

**Site Address: Land to west of Banbury  
Road Twyford**

**15/00317/OUT**

**Ward:** Adderbury

**District Councillor:** Nigel Randall

**Case Officer:** Alex Keen

**Recommendation:** Refusal

**Applicant:** Gladman Developments

**Application Description:** Residential development of up to 98 dwellings, land for potential GP outreach surgery/pharmacy/community use, landscaping, public open space, associated infrastructure and associated works – outline with all matters except access reserved

**Committee Referral:** Major

**Committee Date:** 21 May 2015

**1. Site Description and Proposed Development**

- 1.1 The site is a large field in arable cultivation extending to some 14ha, which lies to the west of Banbury Road (the A4260), Twyford. It has an approximate 35 metre long frontage to Banbury Road along its eastern boundary, marked by occasional trees, with denser hedgerows and trees marking its northern, southern and western boundaries. The land rises gently east from Banbury Road, before falling away to the Sor Brook to the west. There is a pond in the north-western corner of the site.
- 1.2 There is housing to the east and north of the site, with fields and extensive views across open countryside to the south and west. Adderbury village lies to the south, with the spire of St. Mary's Church, a Grade I listed building, prominent in views across the site from Banbury Road. The site is in an area of High Landscape Value.
- 1.3 There are several public rights of way crossing the site. The main routes are north/south adjacent the eastern boundary of the site with Banbury Road, northwest/southeast across the site, and around the western and southern boundaries of the site. These routes lead to Croft Lane and Chapel Lane to the south. There is a bus service with bus stops on Banbury Road, in front of the site. An agricultural access track runs along the northern boundary of the site with access onto Banbury Road.
- 1.4 The proposal is for up to 98 dwellings to be developed on a 3.88ha parcel of the site adjacent Banbury Road, with a 0.1ha parcel of land reserved for a potential GP surgery, pharmacy and community centre. The remainder of the site would be provided as dedicated public open space.
- 1.5 An Initial Development Framework has been submitted which shows a single point of vehicular access off Banbury Road with the internal layout comprising a series of secondary roads leading off a single primary road. The existing public rights of way would be retained, with potential pedestrian and cycle access improvements at the points where the rights of way enter/exit the site.
- 1.6 Existing boundary vegetation is shown to be retained, with a large area of public open space proposed to the west, and a smaller area of open space to the south-east. A children's play area, community orchard and informal footpaths are proposed in the western area with potential for a landscape buffer to screen the development along its western flank. A smaller children's play area is proposed in the south-eastern corner.

1.7 A new adoptable foul pumping station is proposed with a potential location identified to the south of the site. An attenuation basin is also proposed in the south-west corner of the site.

1.8 The following documents have been submitted in support of the application:

- Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Socio-Economic Sustainability Statement
- Landscape & Visual Impact Assessment
- Arboricultural Impact Assessment
- Ecological Appraisal
- Built Heritage Statement
- Archaeological Desk Based Assessment
- Transport Assessment
- Travel Plan
- Flood Risk Assessment
- Foul Drainage Analysis
- Noise Screening Report
- Air Quality Screening Report

## **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 01 April 2015.

299 letters have been received from members of the public. In summary the following material planning issues have been raised:

- The proposal is in conflict with the adopted Development Plan, the Cherwell Submission Local Plan, the NPPF, and the pre-submission Adderbury Neighbourhood Plan. The site is a rejected site in the Strategic Housing Land Availability Assessment August 2014 update.
- The site is in an Area of High Landscape Value. Extensive, attractive and iconic views of Adderbury village, St. Mary's Church, and Bloxham village would be lost – these views are important to the identity of the local area.
- The proposal does not add value to the area, environment or the community. It would prejudice the long term strategic objectives of the community (as expressed through the pre-submission Adderbury Neighbourhood Plan). In particular to maintain the unique identity of Adderbury as a rural village, and to provide for all children in Adderbury village to be educated in Adderbury Primary School.
- The development is unsustainable. Adderbury and Twyford have already accommodated several large developments (more than is proportionate as a share of the Submission Local Plan requirement for villages) and local infrastructure cannot accommodate any more. The village primary school is already at capacity and either it or Deddington Primary School would have to be increased, or children transported to other schools outside the village.
- The development will add to traffic problems on Banbury Road. A priority junction will not work with the volume of traffic that uses Banbury Road, particularly allowing for other developments in the area. There will be increased danger to highway safety and the safety of pedestrians. The submitted transport assessment is inadequate.
- There would be harm to the amenity and enjoyment of the public rights of way crossing the site.

