

**Site Address: Land to the West of
Garners House, Main Street, Great
Bourton**

14/01843/OUT

Ward: Cropredy

District Councillor: Councillor Atack

Case Officer: Caroline Ford

Recommendation: Approval

Applicant: One Property Group and Mr and Mrs G Townsend

Application Description: Outline – Development of 33 dwellings and a community hall, public open space and associated infrastructure, car parking and landscaping

Committee Referral: Major and departure from the development plan

Committee Date: 19 February 2015

1. Site Description and Proposed Development

- 1.1 The site is a 1.89ha grassed field situated to the western edge of Great Bourton. The A423 Southam Road runs to the western boundary of the site and to the south is the main route into the village with a caravan site beyond this. To the north are agricultural fields and to the east is Garners House, with some agricultural buildings and uses; beyond which the rest of the village lies. Public footpaths run within proximity of the site, including one which runs within the site boundary. The site sits within an Area of High Landscape Value and there are no heritage assets within proximity to this site. There is some potential for the land to be contaminated; however there are no other site constraints.
- 1.2 The application seeks outline planning permission for a residential development of 33 dwellings (12 of which to be affordable) and a community hall, public open space, associated infrastructure, car parking and landscaping. The application seeks outline planning permission for the proposal with all matters reserved. New bus infrastructure in the form of a pair of bus stops north and south of the junction at the entrance to the village is also proposed. The application is supported by a suite of information including:
Arboricultural Survey and Assessment
Extended Phase 1 Habitat Survey
Design and Access Statement (which has been amended)
Landscape and Visual Assessment (which has been updated)
Flood Risk Assessment
Planning Statement
Transport and Rights of Way Statement
Proposed Illustrative Access and Bus stop location plan
Illustrative plans (albeit these are superseded by the further design work that has been carried out).
- 1.3 The only planning history for this site is a refused application for a similar development to what is now proposed refused in November 2013. The details of this are provided below and the reasons are considered in detail within the appraisal section of this report.
13/01318/OUT (Refused) Outline – Development of 35 dwellings and a community hall, public open space and associated infrastructure, car parking and landscaping.

A negative Screening Opinion has been issued on two occasions (13/00061/SO and 14/00079/SO) determining that the proposal does not require an Environmental Impact Assessment.

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 30th January 2015.

9 letters in total have been received from 6 respondents. The following issues were raised:

- Criticism is made with regard to the public consultation/ surveys carried out, including the questions asked and the way it was carried out. Any assertions as to public consultation should be treated with caution.
- Concern that the Parish Council support the proposal
- The proposal is only slightly different to that refused previously
- There is no evidence of demand or support from other Authorities to provide the additional bus services. Existing bus services are inadequate
- The transport assessment with regard to existing bus services is incorrect
- No evidence of need for a larger or more expensive to run village hall. Who would use it where it is proposed?
- The village hall car park may be used by occupiers of the new houses therefore parking problems for the hall would remain
- The current hall is perfectly adequate for regular clubs, societies and classes. It is well used and in the centre of the village
- The applicants appear to have the view that any objections to the scheme will be compensated by the provision of a new village hall. This is not the case and if there was a desire for a new hall, then no doubt a local campaign could provide one.
- Approval for a housing estate is a high price to pay for a new village hall
- Why is another play area required when both villages already have one
- The proposed accesses are very close to the busy junction with the A423 and opposite the caravan site. It is likely this area will suffer increased congestion particularly taking into account the new development at the bottom of Hardwick Hill in Banbury. This is a safety concern.
- Queries raised to the transport assessment
- The village is used as a rat run and this proposal will make the situation worse
- Concern relating to the proposed bus stop positions
- The draft Local Plan designates Great Bourton as being suitable for infill and conversion only. It intends that development should be directed to the larger villages which have the appropriate services and facilities.
- The application suggests that the lack of new building over the years is a failure but this must be because of a lack of facilities in the village
- The proposal will be a population increase of 25% in a village with no facilities
- Whilst affordable housing may be a benefit there were no local takers for the Little Bourton site
- How can a development where individuals are reliant on the car be sustainable?
- The proposal is a speculative, speciously argued application to build unnecessary housing outside the current village boundaries.
- The local sewerage system is at capacity
- The local school and surgery are at capacity
- The proposal would create light pollution
- There is little employment in the village
- The proposal would increase the size of Great Bourton by over 25% and transform the character of the village

- New housing provided in Little Bourton took a long time to sell, which does not accord with the contention that this area needs more housing of this type. What is required in the Parish is affordable housing for local people on a rural exception site.
- The proposal would be in an area of high landscape value and would adversely affect views of the countryside on the edge of the village when passing on the A423 and when entering and exiting the village.
- There is currently no development frontage to the Southam Road. If this proposal is approved it will create an impression of ribbon development to the detriment of the rural area and its landscape value
- The proposal would effectively join the village to the Southam Road, thus removing its prized seclusion
- It would appear there is conflict with a number of local planning policies and there is no obvious reason (e.g. overwhelming community benefit) to depart from these policies.

Two responses have been received commenting on the response from the Parish Council. Comments over those made above are as follows:

- The response should not be regarded as representing the views of the local community
- The response includes a number of unsupported assertions and these should not be considered.
- The tone of the response is disappointing.
- The public consultation event concentrated on the benefits of the community hall and all elements of the proposal should have been given equal attention
- There has been a low response rate overall and so there has been a failure to engage with the local community and there is far from widespread support
- CDC has determined the level of new development Great Bourton should see. Whilst the Parish states its opinion on what negative things might happen, it is unlikely that the infrastructure of the village would change without this proposal. In contrast, if this proposal is approved, further development might be likely given the infrastructure upgrades and unusually a Parish Council that welcomes development.
- The Parish Council overstate the visibility of the caravan park, which is low in scale and screened. Traffic passing along the A423 is not aware of the village's presence.
- The potential benefit to local organisations/ groups etc is overstated
- Concern with the Parish Council view regarding sustainability
- The improved bus service will only be a benefit if it coincides with the peak times of day and the new infrastructure is questioned.
- It is felt that the Parish Council's main priority is to achieve a new village hall whatever the cost.

3. Consultations

3.1 **The Bourtons Parish Council:** The Parish Council are in favour of this proposal raising the following comments:

- Support is based upon feedback from two surveys conducted by the Parish Council as well as two exhibitions held at the village hall.
- The benefits of the proposal are considered to be:
- A wider range of modern housing stock
- More residents to support local amenities and organisations
- A new village hall with parking
- A village green with a play area
- Improved traffic calming
- Improved bus services

- It is considered that whilst the site is not allocated for development, it will ultimately be developed in the future and the planning gains achievable with this proposal far outweigh any objections
- This view is based upon the understanding that the site will be optimised, local facilities enhanced and to ensure a high quality development in keeping with the local character.
- The applicants have engaged with the Parish and views expressed have now been reflected in the plans.
- Acknowledge the developers need local support but the local residents would gain facilities that would be difficult to achieve without the developers financial input.
- Whilst the proposal is against the Cherwell District Planning policy, the Parish have taken a long term view of potential development and there should be flexibility in decision making.
- The site is an obvious missing piece in the development pattern of the village and it is believed the site will inevitably be developed at some point. In the future the Parish may not be able to achieve any direct community gains and it would be better to allow a pleasant, low density proposal now with community space and a hall than a mass estate in the future. Suitable materials and the technical credentials of the buildings should be used to raise the standard of the available local housing stock.
- The village has evolved from the tight nucleus it historically had. It is highly desirable for development to have on plot parking as on road parking can cause problems.
- The caravan park to the south of Main Street is regularly occupied and presents an occupied appearance on this side of the village. These visitors support the infrastructure of the village.
- The new residents of the proposed development will similarly support village amenities
- Potential for infill development is limited in the village
- The proposal could comply with para 58 of the NPPF contrary to the Urban Design advice provided
- The redesign compared to the refused scheme responds to the criticism made
- The proposal should take an opportunity to raise the design standard and enhance the architectural impression of the village. Good design should be required
- The stronger presence of the pedestrian routes is welcomed
- Individuals wish to live in a village rather than a suburban estate and rural properties are in short supply.
- Whilst a housing survey has not been undertaken, current information indicates there is a need for affordable housing, smaller properties and single storey accommodation.
- The inclusion of affordable housing will enable people to remain in their local community
- It is understood that the school has capacity and that the Doctors surgery could be expanded with potential contributions sought where necessary.
- Facilities in Cropredy are accessible using the connecting footpath
- The developers would be responsible for infrastructure improvements
- Comments are made with regard to lack of employment opportunities, however the Parish would expect most employment to be provided in nearby towns
- There is a need for better bus services to the village and a bus layby is needed. It would be ideal for a central reservation to be provided to allow pedestrians to cross the road.
- The traffic levels will inevitably increase, however the location of the development will minimise any impact.
- The existing traffic calming would need to be changed

- Whilst the existing playground may be adequate, the Parish are partway through a lease with only 11 years remaining and no provision to extend the lease. Both sites have limitations and the proposed open space would be an asset to the Parish
- Some responses indicate the village hall is adequate, however it has no off street parking or disabled parking, disabled access is inadequate and its internal arrangement is limited.
- There is little opportunity for the existing hall to be expanded or brought up to modern standards
- The proposed new community hall would be the greatest planning gain in the scheme and represents a unique opportunity for the residents of the Parish to acquire a modern facility. The building would allow a greater range of uses and activities to be accommodated.
- The building could accommodate various uses and should not be disproportionately expensive to run.
- It is unlikely that funds could be raised by the community for a new hall
- Public consultation by way of surveys and public exhibitions have been undertaken
- It is requested that non-intrusive lighting will be a condition to reduce the impact of light pollution.

