

Site Address: Deerfields Farm, Canal Lane, Bodicote

14/00260/F

Ward: Bloxham and Bodicote

District Councillor: Councillors Heath and Thirzie Smart

Case Officer: Caroline Ford

Recommendation: Approval

Applicant: Mr and Mrs N Morris

Application Description: Erection of 1 no. dwelling – Resubmission of 13/00823/F

Committee Referral: Member Application

Committee Date: 15 May 2014

1. Site Description and Proposed Development

1.1 Deerfields Farm is situated to the end of Canal Lane in Bodicote. The existing dwelling is detached and constructed from stone under a tile roof. The property is tied to occupancy by an individual employed in agriculture by way of a condition attached to the original planning permission for the property (CHN.509/83 and CHN.1/85). The site sits within an area of high landscape value and a public right of way runs along Canal Lane, which is a private lane, however there are no other site constraints. To the north and east of the site is currently agricultural land (but which benefits from permission for a large scale urban extension), to the south this residential development has commenced and to the west of the site is the settlement of Bodicote.

1.2 The application seeks planning permission for the erection of one three bedroom dwelling situated to the south west of Deerfields Farm House between the barn and the house along the same building line. The design of the proposed dwelling has been amended through the processing of the application and is now proposed to be detached, 8.5m in height to the ridge (so slightly lower than Deerfields Farm) and with a more traditional span (than that shown on the original plans). The materials to be used would be natural local stone, with an interlocking slate roof and uPVC windows and doors. Parking would be provided to the front of the site.

Planning History

1.3 13/00823/F (Withdrawn) Erection of 1 no. dwelling
13/00427/AGN (Prior Approval Not Required) Farm Building

2. Application Publicity

2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 10th April 2014.

1 letter has been received. The following issues were raised:

Deerfield Farm House was objected to by local people, resisted by the Council but allowed at appeal and built in 1986. Since then the farm has expanded including a recent new barn, however some are not used for farming purposes. This has resulted in large amounts of extra traffic on Canal Lane, which is a bridleway.

Building another dwelling will have an impact upon highway and pedestrian safety. It is a bridleway used by many pedestrians and cyclists.

The access from Canal Lane to the Oxford Road can be very dangerous which has resulted in accidents in the past.

Approving the application would increase concerns and be detrimental to users and those who live on the Lane.
Further development would impact upon the environment by noise and pollution.
The site already creates noise and large vehicles use the Lane.
Noise is caused by activities taking place within the barns.
Impact upon public services, in particular drainage
This may cause a precedent for other development along Canal Lane.
This application should not be approved on the grounds of public safety.
There will be plenty of dwellings adjacent to the Farm house provided.

3. Consultations

- 3.1 **Bodicote Parish Council:** No objections but wish to raise the following concerns:
1. Impact on public services (drainage/ sewers). It is understood that the existing drainage is old and was only built to serve three houses. Following previous development on this site, houses in Canal Lane have been known to flood during heavy rainfall.
 2. Impact of further vehicular traffic on a public bridleway used by walkers and cyclists

Cherwell District Council Consultees

- 3.2 **Biodiversity and Countryside Officer:** Bodicote Bridleway number 1 runs adjacent to the south eastern edge of the development site but no public path order would be required to enable the development. However as the bridleway would be the main construction access to the site, and as it will be subject to increased vehicular use resulting from the proposed development, conditions are recommended.

Oxfordshire County Council Consultees

- 3.3 **Highways Liaison Officer:** Refer to previous recommendation. That made to 13/00823/F was one of no objection subject to a condition relating to the parking and manoeuvring area.
- 3.4 **Rights of Way Officer:** Bodicote Bridleway 1 runs along Canal Lane and forms the access into the proposed property. Although increase in vehicular traffic along a bridleway is undesirable, it is not considered that the traffic generated by one additional dwelling will have a significant impact to justify an objection in this respect. If permission is granted, then conditions relating to temporary obstructions and vehicular access for construction traffic are recommended.