- The development will add to sewage and surface water drainage problems already experienced in the area. Increased surface water flows cannot be accommodated by the existing drainage ditches, which enter the Sor Brook via a restricted stone drain.
- The development would have an adverse impact on wildlife.
- The development would result in the loss of agricultural land.
- The pre-application consultation with the local community was inadequate.

2.2 ADDERBURY CONSERVATION ACTION GROUP (ACAG): **object**, in summary for the same reasons as listed at paragraph 2.1 above.

### 3. Consultations

3.1 ADDERBURY PARISH COUNCIL: **object**, in summary for the following reasons:

- The application is premature as it would be contrary to, and would prejudice the preparation of the Adderbury Neighbourhood Plan (ANP).
- Cherwell Council's Annual Monitoring Report (AMR) identifies a 5.1 year housing land supply. There are already 4 planned developments in Adderbury and the ANP does not envisage any further significant developments in the Plan period. The village needs time to assimilate the planned developments.
- The proposal is contrary to the Cherwell Local Plan as it is development on a greenfield site outside the village boundary. The site is not suitable for housing development, and so is contrary to the NPPF.
- The proposal does not comply with the emerging Local Plan. The Strategic Housing Land Assessment (SHLAA) has rejected the site on the grounds it would have an unacceptable landscape impact, and the Parish Council agrees with this assessment.
- The site is in an Area of High Landscape Value. It is prominent in the landscape and the proposal will cause undue visual intrusion into open countryside. Planting will not be adequate to mitigate this.
- The development would block views of the village Conservation Area and village centre, including the village church. It would lose the sense of arrival in a village on the approach from Banbury to the north, and would have a noticeable urbanising effect in the landscape and on the rural character of Adderbury village.
- The development would have a significant adverse impact on the amenity value of the local area, in particular the various public rights of way that cross the site and other public rights of way (such as the Adderbury Circular Walk) from which the site is viewed in the landscape. The proposal is not consistent with the character and amenity value of this part of the village.
- The proposal would have an adverse impact on biodiversity and protected species. The application fails to take proper account of protected and endangered bird species that use the site, and fails to take account of the pond in the north-west corner of the site.
- The village school would not be able to accommodate the demand for additional places resulting from the development.
- The pre-application consultation with the local community was inadequate.
- The offer of community facilities is undefined and inadequate for the size of development – further discussions regarding funding and building are required. The Parish Council should be included in any discussions regarding s106 contributions.

#### Cherwell District Council Consultees

3.2 PLANNING POLICY OFFICER: **object** on the grounds that the development would cause harm to the visual amenity of the landscape, and as the Council can now

demonstrate a five year housing land supply, there is no overriding need to release this site for housing.

Policy officers comment that: *the topography of the site puts it in a very prominent position (with) long open views through the site to the historic core of Adderbury, the Conservation Area and the Grade I listed St. Mary's Church.* The site was considered but rejected for housing in the SHLAA August 2014 update on the grounds of landscape and visual impact.

Policy officers advise that the Council's 2014 AMR concludes that the District has a 5.1 year housing land supply of deliverable sites (including a 5% buffer) for the period 2015 – 2020, based on the housing requirement of the Submission Cherwell Local Plan. Therefore this site is not needed to assist in housing delivery in the District.

- 3.3 HOUSING OFFICER: **no objections** subject to 35% affordable housing provision on site, comprising a tenure split of 30% shared ownership (or another form of intermediate tenure) and 70% affordable rent. The following indicative affordable housing mix is suggested:

4x1b2p Maisonettes  
20x2b4p Houses  
9x3b5p Houses  
1x2b3p Bungalow (wheelchair)

The Housing Officer advises that the affordable housing should be distributed in clusters of no more than 15 units and the units should be built to the Homes and Communities Agency's (HCA) Design and Quality Standards. 50% of the rented units should comply with Lifetime Homes standards and there should be 1 unit which meets full wheelchair standards.

- 3.4 ENVIRONMENTAL PROTECTION (noise and contamination): **no objections** subject to conditions requiring a full assessment of the risks of land contamination to be carried out, and mitigation proposed, agreed and implemented as necessary.
- 3.5 ECOLOGY OFFICER: **no objections** subject to conditions to ensure that the potential impacts on biodiversity and protected species are minimised and adequately mitigated, and enhancements secured where appropriate.

