

# **OS Parcel North of Adderbury Court, 14/00351/F Oxford Road, Adderbury**

**Ward:** Adderbury

**District Councillor:** Cllr Nigel Randall

**Case Officer:** Tracey Morrissey

**Recommendation:** Refusal

**Applicant:** Cala Homes c/o Agent Cerda Planning Ltd

**Application Description:** Proposed residential development of 25 units

**Committee Referral:** Major

**Committee Date:** 19.06.14

## **1. Site Description, Background and Proposed Development**

- 1.1 This application follows the refusal of an application for 26 no. dwellings on the same site under planning application 13/0996/F at the 3<sup>rd</sup> October 2013 Planning Committee. That application is now subject to appeal with a Public Inquiry due to take place on 29<sup>th</sup> July 2014.
- 1.2 Full planning permission is now sought under this current application for the construction of 25 residential units on a site extending to an area of 0.8ha in size on the north-western boundary of Adderbury and to the east of the Banbury/Oxford Road (A4260). The site comprising rough grassland, slopes downhill from the highway, to the immediate south is a small area of open ground beyond which is Adderbury Court, a residential development of 18 dwellings. The most significant vegetation on the site is a section of unmanaged hedgerow to the east highway boundary.
- 1.3 Access to the site is currently obtained from the Banbury/Oxford Road just south of the existing sheltered bus stop; this is the access to be used for the proposed development, with one single road bending through into the site. There are a series of public footpaths running through and alongside the site (F/P 101/1, F/P101/10 and F/P101/11) which extend into the wider rural landscape to the north, west and south and also to Adderbury Court to the south.
- 1.4 The site is within a locally designated area of High Landscape Value under Policy C13 of the adopted Cherwell Local Plan. There are no statutory designated sites of nature conservation interest within or adjoining the site and there are no TPO trees. Other site constraints include naturally occurring contaminants within part of the site, a minor aquifer and known records of minerals.
- 1.5 The application has been submitted along with a Planning Statement, a Design and Access Statement, Landscape Plan, Landscape and Visual Assessment, Statement of Community Involvement, Layout Plans & Detailed Elevations, Flood Risk Assessment, Noise Report, Arboricultural Survey, Transport Assessment and Ecological Report

## 2. Application Publicity

2.1 The application has been advertised by way of neighbour letter, 3 No. site notices and press notice. The final date for comment was 10<sup>th</sup> April 2014. At the time of writing 5 letters/emails have been received raising objections (one of which referred to their original objections). To application number 13/00996/F 29 letters/emails were received – most of which are similar to those made to the current application. Comments have been made on the following grounds:

- Similar application in nature to that submitted last year for 26 dwellings and which was refused.
- Reducing the number of dwellings by one, making cosmetic and minor changes and introducing a tree and amenity space should not make a difference to the Council's previous decision to refuse the application. The same decision should be made here.
- No significant improvement to the poor design and layout submitted last time and it still does not meet saved Local Plan policies
- Lots of housing is being built in the local area with inadequate infrastructure.
- Proximity of the access to the traffic lights and school is dangerous
- Sewerage infrastructure capacity concerns
- Infrastructure in the village including the school is inadequate to cope with further growth.
- This application is speculative and premature, bearing in mind that the Adderbury Parish Council (APC), delegated to The Adderbury Plan (TAP) group, is currently very busy developing the Plan for submission to the Cherwell DC.
- Neighbourhood plan is being produced to reflect the views of the majority of residents and businesses of Adderbury. Understood it was APCs policy to object to all development affecting the village whilst TAP is being developed.
- Never seen a planning application being approved by the Cherwell DC for property development on a green field site in Adderbury. Adderbury Court itself was built on a brown field (previously a petrol filling station). Moreover, Griffin Close was also a brown field site (previously a fruit & veg wholesaler) as was the recent development in Greenhill which replaced the long-established Cheshire Home.
- Within about 200m, heading north from the Adderbury traffic lights, there are already 7 exits/entrances onto the A4260, namely Adderbury Court (traffic light controlled), The Rise, The Crescent/Kemps Road, Griffin Close, Twyford Grove, Greenhill and Summers Close. The proposed development will make exist/entrance number 8 and will place it less than 50m from the traffic lights.
- Over a thousand houses are already approved to be built on the southern edge of Banbury near Bodicote. Why do we need 26 dwellings to the north of Adderbury?
- Adderbury has already provided enough housing for the district and the proposed 30% affordable/social housing being put forward as part of this development is far too high for the village.
- The area has a high landscape value and the development would have an ecological impact on the area. It is understood this area was originally meadow land with a duck pond.
- Considerable harm to the character and landscape of this part of the village would be caused.

- The development would be in isolation on a greenfield site with high landscape value.
- The development would be built on a site of splendid isolation on a green field site which will extend the northern boundary of Adderbury.
- Loss of views for nearby properties.
- Any development in Adderbury should protect, cherish and enhance the character and appearance of the village. Any development should meet exemplary design and building standards that integrates with the existing settlement.
- Conditions should be used to carefully control materials.
- The developers have not engaged with the community in making their plans and so no benefits or amenity is brought to the village.
- Adderbury is not a sustainable village and has only one small shop.
- Berkeley Homes (Oxford and Chiltern) Ltd submitted a planning application on OS Parcel 4100 adjoining and south of Milton Road Adderbury for the erection of 65 dwellings with associated access, open space and structural landscaping (application no. 13/00456/OUT). On 13 June 2013 the Planning Committee considered the application and unanimously rejected it. Surely most of the considerations that applied to that planning application, which caused the Committee to reject it, would apply to the application being submitted by Cala Homes?

### **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.**

- a) The application is premature before the Adderbury Plan and would not allow the residents of Adderbury a chance to guide development as they should be able to under the Localism Act.
- b) The proposal 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. There is no other housing in this area and the development site does not have any strong relationship with nearby residential areas. It is cut off from the nearest housing to the West (Adderbury Court) by APC amenity land and land which has been recently purchased by APC. There are two open fields to the East of this site before reaching Summers Close and there is open countryside to the south of the site. Houses in Oxford Rd are on opposite side of road and therefore are set back and removed from this field area. Houses on the Oxford Road are clearly divided from this site by the Oxford Road, which forms a very defensible boundary.
- c) While there is limited building on the South side of the Oxford Road, APC do not feel this creates a precedent because two sites were brown field sites:

Adderbury Court was the old garage site and Greenhill House was previously the Cheshire Home. The other development on this south side is Summers Close which was given permission specifically as an Exception site for disabled residents, which it still is. The proposed site does not comply with any of these categories.

APC also believes that this site may have been included in restrictions on building which were imposed on the land as part of the Adderbury Court planning permission in the mid 1980s. If this is correct then APC also opposes the application on those reasons.