Other Consultees

- 3.5 **Thames Water:** Waste and surface water drainage comments can be recommended as a planning note. No objections are raised with regard to water and sewerage infrastructure capacity.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- H13: The Category 1 settlements
C28: Layout, design and external appearance of new development

C30: Design of new residential development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Submission Cherwell Local Plan (January 2014)

The Submission Local Plan has been through public consultation and was submitted for Examination in January 2014 with a view to the Examination taking place during Spring 2014. The Submission Local Plan does not have Development Plan status but is a material planning consideration. The Plan sets out the Council's strategy for the District to 2031.

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of the development
- Visual amenity
- Neighbour amenity
- Highway safety and public rights of way

Relevant Planning History

5.2 As Members will note from the planning history outlined above, a planning application for the same development as now proposed was withdrawn. This was due to be reported to committee with a recommendation of refusal due to the principle of the proposed development. The current application must therefore consider whether the recommended refusal reason has been overcome and whether the proposal is acceptable in principle.

Principle of the development

5.3 The site sits on the edge of Bodicote, a category 1 settlement as classified under Policy H13 of the adopted Cherwell Local Plan. New residential development within category 1 settlements is restricted to infilling, minor development comprising small groups of dwellings on sites within the built up area of the settlement and the conversion of residential buildings. Bodicote is classified as a category 1 settlement under Policy H15 of the non-statutory Cherwell Local Plan and new residential development is restricted to the same as specified under Policy H13 mentioned above. Within the Submission Local Plan, Bodicote is classified as a category A settlement under Policy Villages 1, where new residential development would be restricted to minor development, infilling and conversions. As can be seen, Bodicote is one of the most sustainable settlements in the District for residential growth.

5.4 The National Planning Policy Framework positively encourages new residential development in appropriate locations providing any proposal achieves the aim of the Framework that Sustainable Development should always be sought.

5.5 The previous Case Officer considered that, being on the edge of the village, the proposal for a new dwelling did not fall within the allowances for new residential development allowable in category 1 settlements. At the time this application was considered, Officers were aware and made reference to the extant planning permission for the large scale urban extension development granted planning permission under 05/01337/OUT for up to 1070 dwellings along with associated

facilities including a primary school, playing fields, local shops, community facilities and employment provision, which would effectively surround this site. However, no development had commenced on site, although the first reserved matters application was with the Council at that time (13/00822/REM) for the first residential phase of 215 units. This reserved matters application was approved on the 20th September 2013.

- 5.6 Since this time, work has commenced on the first reserved matters parcel and work is being carried out quickly with the first dwellings reaching completion. This provides the Council with some assurances that the development is coming forward and that the rest of the site will be built out, particularly given a consortium of three National house builders are involved, who have purchased the site and will continue through until completion.
- 5.7 The implications for this, is that, in Officers opinion the circumstances of the site at Deerfields Farm has changed. Whilst arguably the proposal always represented a form of infill, it is in such a position that (before the large scale development commenced), it would have sat outside the built up limits of the village. It is also worth noting that the main Deerfields Farm has an agricultural tie by way of a planning condition, which was granted approval at appeal in 1984 (and subsequently amended in 1985) because of the need for a dwelling for the agricultural enterprise, again indicating the site sat adjoining the settlement rather than within it. However of course, with the large scale housing estate, which as mentioned above, would effectively surround the site, it now sits entirely within the settlement that will result once the large scale development is completed. As such, it is considered that the proposal constitutes infill development and therefore complies with the above mentioned policies. The garden for the property would extend to the rear of the house and would be in line with the garden of Deerfields Farm House. This would appear to include some land, which is within an agricultural use at the current time, however this would not be significant and this provides a suitable garden area for the dwelling in line with what the existing dwelling benefits from. The proposal is therefore considered to be acceptable in principle.