The Ecology Officer comments that: *the submitted ecology report is satisfactory in depth and scope, and although there are few ecological constraints on site: the report makes a number of recommendations which should be adhered to, to ensure no offence is committed with regard to protected species.*

- 3.6 CONSERVATION OFFICER: **object** on the grounds that the development would: *fundamentally destroy the relationship of both Adderbury church and conservation area with that part of its setting to the north east (along Banbury Road).* The Conservation Officer advises that: *any perceived social benefit in this instance is outweighed by the definite harm.*
- 3.7 LANDSCAPE ARCHITECT: **object** on the grounds that the landscape sensitivity is high, and the development would result in a significant detrimental impact on the amenity value of the landscape, in particular the local amenity value as experienced by users of the various public rights of way that cross the site. Concern is also expressed about the ability of the proposed planting buffer to adequately screen the development (without impacting on the amenity of the proposed residents), and the cumulative detrimental effect and harm to wider landscape character when considered with other planned developments to the north and south of the site.

- 3.8 LANDSCAPE SERVICES: **no objections**, subject to financial contributions to the maintenance of the proposed orchard, new trees, informal open space, play provision, (LAPs and LEAP), existing and proposed hedgerows, ditches and swales, and attenuation basin. A s106 legal agreement is also recommended to secure the provision of the informal open space, the LAPs and LEAP, and the attenuation basin.
- 3.9 RECREATION AND COMMUNITIES: **no objections** but requests a financial contribution to enhancing existing community facilities (to mitigate the additional use anticipated to result from the development), and to providing publicity (welcome packs, information leaflets etc.) to aid integrating new residents into the community.

A condition requiring a scheme for public art to be agreed and provided on site is also recommended, to aid the integration of the development into the existing built and social environment.

### **Oxfordshire County Council Consultees**

- 3.10 TRANSPORT: **no objections** subject to various conditions to ensure that adequate parking and access is provided in accordance with OCC Highways standards, and to ensure that the site is adequately drained. A condition requiring a Design Code to be agreed is also recommended, to ensure an acceptable internal layout and street hierarchy is achieved at reserved matters stage along with good pedestrian routes/links that integrate with the existing footpath network.

The main transport issues are considered to be the need to accommodate and protect the various existing public rights of way that cross the site, and to enhance them to accommodate the likely increased frequency and amount of use, and to provide for pedestrian access to the existing bus stops on Banbury Road.

With regard to access onto Banbury Road, OCC Highways officers are satisfied that visibility at the proposed access would be adequate. With regard to the traffic impact of the development, OCC Highways officers conclude that: *in terms of traffic generation and impact there is likely to be a marginal effect on the adjacent highway network...additional traffic generated by the proposal is considered to have no detrimental impact on the adjacent highway.*

A s106 legal agreement is required to secure the provision of a pedestrian refuge on Banbury Road (to facilitate access to the bus stops), and to secure improvements to the public rights of way within and in the vicinity of the site.

- 3.11 ARCHAEOLOGY: **object** on the grounds that the site is located in an area of archaeological interest and so a programme of archaeological investigation should be provided in advance of determination. In particular there is evidence of possible prehistoric archaeological features within the site, along with: *deposits related to the very significant (Neolithic) cursus and possible henge site in the vicinity.* This should be properly evaluated prior to determination and the results used to identify options for minimising or avoiding damage to archaeological remains.
- 3.12 EDUCATION: **no objections** subject to financial contributions to improve and expand primary, secondary and special education facilities in the area, to accommodate the additional demand anticipated from the development.

Christopher Rawlins CoE School is the catchment primary school for the proposed development, and is expected to be operating at capacity based on recent trends. Any new housing development in the area would require expansion of primary school capacity either at Christopher Rawlins or at a neighbouring school (e.g. Deddington).

Likewise, The Warriner School is the catchment secondary school for the development and is already regularly oversubscribed. Expansion of secondary school capacity either at The Warriner School or at other schools in Banbury is therefore necessary to accommodate new housing development.

There is currently insufficient capacity for special education needs arising from new developments in Oxfordshire to be met, including in the Banbury area. The nearest facility to the development site is Frank Wise School in Banbury. Grant funding has been secured to deliver improvements and increase capacity at this facility. However a funding gap remains; it is considered that the proposed development should contribute to meeting this funding gap.

- 3.13 **PROPERTY: no objections** subject to a condition requiring details of the provision of fire hydrants within the site to be submitted and agreed, and subject to financial contributions to improve and expand community facilities (libraries, museums, adult day care, waste management) to meet the additional demand anticipated to result from the development.

A contribution to meeting OCC's costs in respect of administering and monitoring the legal agreement that would be required to secure the above financial contributions is also requested.

