

**Site Address: OS Parcel 8300 East of
Deene Close, Aynho Road, Adderbury**

14/01743/F

Ward: Adderbury

District Councillor: Cllr Randall

Case Officer: Linda Griffiths

Recommendation: Approval

Applicant: Bloor Homes

Application Description: Demolition of Existing Agricultural Building and Development of 14 Dwellings with Highways, Public open Space, Landscaping and Infrastructure

Committee Referral: Major and Departure from Policy

1. Site Description and Proposed Development

- 1.1 The application site forms part of a larger development site lying to the north of Aynho Road and immediately to the east of Deene Close and Walton Avenue on the edge of Adderbury. The whole site which was formerly open agricultural land was granted detailed planning permission for the erection of 60 dwellings in June (13/01768/F refers). An un-surfaced private track runs along the eastern boundary of the site and serves the agricultural land to the north and the Oxford canal side properties. An agricultural building in the north east corner of the site will be demolished.
- 1.2 Construction of the development approved (13/01768/F) began in September and the main infrastructure in terms of the road layout is well underway. This application relates to an area of 0.77ha and proposes changes to the North Eastern area of the approved scheme. This revised application proposes three additional units to those previously approved.
- 1.3 The dwellings proposed are all 2 storey detached four and five bedroom properties with detached garages. An area of public open space which was also to be provided as part of the original scheme for the whole site is also indicated to be provided.

2. Application Publicity

- 2.1 The application has been advertised by way of site notices and a notice in the local press. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Adderbury Parish Council: object to the application. It is an over development of the site and will increase the pressure on the village infrastructure, school parking and cause additional traffic.

Cherwell District Council Consultees

- 3.2 Urban Design and Conservation Officer: the additional units do not significantly alter the appearance or character of this area. Indeed, the increased number of units may benefit the amenity of the open space by increasing supervision. I am however concerned by the significant increase in the number of units with front gables. This issue was picked up in respect of the original approved scheme. The approved plans indicate 3 of 8 units with gable detailing to the front, while the revised scheme shows

9 of 10 units. This is not acceptable.

House Type comments

- HT 400 – remove gable detail from the front elevation, remove window to downstairs w/c
- HT 414 – remove gable details from front elevation. Discourage w/c window at first floor
- HT 419 – proportion of gable is ok, but this house type is over used in such a small area. Should introduce a simple straight eaves line version of this unit to reduce the prominence of gables.
- Acknowledge that house types 420 and 416 also have gables, but as these are used in the same number and location as previously approved I have made no comment.

- 3.3 Housing Officer: comments in respect of one additional affordable dwelling as generated by the proposal are being sought.

Oxfordshire County Council Consultees

- 3.4 Highways Liaison Officer: The revised Transport Statement demonstrates that the increased number of dwellings at the site will have a negligible effect on the traffic impact of the site and that the traffic impact is still within acceptable limits. All legal agreements, conditions, informatives and details comments associated with planning application number 13/01768/F.

This application represents an additional 3 dwellings to the already consented application 13/01768/F. That planning agreement provided for a developer contribution of £60,000 towards improving bus services connecting Adderbury with Banbury, Deddington and Oxford. Therefore an additional £3,000 is sought for bus services on a pro-rata basis.

The S4 bus service currently links Adderbury with Banbury and Oxford on an hourly basis on weekday daytimes with four journeys on a Sunday. This level of service is not sufficient to provide a real choice for the new residents for journeys to work in particular. With increasing residential development along this route, additional journeys will be required at peak times to take people to work and to education.

The developer will contribute towards a fund to secure additional journeys on bus service S4 on a pump-priming basis. Initially two journeys per hour will be secured between Deddington and Oxford. Improvements will also be made to evening and Sunday services from this finance. The cost of the enhanced Deddington to Banbury section of route is estimated to be £400,000 on a reducing pump-priming basis to produce an eventual commercially viable bus service. Pro-rata contributions will be requested from other development applications along this route.

More detailed comments are given on application number 13/01768/F in respect of recommended conditions and informatives.

- 3.5 Education:

Primary: Christopher Rawlins CE (VA) Primary School is approaching capacity, and can expect to be full as a result of recent housing permissions. A review of school capacity in this area determined that the local authority wishes to keep this school at its current size due to its constrained site; however, in the light of recent housing growth this decision is to be reviewed.

