

# Land North of Milton Road, Adderbury

14/00250/F

**Ward:** Adderbury

**District Councillor:** Cllr Nigel Randall

**Case Officer:** Rebecca Horley

**Recommendation:** Approval

**Applicant:** Banner Homes Midlands Ltd

**Application Description:** Demolition of existing agricultural buildings and erection of 20 private houses and 11 affordable dwellings, provision of public open space and land for a possible community use

**Committee Referral:** Major

**Committee Date:** 19<sup>th</sup> June 2014

## 1. Site Description and Proposed Development

- 1.1 The site is located outside the existing built up edge of the western side of Adderbury on the north side of the Milton Road and to the west side of Horn Hill Road. It is a broadly rectangular parcel of land extending to 5.83 acres and currently in agricultural use. A private vehicular right of access crosses the site in a north to south direction in the eastern part of the site. In the north eastern section of the site there are some existing metal framed open sided farm barns (to be demolished). Further to the west is open countryside between the site and the commercial operation occupied by Ball Colegrave. Similarly the land to the north is open land and the land further to the south has recently been allowed at appeal for 65 dwellings (13/00456/OUT refers).
- 1.2 This application is for full planning permission for a total of 31 dwellings, 11 of which will be affordable. The agricultural buildings are proposed to be demolished and the scheme also proposes the provision of public open space and land for a possible community use as a logical extension to the land to be given over for recreational purposes as part of the section 106 agreement (as yet not completed) for the site at Aynho Road (13/01768/F refers). Access to the site will be from Milton Road.
- 1.3 That part of the site to the east of and including the right of access track lies within the Conservation Area which extends across Milton Road to the south, immediately to the north and across Horn Hill Road and beyond. Also there are a number of Grade II listed buildings facing the site opposite along Horn Hill Road and directly to the north (St Mary's Farm House). There is a strong belt of trees, which includes TPOs along the eastern boundary of the site (1 No. Ash and 2 No. Horse Chestnut). The site is of medium interest archaeologically and potentially contaminated.

## 2. Application Publicity

- 2.1 The application has been advertised by way of press and site notices. The final date for comment was the 20<sup>th</sup> March 2014. Amended plans were re-consulted on with a deadline date of 27<sup>th</sup> May 2014. A total of approximately 228 letters of objection have been received as a result of this consultation, 218 of these being identical letters raising the following concerns which are also supported by the Adderbury Conservation Action Group:
  - The site has a history of failed applications since 1961, most recently application 10/01684/OUT the reasons for which still apply.
  - An additional 126 dwellings have been recently approved at Adderbury and the school is full so to approve yet more dwellings is a folly.
  - Significant material harm to the last rural entrance to the village
  - Adverse effect on the setting of heritage assets

- Contrary to the submission there is not a 'wide range of shops, services and facilities' – there is one shop and 2 hairdressers and there has been a steady decline over recent years.
- The additional population will be forced to travel by car to Banbury and its supermarkets.
- This increased car travel will add to the extra travel movements causing harm to the environment.
- Increased traffic congestion through the village.
- The site is remote.
- The community centre and two football pitches is unwelcome.
- Residents are consistent in their opposition of development at this site as revealed in the AVA reports of 1994 and 2004.
- Thames Water have previously raised concerns about flooding.
- Insufficient capacity in the foul drainage system.
- Adverse effect on the character, appearance and setting of many listed buildings and the Conservation Area
- The Area of High Landscape Value will be detrimentally affected.
- The proposal is contrary to Policies H13, H18, C7, C8 and C13 of the Local Plan and guidance within the NPPF.
- The harm caused will outweigh any benefits
- The site received a very low ranking in the Neighbourhood Plan questionnaire and the Parish Council opposes the application.

Additional comments received raised the following additional concerns:

- There are plenty of brown field sites in North Oxfordshire
- The village looks like a car park now particularly around the Bell PH and this development will mean more cars
- Increased traffic and speeds in this part of Adderbury has already lead to accidents
- Inconsiderate bus driving in the area
- Canvassing local opinion is a waste of time as nobody takes any notice
- Just because the land to the south has been lost it doesn't mean that this site should be given permission.
- The Localism Plan is a total waste of time and money.
- At this rate of building we will exceed our 5 year quota
- The site floods which lead to power cuts and this will get worse
- Adderbury is not a sustainable village because the school is full with children being bussed elsewhere, the post office doesn't offer a full service, the shop offers only basics, parking is very dangerous by the shop.
- People have to travel for health care to Banbury, Deddington or Bloxham so this causes extra traffic and an impact on the carbon footprint of the village
- Together with the development opposite there will be mud on the road and road works and compromised safety.
- The Green Belt land is being pushed further out
- The development would be an eye sore on the edge of the village
- Unwelcome precedent
- Prominent site and the last remaining rural entrance into Adderbury
- Harm to biodiversity of the area
- There will be pressure to development the area they are currently leaving for open space.
- The development is undermining the Neighbourhood Plan process.
- Adderbury has had its fair share of development
- Loss of good agricultural land.
- Density and height of the proposed development is out of character.
- The development is on the wrong side of the village particularly with regard to the school.

- This development is 'ribbon development' and it is remote from the village.
- There are infill sites in the village available.
- Full account has not been taken of the biodiversity issues and in particular account should be taken of the work undertaken by the swift Conservation group.
- The developers have not accurately illustrated the development particularly with regard to the heights of the houses and the elevated nature of the site.
- There is no need for this development.
- Impact on TPO'd trees
- Blocking of light to properties on the top of Horn Hill Rd due to the height difference.
- The football pitches are not wanted or needed. Parking for these pitches is of particular concern for visitor teams (twice as many if both pitches are in use).
- Sewerage problems – already an issue.

One letter of objection was supported by a legal opinion stating that the application should be refused and arguing that there is "no possible basis upon which the Council could lawfully reach any conclusion other than to refuse the current application". This is based on the previous decisions to refuse, being similar applications on the same site, which makes them significant material considerations. Even if there is a shortfall in housing land supply the development is not sustainable because of its impact on heritage assets which have not been overcome. The English Heritage guidance has not been specifically and systematically considered.

2.2 One letter of support has been received stating that we need more houses to support the local services. The new development will also provide more local jobs. 31 houses are not enough.

2.3 District Councillor Nigel Randall makes the following comments:

- The development should cherish, protect and enhance the appearance and character of the village and meet exemplary design and building standards that fully integrates with the existing settlement. If approved conditions should be applied to ensure this eg use of ironstone on properties visible from the road.
- The site is currently open countryside, farmed and beyond the built up limits of the village. This should be considered as bringing demonstrable harm to the current character and landscape of this part of the village as this is an important entrance to Adderbury from the West hence the requirement for a development which forms an immediate and strong impression of the character of the village.
- Milton Road suffers from speeding and heavy traffic that would be dangerous to pedestrians so a suitable pathway set well back from the road would mitigate this danger. Similarly the stone retaining wall on Horn Hill Road must be restored/improved.
- The developer must work with the Highways Authority to design and construct suitable accesses onto Milton Road which would promote a slowing down of the traffic approaching Adderbury. A crossing will be necessary.
- The school is full and children at the site will be bussed to Banbury or parents will drive further adding to the traffic problems through the village. The school needs to increase its capacity to accommodate not just this development but others in the area which have already been allowed.
- Gifting a portion of the site to the parish is noble but its upkeep would be a long term financial burden – long term maintenance contribution needs to be agreed in the section 106.
- The affordable housing should be provided in perpetuity.
- The application is premature to the Neighbourhood plan and as such is not embraced by the community so the developers have not been able to engage with the community to enable the bringing forward to amenities or benefits to the village.
- The Parish Council is naturally reluctant to negotiate so the developer should

keep them informed during the evolution of their proposals.

- 2.4 The applicant has expressed surprise with regard to the Policy Comments relating to the Council's position on the 5 year supply.

I cannot reconcile this against the Objectively Assessed Need for the District that has now arisen as a result of the SHMA. Whilst I note this is referred to in the Policy Comments it is not as simple as just ignoring these figures until they are "tested". This is an immediate requirement that has to be factored in now for assessing a 5 year requirement. To reinforce this point may I draw your attention to the Vale of White Horse District Council (VOWH) on the same subject that has just been subject to public consultation. Considering paragraph 1.7 it makes it abundantly clear that the additional housing requirement from the SHMA must be factored in straightaway to ensure the Council maintains a 5 year supply. In the case of the VOWH this means that they have to find sites for an additional 4000 dwellings straightaway.