Cherwell District Council Consultees

3.2 Planning Policy Officer:

Main Development Plan Policies

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

- **Policy H14: The Category-2 Settlements**
Great Bourton is a Category-2 Settlement where new residential development will be restricted to conversions, infilling and other small scale development that can be shown to secure significant environmental improvement within the settlement.
- **Policy H18: New dwellings in the countryside**
Policy H18 sets out the criteria for allowing new dwellings in the countryside. It is intended to ensure that the countryside is protected from sporadic development.
- **Policy C7: Harm to the topography and character of the landscape**
In preparing any detailed proposals, consideration should be given as to whether development would cause demonstrable harm to the topography and character of the landscape.
- **Policy C8: Sporadic development in the open countryside**
Policy C8 applies to all new development proposals beyond the built-up limits of settlements. The Council will resist such pressures and will where practicable direct development to suitable sites at Banbury and Bicester.
- **Policy C9: Beyond the existing and planned limits of the towns of Banbury and Bicester**
Policy C9 aims to limit the level of development elsewhere in order to protect the environment, character and agricultural resources of the rural areas.
- **Policy C13: Areas of High Landscape Value**
Careful control of the scale and type of development will be required to protect the character of the Areas of High Landscape Value, and particular attention will need to be paid to siting and design.

NPPF

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

Paragraph 14 on the presumption in favour of sustainable development. This indicates that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless:

- Any adverse impacts 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.

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

- “Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Recognise the intrinsic character and beauty of the countryside
- Contribute to conserving and enhancing the natural environment and reducing pollution
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

Paragraph 28 on Supporting a prosperous rural economy

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

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

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

Paragraph 49 states that “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered upto-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

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

Paragraph 109 on Conserving and enhancing the natural environment.

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

The NPPG should be considered, particularly guidance on understanding Housing needs, Rural housing and Natural environment.

Non-Statutory Cherwell Local Plan 2011

The Non-Statutory Local Plan should be considered. Whilst some policies within the

Plan may remain to be material considerations, other strategic policies have in effect been superseded by those of the Submission Local Plan (January 2014) and Proposed Modifications to the Submission Local Plan (October 2014). The Planning Policy Team should be contacted on 01295 227985 if advice is required on individual policies.

The main policies relevant to this proposal are:

Housing: Policy H16 Residential development in Category 2 villages. Great Bourton is a Category 2 village where new residential development will be restricted to conversions and infilling within the village.

Housing: Policy H19 New dwellings in the countryside

Conserving and enhancing the environment: EN30 Sporadic development in the countryside, EN31 Beyond the existing and planned limits of the towns of Banbury and Bicester and EN34 Conserve and enhance the character and appearance of the landscape.

Submission Local Plan 2011-2031 As Proposed To Be Modified (August 2014)

A new Local Plan was submitted to the Secretary of State on 31 January 2014 for Examination. There are outstanding objections to some policies which have yet to be resolved. The Examination was suspended on 4 June 2014 to enable the Council to propose modifications to the plan involving increased new housing delivery over the plan period to meet the full, up to date, objectively assessed, needs of the district, as required by the National Planning Policy Framework (NPPF) and based on the Oxfordshire Strategic Housing Market Assessment 2014 (SHMA).

Modifications to the Submission Local Plan (Part 1) was consulted between 22 August and 3 October 2014 which generated over 1,500 individual comments. The Proposed Modifications to the Submission Local Plan (Part 1) was submitted to the Secretary of State on 21 October 2014 for examination.

The Main Modifications propose several new sites in order to achieve the District's assessed housing need and maintain a deliverable five year housing land supply. This site is not proposed for allocation.

The main policies relevant to this proposal are:

Policy Villages 1: Great Bourton is identified as a Category B settlement as a satellite village to Cropredy (Category A settlement) where minor development, infilling and conversions will be permitted within the built-up limits of the village.

Policy BSC1: District Wide Housing Distribution includes a table of completions, permissions, allocations and windfalls for the areas of Bicester, Banbury and Rest of District. The table shows that a total of 22,840 new homes will be provided by 31 March 2031.

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

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

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

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

Other Material Policy Considerations

Five year housing land supply

The Council does not presently have a five year housing land supply. The current published position is reported in the Housing Land Supply Update June 2014 which concluded that the district had a supply of 3.4 years for the period 2014-2019. This reflects the Oxfordshire SHMA 2014 figure of 1,140 dwellings per annum, currently considered to be the objectively assessed housing need for the district. The 3.4 years of supply includes a requirement for an additional 20% buffer, taking into account the shortfall (2,314 homes) within the next five years.

Planning History

A previous application (13/01318/OUT) for 35 homes was refused on 1 November 2013. The application was refused because it is outside the built-up area and in the open countryside; lack of amenities and services and alternative suitable public transport; harm caused to the rural landscape setting of the village; reduce the amenity value afforded from the existing Rights of Way; and absence of a satisfactory planning obligation.

Developments in Bourton

The area of Bourton (includes Great Bourton and Little Bourton) has a population of 614 people (2011 Census). Bourton Parish has had a record of 5 housing completions from 2011 to 2014 or 27 completions between 2006 and 2014. The 33 new homes would represent a 10% increase of the village's total housing stock which is currently 310 homes (2011 Census).

Overall Policy Observations

The site lies outside the built up limits of the village, would extend development into the countryside and as such is contrary to adopted Development Plan policies.

However, the Council does not currently have a five year housing land supply and NPPF paragraph 49 indicates that planning policies for the supply of housing cannot be considered up to date if this is the case. As such the provisions of paragraph 14 of the NPPF become relevant to the proposal and an assessment will need to be made as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, namely the provision of new homes including affordable homes and associated developer contributions to infrastructure in the locality.

It is noted that the level of affordable housing proposed accords with emerging policy and the needs for affordable housing is of course high. However, affordable housing is being delivered and planned growth will generate significant additional supply.

In advance of the Local Plan Part 2 or a Neighbourhood Plan it will be necessary to consider the district's current housing supply situation, to be mindful of emerging policy and the likely impact of proposed developments on a case by case basis. Consultation on Proposed Modifications to the Submission Local Plan was held between 22 August 2014 and 3 October 2014 and includes Great Bourton as a Category B Satellite Village.

In a supporting document to the planning application a comparison was made between Great Bourton and Chesterton in relation to their facilities however there are additional facilities available at Chesterton which includes a school and a day

nursery.

A new community hall is also being proposed as part of the application however it should be noted that there is already a village hall at Great Bourton therefore the need and desire for a new community hall in this location should be considered.

Policy Recommendation

The planning policies contained in existing Local Plans, the Proposed Modifications to the Submission Local Plan, the NPPG and the NPPF, together with the Council's five year housing land supply situation will need to be taken into account.

Whilst the proposals are contrary to saved housing policies in the Adopted Cherwell Local Plan, as the Council does not currently have a five year housing land supply the housing policies cannot be considered up to date.

The Proposed Modifications to the Submission Local Plan makes no provision under Policy Villages 2 for additional development outside the built up limits of Great Bourton but instead the Plan directs development to more sustainable Category A villages.

From a Policy perspective the proposal would lead to an incursion into the open countryside and the loss of natural resources. There would be benefits from the provision of new houses (including affordable housing). However, landscape and other impacts will need to be considered. The scale of the proposed development in this less sustainable location causes some concern regarding the impact it will have on the character of the village and the capacity of services and facilities in the village and the visual impact on the countryside. Careful consideration of the appropriate scale of development is needed.

3.3

Urban Design Officer:

Reference is made to relevant Local Plan Policies, the NPPF and the Council's Countryside Design Summary.

The application is accompanied by a Design & Access Statement prepared by IDP Group. A peer review of this document using the headings provided has been undertaken and the following comments result:

Site Analysis:

The Site:

- The site boundary description does not identify the commercial use immediately adjacent to the eastern boundary; the edge of the main residential area is considered to be at the end of Manor Close.

Development Context and contextual analysis:

- Provides a very limited analysis of the locality, focussed on description rather than identification and analysis of appropriate character cues such as settlement patterns, routes, spaces, blocks, plots, enclosures and form, scale and massing of buildings.
- The location, shape and scale of the site exhibits significant departure from the settlement pattern of the village. There is no evidence as to why this site has been identified, and given that it is not allocated in the Local Plan or identified in the SHLAA (2014), why it is suitable for residential development of this scale. An analysis of how the villages' settlement pattern has developed and where growth has occurred is required to justify the principle of development on this site and establish how the scheme can achieve local distinctiveness.
- Given the proposed site would extend beyond the built up limits of the village and provide a new edge to the settlement, it is anticipated that an analysis of how edges are currently characterised should be conducted to inform a design solution.

- Likewise a study of how varying scale routes and streets are characterised and enclosed by built form etc. would be expected to justify the approach proposed on the scheme.
- While the figure ground may show a number of large detached properties, it also shows areas of more consistent frontage provided by wide-fronted linked units at key nodal points. An analysis of the mix of typologies and size should be conducted to inform the dwelling mix and location of different typologies on the proposed site.