Some of the catchment area is shared with Bloxham CE Primary School, which is

also effectively full. There are a number of current planning applications in this area, and the sum effect is likely to be that some children from this school's catchment area will have to travel to another village, or to Banbury, for a school place. Children who move into the area after the usual school place allocations process are unlikely to find a place at this school.

Further housing growth is therefore likely to lead to longer travel distances to school, which would argue against the sustainability of the development. Expansion of primary school capacity in the area would be necessary as a direct result of any housing development. Should housing developments in Adderbury be approved, they would be expected to contribute towards strategic expansion of primary school capacity in this area, whether this is planned to be achieved through the expansion of Christopher Rawlins CE (VA) Primary School or a neighbouring school.

Secondary: Expansion of secondary school capacity in the area would be necessary as a direct result of housing development. This area feeds to The Warriner School, which is regularly over subscribed, 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 be adversely impact on the operation of parental preference and result in a loss of amenity to young people living in the area, who would be less likely to secure a place at their first preference school as a direct result. As such it would go against the intention of NPPF para 72 by reducing the choice of school places available to meet the needs of existing and new communities.

If The Warriner is not expanded, children who would otherwise have attended the school would be displaced to other schools in nearby Banbury. These schools currently have spare places, but these will be filled as a result of the population growth which is already evident in the local primary schools. Secondary school capacity in Banbury will need to be expanded as these higher pupil numbers feed through, and therefore should the schools also be required to accommodate growth as a result of housing development in Adderbury, the scale of expansion would be greater as a consequence.

Expansion of secondary school capacity either at The Warriner School or at schools in Banbury is therefore necessary to ensure the needs of the current and future populations can be met, and to ensure the council can meet its statutory duty to ensure sufficient school places.

Special: Across Oxfordshire 1.11% of pupils are taught in special schools and all housing developments are expected to contribute proportionately toward expansion of this provision.

- 3.6 Local Library: Oxfordshire county Council has an adopted standard for publicly available library floor spaces of 23m² per 1,000 head of population, and a further 19.5% space is required for support areas including staff workroom, totalling 27.5m². The Banbury library provision is significantly under-size in relation to its catchment population and this development will therefore place additional pressures on the library.

The development proposal would also generate the need to increase the core book stock held by the library by 2 volumes per additional resident. The price per volume is £10.00 = £20.

The full requirement for this provision of library infrastructure and supplementary core book stock in respect of this application is £85 x 54.36 (the forecast number of new residents) = £4,621.

Central Library: Central library in Oxford serves the whole county and requires remodelling to support service delivery that includes the provision of library resources across the county. Remodelling of the library at 3rd Quarter 2013 base prices leaves a funding requirement still to be secured = £4.1M. 60% of this funding is collected from development in the Oxford area. The remainder 40% is spread across the four other Districts. 40% of 4.1m = £1,604,000. Population across Oxfordshire outside of Oxford City District is forecast to grow by 93,529 to year 2026, £1,604,000 – 93,529 people = £17.15 per person. £17.15 x 54.36 (the forecast number of new residents) or £41.16 per dwelling = £951.

- 3.7 Strategic Waste Management: Under Section 51 of the Environmental Protection Act 1990, County Councils, as waste disposal authorities, have a duty to arrange for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of that waste.

The proposed residential development will increase demand for recycling facilities in the area. The nearest household waste recycling centre (HWRC) we provide is Ardley HWRC. The HRWC strategy, which included a proposal to close Ardley HWRC and open a new site at Kidlington, was agreed by Cabinet on 19 April 2011 following a formal consultation. However, in light of wider changes our countrywide plans for the long-term future of HRWCs are currently under review while we consider a number of factors. These include significantly higher levels of planned growth in Bicester as well as the decision not to go ahead with a new recycling centre at Kidlington. The outcome of reuse trials currently underway at Alkerton and Stanford HWRCs will also play a significant part in defining future plans for the service.

Regardless of the review of HWRC provision, in view of the additional demand that would be generated by the proposed development for reuse, recycling and composting facilities in Bicester we will seek contributions towards meeting the increased demand. A new site serving 20,000 households costs in the region of £3,000,000: this equates to £64 per person at 1st Quarter 2012 price base. £64 x 54.36 (the forecast number of new residents) or £153.60 per dwelling = £3,479.