I can see no reason why Cherwell should not be reacting to the SHMA in the same way. In addition the references to the SHMA in the Policy Comments do not fully reflect all the advice in the NPPG on maintaining a 5 year supply.

### **3. Consultations**

#### **3.1 Adderbury Parish Council:**

objects to the above planning application on the following grounds:

1. this application is premature before The Adderbury Neighbourhood Plan and therefore would not allow the residents of Adderbury a chance to guide development as they should be able to under the Localism Act;
2. the development would cause significant material harm to the village as it is beyond the built up limit;
3. part of the development is within a conservation area, which includes listed buildings in close proximity and therefore, it is detrimental to the setting of Adderbury Conservation area;
4. the building design is not in keeping with the overall character of the Parish. There is a mix of brick buildings alongside stone ones. APC feels they should be all stone in this development as it is adjacent to the stone buildings of the Conservation area and would impact on the view of these buildings when entering the village;
- 5 this is a gateway site into the village, and it will be prominent from each direction entering the village. This side of Milton Road is the only remaining rural entrance to the village which is not currently spoilt by housing;
6. the impact on the School which would not be able to accommodate the number of places required by the new families in the village. It would impact on families already living in the village who may not be able to obtain a place for their children at the School; and
7. there have been reports of Great Crested Newts on this site and the developer has not shown any survey work to check on this possibility or to show how this potential damage to wildlife could be mitigated.

APC notes the inclusion of an area of land to be handed over to APC for community use. With regard to the community facilities and Section 106 agreements, the Parish Council requests that it is involved in any discussions with the developer, prior to any agreements being finalised.

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

#### **3.2 Planning Policy:**

Site Details The application site is located on the western side of Adderbury at the corner of Milton Road and Horn Hill Road. The site is in agricultural use and is

surrounded by agricultural land to the south, west and north. However the agricultural land to the south has recently been given permission (by appeal) for 65 homes (APP/C3105/A/13/2200827).

General Comments The site lies within 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 Submission Local Plan January 2014. Adderbury has a population of 2819 residents which is the second largest rural parish after Bloxham (3374). The next are Yarnton with 2545 residents, Ambrosden (2248), Deddington (2146), Bodicote (2126) and Hook Norton (2117) (2011 Census). Adderbury Parish has had a record of 90 housing completions from 2006 to 2013 compared with Bloxham (212) and Yarnton (206).

#### Main Development Plan Policies

The saved policies of the adopted Cherwell Local Plan should be considered. The main policies relevant to this proposals are:

Policy H18: sets out the criteria for allowing new dwellings in the countryside. It is intended to ensure that the countryside is protected from sporadic development.

Policy C7: In preparing any detailed proposals, consideration should be given as to whether development would cause demonstrable harm to the topography and character of the landscape.

Policy C8: applies to all new development proposals beyond the built-up limits of settlements. The Council will resist such pressures and will where practicable direct development to suitable sites at Banbury and Bicester.

Policy C9: aims to limit the level of development elsewhere in order to protect the environment, character and agricultural resources of the rural areas.

Policy C13: Careful control of the scale and type of development will be required to protect the character of the Areas of High Landscape Value, and particular attention will need to be paid to siting and design.

Policy C30: requires the character of the built environment to be considered.

#### NPPF

The NPPF should be considered. The paragraphs of the NPPF most pertinent to this application from a Local Plan perspective are:

Paragraph 17 sets out the core planning principles that should underpin plan-making and decision-taking, including that planning should:

*“Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.*

*Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*

*Recognise the intrinsic character and beauty of the countryside*

*Contribute to conserving and enhancing the natural environment and reducing pollution*

*Conserve heritage assets in a manner appropriate to their significance*

*Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.”*

Paragraph 28 on Supporting a prosperous rural economy

Paragraphs 29, 30, 32 and 34-36 on Promoting sustainable transport

Paragraphs 47-50 and 55 on Delivering a wide choice of high quality homes

Paragraph 47 requires local planning authorities to *“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.”*

Paragraph 49 states 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.”*

Paragraph 56, 57, 59-64 on Requiring good design.

Paragraph 109, 112, 120 and 123 on Conserving and enhancing the natural environment.

Section 12 on Conserving and enhancing the historic environment.

### NPPG

NPPG states that it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. It states that assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas.

### Non-Statutory Cherwell Local Plan 2011

The Non-Statutory Local Plan should be considered. Whilst some policies within the Plan may remain to be material considerations, other strategic policies have in effect been superseded by those of the Submission Local Plan (January 2014).

The main policies relevant to this proposal are:

Housing: Policy H19

Transport: Policies TR1 – TR4

Conserving and enhancing the environment: EN30, EN31, EN39 and EN40.

### Submission Local Plan 2006-2031

A new Local Plan was submitted to the Secretary of State on 31 January 2014 for Examination with the hearings started on 3 June 2014. The Submission Local Plan carries some weight. There are outstanding objections to some policies which have yet to be resolved.

The main policies relevant to this proposal are:

Policy BSC3: Affordable Housing sets out the requirements for the provision of affordable housing. In rural settlements such as Adderbury, all proposed developments that include 3 or more dwellings (gross), or which would be provided on sites suitable for 3 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site.

Policy BSC4: Housing Mix expects new residential development to provide a mix of homes to meet current and expected future requirements.

Policy Villages 2: Distributing Growth across the Rural Areas has placed Adderbury in the second group with 5 other villages. For this group there is a housing allocation of 252 homes between 2012 and 2031 however not all villages will necessarily accommodate a site. The precise number of homes to be allocated to an individual village will be set out in the Local Neighbourhoods Development Plan Document which will be prepared once the Local Plan is adopted. Recently there have been a number of planning permissions approved or allowed on appeal which have utilised the apportionment for this group of villages (e.g. Land north of Gaveston Gardens, Deddington (85 homes), East of Deene Close, Aynho Road, Adderbury (59) and Ambrosden Court, Merton Road, Ambrosden (45).

Paragraph C.235 explains that in the future allocation of sites consideration will be given to the approval of schemes and the level of building that has already taken place in each village to avoid over development.

Policy ESD13: Local Landscape Protection and Enhancement expects developments to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.

Policy ESD16: The character of the built and historic environment should be protected and where development is allowed it should respect the local character context.

## Other Material Policy Considerations

### Five year housing land supply

The latest published position on the district's housing land supply is published within the Annual Monitoring Report 2013 (December 2013). This indicates that from 1 April 2014 onwards the district has a 4.9 year supply (with a 20% buffer) for 2014-2019.

### Strategic Housing Market Assessment (SHMA), April 2014

The Oxfordshire SHMA report has just been published which includes an objective assessment of need that exceeds the requirements of the Submission Local Plan however this has yet to be tested. The SHMA does not apply constraints to the overall assessment of need, such as environmental constraints or issues related to congestion and local infrastructure. The Council has commissioned an additional assessment to show what level of additional growth might potentially be delivered in Cherwell District over and above the growth that has already been planned for. The NPPG states "*Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints.*" (Paragraph: 031Reference ID: 3-031-20140306)

### Strategic Housing Land Availability Assessment (SHLAA), Oct 2013

The SHLAA is a technical document and is a key element of the evidence base for the emerging Cherwell Local Plan. It will help the Council to identify specific sites that may be suitable for allocation for housing development. The SHLAA is to inform plan making and does not in itself determine whether a site should be allocated for housing development. The application site is part of a larger site in the SHLAA (ref. AD022) which states "*The site is available and potentially suitable, if it can address concerns that the character of the countryside, landscape and heritage issues such as the conservation area and adjacent listed buildings. The site is considered worth of further consideration, if the Council decides that the release of greenfield sites adjacent to Adderbury is required.*"

### Neighbourhood Plan

On 7 June 2013, Adderbury Parish Council was advised that its parish boundary had been designated as a Neighbourhood Area (following an Executive meeting on 3 June). The Parish Council has established a Neighbourhood Planning Steering Group, prepared a project plan and communications strategy, consulted the local community on issues and options in the form of household and business surveys and published a first draft of the Adderbury Neighbourhood Plan on 29 August 2013. The first draft included the vision for the village and the objectives that emerged from the questionnaire analysis.

### Planning History

A previous application (10/00512/OUT) for 35 homes was refused on 16 July 2010. The application was refused because it is outside the built-up area and in the open countryside; cause harm of the countryside; lack of provision for village facilities; detrimental to Conservation Area and adjacent listed buildings.

