

# OS Parcel 4100 Adjacent and South of 13/00456/OUT Milton Road, Adderbury

**Ward:** Adderbury

**District Councillor:** Cllr N Randall

**Case Officer:** Rebecca Horley

**Recommendation:** Approval

**Applicant:** Berkeley Homes (Oxford and Chiltern) Ltd, c/o agent

**Application Description:** Erection of 65 dwellings with associated access, open space and structural landscaping

**Committee Referral:** Major - Departure from Policy

## 1. Site Description, Background and Proposed Development

- 1.1 This is an outline application for a single development comprising of 65 residential dwellings (with 35% affordable units) 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 is in outline only and all matters with the exception of the access are reserved to be considered in a subsequent Reserved Matters application in the event of the proposal being 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.

## 2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was 2<sup>nd</sup> May 2013. At the time of writing 313 letters/emails have been received raising objections on the following grounds:
  - The application pre-empts the outcome of the neighbourhood plan which is contrary to the Localism agenda
  - The site is outside the built up limits of the village contrary to policies H18 and H19 of the adopted Cherwell Local Plan
  - The site is a green field

- Of the 14 sites previously identified this is the least sustainable
- The proposal seeks to overturn the Neighbourhood Plan which will ultimately inform the Local Plan
- The density of the proposals is inappropriate
- Garden sizes are inadequate
- The site requires car journey to and from the primary school
- The school has one form entry and not enough spaces to support such a large increase in population. Other local schools are also full. The option of bussing children out of catchment is not sustainable and totally unacceptable to residents. The school cannot extend.
- The proposed location of this site does not allow easy access to local services
- CDC has already stated “a development of this size cannot be justified on a temporary land supply deficiency alone and is inappropriate at this time given the existing lack of provision of village facilities”
- PINs stated that considerations of early completion with the land being immediately available “do not outweigh the harm that would be caused by allowing residential development in the open countryside with the associated adverse visual impact.....”
- There will be an increase in traffic volume and most speed on the Berry Hill Road already
- Increase in noise levels
- The development of this site would set a precedent for further development to the west
- The rural setting is an elevated site and inappropriate
- The development of this site for housing has already been refused twice by CDC and on appeal
- Nothing has changed since the previous decisions
- Harm to visual amenities
- 40% affordable housing is too high for the village
- Harm to the character appearance and setting of many listed buildings and the Conservation Area.
- The site is in an Area of High Landscape Value
- Roads are narrow and access is poor
- Water supply and sewerage problems cause overflow of drains with no guarantee of improvements
- Likely increase in flooding
- Adderbury is not a sustainable village and Bloxham and Deddington have better facilities. Adderbury only has a small shop.
- The site still lacks a proper boundary to the south
- Loss of good agricultural land
- Loss of view/outlook from St Marys Road and Norris Close
- Most people in Adderbury do not want this development
- Impact on the ecology of the area
- Adderbury has already provided enough housing for the district

2.2 Adderbury Conservation Action Group (ACAG) object to the application on most of the grounds set out above. They consider that the community should be allowed the opportunity to consider all sites within the village and decide the site that is preferred by referendum on the completion of the Neighbourhood Plan. Should the application be approved then all the work already done on the

Neighbourhood Plan would be for nothing and they would have imposed on them a development that the village has previously rejected twice and is probably unlikely to be chosen as the most suitable site.

- 2.3 One letter of support has been received from a local resident. The letter makes the point that the ACAG is not representative of the village. All people ever seem to do is say no to any project that might well benefit other people. The response to previous cases hovers at around 6 to 7% of our local population of c2,500 – what about the other 90+%, don't they count?
- 2.4 A letter has been received from the landowner of the site north of Milton Road reminding the Council that there are other sites available in Adderbury for consideration and that the previous Inspector had said that approving the Berkeley scheme could set an unfortunate precedent for larger scale development in this area. The land north of Milton Road offers the opportunity to meet local needs and a) to develop a small scale development enclosed by the approved playing fields which would not set a precedent for further expansion of the village in this area. b) in doing so avoid the prospect of Adderbury absorbing an undue proportion of the District's development needs and c) allow for the design of an appropriate scale of development which can be designed to integrate with Adderbury including the provision of affordable housing on a scale appropriate to meet local rather than District needs. The owners are also committed to engaging in the Neighbourhood Plan process

### 3. Consultations

- 3.1 Consultation responses are summarised below. The full versions can be found on the Council's website.
- 3.2 **Adderbury Parish Council:** Object. Although this is a new proposed scheme we do not believe it differs substantially from previous applications for this site and we refer the Planning authority to APC's previous objections on this site together with the comments we make here.
  1. APC primarily objects to this application on the grounds that it is an extension of the village boundary into open countryside. This is against CDC policies on the grounds that this site is outside of the village envelope and therefore an unsuitable site. PPS3 only allows the need for housing numbers to override other planning concerns if the site is suitable but APC does not believe this is such a site.
  2. APC objects to this application as it does not comply with the emerging Local Plan. Particularly the SHLAA only suggests that this site might be considered if CDC policy required for the extension of Adderbury built up areas. This is not the case.
  3. APC does not believe the situation with regard to the village school has changed. The school is full and therefore any children in this site would need to be accommodated elsewhere. APC objects to this as we fundamentally believe children should be educated in their own community.
  4. APC objects to this application as the Parish is fully engaged in the process of producing a Neighbourhood Plan, which will be completed this autumn. APC believes we have the right to complete this NP under

the Localism Act and not to have this lawful process negated by an outside body such as a developer. Indeed, the Inspector at the previous appeal on this site (2012) gave considerable weight to the Parish's wish to complete a NP and agreed that any development before its completion would undermine that process and therefore should not be allowed.

5. APC is disappointed to see that the developer has not decreased the number of houses and therefore the density, which is higher than the locality of the application and contrary to NSPL policy H3. APC opposed this number of houses in the past and does so again. In the emerging Cherwell Local Plan, Adderbury would not be required to take this number of houses and therefore we do not see any justification for this site to be allowed, particularly with reference to its unsuitability (point 1 above).

3.3 **Milton Parish Council:** The application is premature pending the adoption of the Local Plan in 2014 and is against the policies contained with the Draft Local Plan. This is an opportunistic attempt to gain planning permission for development for a scheme unlikely to be approved once the Local Plan is adopted.

3.4 **Bloxham Parish Council:** Object to the above application on the following grounds:

1. This application would be an extension of Adderbury village settlement boundary, into the open countryside and it is against Cherwell District Council's policies;
2. The current capacity of the local primary school in Adderbury is such that children would not be accommodated there. Bloxham Primary is at capacity so would not be able to offer any spaces; and
3. Adderbury Parish Council is undertaking a Neighbourhood Development Plan and should be allowed to progress this to completion.

#### **Cherwell District Council Consultees**

3.5 **Planning Policy Officer:** Comments awaited

3.6 **Urban Design Officer:** No objection subject to conditions. During the pre-application process a number of small design and master-planning comments were made on this scheme to improve the overall layout and quality of design. The majority of these comments have been successfully integrated.

#### Layout and Urban Form

- The layout is based on a perimeter block form, with active frontage onto streets and public spaces
- Development is set back from Milton Road, providing structured green space and play areas. Development fronts onto these areas providing surveillance and architectural interest
- While there is no vehicular access, pedestrian connections have been made to existing suburban development on St Mary's Road and Norris Close. This is reinforced by a continuation in urban form
- Development is typically 2 – 2.5 storey and in keeping with the local context

- Development typically provides continuous frontage onto key spaces and is less formal, with lower density homes along the western and northern edge.