- d) APC objects to this application as the site is an area of High Landscape Value and is designated as such in CDC's Adopted Local Plan. This site is an extremely prominent site. It is set high on the side of the valley and will cause undue visual intrusion into open countryside. APC does not believe that the increased planting on the boundaries suggested by this amended plan will achieve any mitigation of the intrusion into the open countryside due to the prominence of the site.
- e) It will severely detract from the amenity value of this area of open countryside by the residents and public of Adderbury. The site is bounded on three out of four sides by public FPs. These are extremely well used by Adderbury residents and the FP101/11 forms part of the Adderbury circular walk. As such the proposed development would be very visible from these FPs and, even with the suggested screening, would detract from their amenity value as these would become FPs through or edging a housing estate rather than through open countryside as they are now. Also the public view from a further distance on the Adderbury Circular walk (FP 101/11) and from FP 101/14 and from FP 101/10 would all be compromised by this development. From the Oxford Rd to the North of the site the view into open countryside would be lost. Also APC feels development here will detract from the amenity value of the APC amenity area attached to Adderbury Court, which currently enjoys views over open countryside on all aspects. These would be lost. Because of the loss of amenity value and open countryside APC believes this application is not consistent with the local character of this part of the village.
- f) APC objects to this application as it does not comply with the emerging Local Plan. Particularly the SHLAA does not see this as a suitable site for development in Adderbury. The SHLAA says 'Development on the site would have an unacceptable impact on landscape character, and potentially impact on the setting of the village'. APC agrees with these comments and is opposed to this application on these grounds.
- g) The APC also objects to this application as it only includes 30% affordable housing, which APC believes is below the normal 35% affordable housing allocated in rural areas. APC is also concerned that the suggested mix of housing is too focused on 1 and 2 bed dwellings rather than family homes.
- h) The building design is not in keeping with the overall character of the Parish and should be Hornton stone and slate. The view across to the main village and the church (which would have the development in the foreground) is all

of Hornton stone and slate roofed buildings. Building in other materials would detract from the setting and views of this integral part of the Adderbury Conservation Area.

- i) The building on the top right of the site is out of character especially in relation to its mass and density. This revised application still has three storey houses at the front which will be overbearing in a small site. Three storey properties on an already elevated site will be extremely intrusive.
- j) Impact on the school which does not be able to accommodate the number of places required by the new families in the village. This would impact upon families already living in the village who may not be able to obtain a place for their children at the school. APCs policy is that children should be educated in their own community.

Should this application not be rejected, APC would like CDC Planning officers to consider more screening of this site and also a better mix of houses, including more affordable houses as well as some amenity land, together with suitable building materials which reflect the historic quality of housing in this village for what would be a prominent gateway site. APC also requests that they be involved in any S106 funds or community benefits resulting from this development. However, APC hopes that the above concerns and points of objection will be taken into consideration by CDC and that this application will be rejected.

### **Cherwell District Council Consultees**

- 3.3 **Head of Strategic Planning and the Economy: Previous comments on 13/00996/F still remain valid** - The provision of housing would have economic and social advantages. However, as the Council can demonstrate that the district has a five year housing land supply, there is no pressing need to release the site. There will also need to be detailed consideration of whether or not the proposal would result in sustainable development. It is noted that the level of affordable housing proposed accords with emerging policy and the needs for affordable housing is of course high. However, affordable housing is being delivered and planned growth will generate significant additional supply. There would be harm through the loss of open countryside which, in principle, would not be warranted and not be sustainable in the absence of a clear need at this time. However, detailed consideration of the extent of the harm to the landscape or by way of visual impact will be required. In advance of the Local Neighbourhood Document or a Neighbourhood Plan it will be necessary to consider the district's current housing supply situation, to be mindful of the amount of rural housing that has been allowed in particular locations and the likely impact of proposed developments on a case by case basis.

**Update** - Following the Submission Local Plan examination in public, the the Council does not currently have a 5 year housing land supply.

- 3.4 **Urban Design Officer:** Objection received. The site is located in a prominent location of Adderbury. The design and layout of the site do not reinforce and enhance the character of the village. (Design comments will be incorporated into the report at the relevant section).

- 3.5 **Housing Officer:** Due to its location this scheme, should it be granted permission, should deliver 35% affordable housing requirement.

I raise objections to this scheme on the basis that the current proposal for affordable housing on the site is unacceptable due to the provision of unit types and their location.

There are a disproportionate amount of flats on the development for affordable housing, which does not follow the principles of integration of the affordable housing within a scheme.

The location of the affordable housing also does not follow the principles of affordable housing integration, however may be acceptable if the unit types were reconsidered, and it designed in such a way as to not segment the affordable housing to an obvious position.

I would offer the following as a more preferred requirement for the affordable housing provision.

Rent  
2x1b2p Maisonette  
2x2b4p Houses  
2x3b5p Houses

Shared Ownership  
3x2b4p Houses

50% of the rented units should comply with Lifetime Homes Standards

The developer should agree with the Council the registered provider that will take on the affordable housing

- 3.6 **Landscape Officer:** Cannot support this application. The application has not changed significantly since application 13/00996/F and so the earlier landscape and visual impact comments still apply. The addition of a LAP is welcome, however the earlier proposed feature tree has been removed and this suggests the space is tight and the LAP is still small and there is no room for public open space and there is little passive observation from the nearby dwellings. There are level changes between the road and the plots, it is unclear how the levels will be dealt with and how tree and hedge roots will be protected or how DDA compliant paths can be provided. The layout drawing shows neat tidy hedgerows along Banbury Road. The survey shows a wide untidy hedgerow. No allowance has been made for the informal habit of the existing hedge and the insufficient space has been allowed for the roots.
- 3.7 **Arboriculturalist:** That the hedgerows be retained and reinforced by additional planting. A tree protection plan needs to be supplied if the trees within the eastern boundary hedge are to be retained and protected. Further details required as to proposed tree planting including the feature tree close to the LAP. Conditions as per those previously recommended.

- 3.8 **Ecology Officer:** No objection subject to conditions. The site is not of high ecological value and there are few constraints in terms of protected species. It does constitute the loss of an area of rough grassland and scrub however which is likely to impact birds including foraging raptors, invertebrates and small mammals. The proposals make some concession to new planting of hedgerow and trees. The hedgerows could have the potential to constitute new BAP habitat however the layout shows buildings and garages placed right up against the proposed hedgerow which will negate much of their value to wildlife and leave them vulnerable to cutting at the wrong time of year for wildlife and poor management. It would be preferable if a buffer was allowed along each hedgerow in which some rough grassland was allowed to remain. This would allow nesting by birds and movement of small mammals along the hedge lines.

There is very little green space included within the proposals and therefore in line with the recommendations within the NPPF and CDC policies to look for biodiversity enhancements in developments I would expect a biodiversity enhancement plan which included features within the built environment for example built in bird and bat brick/boxes, green walls and enhancements at the edge of the development such as wildflower areas, bat boxes on Western boundary trees.

- 3.9 **Recycling and Waste Manager:** Comments awaited but it is expected that the developer will need to take into account the Waste and Recycling guidance where it is indicated that Section 106 contribution of £67.50 per property will be required.
- 3.10 **Recreation & Health Improvement Manager (Public Art):** A condition that a piece of functional or sculptural artwork is provided onsite to enhance either the entrance to the development or an open space - Cost and scale of the artwork to be appropriate to the development ( £2,500 - £4,000).
- 3.11 **Countryside Officer** - As this site is framed on nearly all its boundaries by a number of public footpaths, and sometimes the routes apparent on the ground are not the same as the definitive lines, I would recommend the following advisory note:

"Prior to laying out the right of ways on and adjacent to the boundaries of the site, the applicant should seek the advice of Oxfordshire County Council's (OCC's) Rights of Way team to ensure that, in relation to the site, the paths are on their definitive lines "

### **Oxfordshire County Council Consultees**

- 3.12 Oxfordshire County Council has provided a comprehensive response relating to all aspects under their jurisdiction. The following is Officer advice:

**Transport Development Control:** No objection subject to conditions, legal agreement and informatives

Detailed comments made to the following:

1. Access
2. Estate layout
3. Car parking

4. Cycle parking
5. Travel Plan Statement
6. Transport strategy
7. Drainage
8. Rights of way
9. Public Transport
10. Construction impact

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

Key issues:

£104,238 Section 106 required for necessary expansion of permanent primary school capacity in the area. Christopher Rawlins CE (VA) Primary School is the catchment school for this development and has very limited spare places.