### Developments in Adderbury

In March 2014 planning permission was approved (subject to legal agreement) for 59 homes on Land east of Deene Close, Aynho Road on the eastern side of Adderbury (13/01768/F). In January 2014 Planning permission was granted on appeal for 65 dwellings on Land adjoining and South of Milton Road on the western side of Adderbury just south of the proposed site (APP/C3105/A/13/2200827).

### Overall Policy Observations

The application proposal would be contrary to adopted Development Plan policies. Key considerations would be five year housing land supply, impact on the landscape, conservation area and listed buildings. The provision of housing would have economic and social advantages. However, at the time of writing, 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.

### Policy Recommendation

From a Policy perspective the proposal would lead to an incursion into the open countryside and the loss of natural resources. There would be benefits from the provision of new houses (including affordable home). However, landscape and other impacts will need to be considered but having regard to Policy Villages 2 and the five year housing land supply position there is no pressing need for the site to be released.

**Update - Following the Submission Local Plan examination in public, the Council does not currently have a 5 year housing land supply – see synopsis in paras 5.15 to 5.19 inclusive.**

### 3.3 **Conservation and Urban Design:**

It is considered that the majority of the scheme is acceptable now in terms of heritage impact and urban design.

A small amount of work is still required on plots 24 and 31 – the two most visible properties and the 'bookends' to the front of the development. The feeling is that the perpendicular rear projections need to be more subservient – dropped in ridge height and narrower. This could in turn allow more light to the stairwells. This is a really small change but would make a big difference to the two main places where the site will be most visible as an entrance and in the setting of other historic buildings.

In this way, combined with the retained open space on either end of the development, the impact on the historic environment should be reduced.

The use of brick and stone is necessary to ensure the transition between the historic part of the site to the east, and the more modern elements of the village. This development would effectively be a new entrance to the village, and therefore needs to reference both old and new. This is an extremely difficult design balance, hence the relatively modern houses with some traditional features and a mixture of materials.

Should permission be granted conditions are recommended including window joinery, surfacing, materials (and sample panel), enclosures, restriction on extensions (due to the amount of work that has already gone into the design).



### 3.4 **Ecology:**

TVERC records show that great crested newts (GCN) are present in Adderbury, with the nearest record being in Chapel Lane (approx. 700m from the site). The baseline ecological report by Betts Ecology did not consult TVERC for their records or consider the habitats on site to be suitable for them. However, now that I am aware that GCN are in the area I consider that it would be prudent to assume that they may be present within the application site, since it does contain habitats that are suitable for them. Whilst no breeding habitat will be lost as there are no ponds present on site, it is probable that they will be utilising terrestrial habitats on site, in the form of hedgerows, long grass and rubble, when they are not in the ponds breeding (which is normally between March and July inclusive). A precautionary method of working strategy should be sufficient to ensure that site clearance takes place in such a way that the risk of harm to GCN is minimised. The protective fencing that should be erected around any ecological features to be retained (the hedgerows, trees and grassland area) should form part of this strategy as it will benefit GCN by keeping heavy machinery and materials out areas where they may be present. If areas of habitat suitable for them are to be lost, steps such as keeping the grass short can be used to discourage them from an area. For the removal of the old barns and any rubble it may be considered necessary to have a licenced ecologist supervising the works, if they are to be undertaken at a time of year when GCN may be present.

Since swifts are also known to breed in buildings on Horn Hill road, I also suggest a condition should permission be granted. There are at least eight dwellings which have suitable gable ends within which swift nest boxes could be incorporated at a height of 3m and away from any windows. This condition would also seek to accommodate bats.

### 3.5 **Landscape Officer:**

This proposal is for 31 dwellings on a piece of land which is situated on the edge of Adderbury, between the periphery of the village and Colgreaves.

#### Landscape Impact

In general the Landscape and Visual Impact assessment is fair. The viewpoints chosen are a reasonable selection. 1,2,6,7,8,9,and 10 show that the site will be visible only in glimpses from a few of these points therefore distant impact is low. Houses on St Mary's Road are just visible from VP 10 so it likely that houses on the development will also be just visible from here. The site is inevitably more visible from points 3,4 and 5 which are very close to the site. Here mitigation will be key.

VP 3 screening important here although the development has been kept back from directly impacting on the character and setting of Horn Hill Road. Important to retain as much vegetation as possible and enhance where required in order to minimise visibility from upstairs windows overlooking the site. VP 4 Views towards the site for pedestrians and road users and this prominent junction illustrate how effective the Oak will be in containing the view in summer. 2 additional potentially large trees planted to the left of the Oak would greatly help. 2 Carpinus have been proposed but I think that they could be closer to the junction. Also the hedge is quite thin to the left of the Oak and needs reinforcing. This would then filter the views of the dwellings. VP 5 Dwellings will be clearly visible by vehicles passing the site. The hedge is currently maintained at a low level and should be allowed to grow higher with some hedgerow trees planted to help break up facades. These are important as the land the site is on is higher than Milton Road.

Views into the site from Horn Hill Road are an important consideration due to the historic nature of this part of Adderbury. Setting the development away from the road which contains listed buildings and the conservation area will help to retain the character of this important interface.

### Open Space

Consideration needs to be given to retaining the character of this area and not urbanising it too much. Perhaps retaining some of the rougher grass on the periphery. I would like to see retention of the regenerating trees as these contribute to the screening from Berry Hill Road. The stone boundary wall to Horn Hill needs to be inspected and repaired where necessary.

Thought needs to be given to safety as there is a steep bank from the recreational area down to Horn Hill Road. I wouldn't want to see fencing as this would spoil the character of the area but keeping the tree canopy very low of the group of TPO trees and planting groups of shrubs in the gaps would improve safety.

The rear of the site adjoins various domestic and agricultural buildings which are at a much lower level than the site. Some separation between the site and these buildings should be provided such as a hedge/ group of shrubs. Ligustrum is not found in hedges in the locality and Ilex very occasionally Max 5%. The developer needs to omit ligustrum. The footpath leading from the road junction will need a ramp up from the footpath and presumably highway permission to construct it. It can't lead nowhere or onto grass. The belt of planting on the SE corner requires reinforcing as it is straggly. I would like to see a double row of hedging 1.5m between rows with trees between along the track boundary to give a really dense hedge. I would prefer to see *Acer campestre* instead of Birch.

### LAP

The site requires a LAP as there are more than 10 dwellings. There is adequate Public open space. Provision of Equipment for LAP required. Suggest that the whole of the open space forms the play space and 3 pieces of wooden equipment are installed with grass impact absorbing matting underneath. To include cradle/nest swing, scramble net and a series of balancing equipment. Also, need 'no Dog' signs at entrance. Seats with arms and back, bin, self closing gates outward opening, playground sign for emergency contact details.

### Community Land

The Parish Council need to be involved in discussions about the area for community use. Land needs to have a function and maintenance. If allotments were provided then parking, a water supply and laying out of plots would be needed. The parish should be able to advise on demand.

### Comments on Planting Plans

BAN 18703 13A - Some of the trees appear not to be included on the schedule and are un-named. *Betula pendula* is not found in the locality so not suitable for peripheral planting. *Acer campestre* more suitable. *Crataegus prunifolia* is a small tree and won't have much impact at the site entrance. Larger tree would be preferred.

*Pieris* and *Gaultheria* require acidic soil so unsuitable for this location. *Pittosporum*, *Rosemary*, *Abelia*, *Cistus* all like light well drained soil which does not occur in Adderbury. Reduce *Ilex* in hedge to 5% and replace or remove *ligustrum*. It is not indigenous. Replace *ligustrum* hedges with *Fagus* or *Viburnum 'Eve Price'* or similar.

BAN 18703 14A - Would like to see trees in existing hedgerow to South of site along Milton Road. *Clematis* will not grow planted in south facing positions. Their roots need to be cool. *Hydrangea petiolaris* likes a N or E facing wall not south. Other comments on species as above.

BAN 18703 15A – Comments as above.

### Conclusion

The site has low visibility in the wider landscape. Small changes to the detail of the

proposal will improve views from the immediate vicinity. In addition a LAP must be provided. The Parish should be consulted on the community use area. The pedestrian link needs to link with the existing footpath.

**3.6 Arboriculturalist:**

No objections subject to conditions to ensure the protection of the TPO'd trees on the eastern boundary and specifications for the new tree planting.