Design Process:

- While the configuration of the streets and development is a matter for a Reserved Matters planning application, the Council expects a clear framework for development is set out alongside an explanation of the design principles.
- The Council expects there to be a consistent approach between site analysis, concept development and site layout. This scheme is not supported by an appropriate level of analysis and it is unclear how the design principles have taken into account the wider context of the village, in addition to immediate site opportunities/ constraints.
- No concept plans have been produced. The Council would expect to see a series of plans that set out how the design principles are being applied to the site.

Development proposals:

- Layout Plan:
 - There is little explanation as to the spatial arrangement of the plan.
 - The grain of development is even across the site; the dominance of detached units with on plot parking promotes a very suburban response which is not in-keeping with the village character.
 - The design rationale for the approach to edge development is unclear. While landscaping provides some screening, frontage onto Southam Road and the main village road will be highly visible and should have a greater presence which reflects the village character.
 - Development sits tight up against the boundary with the commercial use/ farm boundary. It may be more appropriate to have a greater stand-off distance here to mitigate any noise/smell/ visual amenity issues.
 - The village hall should have a greater presence on the main village road. While it might be single storey the design approach should consider in detail its scale and presence.
- Landscaping:
 - The landscape strategy doesn't indicate any approach to the eastern boundary. This was identified as a potential constraint, particularly with residential uses located tight against the boundary. Buffer planting may be appropriate in this area.
- Appearance:
 - The majority of units are low density detached dwellings. While this typology has its place within the scheme, the over dominant use undermines the ability to deliver a scheme which reflects the local character and demonstrates a locally distinctive response.
 - It would be helpful to have some more information on the principles being applied to the appearance of the development. While specification of materials is something that is best approached at Reserved Matters stage, setting out the character cues to be used, palette of materials and where variation might occur would be helpful at this stage.
 - Although the text makes references to key buildings and nodal points, these are not picked up in the design principles, or shown in the illustrative plan. It is expected that key buildings/ landmarks are

identified and detailed appropriately.

- Community Hall:
 - While the location within the site may be logical, to provide ease of access to residents of the Village, it is felt that the Hall should have a greater presence onto the main village road. The configuration of associated parking and open space should be reconsidered to allow a more appropriate response.
- Parking Strategy:
 - The Council would expect to see a combination of approaches to accommodating parking. The predominance of on-plot parking, while appropriate in some areas of the site provides a suburban response. It is anticipated that on-street parking will be part of a parking strategy on the site.
 - Parking associated with the village hall should be carefully designed as part of the scheme.
- Access:
 - Changes would need to be made to the existing village road, including changing the speed limit and reconfiguration of existing traffic calming measures. The masterplan currently does not show the existing situation or how it will be amended.

Conclusion:

The Design and Access Statement does not demonstrate an appropriate level of analysis, particularly relating to its village context. The design principles are not developed from a thorough understanding of the context and as such fail to provide a development framework that can support the design of a high quality development that respects traditional development patterns and reflect local distinctiveness. The Council would expect to see much more detailed analysis of the context and well-related design principles on a site in a sensitive village location. The resulting blanket response across the site fails to reflect good design or local distinctiveness as required by the NPPF and Local Plan Policies.

Recommendation

That the application has significant design issues and should be refused for the following reasons in accordance with NPPF Para 64*, saved Local Plan Policies C27, C28, C30 and Submission Local Plan Policy ESD16

1. The scheme does not establish a development framework which can deliver a scheme with a strong sense of place, or respond to the local character of the village.
2. The site does not demonstrate an appropriate extension of the settlement pattern and does not integrate with the village.
3. The proposals fail to develop well-related design principles which relate to the character, layout and appearance of the village.

*NPPF Para 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The Design and Access Statement has been amended and the Urban Design Officer has reviewed this. Her short comments are included within the Urban Design Section of this report.

- 3.4 **Housing Officer:** This outline application for residential development at Great Bourton is required to provide 35% affordable housing provision which the applicant has detailed within the application.

The applicant has provided an indicative layout for the site including the location and clustering of the affordable housing. Although it is accepted that this is indicative the

general density and distribution of the affordable housing is acceptable and I would encourage the developer to carry this through to reserved matters should this be awarded outline permission.

Although the house types proposed by the applicant are reasonable I would advocate a greater number of 2 bed houses in place of a proportion of the 3 bed houses, perhaps 3 units to be swapped.

There should be a 70/30 split between rented and shared ownership or some other form of low cost home ownership.

The affordable units should be built to the HCA's design and quality standards and specifically to meet the HQI requirements. Half of the units should also meet Lifetime Homes Standards.

The Registered Provider which takes on the affordable housing should be discussed and agreed with the Council.

3.5 **Environmental Protection Officer:** As the development is sensitive, contaminated land conditions should be imposed so the developer can demonstrate the site is safe with regard to land contamination or can be made so through remedial works.

3.6 **Landscape Officer:** Comments are made with regard to the format of the LVIA and how conclusions are reached.

She further comments that the assessment table broadly gives the visual effects of the development as moderate from a number of viewpoints near to and at a distance. Her own assessment is a little more pessimistic, particularly as there is no mitigation planting actually shown on the plan.

At present the village is barely perceptible from the A423. The proposal will be to the detriment of open views of the countryside as you travel along this road. Villages in the area are tightly nucleated and this proposal will add straggle to Great Bourton.

There still seems to be no additional planting on the N and W boundaries apart from a few trees. This is not adequate. There has been no serious attempt to address landscape impact.

There is also a statement stating that a variety of habitats will be created. What are they and where?

There is still no re-appearance of the hedge on the E boundary that was shown in the 2013 application.

The village is tightly nucleated and this just adds a housing estate onto the periphery

Following these comments, a Landscape Master plan was submitted, which identified some of the proposed mitigation and following this a further update to the LVIA was received. These alongside further consideration by the Landscape Officer led to her advising that providing appropriate mitigation is provided, the scheme is not refusible in her opinion.

3.7 **Ecology:** The site for the above proposals is not of particularly high ecological value itself apart from the hedgerows. It is likely that the hedgerows qualify as BAP habitat therefore they should be retained in any proposals and areas which need to be removed or breached for access must be replaced on site elsewhere with native planting.

There does not appear to be any mature trees on site so impacts on bat roosts are unlikely. There are some ponds in the area however these are separated from the site by roads and unsuitable habitat therefore impacts on great crested newts are also unlikely.

There are opportunities for biodiversity enhancement on site both within green spaces and within the built environment in terms of bat and bird boxes and bricks/tiles

etc.. and these should be maximised. Management of the hedgerows and any landscaped areas will also be key in attempting to achieve no net loss for biodiversity on site.

It is probable that the hedgerows are used as commuting and foraging routes for bats and other wildlife therefore all lighting should avoid light spill onto these areas in particular and should be minimal elsewhere.

Various planning conditions are recommended.

3.8 **Community Development Team:** As the developer has already agreed with the Parish Council to provide a community hall with an appropriate commuted sum and that on completion the hall will be transferred to the Parish Council, there is no further community requirement.

3.9 **Refuse and Recycling Team:** No mention of waste storage or collection is made and this needs to be addressed. A S106 contribution is required.

Oxfordshire County Council Consultees

3.10 **Highways:** No objection subject to conditions and informatives (a number of which are suggested) and a legal agreement to secure:

- Section 278 Highway Works to be undertaken – this is likely to involve the creation/alteration of new/existing pedestrian footways, bus stops and a pedestrian refuge.
- Section 278 arrangement to provide safe stopping places for buses around the A423 junction with the side road to Great Bourton village, including provision of hard-standing areas for passengers.
- Section 106 contribution of £8,000 towards bus stop infrastructure (shelter on the eastern side of the A423 – towards Banbury, and for two pole/flag/information case units.
- Section 106 contribution of £33,000 towards sustaining and improving bus services to and from Great Bourton.
- Furthermore, the relocation of the existing village gateway features and the 30mph speed limit. This will require the alteration of the existing Traffic Regulation Order and there is likely to be a cost involved with this.

The outline application seeks the creation of 33 dwelling on Land to the west of Garners House, Main Street, Great Bourton.

Accessibility of essential services and shops would be almost wholly dependent upon travel by private motor car and, in transport terms, the site is considered unsustainable. However, it is accepted that any determination will need to take a balanced approach to the economic, social and environmental impacts/benefits of the proposed development, in accordance with NPPF.

All other matters are acceptable in principle and subject to detailed submissions. Should the Local Planning Authority be minded to grant planning permission then conditions are recommended.

It is noted the supplied vehicle tracking data shows the “medium refuse vehicle” overrunning the opposite carriageway when entering the site this is observed again when leaving the site. The Highway Authority request this be altered.

3.11 **Public Rights of Way:** Bourton Public Footpath 5 runs along the northern boundary of the site. The plans show that the footpath will run through an area of open space and the dwellings will be set back but fronting onto this. This will create a pleasant place for people to walk without being confined within boundaries.

It is also noted that there is a proposal to replace the stiles on the footpath on either side of the site with pedestrian or kissing gates. This will improve the accessibility of the footpath and is welcomed.

- 3.12 **Transport Strategy:** Through Oxfordshire Local Transport Plan Policy SD1 Oxfordshire County Council will seek to ensure that:
- i. the location and layout of new developments minimise the need for travel and can be served by high quality public transport, cycling and walking facilities;
 - ii. developers promote sustainable travel for all journeys associated with new development, especially those to work and education, and;
 - iii. the traffic from new development can be accommodated safely and efficiently on the transport network.

Whilst, I note proposed changes to existing traffic calming, extension of 30mph limit and provision of bus stops on the A423, there remains concern that the development as a greenfield extension to a rural village does not wholly meet the Policy SD1, as the access to high quality bus services is limited, and main services and employment opportunities are outside of acceptable walking and cycling distances.