- 3.14 **MINERALS AND WASTE: no objections** commenting that although the development would sterilise deposits of ironstone within the site, the extent of these deposits is considered to be limited and there is uncertainty whether they would be commercially workable. In addition the proximity to existing and planned housing development restricts the area of the site that could potentially be worked. Therefore there is insufficient justification for the mineral deposits to be safeguarded.

#### **Other Consultees**

- 3.15 **HISTORIC ENGLAND: object** and recommend that the application should be refused on the grounds that the harm to the significance of the Grade I listed church of St. Mary and the Adderbury Conservation Area has not been justified.

Historic England comment that the Church of St. Mary is: *one of the largest and most important medieval parish churches in the county*, and the application site: *makes a strong contribution to the setting of both the church and the conservation area*. The proposed development is considered to obstruct views and detract from the setting of the church and the conservation area, and to result in: *a relatively high level of harm to designated heritage assets*. As such Historic England advise that the site is not suitable for a large housing development.

- 3.16 **ENVIRONMENT AGENCY: no objections** subject to a condition requiring submission and approval of a surface water drainage scheme prior to development commencing, to safeguard against the increased risk of flooding.
- 3.17 **THAMES WATER: no objections** in respect of sewerage infrastructure capacity, but recommends an informative about the minimum water pressure that the mains water connection(s) should be designed to accommodate.
- 3.18 **OXFORDSHIRE CLINICAL COMMISSIONING GROUP: no objections**, but welcomes: *the offer of options for provision of health services within the proposed development*.
- 3.19 **WILDLIFE TRUST: no objections**, commenting that: *it would appear that significant ecological impacts arising from the proposals are unlikely*. However conditions are recommended to ensure that the measures proposed in the application to protect and

enhance biodiversity are delivered.

3.20 RAMBLERS ASSOCIATION: **no comments** received at the time of writing.

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

##### 4.1 DEVELOPMENT PLAN POLICY

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

H5:	Affordable housing
H12:	Housing in rural areas
H13:	Residential development in category 1 settlements
H18:	New dwellings in the countryside
TR1:	Transportation funding
R12:	Provision of public open space
C2:	Development affecting protected species
C4:	Creation of new habitats
C7:	Landscape conservation
C8:	Sporadic development in the countryside
C9:	Scale of development compatible with a rural location
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
C33:	Protection of important gaps of undeveloped land
ENV12:	Contaminated land

###### Oxfordshire Minerals and Waste Local Plan (Saved Policies)

SD10:	Conservation of mineral resources
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##### 4.2 OTHER MATERIAL POLICY AND GUIDANCE

###### National Planning Policy Framework

###### Planning Practice Guidance

###### Non-Statutory Cherwell Local Plan

Although a material consideration, it is one of limited weight.

###### Cherwell Submission Local Plan (SLP)

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. The examination reconvened and closed in December 2014 and the Inspector's report is expected to be published in May 2015. Although the SLP does not have Development Plan status, it is a material planning consideration and due weight can be afforded to relevant draft policies, in accordance with Paragraph 216 of the NPPF.

The relevant draft policies of the Submission Local Plan are:

PSD1:	Presumption in Favour of Sustainable Development
BSC1:	District Wide Housing Distribution
BSC2:	Effective and Efficient Use of Land
BSC3:	Affordable Housing
BSC4:	Housing Mix
BSC7:	Meeting Education Needs
BSC8:	Securing Health and Well-Being
BSC9:	Public Services and Utilities
BSC10:	Open space, Outdoor Sport and Recreation Provision
BSC11:	Local Standards of Provision – Outdoor Recreation
BSC12:	Indoor Sport, Recreation and Community Facilities
ESD3:	Sustainable Construction
ESD5:	Renewable Energy
ESD7:	Sustainable Drainage Systems (SuDS)
ESD10:	Protection and Enhancement of Biodiversity and the Natural Environment
ESD13:	Local Landscape Protection and Enhancement
ESD16:	The Character of the Built and Historic Environment
Villages1:	Village Categorisation
Villages 2:	Distributing Growth Across the Rural Areas
INF1:	Infrastructure

#### Pre-submission Adderbury Neighbourhood Plan (ANP)

The pre-submission ANP was published for consultation on 9 March 2015. The consultation period closed on 20 April 2015. The draft ANP will now be reviewed in light of the consultation responses, before submission to Cherwell District Council and a further round of consultation. Although the ANP is a material consideration, it is one of limited weight due to its early stage of preparation.