#### Movement and Parking

- The layout is based around a central route which runs through the site, with low key side roads that branch out providing access to properties
- A public right of way runs along the northern edge of the site
- Parking is predominantly on plot, in garages or in parking courtyards
- It is important that the courtyards are designed as landscaped spaces, with high quality paving details and space for landscape planting
- Surveillance is an issue in a number of courtyards and it might be appropriate to consider additional flats over garages to address this issue.

#### Landscape and Open Space

- Overall the landscape design has been well considered and is well structured throughout the site
- Substantial open spaces are located to the north and the west of the site which will have an informal character
- A number of small play areas are located across the site and form focal points in the layout
- The southern boundary follows the line of St Mary's Road. This boundary should be detailed with a post and rail fence and hedgerow planting, to provide a solid boundary while the hedgerow is growing. It is important that the line of this boundary is followed in the Reserve Matters applications.

#### Material and Detail Design

- Some thought has been given to the building form, materials and architectural detail
- The building form illustrated is vernacular in form and in keeping with the location. It will be important that this character is followed through
- Gable details and varied roof heights potentially provide variety and interest
- The window proportions and details have been well considered in the sketches included in the Design and Access Statement and it is important that these details are carried through in any Reserve Matters Application
- Buildings will be a mix of stone and brick with slate or tile roofs.

#### Conclusions

- The overall layout plan provides an appropriate response to the site conditions and has the potential to offer a high quality design response
- The southern boundary must align with the existing garden boundaries of St Mary's Road. The boundary should be made up of a native hedgerow, reinforced with a post and rail fence
- Any reserve matters application should consider how the urban form, materials and fenestration are translated in detail to be in keeping with this settlement.

### **3.7 Housing Officer:** No objection

This outline application is for 65 residential homes, as such there will be a minimum of 35% affordable housing requirement to be provided on site, equalling 23 units.

These units should be provided in the form of Affordable Rent and Shared Ownership tenure on a 70/30 basis and to be distributed in no less than 2 clusters with non-contiguous boundaries.

The affordable housing unit types should be provided as detailed below.

<u>Rent</u>	<u>Shared Ownership</u>
4x1b2pF/M	2x1b2pF/M
4x2b4pF/M	2x2b3pF/M
5x2b4pH	3x2b3pH
2x3b5pH	
1x4b6pH	

The affordable housing should be built to a minimum of Code for Sustainable Homes Level 3 and the HCA's Design and Quality Standards including HQI requirements. 50% of the affordable units also need to meet the Lifetime Homes Standard, preference for these units should be

The affordable units should be transferred to one of CDC's preferred RP partners.

**3.8 Landscape Officer:** No objection subject to conditions.

The extent of the visual impact of this site is restricted as illustrated by the ZTV. Significant visibility is confined to a restricted area in the immediate vicinity of the site. Further from the site visibility is low to negligible. A comprehensive selection of viewpoints has been examined and assessed.

The Landscape and Visual Impact Assessment (LVIA) is in my opinion an accurate and fair assessment of the impact of the proposals. In addition the assessment is easy to read.

The perimeter of the proposed development is now screened by open space and has frontages facing the open space which is an improvement on the visually unsatisfactory edge of the St Mary's Road development. This should provide a more harmonious edge treatment which is better screened as viewed from outside the site.

With regards to the layout, it works well being not dissimilar to Cassington Road, Yarnton in concept which is a development that I think does work well. Gable ends line up with existing properties reducing the impact of over shadowing. Parking is generally overlooked. There is space for trees on land in the public domain which is important for their long term retention.

With regard to boundary treatments, some of the hedgerow standards in the proposed hedge along the boundary with the existing development may be rather too close to existing dwellings. This needs revisiting at detailed stage. I have some concerns about the ability to ensure the long term existence of the new hedges along the S and E boundaries as they will be in the ownership of individual dwellings. The re-enforcement of existing boundary hedges is to be welcome. In addition the proposed woodland planting to provide mitigation.

I would like to see the existing vegetation indicated on the landscape plan when one is submitted. Further it is uncertain as to the area marked species rich damp grass land. Is this the site of an attenuation pond or just a depression?

The LAP's and LEAP are overlooked which is good. I can provide a LAP information sheet which has more detail about our requirements for the detailed design.

- 3.9 **Biodiversity & Countryside Officer:** No objection subject to a planning note to advise that prior to the laying out of the right of way as part of the development, the applicant should seek the advice of Oxfordshire County Council's Rights of Way team to ensure that the path is on its definitive line.

Adderbury Footpath No 25 is affected by this outline planning application.

Policy R4 of the adopted Cherwell Local Plan states "The Council will safeguard the existing public rights of way network. Development over public footpaths will not normally be permitted." Policy R4 of the non-statutory Local Plan states "The Council will safeguard and, where possible, enhance the existing public rights of way network. Development over public rights of way will not be permitted unless a suitable diversion can be secured which will not prejudice public rights".

The Design and Access Statement suggests that the existing route of this right of way will be maintained and has been taken into account within the estate layout. However, it crosses the main highway access into the site and further information is required with regards to the provision of a safe crossing point at this location.

- 3.10 **Ecology Officer:** No objection subject to conditions.

The survey is sufficiently up to date and covers the appropriate level of information. The current habitat is of fairly low ecological value and the suggested habitat enhancements within the design and access statement and Section 5 of the ecological report, if carried out, may constitute a general benefit for wildlife on site. I would like to see some inclusions for wildlife within the built environment also - e.g. bird boxes on buildings for house sparrows, swift bricks within dwellings where feasible given local records - these are both cost effective and easy to include. There should also be the inclusion of some fruit trees within the plans to assist in the conservation of BAP species Bullfinch which were found on site and may be impacted by the development. Lighting should be carefully thought out in order to avoid light spillage on to boundary vegetation and maintain the value of any hedgerows for commuting bats. I suggest a biodiversity enhancement plan taking into account the above and including the landscape/habitat creation measures outlined in their current proposals is submitted in line with recommendations within the NPPF to show a net gain for wildlife can be achieved on site and information on their future management.

- 3.11 **Recycling and Waste Manager:** No objections subject to the requirements of the Waste and Recycling guidance. Section 106 contribution of **£67.50** per property will also be required.

- 3.12 **Safer Communities Urban & Rural (Community Development) and Recreation & Health Improvement:** No objection subject to section 106 requirements.

Community projects - A contribution of **£3,575** is requested based on a calculation of £55/household.

Community Halls – A contribution of **£10,905** is requested to be allocated to existing community facilities (tba) to finance any projects to accommodate the additional demand from this development.

The playing pitch strategy identified a shortfall of 2 junior football pitches, 1 mini football pitch and 2 cricket pitches in the rural north area (which includes Adderbury). Adderbury is also affected by the shortage of pitches in Banbury. Previous discussions with the Parish Council and Adderbury Park FC have explored options for developing sport in the village which include improvements at Lucy Plackett park and on a potential site on the edge of the village, north of Milton Road. To this end it is appropriate to seek an off site contribution for outdoor sports from the development south of Milton Road.

65 dwellings x 2.39 people = 155.35 x £416.4 = **£64,687.74**

- 3.13 **Recreation & Health Improvement Manager (Public Art):** No objection subject to a condition to provide an approved public art scheme to enhance the public spaces within the development with functional artworks which may also serve to aid legibility within the scheme. The scheme should be approved prior to start on site and in implemented in conjunction with the development as appropriate.

- 3.14 **Anti-Social Behaviour Manager:** No objection. I am assuming that there will be a requirement for the applicants to prepare a construction management plan and would recommend that this document include sections on the control and monitoring of environmental noise and dust.