**3.7 Regeneration and Housing:**

I have no objections to this proposed development for 32 properties in Adderbury. There is a requirement for 35% affordable housing which should consist of a 70/30 mix of Rented and Shared Ownership properties.

The layout and proposed location of the affordable housing provides for an integrated approach and breaks up the affordable units within the proposed development.

I would comment on minor design issues with regards to affordable units. The car parking for the affordable units looks like just that, and it also makes the units stand out from the private units. I would argue that breaking up the car park bays further would produce a more visually enhanced environment although I appreciate space is a premium.

The unit space sizes for the affordable accord with the requirements and the unit types themselves also accord with requirements.

The affordable units should be transferred to a Registered Provider which is agreed with the Council.

Further to the revised drawings, I can confirm that from an affordable perspective:

- The 9x2b4pH, 2x3b6pH is acceptable
- The location of the units is acceptable
- The layout is acceptable.

The units should be split in the following way:

<u>Rent</u>	<u>Shared Ownership</u>
6x2b4pH	3x2b4pH
2x3b6pH	

The units should be built to meet the HCA's Design and Quality Standards and the rented units should meet Lifetime Homes standards.

**3.8 Recreation and Health Improvement Manager:**

Given that this development is under 50 houses our policies do not enable us to make any requirements. The element of land for possible community use is being addressed through recreation.

**3.9 Waste & Recycling Manager:**

No objection subject to Section 106 contribution of £67.50 per property.

**Oxfordshire County Council Consultees**

**3.10 Highways – Principal Engineer:**

**Summary and Recommendation:**

I can confirm the amended drawings overcome my main concern for this application site. There is only one minor design issue that appears to be outstanding which is related to vision splays i.e. no drawing appears to have been submitted showing the internal vision splays or vision splays at the main junction onto the Milton Road.

If these plans can be submitted (and are acceptable), I can withdraw my recommendation of objection. The junction vision splays is the most important plan and is something the TA should have included. If CDC is minded to approve this application without this plan a recommend planning condition to secure this information is stated within my initial assessment in March 2014.

**Key issues:**

- Site history
- Access arrangements
- Traffic impact & highway safety
- Layout
- Public transport requirements
- Drainage requirements
- S106 heads of terms

**Legal Agreements required:**

- Section 106 Agreement Town & Country planning Act
- Section 278 Highways Act 1980
- Section 38 Highways Act 1980

**Detailed Comments:**

Site history

The proposed site has had three previous planning applications considered, the most recent being in April 2010 (10/00512/OUT) and November 2010 (10/01684/OUT). Both of these planning applications were refused by the Cherwell District Council (November 2010 application being withdrawn prior to its determination).

The site opposite the proposed site was recently approved for 65 dwellings at appeal, planning inspectorate reference APP/3105/A/13/2200827.

Access arrangements

The proposed development is located to the north of St Mary's Road and the Milton Road (classified unnumbered road). The site is around 1km away from the centre of the village via the existing footway links, which has some local facilities. Milton Road is a single carriageway and is subject to a 30mph speed limit, which ends in the vicinity of St Mary's Road (becomes 60mph). Due to the nature of Milton Road speeding vehicles are frequently reported to the Local Highway Authority's area depot, which is a safety issue that requires consideration.

The access arrangements for the site meet the required design standards for a road in this location i.e. appropriate vision splay(s) can be achieved. The location of the vehicle access to serve the site is acceptable in principle and has taken into consideration the approved 65 dwelling development opposite the site; and the junction of St Mary's Road. However, no scaled access arrangement plan appears to have been submitted considering all three access points, such a plan is required for assessment.

As part of this site's previous access arrangements it was previously agreed to extend the existing 30 mph speed limit, such a requirement remains. Alongside the speed limit amendment a traffic calming scheme for this section of Milton Road was also proposed; and was to include a gateway feature and some VMS signing. A financial contribution of £15,000 (index linked March 2014) towards such highway works along the Milton Road, Adderbury remains a requirement from this development.

It is unclear from the originally submitted site plan (drawing 060116/PL02) if the existing vehicle access is to be closed or remain open to the dwelling to the rear of the site. This needs to be confirmed by the applicant/developer as the development impacts on this access/driveway.

Drawing 060116/PL02 also shows a footpath through the proposed recreational area adjacent the development site (within red-line area). However, there is no footway link from the recreational area to the existing footway network. An amended plan showing this link is required and will need to be part of the proposed footway works.

As part of the proposed off-site works a new footway is proposed to link up the site to the existing network, which is acceptable. This footway is to be 2m in width. All the off-site works will require a Section 278 legal agreement with the Local Highway Authority, which will need to be part of a S106 Agreement.

#### Impact & highway safety

The trip generation figures that have been submitted as part of the Transport Statement (TS) are in my opinion reasonable. The traffic distribution information submitted also appears reasonable for the proposed access arrangements for this site.

The TS states the development site is expected to generate 19 and 23 two-way traffic movements in the AM and PM peaks, respectively. The submitted TS states that there is no significant highway capacity or safety issues on the local highway network. With the increase in traffic movements on the highway network at peak times, the developer/applicant is expected to provide mitigation improvements on the public highway or a transport financial contribution is to be provided towards future improvements on the surrounding transport network i.e. £15,000 (index linked March 2014) towards speed limit extension and traffic calming scheme.

A review of the accident data for the area has been carried out, and has highlighted one incident has occurred within the last 5 years. Looking through the information provided it appears that the incident that occurred was down to driver error rather than the characteristics of the local highway network. In light of this data it is considered that the proposed development is unlikely to increase the number of recorded accidents in this area.

#### Layout

It was unclear from the submitted plans what the width of the road and footways to serve the site will be. However, within the TS it states the road width will be 5.5m (paragraph 3.3) which is acceptable.

The private access serving plots 18 to 22 was too close to the main entrance into the site. This access needs to be moved further away – highway safety issue. (This has since been remedied).

The proposed parking levels quoted within the submitted TS (paragraph 3.2) does not appear to be in line with Oxfordshire County Council's (OCC) adopted parking standards. This is a concern as on-street parking may be generated from this development, which raises a highway safety issue. I recommend the parking standards for the proposed development are revised to be in line with OCC's and an amended detailed/scaled layout plan is submitted for consideration.

On the submitted drawing 060116/PL02, an indicative vehicle access point is shown for a future community use area. Without details of what this area may be used for it is difficult to assess if such a vehicle access is acceptable or not. One issue that does need to be considered with the access/estate road is the potential for over-spill car parking occurring from potential large events etc. Therefore it is appropriate to include measures to deter this from happening within the access road's details/design i.e. high kerbing etc.

No details of garage internal and external dimensions appear to have been provided.

No details have been provided for internal vision splays i.e. plot access points, accesses serving parking areas etc (**scaled plan required**).  
No details provided for shared surface areas (**scaled plan required**).  
No refuse vehicle tracking plan has been provided for assessment (**scaled tracking plan required**).

#### Public Transport comments

*“Bus service s4 operates hourly on weekdays between Banbury, Deddington and Oxford. A strategy exists to improve the level of service between Deddington and Banbury to two daytime buses per hour, plus better evening and Sunday services. Equivalent contributions have been requested from a number of developments along the route. The improved services are required, to provide a credible level of service for journeys to work and education for new residents. The bus stops at Oak Tree do not have any formal markings, and are difficult for infirm or disabled passengers to use”.*

A financial contribution of £31,000 at (March 2014 prices) is required towards improving the frequency and operation of the public transport services within the area (Banbury-Deddington-Oxford).

#### **Transport Financial Contribution & Legal Agreements**

The proposed development will add additional pressures to the existing public transport services (stated within submitted TS); therefore a contribution of **£31,000** (index linked to March 2014 prices) towards these services is required.

A transport contribution of **£15,000** (March 2014 prices) is also to be sought by the Local Planning Authority towards a traffic calming scheme (or other transport infrastructure measures within the area).

For any off-site works i.e. new access, footway etc a Section 278 Agreement(s) will be required between the developer/applicant and OCC to work upon the public highway. In addition to this legal agreement(s) a bond will be required to cover the construction costs of the any works as well as there being a supervision fee of 9%. This agreement will be part of a S106 Agreement for this development.

#### Other information

In response to comments received, reference has been made to two developments which I understand to be those previously submitted to the Local Planning Authority (Cherwell District Council) for determination. Earlier this year the larger development of the two (65 dwelling proposal) received planning permission at appeal (decision attached for information).

