

**Site Address: OS Parcel 4300 North of Shortlands and South of High Rock, Hook Norton Road, Sibford Ferris**

**14/00962/OUT**

**Ward:** Sibford

**District Councillor:** Cllr George Reynolds

**Case Officer:** Rebekah Morgan

**Recommendation:** Approval

**Applicant:** Green Square Group (Mr Andy Summers)

**Application Description:** OUTLINE – Erection of six affordable local needs dwellings and two market sale dwellings with associated car parking and access road including the provision of open space and allotments.

**Committee Referral:** Major

**Committee Date:** 31 October 2014

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

1.1 The application site is an agricultural field measuring approximately 6 hectares. It is situated to the southeast of Sibford Ferris. There is existing residential development to the north of the site and further residential development and a school to the east of the site. The west and south of the site is surrounded by open countryside.

1.2 The application seeks outline planning permission (with all matters reserved) for a total of eight dwellings; six affordable units and two for market sale in the north-east corner of the site. The indicative layout plan shows the provision of parking and an access road, public open space and allotments.

## **2. Application Publicity**

2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 4th September 2014.

5 letters have been received. The following issues were raised:

- Highway safety and traffic generation
- Lack of parking provision
- Noise and smell – from traffic and from new houses
- Light pollution
- Drainage concerns
- Allotments are not supported by everyone. Potential for noise, smell, nuisance and vermin
- Open space is not needed in the village – existing open space is sufficient
- There are alternative sites that are more suitable
- Loss of view
- Site part of productive agricultural field

Extensive public consultation was undertaken by the applicant in conjunction with the Parish Council at pre-application stages

## **3. Consultations**

3.1 **Sibford Ferris Parish Council:** The parish council has raised no objection to the application but have made the following comments:

The Parish Council would prefer that the houses and amenity land (public open space) are switched:

- To retain the rural view for occupants of Hook Norton Road
- To keep the amenity land at the heart of the scheme rather than on the edge

The Parish Council does not wish to see the allotments moved.

### **Cherwell District Council Consultees**

- 3.2 **Housing Officer (Affordable Housing):** This outline application for 6 affordable homes and 2 open market homes, based on the premise that it will be classed as a Rural Exception Site is supported.

This outline application for 8 residential properties to be built at Sibford Ferris has been derived from a local housing need in the parish. This local housing need was identified in a Housing Needs Survey which was carried out in March 2010 followed by a Register of Interest in December 2013. The latest report highlighted 10 individuals which had a local housing need and 9 with a local connection to the parish.

Cherwell District Council, Green Square Housing Association and Sibford Ferris Parish Council have been in discussions over a period of time about the potential for affordable homes to be built to try and meet local housing needs. It was agreed that this site could provide for rural affordable housing and because of its location and status that it would be deemed as a Rural Exception Site.

After discussions with the parish council, the housing association and the land owner it was also agreed a small proportion of the houses could be for open market sale in order to cross subsidise the development of the other affordable homes, which would make the scheme more viable.

There has also been public consultation which took place on 5<sup>th</sup> June to give local residents the chance to view and comment on the proposed plans for the site. Where possible the views of those individuals have been taken on board when considering the site in more detail.

- 3.3 **Environmental Protection Officer:** Land contamination may be an issue depending on any former potentially polluting activities that may have been undertaken from the site or even possible elevated levels of natural occurring contamination such as arsenic.

No information has been provided with respect to any risk assessment in this respect and so we would therefore make no adverse comment subject to imposition of appropriate safeguarding conditions regarding the need for a risk assessment for contaminated land.

- 3.4 **Landscape Officer:** The site is located on the periphery of Sibford Ferris. The ground rises to the south towards open countryside. There are long distance views to the west. The eastern boundary comprises an existing hedge. The long distance views to the west mean that the designers are right to suggest a decent hedge along this boundary although in reality the impact of the dwellings will be limited as they are at right angles to the boundary.

The plan should show all existing features such as hedges. Failure to plot them has resulted in the telegraph post being located in the middle of the path to the allotments. Unless it is proposed to put the telegraph wire underground this is an issue.

I would prefer the parking on Hook Norton Road to be within the site. This would retain the rural appearance of Hook Norton Road and avoid a section of hedgerow being removed. Access to the allotments could be from the access road to the

dwellings resulting in an improved view from HN Road.

The allotments will need a water supply for every few plots.

The suggested layout for the Council owned area is very poor and needs revisiting. The Play and Boules areas should be designed into the layout not deposited on it.

Otherwise no objection in principle.

- 3.5 **Ecology Officer:** The proposed development is unlikely to have any ecological impacts; however a landscaping scheme detailing the new planting, hedgerows and species to be used should be submitted as a reserved matter.

#### **Oxfordshire County Council Consultees**

- 3.6 Local Highway Liaison Officer: It is considered that in principle it is feasible for an access offering adequate levels of safety and geometry could be located here. There is quite a wide verge, a long frontage with the road and the site is located within a 30 mph speed limited area.

I asked for confirmation of the passing speeds which was noted and a footway to link with the existing system towards the village centre the latter being discussed briefly.

