

**Site Address: Part Of OS Parcel 7749
Adjoining And South Of Birchell House
Hook Norton Road Milcombe**

14/01107/OUT

Ward: Bloxham and Bodicote

**District Councillor: Councillor Christine Heath and
Councillor Lynda Thirzie Smart**

Case Officer: Shona King

Recommendation: Approval

Applicant: Mr M Nicholls

Application Description: Outline – Erection of two dwellings

Committee Referral: Departure from Adopted
Local Plan Policy

Committee Date: 22 January 2015

1. Site Description and Proposed Development

- 1.1 The application site is located on the western edge of Milcombe. It comprises a triangular shaped field bounded by mature hedges. Access is to be taken from the Hook Norton Road.
- 1.2 The application seeks outline consent for the erection of two dwellings. All matters are reserved for subsequent approval except for access.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letters and a site notice. The final date for comment was the 15th August 2014. Two letters have been received as a result of this consultation process and the following issues have been raised:
 - Whether the development is inside the boundary of the village
 - Whether it is infilling
 - Loss of privacy
 - Highway safety
 - Drainage

3. Consultations

- 3.1 Milcombe Parish Council: No objection

Oxfordshire County Council Consultees

- 3.2 Highway Authority: No objections subject to:

1. S.C. D 1 construction.....dwellings. Proposedgeometry as plans
2. S.C. D 15
3. S.C. D 9 Close existing access.....Hook Norton Road.....reinstatement of boundary hedge and grassed verge
4. Prior to first occupation a footway is to be provided linking the site with the existing system to the north-east, design and full details to be agreed in writing with LPA (see note) DR 1
5. Prior to occupation the highway verge is to be cleared of undergrowth to the south-west for a distance of 100 metres on both sides of the carriageway DR 1

Note that the provision of the footway is to be the subject of a formal agreement with O.C.C. covering its provision to the required standard and at no cost to the authority. A section 278 agreement will be required to cover this matter.

This response is offered following the recent submission of more detailed proposals regarding in particular the highway aspects of the proposal.

Other Consultees

3.3 Thames Water: Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- H14: Category 2 Settlement
- C27: Development 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

National Planning Policy Framework

Planning Practice Guidance

Submission Local Plan (January 2014) (SLP)

SLP 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 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 Assessed Need were 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.

- Policy Villages 1 is considered to be material to this case and is not replicated by saved Development Plan Policies.

5. Appraisal

5.1 The key issue for consideration in this application is the principle of the development.

Principle of the development

5.2 Milcombe is a Category 2 settlement as designated by Policy H14 of the Adopted Cherwell Local Plan. This Policy restricts development to conversions, infilling and other small scale development that can be shown to secure significant environmental improvement within the settlement.

5.3 Policy Villages 1 of the Submission Local Plan categorised Milcombe as a Category B satellite village where infilling and conversions only are appropriate. The Proposed Main Modifications to the Submission Local Plan (August 2014) now categorise Milcombe as a Category A village where minor development is allowed within the built-up limits of the settlement as well as infilling and conversions.

5.4 The NPPF indicates that the Adopted Cherwell Local Plan 1996 is considered to be out of date as it was adopted prior to 2004, however it also advises that due weight should also 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 that may be given).

5.5 The NPPF states at para 49 "that housing applications should be considered in the context of the presumption in favour of sustainable development and that 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". The Council cannot currently demonstrate it has a 5 year housing land supply, however the development of two additional houses would not have a significant impact on the overall housing land supply figure.

5.6 The development does not comply with the infilling or conversion requirement of either the adopted Cherwell Local Plan or the Submission Local Plan and would not secure significant environmental improvement within the settlement and therefore it is contrary to the adopted and emerging Cherwell Local Plan housing Policies. However, paragraph 14 of the NPPF states that where the development plan is out-of-date permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted

5.7 It can be argued that the proposed development is in a location that would result in a logical extension to the settlement. It is well related to the development to the east and north, on the northern side of Hook Norton Road. It is in a sustainable location

immediately adjacent to the village and there are local services in the village (public house and shop). The Highway Authority is satisfied that the additional traffic using the access into the site will not give rise to any significant detriment to highway safety. Therefore it is considered that there should be a presumption in favour of the development.

- 5.8 The only matter to be considered at this time as part of the outline application is the access as scale, layout, appearance and landscaping are reserved for subsequent approval. However a sketch layout has been provided with the application and it is considered that the location of the proposed dwellings will not give rise to any significant adverse impacts on the living amenities of the neighbouring properties. The sketch layout and design and access statement refer to the existing hedges being retained and additional planting carried out to the boundaries. This will help to visually contain the development.

Engagement

- 5.9 With regard to the duty set out in paragraphs 186 and 187 of the Framework, it is considered that the duty to be positive and proactive has been discharged as the applicant has been able to submit additional information to support the application to ensure that an appropriate form of development has been arrived at.

Conclusion

- 5.10 To conclude, the assessment demonstrates that the proposal is considered to be an acceptable form of development that will cause no significant harm. As such, it is considered to comply with the above mentioned policies and is recommended for approval as set out below.

6. Recommendation

Approval, subject to the following conditions:

1. No development shall commence until full details of the layout, scale, appearance 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 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: application form, site plan and block plan (amended 15 October 2015)

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.

- 5 Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved 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 schedule.

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 construction of the dwellings hereby approved, the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.

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

- 7 Prior to the first use of the access hereby approved, the existing access onto Hook Norton Road shall be permanently stopped up by means of the reinstatement of the boundary hedge and grass verge and shall not be used by any vehicular traffic whatsoever.

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

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

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

- 9 Prior to the first occupation of the dwellings a footway is to be provided linking the site with the existing system to the north-east. The design and full specification details are to be agreed in writing by the Local Planning Authority

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

- 10 Prior to the occupation of the dwellings the highway verge is to be cleared of undergrowth to the south-west for a distance of 100m on both sides of the carriageway.

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

- 11 Except to allow for the means of access and vision splays the existing hedgerow along the north west 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.

- 12 Within the first available planting season following the occupation of the building, or on the completion of the development, whichever is the sooner, the existing hedgerow along the southern boundary 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 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 - 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.

- 13 Prior to the commencement of the development hereby approved, full details of the enclosures along the eastern boundary and within 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 they are intended to screen shall be erected, in accordance with the approved details, prior to the first occupation of those dwellings.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

- 1 The provision of the footway is to be the subject of a formal agreement with O.C.C. covering its provision to the required standard and at no cost to the authority. A section 278 agreement will be required to cover this matter.
- 2 Where the developer proposes to discharge to a public sewer, prior approval from

Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 3 Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 4 This permission shall not imply or be deemed to imply approval for:
 1. the size, form or layout of the dwelling(s) shown on the plans accompanying the application;
 2. the external appearance and design of the buildings or layout of houses as shown on the plans accompanying the application;

for which separate consent would need to be obtained from the Cherwell District Council.

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 the applicant has been able to submit additional information to support the application to ensure that an appropriate form of development has been arrived at.