£123,301 Section 106 required for necessary expansion of permanent secondary school capacity in the area. The Warriner School is the catchment school for this development and has limited spare places.

£6,131 Section 106 required as a proportionate contribution to expansion of Special Educational Needs provision in the area.

Legal Agreement required to secure:

- £104,238 Section 106 developer contributions towards the expansion of permanent primary school capacity serving this area, by a total of 9 pupil places. This is based on Department for Education (DfE) advice weighted for Oxfordshire, including an allowance for ICT and sprinklers at £11,582 per pupil place. This is index linked from 1st Quarter 2012 using PUBSEC Tender Price Index.
- If extension of an existing school is not feasible, and instead a new school is required, a contribution would be required towards the new build costs of this, at a rate reasonably related to the scale of this development.
- £123,301 Section 106 developer contributions towards the expansion of permanent secondary school capacity serving the area by a total of 7 pupil places (including one 6th form place). This is based on Department for Education (DfE) advice for secondary school extension weighted for Oxfordshire and including an allowance for ICT and sprinklers at £17,455 per pupil place and £18,571 per Sixth Form pupil place. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index.
- £6,131 Section 106 developer contributions towards the expansion of permanent Special Educational Needs school capacity by a total of 0.2 pupil places. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index. We are advised to allow £30,656 per pupil place to expand capacity in special educational needs schools.

Detailed Comments:

Expansion of primary school capacity in the area would be necessary as a direct result of this housing development. Christopher Rawlins CE (VA) Primary



School is approaching full capacity. A review of school capacity in this area determined that 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 planned to be achieved through expansion of a neighbouring school. Local population growth may result in some children from this school's catchment area having to travel to another village for a school place, particularly when those children move into the area after the usual school place allocations process.

Expansion of secondary school capacity in the area would be necessary as a direct result of this housing development. This area feeds to The Warriner School, which is regularly oversubscribed, and effectively full. Paragraph 72 of the NPPF makes clear that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It says that great weight should be given to the need to expand schools, to maintain or widen choice in education. Without expansion of The Warriner School, housing development would adversely impact on the operation of parental preference. It would 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. As such it would go against the intention of NPPF para 72 by reducing the choice of school places. Expansion of capacity at The Warriner School is therefore necessary to ensure the needs of the current and future populations can be met. It would be a sustainable, proactive, positive and collaborative response to meeting the needs of these communities, and one which is realistically achievable within the current school site. The county council therefore seeks contributions from developments on a pro rata basis towards the expansion of The Warriner School.

Across Oxfordshire, 1.11% of pupils attend special schools due to Special Educational Needs. All developments are expected to contribute to this provision proportionately.

**Property:**

No objection subject to the following conditions, legal agreement and informatives

Key issues

- The County Council considers that the effect of the application forming this development will place additional strain on its existing community infrastructure.
- The following housing development mix has been used:
  - 2 no. x One Bed Dwellings
  - 6 no. x Two Bed Dwellings
  - 6 no. x Three Bed Dwellings
  - 11 no. x Four Bed Dwellings

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

- **75 additional residents *including*:**

- 49 residents aged 20+
- 5 residents 65+
- 11 residents ages 13-19

Legal Agreement required to secure:

▪ Library	£ 6,375
▪ Waste Management	£ 4,800
▪ Museum Resource Centre	£ 375
▪ Adult Learning	£ 784
▪ Adult Day care	£ 5,500

**Total** £ **17,834**

Plus administration & monitoring £ 3,750

Condition required to ensure Fire Hydrants are adequately provided on site.

**Minerals and Waste Policy:** No objections

**Ecology:** The District Council Ecologist should be consulted on this application especially as Great Crested Newts have been recorded within the locality.

**Other Consultees**

3.13 **Environment Agency:** Unable to make a full response to this application as it is deemed to have a low environmental risk. This does not indicate that permission would be granted by the EA as a regulatory body if a consent/ permit/ licence would be required.

3.14 **Thames Valley Police:** Refer the applicants to the principles and standards of the Association of Chief Police Officers (ACPO) crime prevention initiative for the built environment, Secured by Design (SBD). I urge them to incorporate said principles etc within the proposals and to contact me as soon as possible so that they may be advised on how to achieve this.

A condition has been recommended if approval is granted which would seek to ensure the development incorporates the principles of 'Secured by Design' and the NPPF.

Specific concerns regarding the design and layout and its potential impact on crime prevention are as follows:

- The estate is laid out around a medium length, winding cul-de-sac. A short, straight cul-de-sac that provides active frontages and secure rears for dwellings is preferable (the current layout creates a lot of vulnerable rear or side boundaries to rear gardens, which are the main access point for the majority of burglaries).
- The layout fronting Banbury Rd is far from ideal; some properties front it, some have a rear or side boundary with it. The development should provide an active frontage to as much of Banbury Rd as possible, whilst ensuring each property has an area of defensible space along its frontage. Surveillance from active rooms could also be improved and, the low sections of wall would make boundaries even more vulnerable

(this feature appears to be repeated throughout the development and should not form part of it- where boundary treatments of private rear gardens abut public or semi-private space they should be at least 1.8m in height and incorporate features that make them more difficult to climb; trellis on fences, angled or rounded copings on walls for example. And, all access gates to rear gardens should be key operated from both sides and have anti-lift hinges). On this latter point, not all garden access gates are provided as close to the front building line as possible- they should be.

- Pleased to see the LAP located within the development rather than on the periphery, but its proximity to some dwellings is a concern. Also, it should be gated and the boundary treatments should be no higher than 1.2m, and, preferably, they should be visually permeable (the envisaged high hedging and, in particular, the high section of wall adjacent to the 'V5' parking space are not acceptable). The design of the LAP (including appropriate equipment selection and assurance of excellent natural surveillance) should promote the ownership and enjoyment of users as well as child safety, and should also deter antisocial behaviour.
- Surveillance should also be provided from active room windows over the drives of the dwellings they serve so that residents can easily observe their vehicles (if this is not already the case).
- The flat block raises a number of concerns; Undercroft/courtyard parking is problematic in crime prevention design terms. If this cannot be designed out, any remaining undercroft/court area should be secure (behind access controlled gates) and lit to Police preferred standards (uniformity of at least 0.25Uo and colour rendition reaching at least 60 Ra). The pedestrian access gates to the presumed communal space to the north of the flats should also be secure. The 'false' fronts to two of the flats on Banbury Rd only weakens what is in reality the rear of the properties, which should be secure. Again, all dwellings should have clearly defined, defensible and active frontages and secure rears. The current flat block design provides neither. In addition, the entrance to flats 10 & 14 is within an undesirable recess and there is no 'airlock' area within the lobby. Both aspects need to be revisited and the provision of access control, secure post-delivery and utility meter reading arrangements for the flats should be clarified before any approval is given (the Secured by Design New Homes 2014 Guide provides information and options on these issues and is available via the weblink below).
- Finally, although the street scene drawings show an ornamental light fitting on one of the houses, street lighting should also meet the recommended standards above in addition to BS5489 which, it is assumed will be a requirement.