Visual amenity

- 5.8 Whilst previously the design of the proposed dwelling was considered appropriate, the current Case Officer has taken a different view and has sought to achieve improvements to the design of the property. This has been negotiated to attempt to achieve a suitable design within this area but to achieve the aims of the applicant. Canal Lane includes a number of properties that are all different in design and the dwellings emerging on the Longford Park site are relatively standard house types therefore a dwelling that is not wholly traditional would be acceptable in the view of Officers. However the original proposal had some very unfortunate features such as a wide span with a cat slide roof and large untraditional dormer features. The current design is now more traditional in nature, with better proportions than that previously proposed but with modern features such as the dormer windows (but which are improved over that originally proposed). Officers have some reservations in relation to the lean to feature to the front of the property due to its scale and lack of any focal feature such as the front door, however an alternative seen was considered to sit more uncomfortably and the applicant is keen for a feature such as that proposed. On balance, Officers are content that the design now proposed is acceptable and would not cause serious harm to the amenity of the area. As such, the proposal is considered to comply with the NPPF, which requires good design and with Policy C28 of the adopted Cherwell Local Plan.

Neighbour amenity

- 5.9 The proposed dwelling is positioned away from other neighbouring properties along Canal Lane because it is separated by a barn and access to other agricultural buildings and there is a distance of approximately 30m between the side of the proposed house and the side of the closest neighbouring house situated south west

along Canal Lane. This will mean that it is highly unlikely any other neighbours along Canal Lane will experience undue impact to their residential amenity.

- 5.10 The dwelling sits within relatively close proximity to the main Deerfields Farm House; however the relationship is such that it would not cause serious harm to the residential amenity of the occupiers of this property in the view of Officers. The proposal is considered to provide a standard of amenity to residential properties that is acceptable to this Authority in accordance with the NPPF and Policy C30 of the adopted Cherwell Local Plan.

Highway safety and public rights of way

- 5.11 The proposal results in the provision of one additional dwelling. Sufficient off road parking is provided; therefore the main consideration is how suitable the Lane (as a Bridleway) is to support any further development. The proposal is for one additional dwelling only and neither the Highway Authority nor the Rights of Way team raise an objection due to the relatively minor change that would be caused by the addition of one dwelling. As such, the proposal is considered to be acceptable in highway safety terms. Various conditions are recommended and these are set out within the main recommendation below, however the conditions relating to the Right of way are recommended as a planning note rather than conditions.

Other matters

- 5.12 Drainage is raised as an issue by the third party. Thames Water raises no objections to the proposal and given that the proposal is for one additional dwelling, it is not considered that this would have such a serious impact that the proposal could be resisted on these grounds. This matter can be dealt with by condition to ensure that appropriate arrangements for drainage matters are in place for the dwelling. The history of the site is noted, however as addressed above, the site circumstances have changed and Officers have reached the conclusion provided. The use of the barns can be looked into separately but does not affect the outcome of this application. Highway safety issues have been addressed above, by way of the responses from the County Council and via the conditions recommended below.

Engagement

- 5.13 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged as contact has been maintained with the applicant's agent to negotiate an improved design, which is now considered to be an acceptable form of development.

Conclusion

- 5.14 As has been discussed above, the proposal is considered to represent an acceptable form of development that will cause limited overall harm and complies with the above mentioned policy. The proposal is recommended for approval as set out below.

6. Recommendation

Approval, subject to the following conditions:

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

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

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents:

application forms, planning design and access statement, site location plan and amended block plan – drawing number 13:3571:4 and proposed floor plans/ elevations – drawing number 13:3571:3.

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

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

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

4. Prior to the commencement of the development hereby approved, samples of the tile to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

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.

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

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

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

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

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

- (c) details of the hard surface areas, including pavements, pedestrian

areas, reduced-dig areas, crossing points and steps.

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

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

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

8. 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 "Sewers for Adoption".

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.

Planning Notes

1. 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.
2. No construction / demolition vehicle access should be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by the 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 Oxfordshire County Council Countryside Access Team.
3. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes it is recommended that you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You

can contact Thames Water on 0845 850 2777 or for more information please visit website at www.thameswater.co.uk

4. The applicant is advised that in respect of Surface Water, Thames Water have recommended that it should be ensured that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Where it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer services will be required. They can be contacted on 0845 850 2777.

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 amendments have been sought where necessary to improve the design of the proposal, which is now considered to represent an appropriate form of development.