- 3.13 **Public Transport:** Bus services at Great Bourton are limited, with service 66 operating five times per day between Leamington, Southam and Banbury and service 277 operating twice per day from Cropredy to Banbury. The frequency of these services could be improved through the use of developer funding. The proposed contribution would be pooled with other contributions along the route.

Service 66 operates along the main A423 road between Southam and Banbury and does not serve the village as there is currently no stop on the main road. This development offers an opportunity to create a pair of main-road stops for the benefit of the new residents and for the wider population of the village

Services 66 and 277 provide seven weekday buses per day between Great Bourton and Banbury. There is an aspiration for a higher level of service, which can be funded through this development and others in the general area (including within Warwickshire. Special attention will be given to the possible provision of services enabling local people to travel to work and to education.

The new bus stop design and locations will need approval by the County Council as Highway Authority, and normally a site meeting is held with the Police, local County Councillor, Parish

Council and Bus Operator. The current A423 speed limit is 50 miles per hour, so some thought must be given to the safety of pedestrians crossing to and from bus stops.

There should be early discussion with the Parish Council about the ongoing maintenance arrangements for the bus shelter, and their explicit assent to the transfer of ownership and liability of this structure will be required.

- 3.14 **Education:**
Primary:
£153,230 Section 106 developer contributions towards the expansion of permanent primary school capacity serving this area, by a total of 13.23 pupil places. This is based on Department for Education (DfE) advice weighted for Oxfordshire, including an allowance for ICT and sprinklers at £11,582 per pupil place. This is index linked from 1st Quarter 2012 using PUBSEC Tender Price Index. If extension of an existing school is not feasible, and instead a new school is required, a contribution would be required towards the new build costs, at a rate reasonably related to the scale of this development.

Following building work, capacity at Cropredy CE Primary School has recently increased, allowing its admission number to increase to 30. Significant housing development in the area which would exceed this school's capacity would be expected to push pupils back towards Banbury schools, where there is a planned expansion of capacity, towards the costs of which such development should contribute.

As this school's current capacity depends on temporary accommodation, this would need to be replaced with permanent build to meet the long term needs of local population growth resulting from housing development, and contributions are sought towards the cost of this.

Secondary:

£212,838 Section 106 developer contributions towards the construction of a new permanent secondary school serving the area by a total of 9.86 pupil places (including 1.43 sixth form places). This is based on Department for Education (DfE) advice for secondary school extension weighted for Oxfordshire and including an allowance for ICT and sprinklers at £21,586 per pupil place. This is index linked to 3rd Quarter 2012 using PUBSEC Tender Price Index.

Banbury secondary schools currently have spare capacity, but the rapid rise in primary school numbers over recent years is expected to require increases in secondary school Admission Numbers from 2016, excluding the impact of housing.

The level of planned housing currently proposed for the Banbury area indicates that, in addition, a new secondary education establishment will be required in the longer term. The nature and scale of the new secondary school provision required cannot be identified until housing numbers in the Cherwell Local Plan are confirmed, so at this stage developer contribution calculations are being based on the assumption of a new 1200 place secondary school (low carbon), which is currently assessed to cost £ 25,902,803 at 3Q12 (equivalent to £21,586 per pupil place).

Special Educational Needs:

£7,857 Section 106 developer contributions towards the expansion of permanent Special Educational Needs school capacity by a total of 0.26 pupil places. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index. We are advised to allow £30,656 per pupil place to expand capacity in special educational needs schools.

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.

3.15 **Property:** No objection

Legal Agreement required to secure:

- | | |
|--------------------------|-----------|
| • Banbury new Library | £ 8,838 |
| • Central Library | £1,783.25 |
| • Waste Management | £ 6,655 |
| • Museum Resource Centre | £ 520 |
| • Central Library | £ 1,783 |

Total* **£ 10,741**

Contributions are to be index-linked to the relevant price bases

- | | |
|-------------------------------|---------|
| • Administration & Monitoring | £ 3,750 |
|-------------------------------|---------|

This is based on 103.98 new residents based on the likely housing mix.

Library

This development is served by Banbury Library.

This provision is significantly under-size in relation to its catchment population and this development will therefore place additional pressures on the library service.

Costs for these improvements are based upon the costs of extending a library.

The costs of extending a library is £2,370 per m² at 1st Quarter 2012 price base; this equates to £65 ($£2,370 \times 27.5 / 1,000$) per resident.

This calculation is based on Oxfordshire County Council adopted standard for publicly available library floor space of 23 m² per 1,000 head of population, and a further 19.5% space is required for support areas (staff workroom, etc.), totalling 27.5 m² per 1,000 head of population.

The development proposal would also generate the need to increase the core book stock held by 2 volumes per additional resident. The price per volume is £10.00 at 1st Quarter 2012 price base; this equates to £20 per resident.

Central Library

Central Library in Oxford serves the whole county and requires remodelling to support service delivery that includes 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 = £4.1 M

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. $£1,604,000 \div 93,529$ people = £17.15 per person

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 HWRC 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 countywide plans for the long-term future of HWRCs 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 based 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

County Museum Resource Centre

Oxfordshire County Council'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 to 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.

The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. This is usually dealt with by condition.

3.16 **Minerals and Waste:** No objection

Published BGS mapping shows the application site to be underlain by deposits of ironstone, which form part of a relatively narrow outcrop of ironstone running north-south on either side of the A423. The Council is not aware of any detailed geological information on the depth, extent and quality of these ironstone deposits, and there is no history of mineral working or of minerals industry interest in the immediate area.

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

However, the ironstone deposits within and adjoining the application site are limited in extent and are constrained by the existing housing at Great Bourton to the east, the A423 to the west and the road from the A423 to Great Bourton and a campsite to the south, such that it is unlikely that these mineral deposits would constitute a workable ironstone resource. Therefore, the development would not be contrary to saved Oxfordshire Minerals and Waste Local Plan policy SD10 on protection of mineral resources and, accordingly, no objection should be raised to this planning application on minerals policy grounds.

Other Consultees

3.17 **Thames Water:** With the information provided, Thames Water has not been able to determine the waste infrastructure needs of this application and a planning condition should be recommended. A planning note is recommended with regard to water pressure. Insufficient information relating to the proposed drainage plan could be located and a drainage strategy relating to foul and surface water sewerage must be provided through a full drainage strategy. All surface water should be disposed of onsite using SUDs.

3.18 **Environment Agency:** The proposed development is located in Flood Zone 1 (low probability) based on our Flood Zone map. Whilst development may be appropriate in Flood Zone 1, paragraph 103 (footnote 20) of National Planning Policy Framework (NPPF) sets out a Flood Risk Assessment should be submitted for all developments over one hectare in size. We note that a FRA has been submitted in support of the proposed development.

The West Thames Area (Environment Agency South East) is operating a risk based approach to planning consultations. As the site lies in Flood Zone 1 and is between 1 and 5 hectares we do not intend to make a bespoke response to the proposed development. The following standing advice is provided as a substantive response and is provided to allow this issue to be considered in detail by Officers.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H14:	Category 2 settlements
H18:	New dwellings in the countryside
C2:	Protected species
C7:	Landscape Conservation
C8:	Sporadic development in the countryside
C13:	Area of High Landscape Value
C27:	Development in villages to respect historic settlement pattern
C28:	Layout, design and external appearance of new development
C30:	Design of new residential development
ENV12:	Contaminated land
TR1:	Transportation funding

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Non Statutory Cherwell Local Plan

Submission Local Plan (October 2014). The (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, from 22nd August to 3rd October 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The examination reconvened and closed in December 2014 and the Inspectors report is likely to be published in March 2015. The policies relevant to this proposal are:

Policy Villages 1

Policy Villages 2

BSC3: Provision of affordable housing

BSC4: Housing mix

BSC10: Outdoor space, outdoor sport and recreation provision

BSC11: Outdoor space, outdoor sport and recreation

ESD3: Sustainable construction

ESD7: Sustainable drainage

ESD10: Protection and enhancement of biodiversity and the natural environment

ESD13: Local landscape protection and enhancement

ESD16: Character of the built and historic environment

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of the Development
- Scale of the proposal

- Landscape Impact
- Public right of way/ Connectivity
- Urban design
- Highway safety
- Ecology
- Arboriculture
- Drainage
- S106
- Community consultation
- Parish/ community view
- Delivery of the site

Relevant Planning History

5.2 As set out above, a planning application for a similar proposal to the scheme under consideration now has previously been refused (November 2013). The three refusal reasons are as follows:

1. The proposal represents development beyond the built up limits of Great Bourton in an area of countryside and is not allocated for development by either the saved policies of the adopted Cherwell Local Plan 1996 nor is the application site proposed for development as a strategic housing allocation in the Proposed Submission Local Plan March 2013. It is considered that the proposal represents sporadic development in the countryside which fails to maintain its rural character and appearance and which fails to conserve and enhance the environment and furthermore fails to meet the Council's objectives to meet housing need in a way that is in line with the spatial vision for the area. The application is, therefore, contrary to Policy H18 and C8 of the adopted Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.
2. The site forms part of an Area of High Landscape Value and is prominently located adjacent to public rights of way. It is considered that the development of this site for a housing scheme would have a harmful impact on an important part of the open countryside and would cause harm to the rural landscape setting of the village and would reduce the amenity value afforded from the existing Rights of Way. The proposal is considered, therefore, to be contrary to saved Policy C8 and C13 of the adopted Local Plan.
3. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development will be provided. This would be contrary to the Policy R12 of the adopted Cherwell Local Plan and government guidance contained within the National Planning Policy Framework.