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

### **4.1 Development Plan Policy**

Adopted Cherwell Local Plan (Saved Policies) (ACLPL)  
H5: Affordable Housing

H12: Housing outside settlements in rural areas  
H13: 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  
C27: Historic settlement pattern  
C28: Layout, design and external appearance of new development  
C30: Design of new residential development  
C31: Compatibility of proposals in residential areas  
R12: Provision of public open space in association with new residential development  
TR1: Transportation funding  
ENV1: Pollution Control

#### Non-Statutory Cherwell Local Plan (NSCLP)

H4: Types/variety of housing  
H7: Affordable Housing  
H15: Cat 1 Village  
H19: New dwellings in the countryside  
TR2: Traffic generation  
TR4: Transport mitigation measures  
EN1: Impact on natural and built environment  
EN22: Nature conservation and mitigation  
EN25: Development affecting legally protected species  
EN30: Sporadic development in the countryside  
EN31: Development size, scale and type in a rural location  
EN34: Conserve and enhance the character and appearance of the Landscape  
D1: Urban design objectives  
D3: Local distinctiveness  
D9: Energy Efficient design  
R6: New or extended sporting and recreation facilities  
R8: Provision of children's play space  
R9: Provision of amenity open space  
R10A: Provision of sport and recreation facilities  
OA1: General Infrastructure policy

#### Minerals and Waste Local Plan (1996)

### 4.2 Other Material Considerations - Policy and Guidance

#### National Planning Policy Framework

#### Submission Local Plan - (January 2014)) (SLP)

The Submission Local Plan (January 2014) has been through public consultation and was submitted for examination in January 2014 with the examination taking place June 2014, although this plan does not have Development Plan status, it is 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:

PSD1: Presumption in favour of sustainable development  
BSC1: District Wide Housing Distribution  
BSC2: The Effective & Efficient Use of Land - Brownfield land & Housing Density  
BSC3: Affordable Housing  
BSC4: Housing Mix  
BSC8: Securing Health and well being  
BSC11: Local standards for provision of outdoor recreation  
BSC12: Indoor sports, recreation and community facilities  
ESD3: Sustainable Construction  
ESD6: Sustainable Flood Risk Management  
ESD7: Sustainable Drainage Systems  
ESD10: Protection & Enhancement of Biodiversity & the Natural Environment  
ESD13: Local Landscape Protection & Enhancement  
ESD15: Green Boundaries to Growth  
ESD16: The Character of the Built & Historic Environment  
ESD18: Green Infrastructure  
Policy Villages 1: Village Categorisation – Cat A Adderbury  
Policy Villages 2: Distributing Growth Across the Rural Areas – Group 1 Adderbury

Strategic Housing Land Availability Assessment – Draft Final Report – March 2013 (SHLAA) - Appendix E – Rejected sites

Adderbury Conservation Area Appraisal

Protocol for Preparing Neighbourhood Plans – March 2012

The Adderbury Plan (TAP) Draft dated 29<sup>th</sup> August 2013 (Neighbourhood Plan)

Cherwell District Council's Annual Monitoring Report (AMR) December 2013

The Oxfordshire Strategic Housing Market Assessment (SHMA), April 2014

Housing Land Supply Update May 2014 and June 2014

## **5. Appraisal**

5.1 The key issues for consideration in this application are:

- Relevant planning history
- Planning Policy and Principle of development
- 5 year Housing Land Supply Position
- Effect on the open countryside, landscape and visual amenity
- Layout and design
- Impact on residential amenity
- Highway safety

- Ecology
- Developer Obligations

### **Relevant Planning History**

5.2 Planning permission was refused by Planning Committee in October 2013 for the following reasons:

1. The proposal represents development beyond the built up limits of Adderbury in an area of countryside and is not allocated for development by either the saved policies of the adopted Cherwell Local Plan 1996 or those of the Non-Statutory Cherwell Local Plan 2011 nor is the application site proposed for development as a strategic housing allocation in the Proposed Submission Local Plan March 2013. It is considered that given the Council's ability to identify a supply of specific, deliverable sites sufficient to provide 5 years' worth of housing against its housing requirements with an additional buffer, the proposal represents sporadic development in the countryside which fails to maintain its rural character and appearance and which fails to conserve and enhance the environment and furthermore fails to meet the Council's objectives to meet housing need in a way that is in line with the spatial vision for the area. The application is, therefore, contrary to Policies H13, H18 and C8 of the adopted Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.
2. In the absence of an amended plan/layout, it is considered that the proposal will have an unacceptable impact on the existing and established Right of Way Adderbury Footpath 1 (10/11) thus obstructing and/or dissuading the public from using the public right of way, contrary to Government guidance contained in the National Planning Policy Framework.
3. The site forms part of an Area of High Landscape Value and is prominently located adjacent to public rights of way. It is considered that the development of this site for a housing scheme would have a harmful impact on an important part of the open countryside and would cause harm to the rural landscape setting of the village and would reduce the amenity value afforded from the existing Rights of Way. The proposal is considered, therefore, to be contrary to saved Policies C7, C8 and C13 of the adopted Local Plan.
4. The proposed site layout and design of the proposed dwellings are considered to represent a form of development that does not reinforce and enhance the character of the village. The resultant development would not create a high quality built environment nor would it reinforce local distinctiveness. The proposal is therefore contrary to Policies C28 and C30 of the adopted Cherwell Local Plan Government guidance contained within the National Planning Policy Framework 2012.
5. The proposed development does not make provision for a Local Area of Play, and infrastructure provision, which is considered to be required and necessary to make the proposal acceptable in planning terms. This would be contrary to Policy R12 of the adopted Cherwell Local Plan and

Government guidance contained within the National Planning Policy Framework 2012.

6. 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 INF1 of the Proposed Cherwell Local Plan Proposed Submission Draft March 2013 and government guidance contained within the National Planning Policy Framework.
- 5.3 The second reason for refusal was added to the Decision Notice in error as the matter was resolved prior to the Committee's determination. The Council will not be pursuing that reason for refusal. The reason for refusal related to a specific matter to do with the routing of the definitive line of the Public Right of Way (Footpath 1 (10.11) only. For the avoidance of doubt it is part of the Council's case that the development will have a significant adverse impact on the amenity of users of that and other footpaths (see especially reason for refusal no. 3).
  - 5.4 Other relevant planning history for this site includes:

B659/73 - Outline, demolition of Adderbury Garage buildings and redevelop with a new garage and access in an alternative position - centre frontage. Refused. Appeal (APP/1899/A/74/3138) Dismissed.

B660/73 - Outline, demolition of Adderbury Garage buildings and redevelop with a new garage and access in an alternative position - north frontage. Refused. Appeal (APP/1899/A/74/3132) Allowed.

These two applications were related to the redevelopment of Adderbury Garage, which is now Adderbury Court. Application B659/73 relates to part Adderbury Court land and land now owned by the Parish Council to the immediate south of the appeal site. Application B660/73 relates to the appeal site land. Both applications were later refused when renewal sought (CHN.687/81 and CHN.75/82), no appeals were lodged.

CHN.235/81 - Outline, demolition of existing garage and associated buildings, formation of new access. Erection of 10 new dwellings. The site is now Adderbury Court and the permission was subject to a Section 52 Legal Agreement to prevent development north of the site, including the appeal site.