### **Oxfordshire County Council Consultees**

- 3.15 Oxfordshire County Council has provided a comprehensive response relating to all aspects under their jurisdiction. The main conclusion is that the County Council has no objection to this application. Summarised comments in relation to each County matter are provided below.

- 3.16 **Highways Liaison Officer:** No objection subject to a legal agreement to secure financial contributions and various conditions and informatives.

For the previous planning applications a financial contribution of **£36,082.70** index linked at Sep 2009 prices has been agreed between the applicant and OCC as Local Planning Authority. Some index adjustments needs to be added to this value. The s106 agreement signed for 10/00270/OUT (dated 08/10/10) is to be varied for this planning application. The contribution details should remain as agreed in the original s106 agreement and previous comments should be taken on board.

### Introduction

The proposed development is located to the west of St Mary's Road and south of the Milton Road (classified unnumbered road). The site is around 1km away from the centre of the village via the existing footway links, which has some local facilities. Milton Road is single carriageway and is subject to a 30mph



speed limit, which ends in the vicinity of St Mary's Road (becomes 60mph). Due to the nature of Milton Road speeding vehicles are frequently reported to the Local Highway Authority's (LHA) area office, which is a safety issue that requires consideration.

The proposed development site has been subject to previous planning applications (10/00270/OUT, 11/01409/OUT & 12/00026/OUT), which have been subject to unsuccessful planning and appeal decisions for non-highway related issues.

#### Summary of Transport Assessment (TA)

The proposed 65 dwellings will be located off the Milton Road (classified unnumbered road). Within the submitted TA it has been stated that there is unlikely to be an impact on the local highway network from the proposed development due to capacity within the highway network. The TA also includes a proposal for the site's entrance and the extension of the existing 30mph speed limit. A review of the accident data for the area has been carried out, which found a couple of incidents had occurred; looking at the information provided the incidents involved were down to driver error rather than the characteristics of the Milton Road. A review of public transport, pedestrian and cycle accessibility was undertaken. A Travel Plan for the site is proposed.

#### Comments

The submitted TA states that there is unlikely to be an impact on the local highway network from the proposed development due to capacity within the highway network; from analysing and reviewing the information provided such an assessment, in my opinion is deemed reasonable.

The proposed access arrangements (as shown indicatively on FMW drawing Figure 1) for the site meets the required design standards for a road in this location i.e. priority junction with appropriate vision splay(s) of 2.4m x 43m. As part of the access arrangements there is a proposal to extend the existing 30 mph speed limit which is acceptable. However, a traffic calming scheme for this section of Milton Road is also required, which is likely to be in the form of a gateway feature as well as Vehicle Activate Sign (VAS) signage (as previously agreed in principle). Any such scheme will need to be agreed and approved by the LHA prior to work commencing on site.

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 existing surfaced path along Milton Road is to be upgraded to a formal footway with dropped kerb/tactile paving. The proposed pedestrian links from the development site into St Mary's Road and Norris Close are also acceptable and considered essential to promote accessibility between the proposed site and the existing residential area. All the off-site works will require a Section 278 legal agreement with the LHA and must go through LHA's S278 technical approval process.

The proposed Framework for the Residential Travel Plan is acceptable and is to be conditioned by the LPA.

#### Layout comments

A public footpath runs across the top half of the site – there appears to be no details on how this will be protected, will it be improved/surfaced etc? OCC

Rights of Way team will require consultation – any improvements will need to be part of a legal agreement.

Parking levels – due to the location of the proposed site (edge of Adderbury), the parking levels are expected to be to the maximum levels, which is around 2 off-street parking spaces per unit (up to 3 beds); 4+ units on merits i.e. 2+ spaces. I understand the level/detail of car parking is to be agreed as part of a future reserved matters application. For future reference the LHA will only consider a garage/car port as an off-street parking space when the internal dimensions are 6m x 3m.

The layout of the site appears to take into account the guidance in MfS which is desirable, and is proposing direct pedestrian links into St Mary's Road and Norris Close. However there are a few issues that will need to be considered for a future reserved matters application, such as:

- 1. Access road requires calming features to deter speeding, as the road's alignment is fairly straight into the site i.e. a feature every 60m – could incorporate visitor parking;*
- 2. Road width of 5.5m into the site is acceptable in principle. However, a tracking plan will be required to demonstrate refuse vehicles can enter and turn within the site;*
- 3. Two lay-by parking areas appear to be being provided for visitor parking – are any more to be provided?*
- 4. The proposed parking courts appear to be some distance away from the associated housing units – this is likely to encourage on-street parking.*
- 5. Internal vision splays at vehicle access points into parking courts must meet vision splays of 2.4m x 25m (20mph design speed). Such vision splays to be unobstructed etc.*
- 6. Tactile paving is required at any proposed crossing points within the site, with clear visibility splays, especially near the proposed LAP and LEAP.*
- 7. Pedestrian visibility splays of 2m x 2m required at single access points.*
- 8. Public Footpath No 10 – no details on how this will be integrated into the site i.e. upgrade of surface etc;*
- 9. The site is located above the carriageway of Milton Road – therefore drainage of the site is essential; site must accord with SUDS. Please note new access is likely to require culvert works due to the ditch along the site's frontage (guidance can be sought from OCC's Drainage Engineer Gordon Hunt 01865 815571).*

#### Transport Contributions & Legal Agreements

In addition to providing a traffic calming scheme (to be agreed) and other related off-site highway works for this site along the Milton Road, the proposed development will add additional pressures to the existing public transport services (stated within submitted TA).

For the previous planning applications, a financial contribution of **£32,082.70** and **£4,000** index linked at September 2009 prices has previously been agreed between Berkeley Homes (Oxford & Chiltern) Ltd and Oxfordshire County Council as the Local Highway Authority.

The S106 Agreement signed for 10/00270/OUT (dated 08/10/10) and 11/01409/OUT (17/04/12) is to be varied for this planning application. Transport contribution details to remain as agreed in the existing S106 Agreement.

A Section 278 Agreement(s) will be required between the developer/applicant and Oxfordshire County Council for all the off-site highway works mentioned above. In addition to this legal agreement(s) a bond will be required to cover the construction costs of the works as well as there being a supervision fee of 9% and potential commuted sums.

3.17 **Archaeology:** No objection. The proposals outlined in the proposal would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

3.18 **Drainage Officer:** No objection subject to conditions and possible requirements for a legal agreement. The application is outline only and therefore the drainage design is not confirmed at this stage. The FRA shows that drainage has been considered in some detail and contains indicative information only.

3.19 **Rights of Way:** No objection subject to conditions and pending amendments to the plans to show the correct alignment of the public footpath.

Key issues

- A public footpath (Adderbury Footpath 25) runs across the Northern part of the site but has not been shown correctly on the plans.
- The developers will need to liaise with the County Council's Countryside Access Team over the treatment of the footpath through the site before and during planning and construction phases in order to protect its line and ensure adequate treatment of the footpath's surface and amenity.
- The new main access road into the site will cross the public footpath and details are needed to show how a safe crossing point will be provided
- It is anticipated that the development will have an impact on the surrounding public rights of way network. A contribution of **£5,000** should be provided to the Countryside Access Team to facilitate the installation of gates and sections of surface treatment on rights of way in the locality outside of the development site.
- The footpath is currently accessed via a grass verge along the Milton Road. The development will increase the use of the footpath and the developers should provide, or contribute to the provision of a surfaced link to St Mary's Road.
- Legal agreement required for contribution to public rights of way in the vicinity.

3.20 **Ecology:** No objection.

The District Council should seek advice from their own ecologist to assess the ecological aspects of the application in line with NPPF and local policies on ecology. CDC also needs to ensure that their legal duties can be discharged in relation to protected species and biodiversity under the Habitat Regs and NERC Act.