As part of the infrastructure package the Planning Inspectorate approved for the larger site some footway works were included, however these works were to ensure the development linked up to the existing highway network only for future residents. Unfortunately the provision of a new footway to serve Berry Hill Road residents was not assessed/considered appropriate to seek by the case officers of the Councils due to the 3 government tests set out for all infrastructure requests i.e. the Community Infrastructure Levy (CIL) tests:

- *Necessary to make the development acceptable;*
- *Directly related to the development; and*

- *Fairly and reasonably related in scale and kind to the development.*

In regard to the current planning application for 31 dwellings (14/00250/F), this application will be assessed on its merits with consideration given to the now approved development opposite the site, and the same government and local policies. Having viewed the submitted plans for 14/00250/F the proposed site does appear to provide adequate footway links to the highway network. When consideration is given to all 3 of the CIL tests any new footway of the nature suggested, in my opinion, would not be appropriate and could not be sustained at appeal.

While the above may be disappointing, this does not mean OCC will not seek contributions for such a footway in the future if an appropriate development is promoted within the area or if alternative funding can be sought.

**3.11 Drainage:**

*“Soakage test results show good infiltration over the site and therefore permeable paving and soak-away should be ok. No drainage show on the surfaces away from the areas shown as permeable paving i.e. the private parking areas neat to the dwellings. The method of drainage needs to be shown on the plans”.*

A full drainage design will be required and approved as a prior to commencement of work planning condition. Such a design is to incorporate and promote SUDS throughout the development site.

**3.12 Archaeology:**

No objection subject to conditions

The site is located in an area of archaeological potential 300m to the south east of a possible Roman building (PRN 26327). The site was recorded in the 1920s when evidence of a building and paving stones, roofing slates and burnt stones, along with abundant C2nd pottery was recorded. Mesolithic and Neolithic flint tools have also been recorded in the same area (PRN 15454). Little formal archaeological investigation has been undertaken within the area and it is possible that further aspects of these features could survive within the application area. We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition as suggested above. If the applicant makes contact with us at the above address, we shall be pleased to outline the procedures involved, provide a brief upon which a costed specification can be based, and provide a list of archaeological contractors working in the area.

The key issue is that the site is located in an area of archaeological potential to the south of a possible Roman building. A condition requiring that a staged programme of archaeological investigation be undertaken ahead of the development will be required on any planning permission for the site.

No legal agreement is required.

**3.13 Education:**

No objection subject to conditions and legal agreement

Key issues:

£138,984 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 cannot be expanded due to a constrained site. Another school in the area is planned to expand. £158,211 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:

£138,984 Section 106 developer contributions towards the expansion of permanent primary school capacity serving this area, by a total of 12 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. £158,211 Section 106 developer contributions towards the expansion of permanent secondary school capacity serving the area by a total of 9 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.

#### Conditions

Planning permission to be dependent on a satisfactory agreement to secure the resources required for the necessary expansion of education provision. This is in order for Oxfordshire County Council to meet its statutory duty to ensure sufficient pupil places for all children of statutory school age.

#### Detailed Comments

##### **Primary School**

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 capacity, however a review of school capacity in the area determined that the local authority wishes to keep this school at its current size due to its constrained site.

Some of Christopher Rawlins' 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 Christopher Rawlins' catchment area having to travel to another village for a school place, particularly when those children move into Adderbury after the usual school admissions allocation time.

##### **Secondary School**

Expansion of secondary school capacity in the area would be necessary as a direct result of this housing development. Adderbury 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, and 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 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.



Expansion of capacity at the Warriner School is therefore necessary to ensure the needs of the current and future populations can be met, and would be a sustainable, proactive, positive and collaborative response to meeting the needs of these communities. Expansion is realistically achievable on the current school site.

The county council therefore seeks developer contributions on a pro rata basis towards the expansion of The Warriner School.

### **Special Education Needs**

Approximately 1.11% of pupils across Oxfordshire attend a special educational facility due to having Special Educational Needs. Oxfordshire County Council requires contributions in order to meet this need in terms of special school capacity.

#### **3.14 Property:**

No objection subject to conditions

#### Key issues:

- The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure.

- The following housing development mix has been used:

- 2 no. x One Bed Dwellings
- 7 no. x Two Bed Dwellings
- 6 no. x Three Bed Dwellings
- 16 no. x Four Bed Dwellings

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

- 96 additional residents *including*:
- 63 residents aged 20+
- 6 resident/s aged 65+
- 11 resident/s ages 13-19

#### Legal Agreement required to secure:

• Library	£ 8,160
• Waste Management	£ 6,144
• Museum Resource Centre	£ 480
• Integrated Youth Support Service	£ 2,182
• Adult Learning	£ 1,008
• Adult Day Care	£ 6,600
• <b>Total*</b>	<b>£24,574</b>

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

- Administration & Monitoring £ 3,750

#### **3.15 Minerals and Waste:**

No objection

#### Key issues:

The proposed development would sterilise deposits of ironstone within the site and would prejudice the possible working of ironstone within adjoining land. It therefore needs to be considered against Oxfordshire Minerals and Waste Local Plan policy SD10. In view of the constraints on and uncertainty over the possible working of these mineral deposits, it is unlikely that the mineral sterilisation that would result from the proposed development would be sufficiently significant to justify safeguarding the ironstone deposits within the site against built development.

Detailed Comments:

Published BGS mapping shows the application site to be underlain by deposits of ironstone, which form part of an outcrop of ironstone on the west side of Adderbury, north and south of Milton Road. These deposits extend across land adjoining the proposal site to the west and, to a more limited extent, to the north.

The Council is not aware of any detailed geological information on the depth, extent and quality of these ironstone deposits, and there is no history of mineral working or of minerals industry interest in the immediate area. The overall extent of the ironstone deposits in this area is limited, particularly when compared with other outcrops of ironstone in north Oxfordshire. It is therefore uncertain whether there is a commercially workable deposit of ironstone in this area.

The proposed development needs to be considered against saved Oxfordshire Minerals and Waste Local Plan policy SD10 on protection of mineral resources. This policy dates from 1996 but it is consistent with the NPPF (paragraph 143, bullet 3). Under policy SD10, development which would sterilise the mineral deposits within this site should not be permitted unless it can be shown that the need for the development outweighs the economic and sustainability considerations relating to the mineral resource.

The proposal site is already constrained by housing to the south and east, on the western edge of the existing built up area of Adderbury. The need for unworked margins (buffer zones) between the existing dwellings and any mineral working would significantly reduce the area of the site that could be worked for ironstone. It would also affect any working of the ironstone deposits within the land adjoining the proposal site to the north. The extent of these unworked margins would be increased by housing development on the proposal site but, in view of the relatively limited extent of the mineral deposits and the uncertainty over their potential for working, it is unlikely that this would greatly increase the quantity of mineral that would be prevented from being worked. In view of this I consider there to be insufficient justification for these mineral deposits to be safeguarded from the effect of built development and, accordingly, no objection should be raised to this planning application on minerals policy grounds.

**3.16 Ecology:**

I do not have resources to comment, however the District should be consulting their ecologist who can advise them on this application.

**Other Consultees**

**3.17 Environment Agency:**

The proposed development is located in Flood Zone 1 (low probability) based on our Flood Zone map. Whilst development may be appropriate in Flood Zone 1, paragraph 103 (footnote 20) of National Planning Policy Framework (NPPF) sets out a Flood Risk Assessment should be submitted for all developments over one hectare in size.

We note that a FRA has been submitted in support of the proposed development.

The West Thames Area (Environment Agency South East) is operating a risk based approach to planning consultations. As the site lies in Flood Zone 1 and is between 1 and 5 hectares we do not intend to make a bespoke response to the proposed development. The following standing advice is provided as a substantive response to you. If this advice is used to refuse a planning application, we would be prepared to support you at any subsequent appeal.

In order for the development to be acceptable in flood risk terms we would advise the following:

Surface Water Flooding:

Our flood risk standing advice contains guidance on what FRAs need to include. Key points for developments in Flood Zone 1 (cell F5) are:

- Surface water runoff should not increase flood risk to the development or third parties. This should be done by using Sustainable Drainage Systems (SuDS) to attenuate to at least pre-development runoff rates and volumes or where possible achieving betterment in the surface water runoff regime. (The applicant should contact Local Authority Drainage Departments where relevant for information on surface water flooding.)
- An allowance for climate change needs to be incorporated, which means adding an extra amount to peak rainfall (20% for commercial development, 30% for residential). See Table 5 of Technical Guidance for NPPF.
- The residual risk of flooding needs to be addressed should any drainage features fail or if they are subjected to an extreme flood event. Overland flow routes should not put people and property at unacceptable risk. This could include measures to manage residual risk such as raising ground or floor levels where appropriate.