CHN.592.82 - Outline, demolition of existing dwelling and buildings and construction of residential development. Approved. The site is now Adderbury Court and the permission was subject to a Section 52 Legal Agreement to prevent development north of the site, including the appeal site.

CHN.281.85 - Outline, proposed extension of site with existing residential permission (exchanging part of land subject to S52 Agreement for part of site not in Agreement). Approved. This site is now Adderbury Court and the S52 Agreement was amended to take account of this permission.

CHN.504.85 - Erection of 17 houses (part revised application incorporating 2 extra houses) This site is now Adderbury Court and the S52 Agreement was amended to take account of this permission.

CHN.569/86 - Outline, erection of 5 bedroom detached house with associated and incidental garaging for 3 cars, swimming pool and stables. Refused. No appeal lodged. The application related to the appeal site. The three reasons for refusal included:

1. Isolated development, precedent, consolidation and coalescent effect. Also the land is subject to a S52 Agreement restricting development on the land in any way.
2. Intrusion into an important and pleasant open area of land, protection in the interests of amenity and break between developments and that the land should remain undeveloped
3. Access from Croft Lane would have an adverse and disruptive effect on the character of the existing footpath.

#### **Planning Policy and Principle of development**

- 5.5 The Development Plan for Cherwell District comprises the saved policies in the Adopted Cherwell Local Plan 1996. Section 70(2) of the Town & Country Planning Act 1990 provides that, in dealing with applications for planning permission the Local Planning Authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.6 The NPPF is one such material considerations and it clearly states in highlighted paragraph 14 that 'At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking'. For decision taking this means approving development proposals that accord with the development plan without delay or where the development plan is absent silent or relevant policies are out of date, granting planning permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or specific policies in the NPPF indicate development should be restricted.
- 5.7 With specific regard to housing proposals the NPPF, in paragraph 49, further advises 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.' To achieve sustainable development, the NPPF sets out the economic, social and environmental roles of planning including contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built



and historic environment (para 7). It also provides (para 17) a set of core planning principles.

- 5.8 The NPPF does not change the statutory status of the development as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise. (para 12)
- 5.9 The Adopted Cherwell Local Plan and the Submission Local Plan do not contain any policies which seek to allocate the site for residential development. Sites other than those allocated, fall to be considered under Policy H12 of the adopted Local Plan which allows for development within the built-up limits of rural settlements in accordance with Policies H13, H14 and H15.
- 5.10 Policy H13 is relevant to Adderbury and states that within the village (and other specified villages) residential development will be restricted to infilling, minor development comprising small groups of dwellings on sites within the built-up area of the settlement or the conversion of non-residential buildings. It is clear from the adopted Cherwell Local Plan that the site lies beyond the built up limits of the village and therefore the proposal, needs to be assessed against Policy H18 which limits residential development to agricultural workers dwellings and affordable housing. Quite clearly the development fails to comply with this policy and in so doing also potentially conflicts also with rural conservation Policy C7 which does not normally permit development which would cause harm to the topography and character of the landscape. Policy C8 seeks to prevent sporadic development in the open countryside but also serves to restrict housing development.
- 5.11 Other material policy considerations include those in the Submission Local Plan (SLP). Policies Villages 1 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 features in the Non Statutory Cherwell Local Plan.
- 5.12 Policy Villages 2 Distributing Growth across the Rural Areas of the SLP places Adderbury in a group with 5 other villages. Having now taken into account completion and permissions the SLP states that 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 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.
- 5.13 The SHLAA identifies this site has having been rejected for residential development in Adderbury due to the unacceptable impact on landscape character and potential impact on the setting of the village.
- 5.14 The Adderbury Neighbourhood Plan must ultimately be in general conformity with the strategic policies of the SLP and until such time that the local plan is adopted and the neighbourhood plan developed in line with the DPD, its weight

is limited. This site area has been considered and the local view which is forming suggests that with the site being on the periphery of the village, and therefore remote from the centre, also has the added disadvantage of damaging the village's historic setting and would result in an increase in traffic volume through the historic core of the village. These local views are acknowledged and reflect issues raised in the consultations responses received. It is understood that The Adderbury Plan (TAP) is at an advanced stage and the latest position, is that the Parish Council is now fully engaged in the process of producing a Neighbourhood Plan.

- 5.15 The Draft TAP was produced on 29<sup>th</sup> August 2013, with further meetings having taken place in September 2013. Amongst other things TAP identifies locations that are considered most appropriate and sustainable locations for residential development (A - M and ranked 1 – 11). The site subject to this current application is within Zone A and rank no. 1, which is the preferred zone for residential development, being the most sustainable location close to the village centre. However the site specifically has also been identified as having a “positive vista” (specifics on this vista is unknown).
- 5.16 As the adopted Local Plan is the ‘starting point’ and that it is clear that this proposal conflicts with it, the logical route should be to refuse the application but only if other material considerations do not indicate otherwise. The housing need case is quite weighty in this regard and considered below.

#### **5 Yr Housing Land Supply Position**

- 5.17 On 28 May 2014, the Council published a Housing Land Supply Update which showed that there was a five year housing land supply, based on the Submission Local Plan requirement of 670 homes per annum from 2006 to 2031.
- 5.18 The examination of the Local Plan began on 3 June 2014. On that day, and the following day, 4 June 2014, the Local Plan's housing requirements were discussed in the context of the Oxfordshire Strategic Housing Market Assessment (SHMA) 2014, published on 16 April 2014 (after the submission of the Local Plan in January 2014).
- 5.19 The Oxfordshire Strategic Housing Market Assessment (SHMA) 2014 was commissioned by West Oxfordshire District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council and Cherwell District Council and provides an objective assessment of housing need. It concludes that Cherwell has a need for between 1,090 and 1,190 dwellings per annum. 1,140 dwellings per annum is identified as the mid-point figure within that range.
- 5.20 The Planning Inspector appointed to examine the Local Plan made clear his view that the SHMA document provided an objective assessment of housing need in accordance with the NPPF and suspended the Examination to provide the opportunity for the Council to propose ‘Main Modifications’ to the Plan in light of the higher level of need identified. The 1,140 per annum SHMA figure represents an objective assessment of need (not itself the housing requirement for Cherwell) and will need to be tested having regard to constraints and the process of Strategic Environmental Assessment / Sustainability Appraisal. However, the existing 670 dwellings per annum housing requirement of the

Submission Local Plan (January 2014) should no longer be relied upon for the purpose of calculating the five year housing land supply. Until 'Main Modifications' are submitted to the Secretary of State for Communities and Local Government, the objectively assessed need figure of 1,140 homes per annum from the SHMA is considered to be the most robust and defensible basis for calculating the five year housing land supply.

- 5.21 A further Housing Land Supply Update (June 2014) has been approved by the Lead Member for Planning. It shows that the District now has a **3.4 year housing land supply** which includes an additional 20% requirement as required by the NPPF where there has been persistent under-delivery. It also seeks to ensure that any shortfall in delivery is made-up within the five year period.
- 5.22 Given the out of date adopted housing policies and the limited weight that can be afforded to the emerging housing policies contained within the local plan and that the Council cannot demonstrate 5 year HLS Paragraphs 14 and 49 of the Framework are consequently engaged.
- 5.23 However, notwithstanding the Council's Housing Land Supply position as stated above, the proposal would give rise to conflict with a number of policies in the ACLP, NSCLP and SLP. Paragraph 14 of the Framework makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. It does not however indicate that an absence of a five year land supply means that planning permission for housing should automatically be granted for sites outside of settlements. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole.
- 5.24 It is considered that there are adverse impacts in respect to landscape impacts, harm to amenity of public rights of way and form and character of the village through poor design and sporadic development in the open countryside. These are expanded further below but it is considered that the presumption should not apply.