- 3.8 County Museum Resource Centre: OCC's museum service provides a central Museum Resource Centre (MRC). The MRC is the principal store for the Oxfordshire Museum, Cogges Manor Farm Museum, Abingdon Museum, Banbury Museum, The Museum of Oxford and the Vale and Downland Museum. It provides support for these museums and schools throughout the county for educational, research and leisure activities.

The MRC is operating at capacity and needs an extension to meet the demands arising from further development throughout the county. An extended facility will provide additional storage space and allow for increased public access to the facility. An extension to the MRC to mitigate the impact of new development up to 2026 has been costed at £460,000; this equates to £5 per person at 1st Quarter 2012 price base. £5 x 54.36 (the forecast number of new residents) or £12 per dwelling = £272.

- 3.9 Administration: Oxfordshire County Council requires an administrative payment of £3,750 for the purposes of administration and monitoring of the proposed Sec 106 Agreement, including elements relating to education.

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

contributions are covered in the relevant sections above.

- 3.11 Security/Bonds: Given the scale of contributions, where the triggering of payment of financial contributions is deferred to post implementation of the development, it will be necessary for the Section 106 Agreement to include provisions for appropriate security by the landowner/developer for such payments.
- 3.12 General: The contributions requested have been calculated where possible using details of the development mix from the application submitted or if no details are available then the County Council have used the best information available. Should the application be amended or the development mix changed at a later date, the council reserves the right to seek a higher contribution according to the nature of the amendment.
- 3.13 The contributions which are being sought are necessary to protect the existing levels of infrastructure for local residents. They are relevant to planning the incorporation of this major development within the local community, if it is implemented. They are directly related to this proposed development and to the scale and kind of the proposal.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- H13: Category 1 settlements
- H18: New dwellings in the countryside
- TR1: Transportation funding
- R12: Public open space provision
- C2: Protected species
- C7: Landscape conservation
- C13: Areas of high landscape value
- C27: Design in villages to respect historic settlement pattern
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development

4.2 Other Material Policy and Guidance

Non-Statutory Cherwell Local Plan 2011 was approved by the council for development control purposes and is therefore a material consideration.

National Planning Policy Framework 2012 – Core planning principles and the delivery of sustainable development with particular regard to the following sections:-

- 4: Promoting sustainable transport
- 6: Delivering a wide choice of high quality homes
- 7: Requiring good design
- 8: Promoting healthy communities
- 10: Meeting the challenge of climate change and flooding
- 11: Conserving and enhancing the natural environment
- 12: Conserving and enhancing the historic environment

National Planning policy Guidance (NPPG)

Submission Cherwell Local Plan – (January 2014)

The Submission Cherwell Local Plan has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in the light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessment Need were to be subject to public consultation and the examination is set to reconvene in December 2014. 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 proposal and are not replicated by saved Development Plan policies:

Sustainable Communities

- Policy BSC 1: District wide housing distribution
- Policy BSC2: Efficient use of land
- Policy BSC3: Affordable housing
- Policy BSC4: Housing mix
- Policy BSC10: Open space, outdoor sport and recreation provision
- Policy BSC11: Standards of outdoor recreation provision
- Policy BSC12: Standards of indoor recreation and community facilities

Sustainable Development

- Policy ESD1: Mitigating and adapting to climate change
- Policy ESD2: Energy hierarchy
- Policy ESD3: Sustainable construction
- Policy ESD6: Sustainable flood risk management
- Policy ESD7: Sustainable drainage systems
- Policy ESD10: Protection and enhancement of biodiversity
- Policy ESD13: Local landscape protection and enhancement
- Policy ESD16: Character of the built environment

Places

- Policy Villages 1: Village categorisation
- Policy Villages 2: Distribution of growth
- Policy Villages 4: Meeting the need for open space, sport and recreation

Infrastructure Delivery

- Policy INF 1: Infrastructure

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Planning Policy and Principle of Development
- 5 Year Housing land Supply
- Landscape Impact and Trees
- Design and layout
- Transport Assessment

- Ecology
- Flooding and Drainage
- Delivery of the Site
- Planning Obligation

Relevant Planning History

- 5.2 In June of this year, detailed planning permission with associated Section 106 Agreement, was granted for the erection of 60 dwellings on the wider whole site (13/01768/F) refers. Construction on the site began in September.