Final Comments

We recommend that you liaise with your Land Drainage Engineer in consideration of the above.

**3.18 Thames Water:**

No objection and a planning note is recommended.

**3.19 Thames Valley Police:**

The only advice I can offer at this juncture is to 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).

To ensure that the opportunity to design out crime is not missed I request that a condition be placed upon any approval for this application, along the following lines:

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

SBD is an Association of Chief Police Officers (ACPO) initiative which has a proven track record in assisting with the creation of safer places by providing guidance on Crime Prevention Through Environmental Design (CPTED). The scheme has two levels of accreditation; an SBD Award, which is achieved by whole developments that demonstrate conformity to design principles and security standards across the entire site and; Part Two compliance, which is achieved when the physical features (windows, doors, locks etc) of the structures themselves meet specified, Police preferred standards.

The attachment of this condition would help the development to meet the requirements of:

- The National Planning Policy Framework 2012 (Part 7, Sect 58; 'Requiring good Design' and Part 8, Sect 69; 'Promoting Healthy Communities') where it is stated that development should create '*Safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion*'.
- DCLG's Planning Practice Guidance in relation to design, where it states

*'Although design is only part of the planning process it can affect a range of economic, social and environmental objectives... Planning policies and decisions should seek to ensure the physical environment supports these objectives. The following issues should be considered: ...safe, connected and efficient streets, ... crime prevention, ...security measures, ...access and inclusion, ...cohesive & vibrant neighbourhoods.'* It also states that *'Planning should promote appropriate security measures. Taking proportionate security measures should be a central consideration to the planning and delivery of new developments...'*

- CDC's Local Plan Proposed Submission (August 2012) Policy ESD 16: The Character of the Built Environment states that new development should *'Be compatible with up to date urban design principles, including Secured by Design...'*
- And, CDC's Non-statutory Local Plan (2011), Urban Design and The Built Environment Objective D5 states that development proposals should *'Incorporate measures to minimise the potential for crime and anti-social behaviour ...'*

If a condition is not attached the authority may not be adhering to DCLG's Planning Practice Guidance, where it states *'Designing out crime and designing in community safety should be central to the planning and delivery of new development. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local authority should consider when exercising its planning functions under the Town and Country Planning legislation.'*

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

##### **4.1 Development Plan Policy**

###### **Adopted Cherwell Local Plan (Saved Policies)**

- H12: Housing in rural areas
  - H13: The Category 1 Settlements
  - H18: New dwellings in the countryside
  - C2: Development affecting protected species
  - C4: Creation of new habitats
  - C7: Landscape Conservation
  - C8: Sporadic development in the open countryside
  - C13: Areas of High Landscape Value
  - C28: Layout, design and external appearance of new development
  - C30: Design of new residential development
  - C32: Provision of facilities for disabled people
  - R12: Provision of public open space in association with new residential development
  - TR1: Transportation Funding
  - ENV1: Pollution Control
  - ENV12: Contaminated Land
- The site is unallocated in the proposals map.

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

###### **National Planning Policy Framework**

###### **Planning Practice Guidance**

#### Submission Local Plan (January 2014)

The draft Local Plan has been through public consultation and although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The following policy is relevant to this case:

- BSC1: District Wide Housing distribution
- BSC2: The Effective & Efficient Use of Land – Brownfield land and Housing Density
- BSC3: Affordable Housing
- BSC4: Housing Mix
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems
- ESD10: Protection & Enhancement of Biodiversity & the Natural Environment
- ESD13: Local Landscape Protection & Enhancement
- ESD16: The Character of the Built & Historic Environment
- Policy Villages 1 Village Categorisation – Cat A Adderbury
- Policy Villages 2 Distributing Growth Across the Rural Areas – Group 1 Adderbury
- Proposals Map Allocation – Unallocated

#### Strategic Housing Marketing Assessment (SHMA) – April 2014

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

##### Appendix D – Sites outside Settlements with Future Potential

The subject site forms part of wider site which features in this report and which concludes that the site is available and potentially suitable, if it can address concerns that the character of the countryside, landscape and heritage issues such as the conservation area and adjacent listed buildings. The site is considered worthy of further consideration, if the Council decides that the release of greenfield sites adjacent to Adderbury is required. Initially, the site may come forward for only a small part of 20 dwellings.

#### Adderbury Conservation Area Appraisal

#### Non-Statutory Cherwell Local Plan 2011

## **5. Appraisal**

### 5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Planning Policy and the Principle of the development
- 5 Year Housing Land Supply Position
- Visual Amenity/Landscape Impact
- Heritage Assets
- Layout and Design
- Highways

### **Relevant Planning History**

### 5.2 10/00512/OUT – Application for 35 houses refused on grounds of being outside the built up area and in the open countryside; cause harm to the character of the countryside; lack of provision for village facilities; detrimental to conservation Area and adjacent listed buildings.

- 5.3 Reference is made in consultation responses to an Inspector's decision which is presumed to be CHN.884/78X, a housing scheme, the decision for which was taken on 29<sup>th</sup> January 1980. That appeal was dismissed on grounds of effect on the landscape which is addressed as one of the issues for consideration (see paras 5.22 to 5.30 inc below). It also considered the impact on the Conservation Area as a result of the access which was to be onto Horn Hill Road which is not an issue here. Whilst some of the characteristics of the site may remain, that decision was taken approximately 35 years ago, is quite dated and can only be given limited weight due to the change in circumstances relating to the context of the village of Adderbury, other more recent Inspector's decisions particularly with regard to the site opposite, the immediate environs and the entire policy context including the planning balance as a result of the housing need position.

### **Planning Policy and the Principle of Development**

- 5.4 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.
- 5.5 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.
- 5.6 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.
- 5.7 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)
- 5.8 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. It is clear from the adopted Cherwell Local Plan that the site lies beyond the built up limits of the category 1 village of

Adderbury (as defined by Policy H13) and it is not a site allocated for housing. The proposal, therefore, 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.

- 5.9 Other material policy considerations include those in the Proposed Submission Local Plan (PSLP). 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.
- 5.10 Policy Villages 2 Distributing Growth Across the Rural Areas of the PSLP places Adderbury in a group with 5 other villages. Having now taken into account completion and permissions the PSLP 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.
- 5.11 The SHLAA identifies this site as one which is 'outside settlements with future potential'. The subject site forms part of wider site which features in this report and which concludes that the site is available and potentially suitable, if it can address concerns that the character of the countryside, landscape and heritage issues such as the conservation area and adjacent listed buildings. The site is considered worthy of further consideration, if the Council decides that the release of greenfield sites adjacent to Adderbury is required. Initially, the site may come forward for only a small part of 20 dwellings.
- 5.12 The Adderbury Neighbourhood Plan must ultimately be in general conformity with the strategic policies of the PSLP 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 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.
- 5.13 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. 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 application (J) is ranked no. 7 which is near the lowest of the preferred zones for residential and considered to be one of the least sustainable.
- 5.14 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 unless other material considerations indicate otherwise. The housing need case is quite

weighty in this regard and considered below.

### **5 Year Housing Land Supply position**

- 5.15 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.
- 5.16 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).
- 5.17 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.
- 5.18 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.
- 5.19 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.
- 5.20 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.
- 5.21 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. The identified issues of acknowledged importance are identified and considered below.