Given the scheme is similar in nature to that refused previously, it is necessary to consider whether these refusal reasons remain or whether they can be overcome by the proposal now submitted.

Preliminary Policy Considerations

5.3 The development plan for Cherwell 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 regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning & 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 planning considerations indicate otherwise.

- 5.4 The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan. The Adopted Cherwell Local Plan identifies Great Bourton as a category 2 settlement under policy H14. This categorisation is based on the size of a village and its ability to accommodate and support growth. The policy advises that the Category 2 settlements are generally the smaller villages with a lesser range of services available. Within these category 2 settlements, new residential development is restricted to conversions, infilling or small scale development that can be shown to secure significant environmental improvement within the settlement. In this case however the site sits outside the built up limits of the settlement and so the proposal should be assessed against policy H18 of the adopted Cherwell Local Plan. This policy restricts new residential development beyond the built up limits of settlements unless it is essential for agriculture or other existing undertakings or represents an affordable housing scheme. The current proposal does not comply with these criteria and so is in conflict with policy H18 and represents development beyond the built up limits of the village in the open countryside. Policy C8 of the adopted Cherwell Local Plan seeks to restrict sporadic developments in the open countryside. Policies H18 and C8 seek to restrict development outside the built up limits of settlements, with their intention to protect the countryside to maintain the attractive, open, rural character of the countryside. These policies therefore have a dual purpose.

Sustainable Development

- 5.5 The National Planning Policy Framework (NPPF) is one such material planning consideration in the assessment of this proposal. At the heart of the NPPF is the presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. This is set out at paragraph 14, which confirms that for decision taking this means¹:
- 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 restricted²
- 5.6 Paragraph 7 of the NPPF explains that there are three dimensions (economic, social and environmental) to sustainable development. The three roles are stated below:
- Economic – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - Social – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social

¹ Unless material considerations indicate otherwise

² For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/ or designated Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.

and cultural well-being; and

- Environmental - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

5.7 Paragraph 8 of the NPPF states these roles should not be undertaken in isolation, because they are mutually dependent; “to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system”.

5.8 The NPPF also includes a set of Core Planning principles at paragraph 17, which amongst other things requires planning to:

- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- support the transition to a low carbon future in a changing climate
- encourage the effective use of land by reusing land that has been previously developed
- promote mixed use developments
- conserve heritage assets in a manner appropriate to their significance
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are of can be made sustainable; and
- deliver sufficient community and cultural facilities and services to meet local needs

5.9 Paragraph 55 of the NPPF advises that to support sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It advises that for example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

Housing Land Supply

5.10 The NPPF at paragraph 47 requires Local Planning Authorities to boost significantly the supply of housing by using their evidence base to ensure the local plan meets the full objectively assessed need for housing over the plan period, identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements.

5.11 The Council cannot currently demonstrate a five year supply of deliverable housing sites. The most recent Annual Monitoring Review (December 2013), approved by the Council’s Executive on 6 January 2014, stated that the Council had a 4.7 year housing land supply (including a 20% buffer) for the period 2013-2018. A further housing land supply update was provided in June 2014 following the suspension of the Local Plan Examination, which states that the Council has a 3.4 year housing land supply (including a 20% buffer) for the period 2014-2019 based on the Districts housing requirements reflecting the Oxfordshire SHMA 2014 figure of 1,140 dwellings per annum. Whilst a number of sites have been permitted (or resolved to be approved) since June 2014, which will have contributed to the supply, the current formal position is that the requirement to provide a five year housing land supply cannot currently be met. In the circumstances therefore, paragraphs 14 and 49 of the NPPF are engaged.

5.12 The Development Plan (in this case the Adopted Cherwell Local Plan) remains the starting point for the consideration of planning applications as set out at paragraph 5.3. It is acknowledged that the ACLP is dated and that its policies must be considered in accordance with paragraph 215 of the NPPF, which requires a consideration as to their degree of consistency with the Framework.

Submission Cherwell Local Plan

5.13 The Submission Cherwell Local Plan is not adopted and therefore carries limited weight, but it does set out the Council's strategic approach to development within the District to 2031, with the majority of new development being directed to the urban areas of Banbury and Bicester. The Plan does, however recognise that some development will have to be permitted in rural villages in order to meet the needs of the rural population.

5.14 Policy Villages 1 categorises villages to guide the consideration of small scale proposals for residential development within the built up limits of settlements and helps to establish which villages are in principle best placed to sustain different levels of residential development. The policy ensures that unanticipated development within the built up limits of a village is of an appropriate scale for that village, is supported by services and facilities and does not unnecessarily exacerbate travel patterns that are overly reliant on the private car and which incrementally have environmental consequences. The policy informs Policy Villages 2 which provides a rural allocation for sites of 10 or more dwellings at the most sustainable Category A villages. Policy Villages 1 categorises Great Bourton as a Category B village suitable for new development in the form of minor development, infilling and conversions only.

5.15 Whilst the site is not within the built up limits of the settlement, it is important to understand which category the village falls within given this categorisation takes into account how capable the village is to sustain new development. Great Bourton is classified as a Category B satellite village being located close to Cropredy, a Category A (service centre). The supporting text to Policy Villages 1, advises that the Submission Cherwell Local Plan has considered the issue of village clustering. It advises that some villages, which may not necessarily have many services and facilities of their own, are geographically close to villages which do have services and facilities. These larger villages, in combination with the smaller satellite villages can be considered to form a functional cluster. Clustering allows for a number of benefits including the support of community facilities in service centres, small sites to come forward in satellite villages where sites in service centres are limited, the reduction in length of car journeys in the rural areas (i.e. between satellite villages and service centres) and where appropriate, the potential for developer contributions or other mechanism to support the delivery of infrastructure and services to be applied to needs in any village in a cluster. It advises that clustering is not part of the development strategy for Policy Villages 2 as the services and facilities in most satellite villages are too limited to sustainably accommodate the development of larger allocated sites, however there is a role for Category B villages to accommodate minor development allowed for by Policy Villages 1 (as set out above).

5.16 In any event Policy Villages 1 advises that when assessing whether proposals constitute acceptable minor development, regard will be given to the following criteria:

- The size of the village and the level of service provision
- the sites context within the existing built environment
- whether it is in keeping with the character and form of the village
- its local landscape setting
- careful consideration of the appropriate scale of development, particularly in category B villages.

5.17 Policy Villages 2 allows for an allocation for sites for 10 or more dwellings in rural

areas. It allows for a total of 750 homes to be delivered in the Category A villages. Cropredy is one such category A village, which forms a service centre to a number of villages including Great Bourton.

- 5.18 It is clear that the proposal does not comply with Policy Villages 1 or 2 of the Submission Local Plan and the Council's intentions moving forward for where development should be located. However, as explained, these policies currently carry limited weight and in the absence of a five year housing land supply must be weighed in the overall planning balance.
- 5.19 Taking into account the consideration of what category the village is, it is necessary to consider the proposal against the dimensions of sustainable development set out in the NPPF and para 5.6 of this report. As noted, these dimensions are mutually dependent. This also considers the assessment that was carried out for the refused scheme.
- 5.20 With regard to the economic role, the previous report noted the short term benefit that construction jobs would create but that this would not outweigh other harms. The proposal now for consideration would again provide some construction jobs, albeit again for the short term. It would also provide economic benefit to local shops and businesses. The economic role should ensure that sufficient land of the right type is available in the right places; given the lack of a five year housing land supply, it is necessary to consider what harm would be caused in this case as to whether this site is suitable for the proposed use. Furthermore, providing a legal agreement is entered into to secure the necessary infrastructure, this would also contribute to the economic role.
- 5.21 With regard to the social role, the proposal would contribute to providing the supply of housing required to meet the needs of present and future generations and can be designed to create a high quality environment. Whilst the village has some limited services (including a pub and community hall) and public transport links, the proposal does include provision to enhance the village facilities (this will be discussed later) and the village is related to a Service Centre village (Cropredy) therefore there are some accessible local services albeit the capacity of some of these facilities (e.g. the Doctors surgery) is unclear. The response of the Parish Council shows their support for the scheme on a number of grounds, one of which being the support to existing local facilities. However, it is clear that Great Bourton is not one of the District's most sustainable settlements (as confirmed by its classification) with a lesser range of services and facilities than larger settlements and despite public transport links being proposed to be increased and the ability for residents to access facilities on foot, it is highly likely that new residents would be dependent on the private car and so this must be borne in mind in the overall balance. Furthermore, the previous Case Officer noted that the existing facilities do not appear to be under threat of closure or that there is evidence that new residents would support these facilities and this remains true. However the NPPF at para 55 and Policy Villages 1 do clearly see a role for development in rural areas to contribute to and support the vitality of rural communities and the services available.
- 5.22 With regard to the environmental role, the proposal would not cause significant harm to the natural, built or historic environment (this is discussed in further detail later in this report) and can be designed to ensure biodiversity is improved and that measures are introduced to move towards a low carbon economy.
- 5.23 This site is not in a wholly sustainable location and this in itself would carry some weight against this proposal. However it is also clear that there are benefits from this scheme, that would contribute to the achievement of sustainable development and it is also necessary to consider whether there would be any other harm caused by this scheme that would outweigh any benefits.