3.21 **Education:** No objection subject to possible conditions and legal agreement.

Key issues

- The proposed development is projected to generate a demand for 24 primary school places (age 4-10), 15 secondary school places (age 11-15) and 2 sixth form places (age 16-19).

- This development lies within the school planning area of Bloxham, and within the current designated areas of Christopher Rawlin's Primary School and The Warriner (secondary) School.
- Expansion of primary school capacity in the area would be necessary as a direct result of this housing development. This would be achieved through expansion of existing school(s).
- Expansion of secondary school capacity in the area would be necessary as a direct result of this housing development. This would be achieved through expansion of the existing school.
- The development would also be expected to result in an increased demand upon special educational needs (SEN) schools, and expansion of provision would be necessary as a direct result of this housing development.

Legal Agreement required to secure:

- Developer contributions towards the expansion of one or more primary schools by a total of 24 pupil places. Contributions are sought based on Department for Education (DfE) advice for primary school extensions weighted for Oxfordshire and including an allowance for ICT and sprinklers - £11,582 per pupil place at 1st Quarter 2012 price base. We therefore require a contribution of **£277,968** (index linked to from 1st Quarter 2012 using PUBSEC Tender Price Index) to primary school infrastructure for these homes.
- Developer contributions towards the planned expansion of The Warriner School by a total of 15 pupil places. Contributions are sought based on DfE advice for secondary school (age 11-15) extensions weighted for Oxfordshire and including an allowance for ICT and sprinklers - £17,455 per pupil place at 1st Quarter 2012 price base. We therefore require a contribution of **£261,825** (index linked to from 1st Quarter 2012 using PUBSEC Tender Price Index) to secondary school infrastructure for these homes.
- Developer contributions towards the planned expansion of The Warriner School by a total of 2 places. Contributions are sought based on DfE advice for sixth form extensions weighted for Oxfordshire and including an allowance for ICT and sprinklers - £18,571 per pupil place at 1st Quarter 2012 price base. We therefore require a contribution of **£37,142** (index linked to from 1st Quarter 2012 using PUBSEC Tender Price Index) to sixth form infrastructure for these homes.
- Developer contributions towards the expansion of one or more SEN schools by a total of 0.5 pupil places. We are advised to allow £30,656 per pupil place at 1st Quarter 2012 price base to expand capacity in special educational needs schools. We therefore require a contribution of **£15,328** (index linked to from 1st Quarter 2012 using PUBSEC Tender Price Index) to special educational school infrastructure for these homes.
- The use of planning conditions on any permission would be dependent on a satisfactory agreement to secure the resources required for expansion of education provision.

Detailed Comments:

Christopher Rawlins Primary School is approaching capacity and has had increased intakes in recent years. Several year groups are full. A recent review determined the local authority wishes to keep this school at this size due to its constrained site. Some of its catchment area is shared with Bloxham Primary School, which is also effectively full. Housing developments in Adderbury would be expected to contribute towards strategic expansion of primary school

capacity in this area, which is likely to be achieved through expansion of a neighbouring school.

This area feeds to the Warriner School, which is regularly oversubscribed, and effectively full in all but one year group. Increased local population as a result of local housing development, without expansion of the school, would adversely impact on the operation of parental preference and result in a loss of amenity to young people already living in the area, who would be less likely to secure a place at their first preference school as a direct result. Contributions are therefore sought from housing developments within the school's catchment area towards expansion of the school to ensure that the needs of the current and future population can be met.

1.02% of children across Oxfordshire are educated in SEN schools. On this basis, it is projected that the development will generate an additional 0.5 pupils requiring SEN provision, and expansion of SEN capacity would be needed as a direct result of the increased school-age population.

**3.22 Property:** No objection subject to the following conditions, legal agreement and informatives.

The County Council considers that the effect of the application forming this development will place additional strain on its existing community infrastructure. Although this is an outline permission based on the previous applications on the site the following development mix has been used: 14 Two Bed Dwellings, 33 Three Bed Dwellings and 18 Four Bed Dwellings.

It is calculated that this development would generate a net increase of:

- 192 additional residents *including*:
- 13 resident/s aged 65+
- 127 resident/s aged 20+

Legal Agreement required to secure:

• Library	£16,320
• Waste Management	£12,288
• Museum Resource Centre	£ 960
• Adult Learning	£2,032
• Social & Health Care	£14,300
• <b>Total*</b>	<b>£45,900</b>

\*Total to be Index-linked from 1st Quarter 2012 Using PUBSEC Tender Price Index

Library

Oxfordshire County Council has an adopted standard for publicly available library floor space of 23 m<sup>2</sup> per 1,000 head of population, and a further 19.5% space is required for support areas (staff workroom, etc), totalling 27.5 m<sup>2</sup>. Banbury library provides core facilities for Adderbury library and is significantly under-size in relation to its catchment population and this development will therefore place additional pressures on the library. The current cost of extending a library is £2,370 per m<sup>2</sup> at 1st Quarter 2012 price base. The proposal would also generate the need to increase the core book stock held by the local library by 2 volumes per additional resident. The price per volume is £10.00. This equates to £85 per person at 1st Quarter 2012 price base. The

full requirement for the provision of library infrastructure and supplementary core book stock in respect of this application would therefore be based on the following formula: £85 x 192 (the forecast no. of new residents) = **£16,320**

#### Strategic Waste Management

Under Section 51 of the Environmental Protection Act 1990, County Councils, as waste disposal authorities, have a duty to arrange for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of that waste. To meet the additional pressures on the various Household Waste and Recycling Centre provision in Oxfordshire enhancements to these centres are either already taking place or are planned, and, to this end, contributions are now required from developers towards their redesign and redevelopment. A new site serving 20,000 households costs in the region of £3,000,000; this equates to £64 per person at 1st Quarter 2012 price base.

£64 x 192 (the forecast number of new residents) = **£12,288**

#### County Museum Resource Centre

Oxfordshire County Council's museum service provides a central Museum Resource Centre (MRC). The MRC is the principal store for the Oxfordshire Museum, Cogges Manor Farm Museum, Abingdon Museum, Banbury Museum, the Museum of Oxford and the Vale and Downland Museum. It provides support to these museums and schools throughout the county for educational, research and leisure activities. The MRC is operating at capacity and needs an extension to meet the demands arising from further development throughout the county. An extended facility will provide additional storage space and allow for increased public access to the facility. An extension to the MRC to mitigate the impact of new development up to 2026 has been costed at £460,000; this equates to £5 per person at 1st Quarter 2012 price base.

£5 x 192 (the forecast number of new residents) = **£960**

#### Adult Learning

The County Council is looking to improve and provide a more sustainable Adult Learning facility in Banbury.

A new 2 classroom facility costs £440,000 at 1st Quarter 2012 price base. This facility will provide for 1,350 learners per annum; this equates to £326 per learner. At least 5% of the adult population are likely to take up adult learning; this equates to £16 per person.

£16 x 127 (the forecast number of new residents aged 20+) = **£2,032**

#### Social & Health Care - Day Care Facilities

To meet the additional pressures on day care provision the County Council is looking to expand and/or improve day care facilities in Banbury.

A new Day Care centre offering 40 places per day (optimum) and open 5 days per week costs £11,000 per place at 1st Quarter 2012 price base. Based on current and predicted usage figures we estimate that 10% of the over 65 population use day care facilities. Therefore the cost per person aged 65 years or older is £1,100.

£1,100 x 13 (the forecast number of new residents aged 65+) = **£14,300**

#### Administration

OCC require an administrative payment of £5,000 for the purposes of administration and monitoring of the proposed S106 agreement.