Planning Policy and the Principle of Development The Development Plan

- 5.3 The Development Plan for Cherwell District comprises the saved policies in the Adopted Cherwell Local Plan 1996. Section 70(2) of the town and Country Planning Act 1990 provides that in dealing with applications for planning permission the Local Planning authority shall have regards 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 purpose 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.
- 5.4 The site in question is not allocated for development in any adopted or draft plan forming part of the Development Plan. Adderbury is designated as a category 1 settlement in the adopted Cherwell local Plan. Policy H13 of that plan states that new residential development within the village will be restricted to infilling, minor development comprising small groups of dwellings on sites within the built up area of the settlement, or the conversion of non-residential buildings. The site is not within the built up limits of the village and is therefore in open countryside. Policy H18 of the Adopted Cherwell Local Plan restricts new dwellings beyond the built up limits of settlements, in open countryside to those which are essential for agriculture, or other existing undertakings, or where dwellings meet a specific and identified local housing need that cannot be met elsewhere. These policies are carried through in the Non-Statutory Cherwell Local Plan. The Adopted Cherwell local Plan contains no specific allocation for this site and the proposal clearly does not comply with this policy criterion and therefore represents development beyond the existing built up limits of the village on this side of Aynho Road into open countryside and is a departure from the Development Plan.
- 5.5 Notwithstanding the above, full planning permission was granted in June this year for a total of 60 dwellings on the wider site (13/01768/F) refers. This permission is still valid and establishes the principle of residential development on the site. There has been no change in circumstances or the policy position since the consideration and determination of that application. The existing consent is therefore a material consideration in the determination of this application.

National Planning Policy Framework

- 5.6 Paragraph 49 of the NPPF states 'housing applications should be considered in the context of a 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 sites.
- 5.7 The NPPF at paragraph 14 states 'At the heart of the National Planning Policy Framework 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; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or, specific policies in this Framework indicate development should be restricted.

5.8 The Adopted Cherwell Local Plan (1996) is out of date in relation to the policies regarding delivery of housing. The NPPF advises due weight should be given to relevant policies within existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight may be given). The Development Plan (the Adopted Cherwell Local Plan) contains no up-to-date policies addressing the supply of housing and it is therefore necessary to assess the application in the context of the presumption in favour of sustainable development as required by the NPPF.

Five Year Housing Land Supply

- 5.9 Section 6 of the NPPF 'delivering a wide choice of quality homes' requires local planning authority's to significantly boost the supply of housing by identifying key sites within the local plan to meet the delivery of housing within the plan period and to identify and update annually a 5 year supply of deliverable sites within the District.
- 5.10 On 28 May, 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. 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 Housing market Assessment (SHMA) 2014, published on 16 April 2014 (after the submission of the Local Plan in January 2014).
- 5.11 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.

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 for 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.

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 a persistent under-delivery. It also seeks to ensure that any shortfall in delivery is made up within the five year period. The District does not therefore have a 5 year housing land supply and as a result of the NPPF advises in paragraph 14 that planning permission should be granted unless 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole'.

Landscape Impact and Trees

- 5.12 Policy C7 of the Adopted Cherwell Local Plan seeks to resist development if it would result in demonstrable harm to the topography and the character of the landscape and the explanatory text states that tight control should be exercised over all development proposals in the countryside if the character is to be retained and enhanced. The site is within an area designated locally as being of high Landscape Value and an assessment of the proposal must therefore also be made under Policy C13 of the Adopted Cherwell Local Plan which seeks to conserve and enhance such areas. Policy EN34 of the Non-Statutory Cherwell Local Plan seeks to conserve and enhance the character and appearance of the landscape although the formal designation relating to the Area of High Landscape Value has been removed. This does not however mean that landscape quality is no longer important. The landscape significance of these areas is carried through in the Submission Local Plan through Policy ESD13 which seeks to conserve and enhance the distinctive and highly valued local character of the entire district. The NPPF also advises that the open countryside should be protected for its own sake.
- 5.13 The previous submission relating to the whole site (13/01768/F) was accompanied by a Landscape and Visual Impact assessment which was reviewed by the Council's Landscape Planning Officer as part of the assessment of that proposal, who considered it to be a comprehensive report with much to agree to. That assessment concluded that the development proposed was unlikely to have any significant adverse effect on the character of the wider 'Farmland Slopes and Valley Sides' landscape or views towards the site from publicly accessible locations in the wider landscape. Whilst the proposal seeks to increase the number of units in the north eastern corner of the site, it is considered that the increased visual impact of the additional 3 units by virtue of the slightly higher density would not be so great to adversely affect the character and appearance of the area contrary to the policies of the development plan or the advice within the NPPF.