- 5.24 An appeal decision for 10 dwellings and a small B1 office development at Enslow, which was allowed is worthy of note. In this decision, (Enslow which is a category 3 settlement in the ACLP/ category C settlement in the SCLP), it was identified that there are few local services available and that there is only a limited bus service and a pub, but that it is within proximity to Bletchington which provides a greater range of services albeit that residents would be likely to be dependent on the car. This combined with other factors including that there were some limited employment opportunities and that it would re-use previously developed land as well as the provision of a footpath and an affordable housing contribution meant that the Inspector concluded that the proposal would be a sustainable development (12/00643/OUT). Whilst this site is different (taking into account the fact that the Enslow site involved previously developed land), it is clear from the conclusions reached that even where a location itself is not entirely sustainable (Enslow is a smaller settlement than Great Bourton but a similar distance to larger settlements), a proposal can be considered to be sustainable if there is no significant overriding harm.
- 5.25 Given the Council's five year housing land supply position explained above, which engages paragraph 49 of the NPPF, it is clear that relevant policies for the supply of housing should not be considered up to date. As such, policies H14, H18 and C8 as discussed above can carry only very limited weight in the consideration of this proposal as they are out of date for the purposes of considering housing proposals and this has been confirmed in recent appeal decisions. However these policies do have a landscape protection role and this aspect of these policies has in a recent appeal decision at Merton (14/00153/OUT) been determined to carry some weight (which will be discussed later in this appraisal). Furthermore, given that only some weight can be attributed to the Submission Local Plan policies as discussed above (because of the stage that the Plan has reached having been through the Examination but not Adopted), the application must be considered in the context of the presumption in favour of sustainable development as required by the NPPF.
- 5.26 Officers consider that the contribution this proposal would make to the Council's Housing Land Supply position and the additional affordable housing that it would provide would carry significant weight in favour of this proposal. However, the site is not in a wholly sustainable location and this would attract some weight against the proposal. It is now important to consider all other consequences of this proposal to determine what level of harm would be caused, bearing in mind that paragraph 14 does not indicate that an absence of a five year land supply means that planning permission for housing should automatically be granted for sites outside of settlements. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development to assess whether these would significantly and demonstrably outweigh its benefits.

Scale of the development

- 5.27 Great Bourton sits with Little Bourton within one Parish. According to the Planning Policy consultation response, the village currently has 310 houses. This proposal for 33 dwellings would therefore represent approximately a 10% increase in the number of dwellings in the Parish. Whilst this is within a village that has few facilities (notwithstanding that the village is close to Cropredy) it is Officer's view that this proposal is of an appropriate scale representing a relatively minor development. It is however noteworthy that the position of the site is at the far end of Great Bourton from Cropredy which supports the view as set out above that in all likelihood the new residents will be largely dependent on the car.

Landscape impact

- 5.28 The site sits outside the built up limits of Great Bourton and is a field between the main village and the Southam Road. The site sits within an Area of High Landscape

Value (policy C13 of the adopted Cherwell Local Plan). Policy C7 of the ACLP seeks to prevent development that would cause demonstrable harm to the topography and character of the landscape. Policy C7 is consistent with the principles of the NPPF and can be accorded significant weight. This has been confirmed in appeal decisions most recently by an Inspector who dismissed a proposal at Land South of Broughton Road, Banbury (13/01758/OUT). As discussed earlier Policy C8 (which seeks to control sporadic development in the countryside) and Policy H18 (which seeks to restrict residential development outside the built up limits of settlements) have a role in terms of protecting the Countryside. These policies are attributed limited weight in terms of proposals for residential development in the absence of a five year housing land supply, however the intentions of these policies in order to protect the countryside is in keeping with the NPPF and these have been attributed weight in this regard in a recent appeal decision at Merton (14/00153/OUT). As such, these policies are also relevant to the consideration of this application. 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 Areas of High Landscape Value has been removed moving forward to the Submission Plan. This does not mean that the previously designated AHLV removes the importance of landscape character however as Policy ESD13 of the Submission Local Plan is the Emerging policy which seeks to conserve and enhance the distinctive and highly valued local character of the entire District.

- 5.29 The NPPF (para 7) states that the environmental role of sustainable development includes to protect and enhance our natural, built and historic environment. This is followed through as a core planning principle (para 17), which states that 'planning should take account of the different roles and character of different areas... recognising the intrinsic character and beauty of the countryside'. The Framework also includes Section 11 'Conserving and Enhancing the Natural Environment' which advises 'The Planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes...' (para 109) and which states that 'local planning authorities should set criteria based policies against which proposals for any development on or affecting... landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks' (para 113).
- 5.30 The application is accompanied by a Landscape and Visual Impact Assessment prepared by Aspect Landscape Planning. This document identifies that the proposals can be integrated without significant harm to the character and visual environment of the localised and wider character. The layout of the scheme has responded to the visibility of the site and the effects on landscape character will be moderate adverse as a result of the loss of open paddock land, and the filtering effect of the boundary vegetation. The site development would have a major adverse effect to the site itself and from the footpath which runs along the north of the site. Footpaths within 400m of the site will see a major/ moderate adverse effect at completion of the development but mitigation planting would see this reduce over time. The effect on surrounding villages and their conservation areas would be moderate/ minor but this can be accommodated within the receiving visual environment in the context of the open panoramas which are available. It is therefore considered that the proposed development can be accommodated without detriment to the receiving environment. Various mitigation measures are proposed including the creation of a strong landscape framework including landscape buffers and consideration over the density of the development in certain areas, retention and enhancement of existing hedgerows and hedgerow trees, structural and landscape planting and creation of habitats. With regard to the D&A statement which has been updated (described below) and the potential movement of the open space, this is seen as a positive change enabling the creation of a high quality gateway to the village and the

development from the west.

5.31 The comments from the Council's Landscape Planning Officer are set out earlier in this report. Whilst the comments raise some concerns with regard to the principle of a residential development in this location (due to the straggle that would be caused in contrast to the nucleated village set away from the Southam Road), it has been confirmed that with appropriate mitigation, the proposal is unlikely to be defensible at appeal should the application be refused. This mitigation is set out above, however can be negotiated further at the reserved matters stage, particularly taking into account that all matters are reserved for future approval.

5.32 Great Bourton is currently set back from the Southam Road, with the site acting as a buffer between the village and this road. When travelling along this route, the village is not widely perceptible with a rural character being experienced. A caravan park to the south of the Main Street into Great Bourton is visible, however is relatively well screened and retains a largely open aspect. This largely rural character would change as a result of this proposal bringing development far closer to the Southam Road making the village more prominent and changing the rural nature of this area. This would be a localised impact, albeit causing harm that would carry some weight against the proposal. The site is however relatively flat and well screened (which would be retained) and as such and taking into account the assessment made within the LVIA, the wider landscape effects are considered to be limited. The scheme proposes mitigation measures to further reduce the overall impact and these can be negotiated further at the detailed reserved matters stage as well as the detailed layout and scale of development to ensure the overall landscape impact is minimised. It is accepted that the previous refusal included the adverse impact upon the landscape, however this scheme was not accompanied by an LVIA to assess the landscape impact or to suggest the mitigation now proposed and the scheme has been evolved taking into account the conclusions of the LVIA and design work (as described below), which means that any proposal can be suitably accommodated on this site. It is considered that the development proposed is unlikely to cause demonstrable harm to the character and appearance of the wider landscape and a reason for refusal based on landscape impact cannot therefore be justified with the scheme complying with the Policies outlined above.

Public right of way/ Connectivity

5.33 The site is contained to the western extent of the village, however a public right of way runs through the site and a footpath runs alongside the road to the south of the site therefore it benefits from connectivity to the village. With regard to the public right of way, this will be retained on site in its alignment and all development will be offset from it. Access is then allowed for through the site to link to the existing footway. Kissing gates are proposed to replace the existing stiles making the footpath more accessible from the surrounding network. The amenity value for users of the public right of way would clearly change, however this would be considered further at the detailed design stage and development would be set away from this route. Essentially the footpath would be retained and made more accessible through the proposed works. This would therefore not be a reason to refuse the application in the view of Officers. It would need to benefit from protection during construction works and this can be controlled via planning condition. As mentioned previously the site is connected to the village as existing, however it is also important to note the existence of the footpaths which run along the Main Street to the proposed bus stop location on either side of the A423, these would also therefore be accessible for the existing village community. The County Council Rights of Way Officer has not raised objections to the proposal on the grounds of impact upon the public right of way as noted in the consultation responses.

Urban design

5.34 One of the core planning principles set out in the NPPF, which should underpin

decision taking states that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'. 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.

- 5.35 Paragraph 61 of the NPPF advises that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. 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.
- 5.36 Policy C27 of the adopted Cherwell Local Plan states that development proposals in villages will be expected to respect their historic settlement pattern (whilst the site is considered to be outside the village, given its proximity, it is considered proper to expect that the proposal would comply with this requirement).
- 5.37 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'. As the adopted Cherwell Local Plan was adopted in 1996, its policies are very dated, however given the advice within the National Planning Policy Framework, it is considered that the policies outlined above accord with the thrust and core principles of the Framework and as such carry full weight currently.
- 5.38 The NSCLP contains Policy D6, which reflects the advice within policy C30 of the adopted Local Plan and policy D3, which seeks to ensure that development reflects the locally distinctive character of the site and its context. As noted, this Plan carries limited weight in decision taking.
- 5.39 The Submission Cherwell Local Plan contains a similar policy ESD16: The Character of the Built Environment, which again requires that development complements and enhances the character of its context and that new development, will be required to meet high design standards.
- 5.40 The application is in outline only with all matters reserved therefore design, layout, scale and siting is to be determined at a later date. The application is however accompanied by a Design and Access Statement and which has been amended through the processing of the application to respond to the Urban Design Officer's comments. It is important that a design and access statement provides an appropriate consideration of the context of a site and allows for a framework to be established to guide future reserved matters proposals and demonstrate that a site can accommodate an appropriate scheme in design terms that will respond to the surrounding context.