#### **Effect on the Open Countryside, Landscape and visual amenity**

- 5.25 The site lies beyond the built-up limits of the village in an area of open countryside. The site, and surrounding land to the north and west, is prominently located within the Ironstone Downs Area of High Landscape Value, protected under saved Policy C13 of the adopted Cherwell Local Plan. Careful control of the scale and type of development is required to protect the character of these designated areas. The Policy states that, 'particular attention will need to be paid to siting and design'. The Council will demonstrate that the proposal represents sporadic development in the open countryside that fails to protect

the character of the AHLV and wider countryside, principally by reason of its siting, when having regard to the requirements of the policies. The landscape significance of the site is carried forward in the Submission Cherwell Local Plan through a character-based approach under Policy ESD13, which seeks to conserve and enhance the distinctive and highly valued local character of the entire district.

- 5.26 It is clear from the original AHLV designation that the quality of the countryside has been found to merit protection over and above ordinary undesignated open countryside. 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.
- 5.27 The applicant has undertaken a Landscape and Visual Impact Assessment (LVIA) 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.
- 5.28 The LVIA concludes that "the proposal will introduce a new development edge incorporating additional positive landscape features and high quality built elements in line with the character assessment guidelines. In visual terms, the proposals will have a minor to moderate adverse effect upon the local setting, due to the loss of the existing open field, although the interrelationship with the existing urban areas will result in a sympathetic integrated development without significant harm to the visual amenities of the surrounding landscape. In landscape terms, the introduction of new landscape elements in keeping with the character of the area, and a well-integrated built character will have a neutral effect. New trees and hedgerow strengthen the landscape structure and help to soften views from the wider countryside".
- 5.29 The Council's Arboricultural Officer advises that "there are sporadic hedgerows to the north and western boundaries. The most significant vegetation is a section of unmanaged hedgerow to the eastern highway boundary. A lot of the trees within the hedgerow are ivy covered. There is a large multi-stemmed sycamore with additional sycamore trees which provide some amenity to the area. The proposal is to remove all the hedgerows around the site and replace them. This wholesale removal seems rather drastic. It would be better to retain the hedgerows and fill in the gaps with additional planting. I would like to see the sycamore trees retained for the time being. The root protection zones for these trees would need to be taken into account in the layout. A tree protection plan should be submitted to take account of the RPA's of the trees within the eastern boundary hedgerow. There is a question over the responsibility for the maintenance of the hedgerows once the properties are constructed. There is not much separation between the hedgerows and the proposed properties".
- 5.30 The Council's Landscape Officer has commented as follows "The site is on the periphery of Adderbury and forms a small part of the valley slope to Sor Brook. There are long distance views to the West across the valley. The surrounding fields are currently in arable production. The wider area has good hedgerow and hedgerow tree cover although the actual site largely lacks this on the North and West sides. There is reasonably good tree and hedgerow vegetation to

Oxford Road. The site falls over 7m in a NW direction from Oxford Road. This is very visible when standing at the low point on the NW corner of the site

- 5.31 Viewpoint 1 (VP) - Weak boundary to site, very thin and gappy. Development will intrude further into countryside obscuring current edge of Adderbury from this VP. The proposed apartment block will form a large built mass on the upper levels of this boundary. The public footpath runs along this boundary and there will be significant impact on users of this path from the proposed dwellings adjacent to it. The proposed hedgerow will not screen the development well enough for it to have minor impact.
- 5.32 VP2 - Boundary between site and road tall and scraggy hedge in winter the development of apartment blocks on the corner will be moderately visible. I don't see any space for additional boundary planting to mitigate the impact. Screening 5-10m wide would be required.
- 5.33 VP3 & 4 - The proposed access to the site will be very visible from these viewpoints. In order to get visibility splays it is likely that part of the boundary would need to be removed. Thus removing the screening. The access road will open up views into the site.
- 5.34 VP5 - Site visible due to lack of boundary planting. The footpath runs close to the boundary and there will be significant impacts from the access road and dwellings on the site. There does not seem to be any screen planting along the side of the parking bays to the left as you enter the site.
- 5.35 VP6 & 7 - Significant visibility in close proximity to the site due to poor ex vegetation and topography. The views illustrate that the current edge to Adderbury follows the contour line at this point. This creates an even appearance from a distance and a coherent edge
- 5.36 VP 8 - In summer the development would be partially visible as you travel along Oxford Road.
- 5.37 Wider impacts have not been considered, particularly from the West across the Sor Valley. It would be useful to have had wireframes of the proposed development. The location of dwellings in relation to the edge are poor and incoherent.
- 5.38 In terms of the Council's SHLAA consideration of this site for housing, all greenfield sites, were reviewed for the suitability of sites against the likely impact upon identified landscape character types. This was based upon desktop analysis of relevant landscape character assessments, and site analysis, identifying the contribution that land around built up areas makes to the setting of settlements, and whether development provides opportunities to improve the existing urban fringe and/or establish enduring settlement boundaries. As detailed in paragraph 5.13 the site would have an unacceptable impact on landscape character and setting of the village.
- 5.39 It is considered that, as a matter of principle, the development of this site for a housing scheme would have a harmful impact on an important part of the open countryside and would cause harm to the setting of the village. The proposal is

considered, therefore, to be contrary to saved Policies C7, C8 and C13 of the adopted Local Plan.

#### **Layout, scale and design**

- 5.40 Policies C28 and C30 of the ACLP 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. The NPPF at paragraph 56 “attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”. And furthermore states that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions” (para 64)
- 5.41 Whilst the site is part of a larger area recognised as having High Landscape Value and of particular environmental quality, the actual site has no more specific landscape designations. Policy C13 of the ACLP seeks to conserve and enhance such areas and as such a high design standard will be required.
- 5.42 The proposal seeks full consideration of the construction of 25 dwellings, along with access road and associated parking and amenity areas. In terms of the mix of accommodation proposed this is as follows:
- Market housing = 17 no.
- 5 no. x 5 bed detached dwellings
  - 6 no. x 4 bed detached dwellings
  - 4 no. x 3 bed detached dwellings
  - 1 no. x 2 bed apartments
- Affordable housing (not consistent with the identified need by the Council's Strategic Housing Officer) = 9 no.
- 2 no. x 3 bed semi-detached dwellings
  - 5 no. x 2 bed apartments
  - 2 no. x 1 bed apartments
- 5.43 This current application has sought to address some of the previous concerns and reasons for refusal in respect to the 13/00996/F application. Specifically the lack of a LAP and the design of the proposed dwellings.
- 5.44 In respect to the market mix this still appears to be focused on larger properties rather than smaller 2 or 3 bedroom units and the affordable housing mix is inconsistent with the advice from the Strategic Housing Officer, comprising mainly flat development not the mix as detailed in paragraph 3.5 above and is therefore unacceptable. In accordance with the Framework, the Council seeks to ensure high design and architectural standards on all developments and the affordable housing element would be subject to the same standards to ensure attractive and cohesive developments. The affordable housing should be indistinguishable from the market housing adopting a tenure neutral approach, however the proposal is that all the market housing is detached, while the affordable housing is made up of semi-detached units and apartments that are

clustered in the northeast corner of the site. The overall design of the whole development is covered further in the report, but essentially whilst the focus on larger houses is generally unacceptable and Policy BSC4 of the SLP carries limited weight, the design and standards sought are stated in the NPPF and the Council's Planning Obligations SPD.