### Indexation

Financial contributions have to be indexed-linked to maintain the real values of the contributions (so that they can in future years deliver the same level of infrastructure provision currently envisaged). The price bases of the various contributions are covered in the relevant sections above.

### General

The contributions requested have been calculated where possible using details of the development mix from the application submitted or if no details are available then the County Council has used the best information available. Should the application be amended or the development mixed changed at a later date, the Council reserves the right to seek a higher contribution according to the nature of the amendment.

The contributions which are being sought are necessary to protect the existing levels of infrastructure for local residents. They are relevant to planning the incorporation of this major development within the local community, if it is implemented. They are directly related to this proposed development and to the scale and kind of the proposal.

#### **3.23 Minerals and Waste Policy:** No objection.

The original consultation response from the County Council was that of a holding objection relating to the minerals aspects and no objection regarding the waste element.

The County have now had the opportunity of considering the matter further in relation to the available geological information and taking into account the County Council's emerging policy position on mineral safeguarding. In view of: the existing residential development immediately to the east of the application site and the consequent need for a buffer zone to any mineral working; the limited extent of the ironstone outcrop on the south side of Milton Road as shown on the published BGS geological mapping; and the Council's emerging policy for ironstone to be safeguarded in existing areas of working (Submitted Minerals and Waste Core Strategy, policy M6); an objection to the proposed development on grounds of mineral sterilisation could not be justified and consequently that there is no mineral policy objection to this application. These comments replace the previous comments dated 11 April 2013 in which it was advised that the County Council should make a holding objection to the application; and there is no longer a need for further information from the applicant on the impact of the proposed development on mineral resources.

### **Other Consultees**

#### **3.24 Environment Agency:** No objection subject to condition.

#### **3.25 Thames Water:**

##### Waste Comments

Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by,

the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

#### Water Comments

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

#### Supplementary Comments

The developer is encouraged to contact Thames Water Developer Services at the earliest opportunity to progress an impact study.

#### **3.26 Thames Valley Police:** No objection to this as an outline application.

I commend the applicants for providing within their Design and Access Statement (DAS) a specific section entitled 'Security and well Being', which references guidance on how to create safer environments. And, I note that there is a commitment at this stage to build dwellings that comply with Secured by Design (SBD) standards, which I applaud. However, the DAS is rather misleading in that it gives the impression that a safe and secure environment would be created when I am of the opinion that the design and layout would be problematic in crime prevention and community safety terms. My observations and justifications for this are given below.

Needless to say I feel that there are significant opportunities to design out crime and/or the fear of crime and to promote community safety in relation to these proposals. To ensure that these opportunities are not missed, and that the promised commitment to delivering SBD compliant housing is fulfilled, I request that the following (or a similarly worded) condition be placed upon any approval for this outline application;

*No development shall commence until details of the measures to be incorporated into the development to demonstrate how 'Secured by Design (SBD)' accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.*

SBD is an Association of Chief Police Officers (ACPO) initiative which has a proven track record in assisting with the creation of safer places by providing guidance on Crime Prevention Through Environmental Design (CPTED), and by providing a minimum set of standards on physical security measures.



Details can be found at [www.securedbydesign.com](http://www.securedbydesign.com) and further advice can be obtained by contacting Thames Valley Police's Crime Prevention Design Team.

I feel that attachment of this condition would help the development to meet the requirements of:

- The National Planning Policy Framework 2012 (Part 7, Sect 58; 'Requiring good Design' and Part 8, Sect 69; Promoting Healthy Communities') where it is stated that development should create *'Safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion'*.
- Supplementary Planning Guidance Document *'Safer Places - The Planning System and Crime Prevention'*, ODPM 2004.

In addition, it would assist the authority in complying with its obligations under Section 17 of the Crime and Disorder Act 1998 in doing all it reasonably can in each of its functions to prevent crime and disorder in its area. Assuming approval is given, and to assist the authority and the applicants in providing as safe a development as possible, and to aid the latter in ultimately achieving SBD accreditation, I make the following observations:

- The development is excessively permeable in my opinion. There have been no pedestrian routes through to the site and beyond from St Mary's Rd or Norris Cl in the past and I see no reason to provide them now. There are a number of pedestrian routes within the proposals that; are segregated from roadways, do not appear to follow desire lines, are secluded and/or narrow. In addition, there are seemingly unsecured 'alleys' providing pedestrian links to parking courtyards. *'Safer Places'* states that; *'crime and anti-social behaviour are more likely to occur if; pedestrian routes are.... indirect and away from traffic; streets, footpaths and alleyways provide access to the rear of buildings; there are several ways into and out of an area – providing potential escape routes for criminal activity.'* Unfortunately, the proposals exhibit all of these characteristics.
- There are a number of rear parking courts across the site. These features make vehicles and the rear of properties vulnerable to criminal activity and often attract anti social behaviour (ASB). The intention is to reduce the impact of vehicles on the street, but in reality they are often abandoned by residents (especially after incidents have occurred) in favour of parking in front of dwellings where people can see and want to park their vehicles. This can lead to conflicts between neighbours, parking on footways and access problems for all (including the emergency services). Rear parking courts should be omitted from future proposals if possible. If they absolutely must remain as part of the scheme they should be made as secure as possible. SBD provides guidance (in line with 'Manual for Streets', 'By Design- Better Places to Live', 'Safer Places' and 'Car parking- What works Where') on how this can be achieved and I am also available to advise on how said guidance can be incorporated within these specific proposals.
- In relation to the above, I would prefer to see garages provided rather than parking 'barns'. The latter simply serve to hide vehicles further from view

and afford criminals the cover they desire when targeting vehicles without providing any security what-so-ever. As with parking courts themselves, these features should cater for small numbers of vehicles, be close to the dwellings they serve and be overlooked from active rooms of said properties, such as living rooms or kitchens. If they are not, they provide opportunities for crime and ASB.

- Landscaping details require careful attention; indicative plans make me concerned that natural surveillance across the development and to/from dwellings may be compromised in certain locations. I am also concerned that trees may impinge upon street lighting in future; their positions, habit and final growth height/spread should be considered to avoid this. Both matters should be addressed before reserved matters approval and SBD guidance on landscaping should be followed in general.
- The play areas require careful design in relation to equipment selection (to define user group age), boundary treatment, lighting, landscaping etc, given their proximity to dwellings. The designs should promote the ownership and enjoyment of users as well as child safety and should deter ASB. Ideally, I would prefer the provision along the Milton Rd to have been incorporated within the development rather than on the edge of it so that enhanced surveillance and child safety were provided.