Design and Layout

Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment and advises at paragraph 56 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'.

The NPPF advises at paragraph 58 that planning policies and decisions should aim to ensure that developments achieve a number of results including the establishment of a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit and that developments should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

Paragraph 60 advises that whilst particular tastes or styles should not be discouraged, it is proper to seek to promote or reinforce local distinctiveness.

Paragraph 61 states: 'although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new

development into the natural, built and historic environment’.

Paragraph 63 states: ‘In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area’.

Paragraph 65 states: ‘Local Planning Authorities should not refuse planning permission for buildings or infrastructures which promote high levels of sustainability because of concerns about compatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal’s economic, social and environmental benefits)’.

The adopted Cherwell Local Plan also contains established Policy C28 which states ‘control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external finish materials, are sympathetic to the character of the urban or rural context of that development’. Policy C30 states ‘design control will be exercised to ensure....(i) that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity and... (iii) that new housing development or any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the Local Planning authority’.

The application site relates to a small part of a larger site which already has consent for 60 dwellings. This proposal seeks to revise the scheme in the north eastern part of the site by amending the house types and increasing the number by 3. The previous consent relating to this part of the development indicated 11 dwellings. The total number of units on the whole site would be 63 new dwellings. An area of open space within this part of the site is to be retained as part of the revised scheme.

During the consideration of the initial scheme (13/01768/F) the house types and form of development was amended to better reflect local traditional vernacular, with prominent dwellings on the edge of the development being proposed in natural ironstone. Whilst it is considered that the amended layout and increased density will not significantly alter the appearance or character of this area, there is now a predominance of units with projecting front gables. Whilst a number of the units approved in respect of the original application did have projecting front gables, these were fewer in number and the majority of dwellings were simple flat fronted units which sought to reflect local traditional vernacular. In respect of this part of the site as approved as part of the original scheme, only 3 of 8 units had gable detailing to the front, while this revised application indicates 9 of the 10 units. The applicants have been requested to amend the proposal to simplify the dwellings in terms of the front elevations by removing the gable details, a response/amended plans are awaited at the time of writing the report.

Transport Assessment

A Transport Statement Addendum to the original Transport Assessment for the whole site has been submitted as part of this application which demonstrates that the revised proposal relating to this part of the site and the increased number of dwellings will have a negligible effect on the traffic impact of the site and that the traffic impact is still within acceptable limits. The revised Transport Assessment has been assessed by the Highway Authority who raises no objections to the proposal subject to the imposition of a number of recommended conditions.

Ecology

The original application relating to the whole site (13/01768/F) was accompanied by

an Ecological Appraisal which set out the findings of the desk study in the Extended phase 1 survey undertaken in 2012. It confirmed that the site is not a statutory or non-statutory designated site. In addition the site does not lie immediately adjacent to any statutorily designated site, nor are any present within 5km of the site, but two Local wildlife sites and two potential wildlife sites are present within 2km of the site. These are the River Cherwell and Kings Sutton Meadow Local Wildlife Sites and the River Cherwell Potential Wildlife Sites.

Overall it concluded that the site to be of limited ecological value given its small size and the nature of the habitats supported, and the trees and hedgerows around the site which may have potential for foraging bats and birds are to be essentially retained and improved with additional planting.