Parking provision for the allotment gardens was discussed and it was suggested that this would be better accessed internally from the new road.

The large redline area relative to the building site was also commented upon.

#### **Other Consultees**

- 3.7 **Severn Trent Water:** No objections.

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

#### 4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C7:	Character of the landscape
C28:	Layout, design and external appearance of new development
C30:	Design of new residential development
H6:	Rural exception sites

#### 4.2 Other Material Policy and Guidance

National Planning Policy Framework

Proposed Submission Local Plan Incorporating Proposed Changes (March 2013)

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 policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

Policy Villages 3: Rural Exception Sites

### **5. Appraisal**

- 5.1 The key issues for consideration in this application are:
- Principle of the development

- Landscape and visual impact
- Neighbouring Amenity
- Other matters

### **Principle of the development**

- 5.2 The application seeks consent for outline planning permission with all matters reserved. Therefore the layout, design and scale of the dwellings shown in the accompanying drawing are for illustrative purposes and may be subject to change at the reserved matters stage.
- 5.3 The principle of residential development (with allotments and open space) within the red line area needs to be considered.
- 5.4 The application site is situated on the edge of Sibford Ferris and is considered to be beyond the built up limits of the settlement.
- 5.5 Policy H6 of the adopted Cherwell Local Plan states:

*Within settlements in the Oxford Green Belt and within or immediately adjacent to rural settlements elsewhere planning permission may be granted for small-scale low-cost housing development which is to help meet a specific and identified local housing need which cannot be satisfied elsewhere, provided that:*

- (i) It can be demonstrated that the proposed development is economically viable in terms of its ability to meet the need identified;*
- (ii) Secure arrangements are made to restrict the occupancy of the development to ensure that it continues to meet local needs in the long term;*
- (iii) the proposal is compatible with the other policies in this plan*

- 5.6 Policy Villages 3 (Rural Exception Sites) of the submission Cherwell Local Plan (2014) states:

*The Council will support the identification of suitable opportunities for small scale affordable housing schemes within or immediately adjacent to villages to meet specific, identified local housing needs that cannot be met through the development of sites allocated for housing development.*

*Arrangement will be secured to restrict occupancy of the housing to ensure that it continues to meet local needs in perpetuity.*

*Market Housing for private rent or sale will only be considered on rural exception sites in the following circumstances:*

- The number of market homes should not exceed 25% of the total number of homes proposed*
- The market housing must be shown to be required to secure the viability of the proposal and development costs must be justified*
- No alternative, suitable site is available to provide a rural exception site and a robust site search can be demonstrated*
- The market housing ensures that no additional subsidy for the scheme is required*
- The development has the support of the local community*
- The total number of dwellings and the scale of development is in keeping with the categorisation, character and form of the village and its local landscape setting.*

- 5.7 Paragraph 54 of the National Planning Policy Framework states:

*In rural areas, exercising the duty to cooperate with neighbouring authorities, local*

*planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.*

- 5.8 The policies set various criteria for a proposal to be considered a 'rural exception site'. The additional criteria in Policy Villages 3 of the Submission Cherwell Local Plan shows the Council's aspirations to support affordable housing in rural areas with an allowance for some market dwellings if required to make a scheme viable. This reflects the thrust of paragraph 54 of the Framework.
- 5.9 The Council's Housing Officer supports the proposal and confirms there is a local need for affordable housing in this part of the district. Latest reports highlight ten individuals which have a local housing need with nine of them having a local connection to the parish. The provision of six affordable units would make a substantial contribution to meeting the local need.
- 5.10 The provision of two market dwellings does not exceed 25% of the total number of dwellings. Further information has been requested to ensure both units are required to make the scheme viable. Members will be provided with an update on this matter.
- 5.11 The applicant has carried out a public consultation exercise and has stated that comments have been taken into account and amendments made where possible. More detail regarding the outcome of the public consultation has been requested. The applicant is required to demonstrate there is public support for the proposal. It is noted that the Parish Council raised no objection to the scheme.
- 5.12 The provision of eight dwellings on the edge of Sibford Ferris is considered to be an appropriate scale of development for the village.
- 5.13 Sibford Ferris is designated a Category 1 settlement within the adopted Cherwell Local Plan and is proposed as a Category A settlement within the Submission Cherwell Local Plan. This categorisation shows that Sibford Ferris is within a group of villages considered to be the most sustainable within the district and therefore would be capable of accommodating some additional development.
- 5.14 It is considered that the proposal meets the criteria for a 'rural exception site' set out in Policy H6 of the adopted Cherwell Local Plan, Policy Villages 3 of the Submission Cherwell Local Plan and complies with government guidance contained within the Framework.
- 5.15 An appropriate legal agreement can be used to secure the affordable housing in perpetuity.

#### **Landscape and Visual Impact**

- 5.16 The red line area for the site is very large however the application only seeks outline planning permission for a total of eight dwellings on the site. An indicative site layout has been submitted which demonstrates how the eight dwellings could be comfortably accommodated in the northeast corner of the site.
- 5.17 The site is located on the edge of the settlement between Hook Norton Road and Woodway Road. The site frontage along Hook Norton Road spans approximately 110m with the land rising to the south.
- 5.18 When considering the visual impact from within the settlement, it is important that the dwellings visually integrate and do not form a type of ribbon development along the boundary. Furthermore, the dwellings would have the greatest visual impact if they

were positioned on the brow of the hill.