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

- 5.22 The site lies beyond the built-up limits of the village in an area of open countryside identified as being an Area of High Landscape Value (Policy C13). Such areas are environments which the Council will seek to conserve and enhance. Policies C7 and C8 of the adopted Cherwell Local Plan further seek to protect the landscape, preventing sporadic development that would cause harm to the topography and character. The NPPF seeks to protect and enhance valued landscapes giving 'great weight' to National Parks, The Broads and AONBs.
- 5.23 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which has been reviewed by the Council's Landscape Officer who considers it to be a sound submission noting that the viewpoints chosen are a reasonable selection. Consideration of landscape character relates to the physical make up and condition of the landscape itself and an assessment of the visual amenity is the way in which the site is experienced.
- 5.24 Noting first the characteristics of the site, it is physically constrained on the south and east sides by roads and the boundary treatments are hedges (and a wall) which also feature on the north and west sides. Being an open agricultural field with hedgerow and mature trees this is characteristic of this landscape area and not of such rarity or scenic quality to indicate a landscape of more than of local value. The site itself has no public access routes through or around it. Those in proximity are directed away from the site. The site is really only enjoyed from either distant viewpoints or the immediate road side.
- 5.25 A number of the viewpoints assessed in the LVIA show that the site will be visible only in glimpses demonstrating that the distant impact is low. Houses on St Mary's Road are just visible from VP 10 (northwest of the site) so it likely that houses on the development will also be just visible from here. The site is inevitably more visible from points 3,4 and 5 which are very close to the site where mitigation will be key.
- 5.26 Views from Hornhill Road facing onto the site (VP 3) are of particular interest due to the historic nature of this part of Adderbury and this viewpoint faces onto that part of the site within the Conservation Area. Setting the development away from the road which contains listed buildings and the conservation area will help to retain the character of this important interface. Screening will be important here despite the development having been kept back from directly impacting on the character and setting of Horn Hill Road. It will be important to retain as much vegetation as possible and enhance where required in order to minimise visibility from upstairs windows overlooking the site.
- 5.27 VP 4 is taken from Berry Hill Road and will be enjoyed by pedestrians and road users and this prominent junction illustrate how effective the Oak will be in containing the view in summer. 2 additional potentially large trees planted to the left of the Oak have been proposed and this would greatly help where positioned closer to the junction. Also the hedge is quite thin to the left of the Oak and needs reinforcing. This would then filter the views of the dwellings.
- 5.28 VP 5 faces directly across Milton Road into the site from St Mary's Road and dwellings will be clearly visible from this point and by vehicles passing the site. The

site is on land that is higher than Milton Road. The hedge is currently maintained at a low level and if allowed to grow higher with some hedgerow trees planted to help break up facades, the overall impact from this point would be acceptable.

- 5.29 Finally VP 6 taken from Milton Road as one enters the village from the west is of particular interest. The Landscape Officer considers that from this point the impact is low. Added to this, there will inevitably be a change in character experienced as a result of the housing development allowed on the south side of Milton Road.
- 5.30 Although it is established that this is a green field site in the open countryside there will only be localised harm within the immediate vicinity of the site. As the development is considered by expert opinions to have a low impact on the visual amenities of the open countryside from distant views and that the near views can be appropriately mitigated, it is considered that there would not be 'significant or demonstrable' harm caused to the open countryside.

### **Heritage Assets (Conservation Area and Listed Buildings)**

- 5.31 The heritage assets are identified as being the Conservation Area and the settings of the listed buildings in proximity to the site. Approximately a third of the site, at its eastern end, lies within the Adderbury Conservation Area; the remainder of the site will therefore be a part of its setting. The site is also noted as being within an area of archaeological interest though the County Council has confirmed that at this time this should not be considered to be a constraint to the development and the matter can appropriately be dealt with by condition.
- 5.32 The application has been submitted with a statement relating to the significance of the land in relation to local heritage assets in line with the English Heritage guidelines. The Conservation Area is noted as being characterised by an expansive area of open space, an historic road layout which creates an island feature at the heart of the open space, a proportionately sized tree located centrally on the island feature, wide roadside verges and the confinement of the expansive open space by way of the siting of tree belts, hedges, walls, dwellings and outbuilding along the roads leading to the triangular road junction.
- 5.33 The historic character and setting of this part of the Conservation Area is that of change from countryside and farming activities to the urban form of the village. The Conservation Area setting is also influenced by the housing at St Mary's Road and will be influenced by the new housing on the south side of Milton Road. The applicant's expert asserts that the change from countryside and farming activities to urban form is of no special interest and it would seem that this is quite a normal evolution of villages in general as we seek to accommodate population growth. Provided the layout and design of the properties are acceptable it is considered that the significance of the Conservation Area will be sustained and enhanced in accordance with the requirements of the NPPF.
- 5.34 With regard to the listed buildings, these are all outside the confines of the site. All the buildings along the east side of Horn Hill Road between Tanner's Lane and the island junction are grade II listed. On the west side there are two listed buildings (St Mary's Farm House being the closest) situated opposite the small road junction with Tanner's Lane which are also grade II listed. All these listed buildings are separated from the site by a mature belt of trees around that part of the site thereby screening them from view. The track leading to St Mary's Farm House clearly has an associating to the listed building and for this reason has been retained within the Conservation Area boundary and is an effective buffer. The settings of the listed buildings on Horn Hill Road in facing onto the 'protected' part of the site will continue to be preserved.

- 5.35 Again the importance of the layout of the scheme is paramount and it is noted at this stage that the proposal seeks to ensure that that part of the site within the Conservation Area including the track are not only to be retained but serve to act as a feature of the proposal so that the relevance and link it had with the farmyard and listed farm house can be preserved.

### **Layout and Design**

- 5.36 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions. Saved Policy C28 of the adopted Cherwell Local Plan exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with the existing dwelling.
- 5.37 Of particular significance with the layout has been the desire to respect the historic context and it is proposed to ensure that the part of the site within the Conservation Area, including the access track, is preserved and not built on. This will not only serve to protect the settings of the listed buildings and the character and appearance of the Conservation Area, but also ensure that the outlook from those properties along Horn Hill Road will be retained. It is also significant that by retaining this part of the site as open, this presents an opportunity for improving the connectivity of this site to the rest of the village so that it feels part of the village. This was a criticism of the previous scheme.
- 5.38 The previous scheme was also criticised as having no active frontage onto Milton Road and this has also been addressed. There is a single access point to be sited between the two facing access points to the south of Milton Road (St Mary's Road and the approved new access point to serve the new housing scheme opposite). It is a relatively contained and intimate development of the nature envisaged by the SHLAA. There would be no precedent set to develop the site further to the north to incorporate the rest of the site identified in the SHLAA because of the proximity of other neighbours, the listed buildings (including the listed wall associated with the cemetery) and particular characteristics of that part of the open countryside.
- 5.39 The south west corner has been given over to a possible community use should that become the way forward in the future. It is intended to accommodate a community building and the parking requirements linked to the requirements of a section 106 relating to the Aynho Road scheme (yet to be completed). The most sensitive part of the site in the southwestern most corner will remain open for the car park so the first views of the scheme when viewed from the west will be dwelling occupying plot 24 which is set back into the site so as to lessen the visual impact.
- 5.40 Turning to the designs of the dwellings, the materials palette is influenced by the materials featuring principally within the historic parts of the village, most notably the use of brick and stone. The buildings are no more than 2 storeys high and acceptable save for some minor tweaking (amended ridge heights and narrower rear projections) of the properties on plots 24 and 31 which are the two most visible properties and the 'bookends' to the front of the development. This would have the combined effect of retaining the open space on either end of the development and reducing the impact on the historic environment. It is considered that, in the main, the end result is one which offers relatively modern houses with some traditional features and a mixture of materials to reflect both old and new.

## **Ecology**

- 5.41 Where planning permission is required and protected species are likely to be found present at the site or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive so are as they may be affected by the exercise of those functions and also the derogation requirements might be met.
- 5.42 The application is accompanied by an ecological appraisal which sets out the findings of the desk study and the Extended Phase 1 Survey undertaken in May 2013 which is the optimal month for surveying sites of nature conservation interest. This is not a statutory designated site nor are there any noted nearby. The site is considered to be of limited ecological value given its small size and nature of habitats supported. The hedgerow and tree line boundaries surrounding the site, whilst unlikely to pose a constraint to development, do have some potential to support commuting bats and nesting birds. Such habitats are to be retained and further strengthened as part of the proposals together with the provision of areas of open space and planting across the site.
- 5.43 Further work undertaken by our own ecologist has revealed that the TVERC records show that great crested newts (GCN) are present in Adderbury, with the nearest record being in Chapel Lane (approx. 700m from the site) which were not considered by the submission report. As there are GCNs nearby then they may be present within the application site because it may be suitable for them. Whilst no breeding habitat will be lost as there are no ponds present on site, it is probable that they will be utilising terrestrial habitats on site, in the form of hedgerows, long grass and rubble, when they are not in the ponds breeding (which is normally between March and July inclusive). A precautionary method of working strategy is recommended to ensure that site clearance takes place in such a way that the risk of harm to GCN is minimised and this process can be managed by conditions as well as enhancements for bats and swifts.
- 5.44 It is considered that article 12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present on the site will continue, and will be safeguarded notwithstanding the proposed development.