The ecological appraisal also identified that the site has the potential to support some notable and/or protected species including foraging and commuting bats and breeding birds. All species of British bat are listed as a European Protected Species on Schedule 2 of the Conservation Regulations to the Habitats Directive and are afforded additional protection under the Wildlife and Countryside Act 1981 (as amended). The shed structure on the site was not considered to support any features considered suitable for roosting bats and the trees on the site were also considered to be of negligible value to bats as they are relatively young and healthy specimens with no suitable features present. The hedgerow network was also considered to be of limited potential for foraging and commuting bats given its limited extent on site and minimal connectivity to the wider landscape. Enhancement measures across the site, to include additional tree and hedge planting and bat boxes are proposed.

All wild birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). The submitted appraisal therefore recommended that any hedge/vegetation be removed outside the bird nesting season and that additional native hedge planting occurs.

The NPPF – Conserving and enhancing the natural environment requires at paragraph 109, that, ‘the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.

Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that ‘every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity’ and;

Local Planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining and application where European Protected Species are affected, as prescribed in Regulation 9 (5) of Conservation Regulations 2010, which states that ‘a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions’.

Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places.

Under Regulation 41 of the Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are

likely to be committed, but only if 3 strict derogation tests are met:-

1. is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
2. is there a satisfactory alternative
3. is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species

Therefore 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 far as they may be affected by the exercise of those functions and also the derogation requirements might be met.

The Council's Ecologist assessed the submitted Ecology appraisal and was satisfied that the habitats present on the site are not of more than local ecological value, consisting of sheep-grazed pasture and hedgerows. Although no evidence of protected species was found, the scope of the extended phase 1 survey was limited and in addition to nesting birds there is the possibility of reptiles being present if the grassland is allowed to develop a longer sward. Swifts are known to breed in the village and therefore it is also suggested that new nesting provision for swifts should also be included within the development proposals. A number of conditions and informative were therefore recommended to ensure that adequate mitigation and enhancements are included as part of the development. These will be repeated in respect of this application.

Consequently 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. The proposal therefore accords with the NPPF and Policies C2 and C5 of the adopted Cherwell Local Plan and Policy ESD10 of the Submission Local Plan (October 2014).

Flooding and Drainage

The application site is not within a high risk area, being located within Flood Zone 1. A Flood Risk Assessment was submitted as part of the original application relating to the whole site which demonstrated that the site is not at risk of flooding and surface water run off from the site can be managed in a sustainable way in accordance with the NPPF.

Delivery of the Site

Planning consent for the whole site was granted in June this year as a consequence of the Council's housing land supply shortage. The potential for that development to contribute to the shortage of housing was a key factor in favour of the proposal. Development on site has begun, therefore the original consent has been implemented and therefore the development of the site will contribute to the Council's Five Year Housing Land Supply as will the additional 3 units proposed as part of this submission.

Planning Obligation

The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation, to enable the development to proceed. At the time of writing the terms of the Planning obligation have not yet been agreed. The Council's Solicitor has advised that the proposal can be dealt with by means of a linking agreement to the original agreement relating to 13/01768/F with additional contributions paid in respect of the 3 additional units. The proposal also generates a requirement for an additional affordable unit which has not been included within the

application. The applicants have been advised and a response is awaited. The Section 106 contribution requests are as follows:-

CDC

- additional unit of affordable housing
- management of open space £30.04m²
- management of hedgerows £42.86m²
- management of trees £3,027.34 per tree
- community hall £312.38 per unit
- waste and recycling £67.50 per dwelling
- outdoor sports provision
- monitoring £500

OCC

- improvements to the bus service £3,000
- primary education £81,306
- secondary education £100,892
- special needs £4,335
- Adderbury library £4,621
- central library £951
- strategic waste management £3,479
- museum resource £272
- administration and monitoring £3,750

If the above have not been finalised by the time of the meeting, it is requested that Members delegate to Officers the final negotiation of the Planning Obligation.

Engagement

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

Conclusion

- 5.19 The revised application does not propose significant change to the extant planning approval (13/01768/F) and therefore will not have significant additional visual or other impacts which would render the proposal unacceptable. The application is therefore considered to be in accordance with the saved policies within the Development Plan and Government advice within the NPPF. Accordingly the application is recommended for approval.

