensure the site is used for affordable housing only, an appropriate tenure mix and nomination rights; and
- b) The following conditions:

1. Time

- 2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the schedule of documents and drawings attached.

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, samples of the stone, tile and slate to be used in the construction of the walls and 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.

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 BE1 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 4. Development shall not commence until a surface water and foul sewage drainage cheme and 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. 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 the scheme relates. All drainage works shall

be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

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 in accordance with the guidance contained within the National Planning Policy Framework and Policy NRM4 of the South East Plan 2009 and Policy ENV1 of the adopted Cherwell Local Plan.

5. That full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure, in respect of those dwellings which it is intended shall be screened, shall be erected 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.

6. A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP shall include a phased travel plan and details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site and shall include details of the consultation and communication to be carried out with local residents. Construction work shall thereafter be carried out in accordance with the approved CEMP.

Reason - To protect the amenities of the local residents, to avoid pollution and to ensure construction traffic does not obstruct or drag debris onto the highway in the interests of highway safety and convenience and to comply with Policy ENV1 of the adopted Cherwell Local Plan and guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of development full details of a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority and prior to first occupation of the development, the lighting scheme shall be completed in all respects in accordance with the approved details, inclusive of parking courts, and maintained in a working order thereafter.

Reason: To ensure satisfactory lighting is provided in the interests of vehicular and pedestrian safety and the amenities of the local residents and to comply with Policy ENV1 of the adopted Cherwell Local Plan and guidance contained within the National Planning Policy Framework.

8. 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."

Reason: To ensure an adequate access in the interests of highway safety and to comply with guidance contained within the National Planning Policy Framework.

9. Prior to the first occupation of the development hereby approved, the existing means of access between the land and the highway shall be improved in accordance with drawing no. 17:07:12 and shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council's guidance available at <http://www.oxfordshire.gov.uk/cms/content/dropped-kerbs>.

Reason: To ensure an adequate access in the interests of highway safety and to comply with guidance contained within the National Planning Policy Framework.

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.

Reason: To ensure adequate car parking and turning within the curtilage of the site, in the interests of highway safety and to comply with the guidance contained within the National Planning Policy Framework.

11. That no surface water from the development shall be discharged onto the adjoining highway and a scheme to prevent this occurrence shall be submitted to and approved in writing by the Local Planning Authority and constructed prior to the commencement of building operations.

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

12. The development hereby permitted shall be carried out in accordance with the recommendation set out in the Abricon Extended Phase 1 Habitat Survey dated 3rd December 2012 unless otherwise agreed in writing by the Local Planning Authority or unless otherwise stipulated by conditions attached to this permission.

Reason - To protect habitats of importance to nature conservation from any loss or damage in accordance with the requirements of the National Planning Policy Framework, Policy NRM5 of the South East Plan and Policy C2 of the adopted Cherwell Local Plan.

13. That there shall be no removal of trees, scrub or hedgerows between the 1st March and 31st August inclusive.

Reason - To protect habitats of importance to nature conservation from any loss or

damage in accordance with the requirements of the National Planning Policy Framework, Policy NRM5 of the South East Plan and Policy C2 of the adopted Cherwell Local Plan.

14. The carports shown on the approved plans shall not be enclosed and shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.

Reason - To ensure that satisfactory provision is made for the parking of vehicles on site and clear of the highway in accordance with Policy T4 of the South East Plan 2009.

15. That, notwithstanding the provisions of Classes A to E (inc.) of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, the approved dwellings shall not be extended 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.

16. 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 C4 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

17. 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 C4 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

18. Prior to the commencement of the development hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, 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 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 C4 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

19. Prior to the commencement of the development hereby approved, full details of tree protection measures shall be submitted to and approved in writing by the Local Planning Authority, the details shall show the position and construction of a barrier fence preventing inadvertent damage to the rooting areas of the protected trees and those to be retained. The distances from the trees should be taken from recommendations provided in BS5837. Thereafter, 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 C4 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Environmental protection (contaminated land)

Planning Notes

1. Legal agreement
2. Thames Water informatives
3. Construction sites
4. Pursuant of condition no. 6 the CEMP is likely to require the construction of the

access prior to commencement of development. Wheel washing facilities should be provided for site vehicles.

5. The estate road shall be subject to a private road agreement or highway adoption via Section 38. Construction of the access and footpath will include works within the highway which would be subject to a Section 278 agreement.

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application with primary regard to the development plan and other material considerations. The development is considered to be acceptable on its planning merits as it would not cause serious harm to the character and appearance of the locality, significance of heritage assets, residential amenity, ecological matters or highway safety. As such, the proposal is in accordance with government advice contained in the National Planning Policy Framework, Policies CC1,CC2, CC6,H4, H5, T4, NRM5, BE1 and BE6 of the South East Plan 2009 and Policies C2, C4, C28, C30, H5, H6, H13 and, ENV12 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

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.

CONTACT OFFICER: Tracey Morrissey

TELEPHONE NO: Ext 1812