## **4. Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policy**

Adopted Cherwell Local Plan (Saved Policies) (ACLPL)

H13: The Category 1 Settlements

H18: New dwellings in the countryside

C2: Development affecting protected species

C4 Creation of new habitats

C7: Landscape conservation

C8: Sporadic development in the open countryside

C13: Areas of High Landscape Value

C28: Layout, design and external appearance of new development

C30: Design of new residential development

C31: Compatibility of proposals in residential areas

C32: Provision of facilities for disabled people

R12: Provision of public open space in association with new residential development

TR1: Transportation funding

ENV1: Pollution Control

Minerals and Waste Local Plan (1996)

### **4.2 Other Material Considerations - Policy and Guidance**

National Planning Policy Framework

Cherwell Local Plan - Proposed Submission (August 2012) and Focussed Consultation (March 2013) (PSLP)

The Local Plan (March 2013) is out for a second round of public consultation. 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 & Efficient Use of Land - Brownfield land & Housing Density
- BSC3: Affordable Housing
- BSC4: Housing Mix
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems
- ESD10: Protection & Enhancement of Biodiversity & the Natural Environment
- ESD11: Conservation Target Areas
- ESD13: Local Landscape Protection & Enhancement
- ESD16 The Character of the Built & Historic Environment
- Policy Villages 1: Village Categorisation – Cat A Adderbury
- Policy Villages 2: Distributing Growth Across the Rural Areas – Group 1 Adderbury
- Proposals Map Allocation – Conservation Target Area

Strategic Housing Land Availability Assessment – Draft Final Report – March 2013

Appendix D - Sites outside Settlements with Future Potential

Minerals and Waste Core Strategy (Oct 2012)

## **5. Appraisal**

5.1 Although the key issues have been debated in detail several times and quite recently, it is worth rehearsing those for reasons of completeness before going on to on to conclude on those matters which show precisely what has changed in a material planning sense since the previous decisions which lead officers to the recommendation. The key issues for consideration in this application are:

- Planning History
- Policy principle
- Housing need
- Visual amenity/landscape impact
- Layout and design
- Highway Safety
- Planning contributions
- Summary of the material changes in circumstances since the previous decisions

## Planning History

5.2 10/00270/OUT – Application for similar was REFUSED on the following grounds:

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 land 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 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.'*

This application was subsequently DISMISSED at appeal 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.'*

5.3 11/01409/OUT – Another similar application was submitted in September 2011 following the Council identifying that it could no longer demonstrate a five year housing land supply. 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.

The appeal (attached at Appendix A to this report) was subsequently DISMISSED despite the '*marked underprovision*' of a 5 year supply of housing land and with due regard to the NPPF which had just been issued. The decision was taken in the context of the requirement that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Of note also was the offer of a high level of much needed affordable housing and that the site could be delivered relatively quickly. These factors weighed in favour of the proposal. However, the following factors were identified by the Inspector as weighing against the proposal:

The site lies within the countryside and its development is contrary to the approved development plan. Although sustainable in location terms, the

approach to the development of the site did not, in the Inspector's view, represent the basis of good design such that no overall conclusion could be reached on the proposal and whether or not overall it constituted sustainable development. Whilst not a strategic site it is of a significant scale in the context of Adderbury. Adderbury Parish Council had indicated a wish to produce a neighbourhood plan to inform the plan led approach to empower local people to shape their surroundings. Adderbury had made a more than adequate contribution to the supply of housing and there may be other sites available. Finally, the proposal was not supported by the local community.

- 5.4 12/00026/OUT - Despite the above appeal being lodged the applicants submitted a further application believing that the application should be approved to avoid time and expense at the Inquiry that was due. The applicants considered that the change in housing land supply position since the appeal was determined was sufficient to outweigh all other considerations and that therefore the application should be approved.

The application was REFUSED on the following grounds:

1. *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.*
  2. *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.*
- 5.5 Despite the recent case history concluding such applications as refusals or dismissals at appeal, this is only one material consideration. The decisions are useful in that they highlight the various questions that need answering and they assist in identifying the issues which need to be addressed. Over time the issues may be solved and also may be weighed in the balance differently at any given moment in time. It is important to remember that each case needs to be considered on its own merits.

### **The Policy Principles**

- 5.6 The site is beyond the built up limits of the category 1 village of Adderbury and it is not an allocated site. The proposed housing scheme, therefore, has to be

assessed against Policy H18 of the adopted Cherwell Local Plan (ACLP). This limits residential development to agricultural workers dwellings and affordable housing. Quite clearly the development fails to comply with this policy. This is an agreed position with the applicant and it is accepted by the case history.

- 5.7 Policy Villages 1 of the emerging Local Plan identifies Adderbury as a Category A village which remains similar to the adopted policy position in Policy H13. Due to their population size, range of services, accessibility, employment opportunities etc, these villages are considered to be the most sustainable. Categorising villages ensures the most sustainable distribution of growth across the rural areas and is an approach taken from the previous adopted Local Plan and featured in the Non Statutory Cherwell Local Plan.
- 5.8 Policy Villages 2: Distributing Growth Across the Rural Areas of the Proposed Submission Local Plan (PSLP) (amended in March 2013) places Adderbury in a group of 5 other villages. Having now taken into account completions and permissions, there is a combined limit for 252 new homes to be built in these settlements during the period 2012-2031 on sites that comprises ten or more dwellings. Not all the villages will necessarily accommodate a site and the precise number of homes to be allocated to an individual village will be set out in the Local Neighbourhoods Development Plan Document in the light of evidence such as the SHLAA.
- 5.9 The SHLAA identifies 3 sites “outside settlements with future potential” in Adderbury, one of which is this site and whilst it is clear that the site ‘contravenes existing policy’ the SHLAA concludes that “The site is developable subject to the need for development outside the built up area of Adderbury. Due to its location and characteristics, this site could be suitable for a mix of dwellings of about 35 units, which could be started in about 2016. The suitability of the site depends on the Council’s eventual distribution of development in the Local Plan, and whether modest extensions to the other villages are to be pursued.”
- 5.10 The Neighbourhood Plan will also provide evidence to the Local Plan if produced in advance of that plan and this is clearly an opportunity for the residents of Adderbury to have direct involvement in the design and location of all future development. It is understood that the latest position on this is that the questionnaires are being released for public consultation at the moment. Despite the previous Inspectors comments on this, a cautious approach is recommended given the direction of many more recent appeal decisions across the country. Even in the event of neighbourhood plans and development plan documents being part way through preparation and significant harm being identified, inspectors have allowed appeals based on the fact that the Council does not have a 5 year housing land supply.
- 5.11 Notwithstanding these policies and supporting evidence more weight has to be attributed to the NPPF given the current status of the development plan and a deficit in the five year land supply if it can be demonstrated that the ACLP is at odds with the goals of the NPPF. The NPPF includes a presumption in favour of sustainable development and states that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless “*any adverse impacts of doing so would significantly and*

*demonstrably outweigh the benefits, when assessed against the policies in [the] Framework taken as a whole” (para. 14).*

- 5.12 The NPPF goes on to state that *“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.* (para 49).
- 5.13 Having established in para 5.6 that the proposal conflicts with principle policy H13 it is necessary to establish the status of that policy, what it is seeking to do and how much weight it should be given. In referencing the experience of the recent Bloxham appeals, the position is that policy H13 of the adopted Local Plan seeks to achieve two main objectives. The first is to restrict the supply of housing (which needs to be weighed against the objective housing need test) and the second is to serve the purpose of protecting the countryside (which is ultimately a more subjective test). If the housing need argument is lost then Policy H13 is not automatically out of date because it still serves the purpose of protecting the countryside which remains very much a continued policy objective of the NPPF. The housing need and landscape impact assessments are discussed in the following paragraphs.

### **Housing Need**

- 5.14 With particular regard to the issue of housing need within the NPPF, it is noted that Local Planning Authorities (LPAs) are required to boost significantly the supply of housing by meeting assessed needs and identifying key sites critical to the delivery of the housing strategy over the plan period (para’ 47).
- 5.15 LPAs are expected to *“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”* (para’ 47).
- 5.16 Footnote 11 to paragraph 47 states, *“To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans”.*
- 5.17 Para’ 49 states, *“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

- 5.18 Whilst time has not allowed a formal response from the Policy team to this application, based on previous and very recent advice on other projects, it is apparent that the Council cannot currently demonstrate a five year housing land supply. The position is clearly improving, with very recent decisions at Committee to approve Ambrosden (90 dwellings) and Launton (11 dwellings) and indeed the position may change yet again following this Committee. In theory the shortfall may be reduced to a sufficient level but consideration needs to be given to the deliverability of those sites within the 5 year period.
- 5.19 The situation is constantly being reviewed but at this moment in time the shortfall needs to be acknowledged and addressed. It is important to maintain the supply and this site could contribute as one of those that could be delivered relatively quickly together with the much needed affordable housing element. To this end, it is considered that this application should be judged against the identified issues listed in paragraph 5.1 within the context of identifying whether or not any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits for providing more housing.