- 5.19 As all matters are reserved, consideration can only be given to the principle of dwellings within the site. However to ensure the proposal integrates with the existing built form it is important that the dwellings be located in close proximity to the existing settlement.
- 5.20 Well-designed dwellings located in the northeast corner of the site would appear as a natural extension to the village without encroaching too far into the open countryside.
- 5.21 To the south and west of the site is open countryside, therefore dwellings spread across the site or located further south/west would have a greater landscape impact. If the dwellings were constructed within the red line shown on the indicative layout plan they would be viewed against the back drop of the existing settlement and from a visual perspective would integrate better. This location also prevents new dwellings being located on the brow of the hill.
- 5.22 All matters are reserved in this application; therefore layout will be the subject of a reserved matters application. However, given the concerns regarding the size of the site area and the potential location for dwellings, your officers consider it reasonable and necessary to impose a planning condition that limits the area of built development to within the red line shown on the indicative layout. This still allows the applicant to explore a variety of layouts but reduces the potential location of the dwellings.
- 5.23 It is considered that with an appropriate condition to restrict the built development to a smaller proportion of the site, the proposal would not have a detrimental impact on visual amenity or the character of the countryside. The proposal complies with government guidance contained within the Framework and Policies C7 and C28 of the adopted Cherwell Local Plan.

#### **Neighbouring Amenity**

- 5.24 A number of concerns have been raised by local residents regarding potential smell/noise from traffic, the new dwellings and the allotments, light pollution and loss of view.
- 5.25 Your officers would not consider the location of dwellings adjacent to existing dwellings to result in such significant levels of noise/smell as to cause harm to residential amenity. There may be some additional vehicular movements, but this is not considered to be unacceptable in an existing residential area.
- 5.26 With regards to the allotments, these are unlikely to attract any more additional wildlife/vermin than the existing agricultural field. Conditions can be applied at the reserved matters stage to ensure the area is not lit, therefore it would restrict use to day time hours.
- 5.27 An indicative layout plan has been submitted with the application and this demonstrates that the eight dwellings could be comfortably accommodated within the site without resulting in harmful overlooking of the neighbouring properties.
- 5.28 The indicative also demonstrates that a distance of approximately 25m between existing and proposed dwellings can be easily achieved. This would prevent any new dwellings from appearing overly dominant or overbearing when viewed from the neighbouring properties.
- 5.29 With regards to loss of view, unfortunately this is not protected within the planning system. Although the site area is large so there would be potential to locate the dwellings further along Hook Norton Road, you will note earlier in the report that the

northeast corner of the site is considered to be the preferred location for development.

- 5.30 The location of residential development on the land would not cause harm to neighbouring amenity and accords with the core principles of the Framework and Policy C30 of the adopted Cherwell Local Plan.

**Other Matters**

- 5.31 Concerns have been raised regarding highway safety and additional vehicular movements on this well used road. The precise details of the access point and internal road layout will be the subject of a reserved matters application but the principle of a new vehicular access can be considered.

- 5.32 The Local Highway Authority has confirmed that *'in principle it is feasible for an access offering adequate levels of safety and geometry'* to be located onto the Hook Norton Road. There is a wide verge, a long frontage with the road and the site is within a 30 mph speed limited area.

- 5.33 Some additional information was requested to confirm passing speeds and the applicant has been advised of the requirement for a footway link to the existing footway system within the village. It is considered that this information can be submitted with a reserved matters application.

- 5.34 The site is within an area identified for natural occurring arsenic/chromium/nickel. Given the scale of the development, the Council's Environmental Protection Officer has recommended a number of conditions to deal with potential contamination on the site.

**Engagement**

- 5.35 With regard to the duty set out in paragraphs 186 and 187 of the Framework, additional information has been requested during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

**6. Recommendation**

**Approval**, subject to:

- a) The applicants entering into an appropriate legal agreement to secure the provision of the affordable housing.

b) the following conditions:

1. No development shall commence until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

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

2. In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

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

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

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

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

4. Notwithstanding the submitted site plan, the area of development shall be constrained to within the red line area shown on the indicative site layout plan 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 Policies C7 and C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of development full specification details of a new footway to link with the existing footway network shall be submitted and agreed in writing by the Local Planning Authority. Prior to the first occupation of the dwellings, the footway shall be formed, constructed, surfaced, laid and marked out, drained and completed in accordance with approved details.

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

6. Except to allow for the means of access and vision splays the existing hedgerow along the east boundary of the site shall be retained and properly maintained at a height of not less than 2 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development 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 hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

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.

8. If a potential risk from contamination is identified as a result of the work carried out under condition 7, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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.

9. If contamination is found by undertaking the work carried out under condition 8, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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.

10. If remedial works have been identified in condition 9, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 9. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved 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.

11. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

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.

**Planning Notes**

1. The Local Highway Authority has advised that vehicular parking and access for the allotments should be provided from within the site.

**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.