## **Highways**

- 5.45 In consultation with the County Council, as highway authority, the initial concerns have now been overcome with a revised layout that enables access to the frontage properties without conflicting with the new junction onto Milton Road. Its position between the 2 facing accesses onto Milton Road is acceptable in highway safety terms and the parking provision is at an acceptable level. The remaining issues relate to minor matters which can be dealt with appropriately by conditions. Subject to these conditions and agreement to financial contributions as detailed in para 3.10 above, the County Council has no objections to the scheme.
- 5.46 It is noted from the comments received by local residents that there is concern about the increase in traffic that is likely to pass through the historic core of Adderbury which is already congested, particularly near to the shop. No objection has been raised by the County Council on highway safety grounds relating to this matter and it is noted that there is a more convenient and direct alternative route through to the Oxford Road (Berry Hill Road). Certainly those intending to travel south would use Berry Hill Road and because it is a more accessible road it may also be the preferred route for those wishing to travel north.

## **Planning Contributions**

- 5.47 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation to enable the development to proceed. Obligations should only be sought where they meet all the tests of being 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. Further, obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 5.48 At the time of writing the terms of the planning obligation has not yet been agreed between parties but the applicants in their submission have indicated that they agree in principle to contributions being sought and provision as follows:
- 35% affordable housing (11 dwellings)
  - Provision of public open space in the form of a LAP
  - Provision of land for community use
  - Improvements to the public transport (£31,000)
  - Improvements to Milton Road (£15,000)
  - Education needs (£321,897)
  - Library (£8,160)
  - Waste Management (£6,144)
  - Museum Resources (£480)
  - Youth Support Service (£2,182)
  - Adult Learning (£1,008)
  - Adult Day Care (£6,600)
  - Waste & Recycling (£2,092.50)
  - Monitoring fee

## **Conclusion**

- 5.49 The proposal conflicts with the adopted Local Plan but the Council is unable to demonstrate that it has a 5 year housing land supply. As guided by Government guidance in the NPPF, it is necessary to assess whether or not the development would cause any significant or demonstrable harm to the identified interests of acknowledged importance which in this case include impact on the visual amenities of the open countryside, effect on heritage assets, design and layout, ecology and highway safety. It has been demonstrated that the proposal will not cause such harm and other more minor matters of archaeology, trees, drainage and contaminated land are not considered to be constraints to the development of this site.
- 5.50 Adderbury is one of the most sustainable villages and the scheme proposed, being relatively small scale as envisaged by the SHLAA and of high quality design, would relate well to the rest of the village and the new development opposite which has had a bearing on the acceptability of this proposal. The proposal offers economic benefits of housing development with affordable housing and the finalising the planning agreement will support the social role of sustainability. The loss of the open land as a matter of principle is not considered sufficient in itself to tip the balance against the proposal because it does not have a high status of protection and in all other respects the proposal would cause no significant or demonstrable harm, hence the recommendation.

## **Engagement**

- 5.51 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the applicants engaged in pre-app and any issues arising have been swiftly addressed 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.

## **6. Recommendation**

**Approval**, subject to:

- a) The satisfactory completion of the Section 106 within an agreed timeframe;
- b) Members agreement to delegate to officers negotiations relating to the Section 106;
- c) Minor revisions to plots 24 and 31;
- d) Agreement with landscape services on the landscape drawings referred to in condition 24; and
- e) 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 conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Planning Statement, Design and Access Statement, Statement of Significance of the Land in Relation to Local Heritage Assets, Drawing nos. 060116/PL.01, PL.02 Rev X, PL.03 Rev B, PL.04 Rev A, PL.05 Rev A, PL.06 Rev A, PL.07, PL.08, PL.09 Rev A, PL.10 Rev A, PL.11, PL.12 Rev A, PL.13 Rev A, PL.14 Rev A, PL.15, PL.16 Rev A, PL.17 Rev A, PL.18, PL.19 Rev A, PL.20 Rev A, PL.21 Rev A, PL.22 Rev A, PL.23 Rev A, PL.24 Rev A and PL.25 received on 21 May 2014 with your letter dated 19<sup>th</sup> May 2014.

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

3. The development hereby approved shall be carried out in accordance with the conclusions and recommendations set out in Desk Top Study and Site Investigation Report carried out by The Brownfield Consultancy dated 14<sup>th</sup> January 2014, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. The development hereby approved shall be carried out in accordance with the recommendations set out in the Flood Risk Assessment carried out by Banners Gate dated February 2014 unless otherwise agreed in writing by the Local Planning Authority.

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.

5. Prior to the commencement of the development hereby approved, samples of the brick, natural stone, tile and slate to be used in the construction of the walls, roof,

hardstanding 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.

6. Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in natural ironstone which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development where indicated shall be laid, dressed, coursed and pointed in strict accordance with the 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.

7. Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the doors and windows shall be installed within the buildings in accordance with the approved details.

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.

8. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site for the proposed 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 approved finished floor levels plan.

Reason – To ensure that the proposed development is in scale and harmony with its neighbours and surrounding and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of the development hereby approved, the buildings and structures on the site at the date of this permission shall be demolished and the debris and materials removed from the site.

Reason – In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

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

11. Prior to the commencement of the development hereby approved, full specification

details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

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

12. Before any of the dwellings are first occupied the parking and manoeuvring areas shall be provided in accordance with the approved plan and shall be constructed, laid out, surfaced, drained and completed, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times.

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

13. Prior to the commencement of the development hereby approved, full details of a drainage strategy for the entire site, detailing all on and off site drainage works required in relation to the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage works shall be carried out and completed in accordance with the approved strategy, until which time no discharge of foul or surface water from the site shall be accepted into the public system.

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

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

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

15. Prior to the commencement of the development hereby approved, full details of the access vision splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation the vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.6m above carriageway level.

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

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

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



17. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a precautionary method of working strategy for great crested newts shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved details.

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

18. No development shall commence until details for the provision of 8 swift nest boxes and 5 Schwegler bat tubes (or similar) have been submitted to and approved by the Council. Details shall include the type of bird boxes /bat tubes to be used and their proposed locations within new dwellings. The approved works shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing by the Council.

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

19. Prior to the commencement of the development hereby permitted, including any works of site clearance, an ecological enhancement scheme, including planting schemes incorporating a majority of native species, management regimes for retained grassland and who will be responsible for ensuring these are undertaken, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the ecological enhancement measures shall be carried out and retained in accordance with the approved details.

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

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

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

21. A fencing plan showing how trees, hedgerows and any grassland to be retained will be protected during construction, in accordance with BS5837:2005 'trees in relation to construction'.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

22. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

23. Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within soft landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

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.

24. That the landscaping scheme and play area/s shall be carried out strictly in accordance with ACD drawings nos. BAN 18703 03A, 12C, 13B, 14D, 15D and 20B unless otherwise agreed in writing by the Local Planning Authority.

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.

25. 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.

26. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with Government guidance contained within the National Planning Policy

Framework.

27. Following the approval of the Written Scheme of Investigation referred to in condition 26, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government guidance contained within the National Planning Policy Framework.

28. 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.

29. No development shall commence until details of the measures to be incorporated into the development to demonstrate how "Secured by Design" (SBD) accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied until confirmation has been sent in writing to the Local Planning Authority the SBD accreditation has been received.

Reason – To reduce crime and to accord with Government guidance contained within the National Planning Policy Framework.

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

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

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

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

32. The garage(s) shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.

Reason – To ensure that satisfactory provision is made for the parking of vehicles on site and clear of the highway in accordance with Government guidance contained within the National Planning Policy Framework.

**PLANNING NOTES:**

1. PN19 Legal Agreement
2. PN9 Letter from Thames Water dated 3 March 2014.
3. Prior to the commencement of development, a separate consent must be obtained from Oxfordshire County Council (OCC) Road Agreements Team for the off-site highway works under S278 of the Highway Act. For guidance and information please contact the County Council's Road Agreements Team on 01865 815700 or email [RoadAgreements@oxfordshire.gov.uk](mailto:RoadAgreements@oxfordshire.gov.uk).
4. PN21 Third Party Interests
5. PN22 Construction Sites
6. PN24 Biodiversity/Protected Species
7. PN25 Bats
8. PN26 Nesting Birds
9. PN30 Contaminated Land

**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.