#### **Visual Amenity/Landscape Impact**

- 5.20 The site lies beyond the built-up limits of the village in an area of open countryside and is unallocated. The surroundings are not of any particular historic or townscape sensitivity though it is within an Area of High Landscape Value addressed under Policy C13. Such areas are environments which the Council will seek to conserve and enhance. Policies C7 and C8 of the adopted Cherwell Local Plan further seek to protect the landscape, preventing sporadic development that would cause harm to the topography and character. The NPPF also advises that the open countryside should be protected for its own sake.
- 5.21 The applicant has undertaken a Landscape and Visual Impact Assessment which has been considered by the Council's landscape architect. Landscape character is the physical make up and condition of the landscape itself and the visual amenity is the way in which the site is experienced.
- 5.22 Consideration of this issue is particularly important, not only because of its policy protection but because it was specifically referred to the most recent Inspector's decision as a factor which weighed against a positive outcome. Being a site outside the built up limits, in the open countryside and on a green field supplies all the factors which would suggest that there is likely to be harm caused as a matter of fact. In recognising this, the test of whether or not that harm is 'significant' is the next step to consider.
- 5.23 Noting first the characteristics of the site, it is clearly physically constrained along the road sides and also contained on the west side by hedgerows. The southern boundary is proposed to align with the rear boundary line of the neighbours on St Mary's Close. This will need to be established by fencing (post and rail) as well as indigenous hedgerows which it is reasonable to condition as there is no existing established boundary. As the site is relatively flat and located on the edge of the village, longer range views to the site are restricted from the west and north west and from the public footpath that cuts diagonally across one corner. The backdrop of adjoining residential development served by St Mary's Road and Norris Close prevent any more



harm over longer distances so it is concluded that there is no significant harm to the wider landscape. This was an agreed position.

- 5.24 Nearer to the site from public vantage points there is more of an impact but one would expect that. The previous Inspector concluded that 'The harm here is .....the loss of an element of open countryside on this western edge of the village' which would appear to suggest that s/he was objecting to the loss of the countryside per se. The argument then appears to fall away as the Inspector concludes that 'subjective opinions' form the degree of visual harm. All development of this nature has an impact visually but not all are refused for this reason.
- 5.25 The Council's Landscape Architect agrees that the extent of the visual impact of this site is restricted as illustrated by the Zones of Theoretical Visibility (ZTV). Significant visibility is confined to a restricted area in the immediate vicinity of the site. Further from the site visibility is low to negligible. A comprehensive selection of viewpoints has been examined and assessed concluding that the Landscape and Visual Impact Assessment (LVIA) is an accurate and fair assessment of the impact of the proposals.
- 5.26 It is understood that these conclusions have been drawn previously and it needs to be shown what now has changed to enable the issue to be either put to rest as a matter of principle or to consider whether or not it can be overcome. The perimeter of the development is now proposed to be screened by open space and has frontages facing the open space which is an improvement on the visually unsatisfactory edge of the St Mary's Road development. This should provide a more harmonious edge treatment which is better screened as viewed from outside the site. Further, the re-enforcement of existing boundary hedges is welcomed as is the additional proposed woodland planting to provide mitigation. It is considered that these aspects serve to tip the balance from the impact on the visual amenity of the landscape setting to not being 'significantly' harmful.

### **Layout and design**

- 5.27 Policies C28 and C30 seek to control all new development to ensure layout, design and external appearance are sympathetic to the character of the area and that they should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity with acceptable standards of amenity and privacy.
- 5.28 The previous cases show that much layout and design work has been undertaken prior to this latest submission and it is considered that the scheme is now in a form which is acceptable to both the landscape officer and the urban designer and noted as a layout that features elsewhere in the district as one which "works well". This issue has not been pursued as a reason for refusal in the past and certain design aspects can be highlighted.
- 5.29 Of particular note are features such as active frontages onto the streets and public spaces, the set back from Milton Road provides structural green space and play areas and parking which are overlooked. There are pedestrian (not vehicular) accesses to neighbouring streets which provides good connectivity. The scale of the proposed dwellings , at 2 – 2.5 storey, is in keeping with the

local context and with gable ends lining up with existing properties reducing the impact of overshadowing. Parking is generally overlooked. There is space for trees on land in the public domain which is important for their long term retention.

- 5.30 With regard to the more detailed matters the submission has shown some thought to the building form, materials and architectural detail. The building form illustrated is vernacular and in keeping with the location, and conditions will enable this character to be followed through. Gable details and varied roof heights potentially provide variety and interest and window proportions and details have been well considered in the sketches included in the Design and Access Statement. Buildings will be a mix of stone and brick with slate or tile roofs.

### **Flooding**

- 5.31 The Environment Agency has considered the application based on the evidence received and have concluded that their position has not changed since the previous application. Provided that the condition requiring compliance with the submitted Flood Risk Assessment is imposed on the decision notice, as recommended, then there is sufficient assurance that there would be no flooding problems.

### **Highway Safety**

- 5.32 It can be noted that the Highway Authority has no objection to the proposal subject to the recommended amendments being made and required standards being met, a list of recommended planning conditions, informatives and legal agreements can be finalised.

### **Planning Contribution/s**

- 5.33 Discussions were on-going at the time of writing between officers, the applicant and Oxfordshire County Council as to the precise level of contribution that would be acceptable but there is every expectation that an agreement can be reached particularly as this has been demonstrated before. The applicant has agreed to making contributions towards 35% affordable housing, provision of public open space (including sums for future maintenance if appropriate), sports provision, community funding, general transport and access, education (primary, secondary, 6<sup>th</sup> form and special needs), libraries, adult learning and strategic waste services.
- 5.34 It is acknowledged that Thames Valley Police have made a request for contributions towards police infrastructure (set out in full in the Consultations section). This request will form part of the S106 negotiations and it along with all other requests for contributions will have to be scrutinised with regard to compliance with the Community Infrastructure Levy Regulations (CIL). It is therefore requested that Members delegate to Officers the negotiation of the S106 agreement.

## **Other matters**

- 5.35 As part of the consideration of the application the number of letters of objection received by the Council should be taken into consideration. It is clear that a large number of residents (over 300) are opposed to the proposed development representing around 10% of Adderbury's population. Regard also has to be had for the nature of the objections being raised, most of which have been assessed throughout the consideration of the proposal and are covered in this report. Each of these issues has been assessed by the relevant statutory Consultees or considered elsewhere in the report or are not considered material or sufficient to justify a reason refusal.