6. Recommendation

Approval, subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined above, with final delegation to officers in conjunction with the Chairman in respect of the final negotiations
 - b) the following conditions, with delegation to officers for minor revisions to the wording of the conditions if necessary
1. The development to which this permission relates shall be begun not later than the expiration of one year 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 and in order to promote speedy delivery to

ensure that the development contributes to the shortfall in Housing land Supply

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application Forms (drawings to be confirmed, awaiting revised plans)
Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local planning authority and to comply with Government guidance contained within the National Planning Policy Framework
3. Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, a revised schedule of the materials and finishes for the external walls and roofs 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 approved materials.
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 NPPF
4. Prior to the commencement of the development hereby approved, samples of the brick, tile, slate and paviers to be used in the construction of the walls, roofs, hard standings access roads and access drives 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 - as above
5. Prior to the commencement of the development hereby approved, full details of the doors and windows hereby approved, at a scale of 1:20, including a 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 – as above
6. 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 surroundings and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the NPPF
7. Prior to the commencement of the development hereby approved, the dwellings 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 and to comply with Policy C28 of the adopted Cherwell local Plan and Government guidance contained within the NPPF
8. Prior to the commencement of the development hereby approved, full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure in respect of those dwellings which it is intended to screen

shall be erected, in accordance with the approved details prior to the first occupation of those dwellings.

Reason – as above

9. Prior to the construction of each access, road, parking court, private drive or footpath, full details of the final surface treatment for that element of the highway shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the access roads, parking courts, private drives or footpaths shall be constructed in accordance with the approved details.

Reason – In the interests of highway safety and to comply with government guidance contained in the NPPF

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

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass/seeded/turfed areas
- (b) details of existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation
- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell local Plan and Government guidance within the NPPF

11. 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 buildings or on 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 – as above

12. 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 – as above

13. Within the first available planting season following the first occupation of the development, or on completion of the development, whichever is the sooner, the existing hedgerow along the northern and eastern boundaries shall be reinforced by additional planting in accordance with a detailed scheme which shall firstly be submitted to and approved in writing by the Local planning Authority. Thereafter, any plant/tree within the hedgerow which, within a period of five years from the completion of the development dies, is removed or becomes seriously damaged or diseased shall be replaced in the current/next planting season with others of a similar size and species 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. Thereafter the new planting shall be properly maintained in accordance with this condition.

Reason – as above

14. prior to the commencement of the development hereby approved full details fro the provision, landscaping and treatment of the open space within the site, together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space.

Reason – as above

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 of the development 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 in accordance with Government advice within the NPPF

16. Prior to the first occupation of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

Reason – as above

17. 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 – as above

18. Prior to the first occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason – as above

19. Prior to the first occupation of the development hereby approved, a Travel Plan prepared in accordance with the Department of Transport's Best practice Guidance Note 'Using the Planning process to Secure Travel Plans' and its subsequent amendments, shall be submitted to and approved in writing by the Local planning authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason – as above

20. Prior to the commencement of the development, full details of the proposed highway works shall be submitted to and approved in writing by the Local planning Authority. The approved works shall be constructed in accordance

with the details approved and in accordance with Oxfordshire County Council's specifications prior to the first occupation of any dwelling on the site.

Reason – as above

21. Prior to the commencement of the development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The construction works shall be carried out in accordance with the details approved in the Construction management Plan.

Reason – as above

22. Prior to the commencement of development, full details of a new footway to the east and 200m west of the site together with a new crossing, shall be submitted to and approved in writing by the Local planning authority. The development shall be carried out in accordance with the approved details prior to the first occupation of any dwelling.

Reason - as above

23. prior to the commencement of the development, full details of a drainage strategy, 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 – To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Government guidance contained within the national Planning policy framework

24. Standard condition H1 open fronts

Reason HR1

25. Standard condition H5 no conversion of garage

Reason HR6

26. 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 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 KR2

27. prior to the commencement of the development, full details for the provision of swift nest boxes to be incorporated into the development shall be submitted to and approved in writing by the local planning Authority. The approved works shall be implemented in full prior to the first occupation of any dwelling, unless otherwise agreed in writing by the Local Planning authority.

Reason KR2

28. prior to the first occupation of any dwelling hereby approved, a final Code Certificate, certifying that the dwelling in question achieves Code 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 NPPF

Planning Notes

1. PN 19
2. PN 22
3. PN 24
4. PN 25
5. PN 26
6. PN 32
7. PN 33

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 by the timely determination of the application.