- 5.45 In support of the proposal the applicant's D&AS has provided an analysis of the site layout, morphology, character, design studies and architectural detailing that have influenced the chosen scheme, taking into account topography, constraints and opportunities and the existing form and character of development in the vicinity.
- 5.46 The case officer and Design and Conservation Team Leader has worked with the applicant prior to the current application being submitted and some aspects have been addressed through amendments such as design detail however the Design & Conservation Team Leader continues to raise concerns that "the design and layout of the site do not reinforce and enhance the character of the village for the following reasons:

#### Site Setting / Context

The site has a gentle topography, which slopes down to the west. As this area of the village has seen little development, new housing in this area will have a clear impact on the setting of Banbury/Oxford Road and the character of the village as you enter it from the north.

- Banbury/Oxford Road is set above the site and dealing with this level change is an important consideration in the scheme.
- The character of Banbury/Oxford Road varies though the village, but is consistent in the way that all dwellings front onto this route. To the south the historic core has an informal arrangement of terraces and town houses between 2 – 3 dwellings. To the north of the historic core, building is typically set back from the road with a regular rhythm of development early to mid 20<sup>th</sup> century development.
- There is a public footpath to the north and the west and the south of the site boundary and the development should positively relate to these routes.

#### Site Layout

The site layout is based around a cul-de-sac design, with predominantly large detached units informally distributed around the site. While the Design and Access places a lot of emphasis on the vernacular architecture and morphology of the village, this is not translated in the design and layout for the area.

- The site is located in a prominent location in Adderbury and the development should provide an appropriate setting for Banbury/Oxford Road. Established development within the historic core of Adderbury as well as the range of 20<sup>th</sup> century development along the Banbury/Oxford Road all front onto and provide active frontage onto the main routes through the village. The layout submitted does not demonstrate an appropriate response to this route. There is limited consistent active

frontage and the principle access to dwellings is from the cul-de-sac to the rear. The entrance into the site is poorly articulated with a plain gable fronting onto Banbury/Oxford Road.

- No consideration has been given as to how development will relate to the two footpaths to the north and the west of the development. It is important that these features are fully integrated within the design, including providing surveillance to ensure the security of dwellings and the safe use of the path.
- The social housing is focused to the north east of the site, within the apartments and two houses. Furthermore, the scale and design of these dwellings is very different from others on the site and this development cannot be seen as tenure blind.
- The design and access statement dedicates a number of pages to the vernacular architectural detail and the morphology of the Adderbury. – Detached housing is very much a 20<sup>th</sup> century introduction of the pattern of Adderbury. While areas of the village are less formal in character, it is a difficult leap to advocate that the estate housing in a cul-de-sac form is a morphology that builds on the existing character of the village.

#### Housing Design

The Design and Access Statement contains significant information on the character of housing throughout the District. The layout has not considered how this relates to the way that houses sit together. The proposals for the site are predominantly for large detached housing of a variety of styles. Plots 7-14 Apartments there is still concern regarding this building, specifically the design, height and undercroft parking area and we have concerns about security of this area and legibility of the entrance. The other plot designs have been amended and are generally acceptable, but there is still concern regarding the layout and lack of street frontage and relationship with the adjacent housing. Officers have sought further revised layouts but it was not possible to reconfigure the whole layout to completely address concerns raised.

- 5.47 The Landscape Officer has commented on layout from a landscape impact perspective and identifies the following issues:
- The dwellings and garages are at odd angles to each other and to the boundary and this will result in an untidy edge.
  - garages are very close to the periphery.
  - One dwelling is right on the boundary leaving no room for landscaping.
  - The constraints and opportunities plan in the DAS does not indicate views in and out and the constraints of these.
  - The levels are such that dwellings could be designed to work with the level changes rather than imposed on them.
  - Sections through the site would be useful as the dwellings and garages look tight and there is little space to work with.
  - Dwellings don't front onto Banbury/Oxford Road as elsewhere in the vicinity



- 5.48 A Local Area of Play (LAP) has now been provided on the site. This play space provides much needed green space and a focus for the development. Whilst the current plan does provide a play space but is not sufficiently large enough and does not provide the essential natural surveillance from the surrounding properties.
- 5.49 Government guidance contained in the new NPPF attaches great importance to the design of the built environment. Para 61 states “Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.” The NPPF requires good design when determining application and that poor design should be refused that fails to take the opportunity to improve the character of the area.
- 5.50 It is considered that whilst the proposal has been influenced by other development in the vicinity, unfortunately all the elements do not come together in such a way that the design and layout of the site reinforce and enhance the character of the village and also does not provide an acceptably suitable LAP as required, therefore the scheme fails to comply with design, character and play policy provisions detailed above.

#### **Impact on residential amenity**

- 5.51 The proposed layout for the development demonstrates that the proposed dwellings could be accommodated on the site without causing harm to existing neighbouring properties. The positioning of the dwellings and their fenestration ensure that no unacceptable harm would be caused to residential amenity by way of loss of light, being over bearing or resulting in a loss of privacy.
- 5.52 The proposed layout achieves an acceptable standard of amenity in terms of private and public amenity space for the majority of the properties.

#### **Highway Safety and Sustainability**

- 5.53 The application was submitted with a Transport Statement, the conclusions of which have been agreed with by Oxfordshire County Council as Local Highway Authority. Their comments on this are “the expected trip generation is likely to be negligible and is unlikely to impact on the surrounding road network. Some peak period traffic queues do occur on the southbound approach onto the B4100 junction to the south of the development. I think it is sensible to assume that this development will not create any additional problems on this road, as vehicles exiting the site during peak periods will queue on site from the main junction access. Southbound access onto Banbury Road will be enabled through gaps in the queue and driver courtesy”.
- 5.54 The vehicular access point as shown on the submission is considered to be acceptable, no objection has been raised in respect to this or the amount of parking provision to serve the development, subject to necessary conditions.
- 5.55 In terms of sustainability, the development site is within reasonable access to several bus services which run along the adjacent Banbury Road, including the S4 which links into Banbury and Oxford; the main village centre is also within reasonable access from the development site by foot and bike.

- 5.56 It would be beneficial to improve pedestrian/cycle linkage onto Banbury Road from the northern half of the development, rather than rely on the proposed segregated pedestrian access to the north of the main vehicular access.
- 5.57 It is therefore considered that the proposal will not cause harm to highway safety subject to conditions and provides development within a sustainable location and complies with the guidance contained within the NPPF.

### **Rights of Way**

- 5.58 There are a series of public footpaths running through and alongside the site (F/P 101/1, F/P101/10 and F/P101/11) which extend into the wider rural landscape to the north, west and south and also to Adderbury Court to the south. However, the definitive line of F/P 101/1 runs through the site along the eastern highway boundary from Adderbury Court to the south. The actual line is taken instead from the footpath alongside the highway beyond the small barrier. This matter has been considered by the County Council who consider that a diversion would be acceptable.
- 5.59 These three public footpaths are prominently located adjacent to the site which forms a single field comprising rough grassland that slopes downhill from the road which lies at approximately 104.7m AOD at the back of footway to approximately 96m AOD on the western boundary. Along the eastern boundary, there is a steep drop of around 1:5 gradient between the back of the footway to Banbury Road and the existing site boundary fence. With the exception of the hedgerow along the eastern highway boundary, there is little other vegetation on the site.
- 5.60 It is considered that given the prominent location of the site on the sloping ground and the proximity of Public Rights of Way, the proposed development reduces the amenity value of the public rights of way and would harm the landscape, affect local amenity and impact upon the historic setting of the village and its church.