## **Summary of the material changes in circumstances since the previous decisions**

- 5.36 Considering first the policy position, the latest decision was made in the light of the NPPF so there has been no material change to the central government policy guidance. The South East Plan is no longer a material planning policy consideration. The Local Plan has progressed to its second round of consultation following the publication of the Changes to the document in March this year. This is supported by the recently published SHLAA which has identified this site as a possible contender for further consideration as a housing site. This gives the site some status and a reason in itself to revisit its merits. It suggests a limit of 35 units but unfortunately that figure is not what has been submitted and it is necessary for the Council to determine what is being proposed. At this time it is not apparent what difference an extra 30 units makes in terms of the issues material to this case. Other evidence to support the local plan e.g. from the Neighbourhood Plan is yet to be produced remaining at its very early stages and as previously explained in para 5.10 of this report, its weight is really only very limited.
- 5.37 The position on the housing need remains the same such that the Council still cannot demonstrate a 5 year housing land supply. This remains a significant consideration in the matter as this proposal can serve to deliver in the required timescale. Whilst the previous decision was also made with an acknowledged housing need, the case was dismissed because the applicants failed to demonstrate that the other determining negative issues could be overcome. These issues included:
- a) landscape impact. The revised layout has now satisfactorily addressed this issue with a long term solution; the previously proposed football pitch no longer features as part of the proposal;
  - b) prematurity. Again this raises the issues identified under para 5.10 and many cases determined since June 2012 have not supported the approach adopted by the Adderbury inspector.
  - c) Infrastructure. Notwithstanding the fact that the Inspector discounted the position on the school, Oxfordshire County Council has confirmed that this can be satisfactorily overcome, see para 3.21
  - d) Affordable housing. The provision of affordable housing continues to weigh in the applicants favour. The applicant is now proposing 35%.
- 5.38 The case for pursuing the site on grounds of its identification in the SHLAA and the fact that there is still a need for more housing land (including affordable housing) remains strong.

## Engagement

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

## Conclusion

- 5.40 Based on the assessment above, it is concluded that whilst the proposed development does not accord with adopted Local Plan policy, the housing need is a sufficient mitigating factor having considered that the site is otherwise acceptable in terms of the impact it will have on the interests of acknowledged importance identified in section 5 of this report. The proposal will deliver much needed affordable housing and the site will contribute to the to 5 year housing land supply. This application is therefore recommended for approval in line with the details below.

## 6. Recommendation

**In the event that the Council does not have a five year housing land supply the application is recommend for Approval as set out below. If during the course of the meeting that position changes a further recommendation for REFUSAL is set out below the recommendation below;**

**Approval**, subject to:

- a) the delegation of the completion of the S106 negotiations (as outlined in those paragraphs relating to 'Planning Contributions' above) to officers in consultation with the Chairman;
- b) the completion of the S106 legal agreement within 3 months of the resolution to grant;
- c) the following conditions:
  1. That no development shall be commenced until full details of the scale, appearance and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.

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

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

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Site location plan, [rest To be confirmed]

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

5. That prior work commencing on site the proposed means of access (including vision splays) onto the Milton Road is to be formed, laid out and to the approval of the Local Planning Authority and constructed strictly in accordance with the highway authority's specifications and that all ancillary works specified shall be undertaken.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

6. That the vision splays shall not be obstructed by any object, structure, planting or other material height.

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

7. Prior to work commencing on site a traffic calming scheme is to be submitted the Local Planning Authority for written approval in consultation with the Local Highway Authority.

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

8. Prior to the first occupation of the development the traffic calming scheme

(to be agreed) is to be constructed strictly in accordance with the highway authority's specifications and that all ancillary works specified shall be undertaken.

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

9. That before any of the dwellings are first occupied the whole of the estate roads and footpaths of that phase, shall be laid out, constructed, lit and drained and if required temporary or permanent traffic calming to the Oxfordshire County Council's Specifications.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

10. That, before any of the dwellings are first occupied, the proposed vehicular accesses, driveways and turning areas that serve those dwellings shall be constructed, laid out, surfaced and drained in accordance with the specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

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

11. That a plan showing a car-parking provision in accordance with the District Council's parking standards for vehicles to be accommodated within the site, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and that such parking facilities shall be laid out, surfaced (SUDS), drained and completed in accordance with the approved plan (*to be agreed*) before the first occupation of the development hereby permitted. The car parking spaces shall be retained for the parking of vehicles at all times.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

12. No development shall commence on site for the development until a Construction Traffic Management Plan providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during construction and a route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

Reason - In the interests of highway safety and to safeguard the amenities of the occupants of the adjacent dwellings during the construction period and to comply with Policy ENV1 of the adopted Cherwell Local Plan Government guidance contained within the National Planning Policy Framework.

13. That the garage/car port accommodation shall be retained as such and shall not be adapted for living purposes unless planning permission has first been granted by the Local Planning Authority on a formal application.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

14. No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place.

Reason: To ensure the public right of way remains available and convenient for public use and to comply with Government guidance contained within the National Planning Policy Framework.

15. Prior to the commencement of the development hereby approved, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first occupation of any building to which the scheme relates the approved foul sewage drainage scheme shall be implemented. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

16. Development shall not begin until a surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) entitled Land South of Milton Road, Adderbury, site Specific Flood Risk Assessment, X-213089/TB/SK/BEM/March 2013, Revision C, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include: SUDS techniques as outlined in the FRA, reduction in surface water runoff rates as outlines in the FRA and provision of storage volumes as outlined in the FRA.

Reason – To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, ensure future maintenance of

these and in order to comply with Government guidance contained within the National Planning Policy Framework.

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

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

18. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a plan for enhancing biodiversity on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

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

19. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

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

20. All species used in the planting proposals associated with the development shall be native species of UK provenance.

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

21. That prior to the commencement of the development hereby approved, full design details of the equipment and layout of the Local Areas of Play (LAPs) and the Local Equipped Area of Plan (LEAP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the LAPs and LEAP shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.



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

22. That details (including the siting) of the public art scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved.

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

23. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed between the dwelling(s) and the highway without the prior express planning consent of the Local Planning Authority.

Reason – To retain the open character of the development and the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

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

### **Planning Notes**

1. Legal agreement
2. Archaeology
3. Construction Sites
4. Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems.
5. No construction / demolition vehicle access may be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by Oxfordshire County Council Countryside Access

Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants or their contractors to put right / make good to a standard required by the Countryside Access Team. Also no changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team or necessary legal process.

6. Oxfordshire County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. We would therefore ask you to add the requirement for provision of hydrants in accordance with the requirements of the Fire & Rescue Service as a condition to the grant of any planning permission
7. With regard to condition 20, the species do not currently include Ash *Fraxinus excelsior*.

#### **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMSSION AND DEVELOPMENT PLAN POLICIES**

The Council, as local planning authority, has determined this application with primary regard to the development plan and other material considerations. Although a departure from the development plan, it is considered to be acceptable on its planning merits as the proposal would not cause serious harm to the character or appearance of the countryside area, residential amenity, ecology matters, flood risk or highway safety and adequate provision is made for open space, affordable housing and other essential local infrastructure. Further, the need for the site to be developed to accord with the Council's strategy for meeting housing delivery requirements, development that results in high quality housing and minimises and mitigates landscape and other impacts has led the Council to consider the proposal acceptable. As such, the proposal is in accordance with government guidance contained in the National Planning Policy Framework and Policies C2, C7, C8, C13, C28, C30 and ENV1 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, and a legal agreement to secure the essential infrastructure requirements.

#### **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.

**In the event that the Council has a five year housing land supply the application is recommended for REFUSAL for the reason set below;**

**REFUSAL**

- 1. The proposal represents development beyond the built up limits of Adderbury where there is no proven need for agriculture or other existing undertaking. Furthermore the application has not been made on the basis that it is a rural exceptions site. As the proposal cannot be justified on the basis of an identified need for its stated purpose, it represents sporadic development in the countryside which fails to maintain its rural character and appearance and which fails to conserve and enhance the environment. The application is, therefore, contrary to Policies H6, H12, H13, H18, C8 and C13 of the adopted Cherwell Local Plan and government guidance contained in the National Planning Policy Framework.**
  
- 2. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development will be provided. This would be contrary to the Policy R12 of the adopted Cherwell Local Plan, Policies OA1, TR4, R8 and R10A of the Non-Statutory Cherwell Local Plan 2011, Policy INF 1 of the Proposed Cherwell Local Plan Proposed Submission Draft March 2013 and government guidance contained within the National Planning Policy Framework.**