- 5.41 The Council's Urban Designer has raised objections to the proposal as outlined above. Essentially there are two aspects to the design concerns. Firstly that the proposal would not demonstrate an appropriate extension of the settlement pattern and would not integrate well with the village. This would conflict with Policy C27 of the adopted Cherwell Local Plan. Officers agree with the harm identified by the Urban Design Officer in this regard. It is clear that the village is largely centred around the church in the centre of the village with development having dispersed along the main street and north and southwards, however remaining set away from the Southam Road (A423). In saying that, the existing caravan park does extend to the A423 (albeit this is clearly a different form of development) and the land to the east of the site has a built up character. The development of a small cul de sac on the edge of the village would therefore contrast with the historic settlement pattern and this would carry some weight against this proposal.
- 5.42 This harm must however be considered alongside the conclusion reached above that the overall landscape impact would be limited and in the context of the District not being able to demonstrate a five year housing land supply. As described above, the design and access statement has been amended to contain a greater level of assessment of the village and surrounding villages to provide an understanding of this area of the District and the sites context, and how development could evolve on this site to relate to the existing largely informal character the village has as well as being pulled away from the site boundaries to limit its impact upon the wider landscape. The further design work has suggested public open space to the west of the site to provide a graduated entrance to the village, with the community hall positioned close to this open space. The D&A sets design principles and parameters that can be built on moving forward. This further design work moves away from the illustrative layout (which is therefore now not considered), however it is clear that the site can accommodate 33 dwellings along with the proposed community hall and other onsite requirements. The D&A statement suggests a more informal approach to the edges of the site and this combined with the open space being moved would aid to soften the site from the Southam Road. The Urban Design Officer has considered the amended D&A statement and advises that it contains a far greater level of analysis and develops a more appropriate set of design principles, however she questions the change in location of the village hall due to it being further away from the village and she advises that this building should have a presence on the village street. She would also have liked to have seen an illustrative masterplan as to how the design principles can be applied to the site.
- 5.43 In the view of Officers it will be possible to design an appropriate scheme for this sensitive site that, whilst contrasting from the historic settlement form somewhat in terms of its layout, can respond to and be sympathetic to the local context and be designed to provide a high quality environment. As there are further opportunities at the reserved matter stage to negotiate with regard to design and layout including the position of the community hall taking into account the parameters now proposed, it is not considered that the harm to the settlement pattern should form a reason for refusal that could be defended at appeal when it is considered that a suitable scheme can be provided. The above mentioned policies can be complied with moving forward in the view of Officers.
- Highway safety**
- 5.44 The application is in outline only with all matters reserved; therefore the detailed access points are not for consideration at this stage. The indicative plan shows access taken from the Main Village Street with a separate access to the community hall. This will need further work taking into account the changes that are noted through the D&A statement. The application is however supported by a Transport Assessment prepared by Phil Jones Associates to consider whether the site can accommodate development in highway terms safely and has been amended to

correct errors relating to bus service availability. The document concludes that the development of the site would not significantly add vehicular movements to the road network during the peak periods and that an appropriate access including all necessary vision splays can be accommodated. The assessment advises that the existing traffic calming can be accommodated in a different form (which is likely to be required) and that bus stop infrastructure can be provided on the Southam Road (subject to detailed agreement) to provide greater public transport availability.

- 5.45 As noted above, the Highway Authority raises no objections to this proposal in highway safety terms subject to detailed consideration of the access points and conditions are recommended. As access is a reserved matter, the conditions have been recommended where necessary. A detailed point the Highway Authority have made with regard to the turning plan is noted, however again as access and the detail of this is a reserved matter, it is not necessary for this to be amended at this stage in the view of Officers. The overall view of the Transport team that the site is not particularly sustainable in transport terms is noted and aligns with comments made earlier within this appraisal despite footpath connections being retained and the proposed new bus infrastructure (which would need to be provided by a commercial provider). This view must be balanced against all other factors including the benefits that the proposal would bring and in the absence of a highway objection relating to the detailed highway safety aspects.

Ecology

- 5.46 NPPF – Conserving and enhancing the natural environment requires that “the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” (para 109)
- 5.47 Paragraphs 192 and 193 further add that “The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question”. One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. This is a requirement under Policy EN23 of the Non-Statutory Cherwell Local Plan 2011.
- 5.48 Paragraph 18 states that “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”
- 5.49 Paragraph. 98 of Circular 06/05: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system states that, “local planning authorities should consult Natural England before granting planning permission” and paragraph 99 goes onto advise that “it is essential that the presence or otherwise of

protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”

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

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

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

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

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

5.52 The application is accompanied by an Extended Phase 1 Habitat Survey produced by Martin Ecology which found that the habitats on or adjacent to the site were semi improved grassland and intact hedgerows, no signs of badgers or any other species were found but a number of birds were recorded. The report concludes that the site is of low ecological value and that to enhance this, biodiversity enhancements should be included, native planting should be used, the amenity grassland space should be provided and managed, pre-development checks for badgers should be made, boundary hedgerows should be retained and work carried out outside of the bird nesting season.

5.53 The Council’s Ecologist has considered the proposal and not raised any in principle concerns with the proposal subject to biodiversity enhancement measures being incorporated as well as appropriate management of the landscape. These matters can be controlled by condition.

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

Arboriculture

5.55 The application is accompanied by an Arboricultural Implications Assessment

provided by Sylva Consultancy. The site is largely open apart from the boundary hedgerows surrounding the site. These trees are to remain apart from to allow for access points and therefore would need appropriate protection during construction works as well as appropriate construction techniques (e.g. no dig construction) which can be used if necessary (i.e. for footways). However an Arboricultural method statement would be required to ensure that adequate and appropriate tree protection measures are utilised. The trees would also need to be taken into account in the layout of any scheme to ensure that future protection of trees (e.g. by way of not causing excessive shading/ nuisance issues) can be provided. It is considered that based on the information provided, the site can accommodate the development proposed without causing serious risk to the trees and hedgerows that exist in principle subject to detailed protections being in place and their presence being fully considered at the reserved matters stage.

Drainage and flood risk

5.56 The application is accompanied by a flood risk assessment prepared by Cannon Consulting Engineers. The site is within a flood zone 1 area, however as the site is over 1ha, this assessment is required. The report concludes that the site is not considered to be liable to significant or unmanageable flooding and that surface water can be managed on site via infiltration facilities. Additional information has also been received in response to the Environment Agency advice in the form of a completed proforma. This additional information further confirms that a scheme can be achieved to ensure that surface water flood risk will not pose a risk to the site or third parties and that surface water can be dealt with on site by way of a sustainable drainage system (SUDs) (infiltration, swales and basin) incorporating a 30% allowance for climate change. Whilst calculations have been received, a full drainage design and scheme has not been submitted, however based on the information provided, it would appear that it is possible to deal with surface water appropriately on site. Taking this into account alongside the fact that the site is not within an area at risk of flooding, it is considered that moving forward an appropriate drainage scheme can be achieved. This will ensure that the proposal can comply with the NPPF with regard to how surface water drainage is dealt with. A planning condition can be recommended to ensure that this detailed scheme is submitted and approved at an early stage to ensure it is taken fully into account prior to the reserved matter layout being designed.

5.57 The advice from the Environment Agency has been used to reach this conclusion. The advice from Thames Water is further noted and the suggested condition with regard to waste infrastructure is recommended as well as their note with regard to water pressure. In terms of the need for a drainage strategy dealing with the detailed surface water drainage scheme, this can be dealt with by way of planning condition (as noted above). It is further understood that with regard to the sewerage network capacity, should the existing network not be able to meet the demand from the development then an Impact Study/ network upgrades would be required. It is considered that this matter can be appropriately dealt with by way of planning conditions and that it is not a reason to consider the proposal unacceptable in principle.

Planning Obligation

5.58 The draft Supplementary Planning Document (SPD) relating to the requirement for financial contributions towards infrastructure or service requirements was considered by the Council's Executive Committee on 23 May 2011 and was approved as interim guidance for development control purposes. It has not been subject to public consultation.

5.59 New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for, or

contribute towards the cost of all or part of the additional infrastructure/services. Obligations are the mechanism used to secure these measures.

- 5.60 In respect of planning obligations, the NPPF advises at paragraph 204 that they should be sought where they meet all of the following tests:
- necessary to make development acceptable in planning terms
 - directly related to the development; and
 - fairly and reasonably related in kind and scale to the development

These tests reflect the requirements of Regulation 122 of the CIL Regs.