### **Ecology**

- 5.61 NPPF – Conserving and enhancing the natural environment requires that “the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” (para 109)
- 5.62 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that “every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity” and;
- 5.63 Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of

Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.

5.64 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States to prohibit the deterioration or destruction of their breeding sites or resting places. Under Regulation 41 of Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place.

5.65 In this particular case, there was no evidence of protected species found within the site. The Ecologist has considered the findings in the report and concludes that the contents are acceptable, further enhancement measures should however be incorporated into the scheme and if the development does not take place within two years a further ecology survey be undertaken should the development be granted planning permission.

5.66 Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. The proposal therefore accords with the National Planning Policy Framework -Conserving and enhancing the natural environment and Policy C2 and C4 of the adopted Cherwell Local Plan.

**Planning Obligations**

5.67 This type of application would require contributions to be made towards infrastructure requirements. The applicant has agreed to the terms of the agreement as part of the forthcoming Public Inquiry and the draft heads of terms agreed and required amounts can be summarised as follows:

	<u>Requirement</u>	<u>Total Amount</u>
<b>CDC</b>	<p><b>Housing mix (9 affordable housing units)</b></p> <p><u>Rent</u> 2 x 1b2p Flats (preferably maisonette style) 2 x 2b4p Houses 2 x 3b5p Houses</p> <p><b>Total: 6</b></p> <p><u>Shared Ownership</u> 3 x 2b4p Houses</p> <p><b>Total: 3</b></p>	
	<p><b>Public Open Space</b> @27.31/m<sup>2</sup> assuming minimum amount at 7,520 sqm (plus revenue management @ 10%)</p>	None provided
	<p><b>Childrens Play Areas</b></p> <ul style="list-style-type: none"> <li>▪ <b>1 No. LAP</b> (plus revenue management @ 10%)</li> </ul>	1 no LAP provided

	<b>Existing hedgerow maintenance @38.96/m</b> (plus revenue management @ 10%)	£ TBA
	<b>Existing tree maintenance @£2,752/tree</b> (plus revenue management @ 10%)	£ TBA
	<b>Recycling and Waste @£67.50 per property</b>	£1,755
	<b>Administration and Monitoring</b>	£2,475
<b>OCC</b>	<b>Transport</b> – towards the development of the S4 bus service between Deddington and Banbury	£ 27,000
	<b>Rights of Way</b> – undertaking to improve public rights of way within the development site.	£0
	<b>Education</b> <ul style="list-style-type: none"> <li>▪ <b>Primary</b></li> <li>▪ <b>Secondary</b></li> <li>▪ <b>SEN</b></li> </ul>	£104,238 £123,301 £ 6,131
	<b>Property</b> <ul style="list-style-type: none"> <li>▪ <b>Library</b></li> <li>▪ <b>Waste Management</b></li> <li>▪ <b>Museum Resource Centre</b></li> <li>▪ <b>Adult Learning</b></li> <li>▪ <b>Adult Day care</b></li> </ul>	£ 6,375 £ 4,800 £ 375 £ 784 £ 5,500
	<b>Administration &amp; monitoring</b>	£ 3,750

5.68 Any contribution sought needs to comply with the guidance in the NPPF which states that they should be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development and compliant with the CIL Regs

### **Engagement**

5.69 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the applicants engaged in pre-app and have sought to address some concerns and issues during the course of the application. It is considered that the duty to be positive and proactive has been discharged through approving an application which represents sustainable development, in accordance with the NPPF's objectives.

### **Conclusion**

5.70 Given that the adopted Cherwell Local Plan Housing Policies are out of date and the emerging housing policies can only be afforded limited weight and that the Council cannot demonstrate 5 year HLS, paragraphs 14 and 49 of the Framework are engaged. Paragraph 14 makes it clear that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

- 5.71 The proposal seeks to provide up to 25 dwellings, 9 of which would be affordable and this is seen as a benefit along with the planning obligations detailed above. In terms of adverse impact this is in respect to the character and landscape of the rural location, visual amenities of the open countryside, impact on amenity of Public Rights of Way, ecology and highway safety. Furthermore, the proposed design, housing mix and layout of the site do not reinforce and enhance the character of the village and does not make an acceptable provision for play space and extends development into and leads to the loss of open countryside.
- 5.72 The proposal conflicts with the adopted Local Plan and notwithstanding the Council's 5 year housing land supply position, this site is not suitable for residential development. It is considered that it represents unsustainable development beyond the built up limits of Adderbury with no case being made for its consideration as a rural exception site or other essential undertaking. On that basis it is considered that the proposal is not acceptable and in accordance with Paragraph 14 of the Framework, the adverse impacts of the development significantly and demonstrably outweigh the benefits that the housing would bring, having regard to what the Framework says about the importance of conserving and enhancing the built and historic environment. Therefore, in this regard the proposal would not constitute sustainable development and, consequently, the presumption in favour does not apply.

## **6. Recommendation**

### **Refusal, on the following grounds:**

1. Notwithstanding the Council's present inability to demonstrate that it has a 5 year supply of housing land required by Paragraph 47 of the NPPF, the development of this site cannot be justified on the basis of the land supply shortfall alone. The proposal represents unsustainable development beyond the built up limits of Adderbury with no case being made for its consideration as a rural exception site or other essential undertaking. As the proposal cannot be justified on the basis of an identified need in an unsustainable location, it represents unplanned sporadic development in the countryside which fails to maintain its rural character and appearance and which fails to conserve and enhance the environment and furthermore fails to meet the Council's objectives to meet housing need in a way that is in line with the spatial vision for the area. The application is, therefore, contrary to Policies H12, H13, H18, C7 and C8 of the adopted Cherwell Local Plan and Policies ESD13 & ESD16 and Villages 1 of the Submission Local Plan January 2014 and Government guidance contained in the National Planning Policy Framework.
2. The site forms part of an Area of High Landscape Value and is prominently located adjacent to public rights of way. It is considered that the development of this site for a housing scheme would have a harmful impact on an important part of the open countryside and would cause harm to the rural landscape setting of the village and would reduce the amenity value afforded from the existing Rights of Way. The proposal is considered, therefore, to be contrary to saved Policies C7, C8 and C13 of the adopted

Local Plan and Policies ESD13, ESD15, ESD16 and ESD18 of the Submission Local Plan January 2014 and Government guidance contained within the National Planning Policy Framework 2012.

3. The proposed site layout, design and mix of the proposed dwellings are considered to represent a form of development that does not reinforce and enhance the character of the village or provide affordable housing in accordance with the housing needs of the village. Furthermore the proposed Local Area of Play is not acceptable in terms of its size or location to allow sufficient natural surveillance. The resultant development would not create a high quality built environment nor would it reinforce local distinctiveness. The proposal is therefore contrary to Policies H5, R12, C28 and C30 of the adopted Cherwell Local Plan and Policies BSC3, ESD13 & ESD16 of the Submission Local Plan January 2014 Government guidance contained within the National Planning Policy Framework 2012.

#### **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.