- 5.61 Having regard to the above, the Heads of terms relating to the additional development would likely include the following (once all sums are confirmed it will be necessary to consider whether they are CIL compliant):-

CDC Contributions

- Affordable housing - 35%
- Refuse and Recycling - £67.50 per dwelling
- Off-site sports – details awaited
- Indoor Sports – details awaited
- Play areas – a LAP and £31,995.52 commuted maintenance sum
- Hedgerow maintenance - £35.78 per m2
- Balancing pond - £14.91 per m2
- Informal open space 23m2 per person (minimum provision of 1814m² is required) and commuted sum of £25.07 per m2
- Mature tree maintenance – to be confirmed
- Monitoring fee £1,975
- Community hall (discussed below)

OCC Contributions

- £33,000 towards sustaining and improving bus services to and from Great Bourton
- £8,000 towards bus stop infrastructure (shelter on the eastern side of the A423 towards Banbury and for two pole/ flag/ information case units)
- £153,230 – Primary school expansion
- £212,838 – Secondary school expansion
- £7,857 - Special education needs
- £8,838 – Banbury New Library
- £6,655 - waste infrastructure
- £520 – Museum Resource centre
- £1,783 – Central Library
- £3,750 – Administration
- S278 agreement to cover works within the highway
- The relocation of the village gateway features and the 30mph speed limit will require alteration to the existing Traffic Regulation Order and may incur a cost.

The applicant has confirmed their agreement to enter into an appropriate legal agreement to secure the necessary infrastructure provision and improvements and negotiation with regard to this agreement is ongoing. This would therefore not be a reason to refuse this proposal.

- 5.62 The applicant has proposed 35% affordable housing in accordance with Submission Local Plan policy BSC3 and this would contribute to the social role of sustainability and should be attributed significant weight in the balance given the overall need within the District for affordable housing.
- 5.63 Public Open space is to be provided on site and the Landscape Planning Officer has

not objected to the provision shown on the indicative layout; however this would be a matter to be considered at the reserved matter stage. This would meet the requirements of policies BSC10 and BSC11 of the Submission Cherwell Local Plan. A local area of play is also requested and to be provided on site given the existing play area is situated on leased land. These factors will also contribute to the social dimension of sustainability.

- 5.64 Part of the applicant's proposal is to provide a new community hall and to enhance bus provision by providing infrastructure on the Southam Road to allow a bus service to stop. With regard to the community hall, the village currently has a hall and several local residents have questioned the need for a new one stating that the existing is adequate. The previous Officer report to the refused scheme gave little weight to this provision and added that a new hall could be provided without the need for the new housing. Whilst it is agreed that little weight should be attributed to this part of the proposal in the overall planning balance given that a site of this scale would not usually justify the provision of such a measure and so it cannot be considered to be 'fairly related in scale and kind to the development', it is clear that there are limitations of the existing hall including the lack of parking and the lack of disabled access. The new hall would therefore contribute towards overcoming these limitations and provide a new purpose built provision. This would therefore contribute to the social dimension of sustainable development by providing a local service that will support the needs of the village community and help to promote a strong rural economy as required by the NPPF. The housing element of the scheme must be considered against housing policy including in the absence of a five year housing land supply as set out, however in terms of considering how sustainable the village is to accommodate new development, the new village hall would contribute towards the available facilities. In the circumstances it is considered that this provision should be attributed limited weight in the overall balance, however it needs to be secured through the legal agreement to ensure its provision.
- 5.65 The new bus infrastructure would contribute to increasing the sustainability of the village, however it would rely on a commercial provider being willing to stop the service at this location. It is understood that discussions have been undertaken and that Stagecoach are agreeable in principle to extending their service. However there are no guarantees that this will be provided. Safety aspects with regard to the proposed bus infrastructure would need to be considered through the discussions that would need to be undertaken with the Highway Authority. As such, whilst this must be secured through the legal agreement, it should be attributed limited weight in the overall balance.

Public Consultation

- 5.66 The applicant has carried out a public consultation exercise and a Statement of Community Involvement has been submitted. The NPPF includes that Local Planning Authorities should encourage public consultation and the Localism Bill seeks to give weight to the views of local communities. It is clear as set out previously that criticism is made with regard to this public consultation exercise. The fact that this exercise has been undertaken is welcomed, however taking into account the response rate, as well as individuals who have no view not necessarily contributing and given the concerns that have been raised with regard to the process and conclusions; this particular matter would carry limited weight in the overall balance. This matter is further expanded on below.

Public/ Parish Views

- 5.67 It is also clear as set out above that the Parish Council are in favour of this proposal, although some Parishioners have criticised the conclusions of the Parish and a number of objections have also been received. All comments received through the application process have been considered through this appraisal and responded to. It is ultimately necessary to ensure that the correct level of weight is attributed to the

public support or otherwise of a scheme. The support received from the Parish Council does attract some weight in favour of the proposal in the overall balance in the view of Officers and this is particularly true given the relatively limited number of objections received. However, there is not widespread support and the objections received raise a number of concerns with the scheme, some of which are also shared by Officers. These have been considered within this appraisal as they need to be weighed against the benefits of the proposal as set out.

Delivery of the site

5.68 Part of the justification for this development is based on the District's housing land supply shortage. The potential of this development to contribute to the shortage of housing is a key factor weighing in favour of this proposal. It is therefore vital that this proposal is delivered within the 5 year period.

5.69 As with other residential applications submitted for consideration on this basis, it is considered that if planning permission is granted, a shorter implementation period should be imposed which will help to ensure that the development contributes to the five year housing land supply.

Other matters

5.70 The comments from the Environmental Protection Officer with regard to the need for a contaminated land assessment are noted and the conditions are recommended.

Engagement

5.71 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 as contact has been maintained with the applicant and issues have been resolved through the application process.

Conclusion

5.72 Taking into account the assessment above, it is clear that whilst the site is not an allocated site for development and does not accord with the development plan, the policies that control the supply of housing within the adopted Cherwell Local Plan are out of date as the Council cannot demonstrate a five year housing land supply. In these circumstances, paragraphs 14 and 49 of the Framework are engaged and the presumption in favour of sustainable development applies. Paragraph 14 makes it clear that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

5.73 As discussed, there are a number of benefits that the scheme would bring including the provision of housing and affordable housing which would contribute to the five year housing land supply. These must be afforded significant weight in favour of this proposal. The assessment has identified a number of issues that would carry some weight against the proposal including some landscape and urban design concerns; however this harm can be lessened with appropriate mitigation and considered design. The weight to be attributed to other issues has been considered in detail through this appraisal, and taking all matters into account as well as the objections received, it is concluded that the adverse impacts of approving this proposal would be outweighed by the benefits of the scheme and the limited overall harm that would be caused. It is therefore concluded that the proposal can be considered to represent sustainable development and is recommended for approval as set out.

6. Recommendation

Approval, subject to:

a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council, with delegation to the Head of Public Protection and Development Management to secure financial contributions as outlined in paragraph 5.61;

b) the following conditions with any final revisions/wording to be delegated as above:

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 one year 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 one year 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 forms, Design and Access Statement (dated January 2015), other technical reports and surveys submitted with the application and site location plan (drawing number P002).

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. No more than 33 dwellings shall be accommodated on the site.

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

6. That no development shall take place until a full Arboricultural Survey, Method

Statement and Arboricultural Impact Assessment, tree protection plan and report on all existing trees and hedgerows within and around the perimeters of the site have been submitted to and approved in writing by the local planning authority. The survey and report shall include details of all trees and hedgerows to be removed and those to be retained; and the methods to protect the retained trees during the course of the development. The development shall be carried out in accordance with the approved details.

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

7. Except to allow for the means of access and vision splays the existing hedgerow/trees along the north, west and south boundaries of the site shall be retained and properly maintained and any hedgerow/tree which may die within five years from the completion of the development 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.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of the development, full design details of the equipment and layout of the Local Area of Play (LAP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the LAP shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy R12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, including any works of site clearance, a Landscape and Ecology Management Plan (LEMP) and method statement for protected species and biodiversity enhancements, together with long-term maintenance, has been submitted to

and approved in writing by the local planning authority. The LEMP and method statement shall be carried out and retained in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

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

12. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a report regarding badgers, which shall include details of a recent survey (no older than six months), any mitigation, whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

13. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

14. All species used in the planting proposals associated with the development shall be native species of UK provenance.

Reason - To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

15. No development shall commence on site until a Construction Traffic Management Plan providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority (in

consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods and an agreed route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

Reason- In the interests of highway safety and to safeguard the residential amenities of local residents in accordance with Government Guidance in the National Planning Policy Framework.

16. 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 - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

17. Prior to the commencement of any part of the development hereby approved the public right of way shall be protected and fenced in accordance with details to be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the public right of way shall remain fenced and available for use throughout the construction phase. No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place.

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

18. No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team or necessary legal process.

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

19. Prior to the commencement of the development, full details of the proposed kissing gates shall be submitted to and approved in writing by the Local Planning Authority. The kissing gates shall be installed prior to the occupation of the development.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

20. 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.

21. If a potential risk from contamination is identified as a result of the work carried out under condition 20, 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.

22. If contamination is found by undertaking the work carried out under condition 21, 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.

23. If remedial works have been identified in condition 22, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 22. 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.

24. 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.

25. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

26. Prior to the submission of a reserved matter application, a drainage strategy detailing any on and/or off site drainage works to accord with Sustainable Urban Drainage principles, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

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.

27. Prior to the commencement of the development hereby approved, full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.

Reason - To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.

1. The applicant is advised that the future reserved matters application should broadly follow the principles and design approach set out within the Design and Access Statement dated January 2015. It is expected that negotiation with regard to the detailed scheme based on this Design and Access Statement will be undertaken to inform the future reserved matters proposal.
2. 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.
3. A landowner is responsible for the vegetation alongside a public footpath and for clearing back any vegetation that overhangs it. The management of the vegetation alongside Bourton Footpath 5 will need to be included within the management plan for the site.
4. Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.

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 contact has been maintained with the applicant and issues have been resolved through the application process.