In respect of the application site, the pre-submission ANP identifies it as the most sustainable location in the village for new housing development. However in view of the amount of new housing development that has already taken place in the village the ANP proposes that no further housing development should take place beyond the built limits of the village until after 2031. Instead the application site is identified as the preferred location for the village primary school to relocate to, if necessary in order to expand to serve the village population.

#### Other Planning Guidance/Documents

Building in Harmony with the Environment SPG  
Countryside Design Summary SPG  
Planning Obligations Draft SPD  
Adderbury Conservation Area Appraisal

## **5. Appraisal**

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of development
- Heritage impact
- Design and impact on the character of the area
- Residential amenity



- Transport impact
- Biodiversity impact
- Loss of agricultural land
- Flood risk and drainage
- Pollution control
- Community infrastructure impact
- Planning balance

## 5.2 RELEVANT PLANNING HISTORY

### The application site

14/00100/SO (the application site) – screening opinion for residential development of up to 98 dwellings (use class C3) and GP outreach surgery with all matters reserved except for access EIA NOT REQUIRED 5 January 2015

### Other sites in Adderbury

14/00250/F (Land north of Milton Road) - Demolition of existing agricultural buildings and erection of 20 private houses and 11 affordable dwellings, provision of public open space and land for a possible community use APPROVED 1 December 2014.

13/00996/F (land north of Adderbury Court) - Proposed residential development of 26 units APPEAL ALLOWED (for 25 units) 3 September 2014.

13/01768/F (land east of Deene Close) – Demolition of existing agricultural building and development of 60 dwellings with new highways access from Aynho Road, public open space, landscaping and infrastructure APPROVED 19 June 2014.

13/00456/OUT (Land south of Milton Road) - Erection of 65 dwellings with associated access, open space and structural landscaping APPEAL ALLOWED 23 January 2014.

14/01541/REM (Land south of Milton Road) - Reserved Matters to Outline Application 13/00456/OUT - Erection of 65 dwellings with associated access, open space and structural landscaping APPROVED 17 December 2014.

## PRINCIPLE OF DEVELOPMENT

- 5.3 Paragraph 11 of the NPPF makes clear that the starting point for decision making is the development plan. In this case the development plan comprises the ‘saved’ policies of the adopted Cherwell Local Plan, and the Oxfordshire Minerals and Waste Local Plan.
- 5.4 The site is outside the built limits of Adderbury village, in open countryside, and the proposal is for a large scale residential development with associated infrastructure and open space. This would be contrary to a number of saved policies of the Cherwell Local Plan, in particular policies H12, H13, H18, C8, C9, C13, C27, C28, C30 and C33. In general terms these policies seek to limit and restrict new development (in particular new residential development) in the countryside, to ensure development takes place in sustainable locations and to protect the rural character, quality and appearance of the countryside.
- 5.5 However the need to have regard to the development plan is qualified by the presumption in favour of sustainable development at Paragraph 14 of the NPPF. In particular: *where the development plan is absent, silent or relevant policies are out-of-date (the Local Planning Authority should) grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the*

*benefits...or specific policies (in the NPPF) indicate development should be restricted.* Whether or not a policy is out-of-date is not simply a matter of the length of time that has passed since its adoption; paragraph 215 of the NPPF clarifies that: *due weight should be given to relevant policies in existing plans according to their degree of consistency with (the NPPF).*

- 5.6 There have been a number of recent appeal decisions in Cherwell District where Inspectors have concluded that, in the absence of a five year supply of deliverable housing sites and in accordance with Paragraph 49 of the NPPF, the relevant saved policies of the Cherwell Local Plan relevant to the supply of housing are 'out-of-date'. However with the publication of the 2014 AMR on 31 March 2015 (which post-dates those appeal decisions), the Council considers that it can now demonstrate a 5.1 year housing land supply, including a 5% buffer, sufficient to meet the objectively assessed housing needs set out in the Cherwell submission Local Plan. This being the case, officers consider that the relevant policies of the Local Plan are no longer 'out-of-date' for the purposes of Paragraph 49 of the NPPF.
- 5.7 Nevertheless recent appeal decisions in Cherwell District have also made clear that policies imposing a general presumption against development taking place in certain locations (e.g. H18, C8) are not consistent with the presumption in favour of sustainable development contained in the NPPF. In addition the strategic plan period originally intended to be covered by the Local Plan (1996 to 2001) has expired. As such, in accordance with Paragraph 215 of the NPPF, these Policies cannot be afforded full weight. However officers consider they can still be afforded some weight insofar as they are broadly consistent with Paragraph 17 of the NPPF which states that planning should take account of: *the different roles and character of different areas, promoting the vitality of our main urban areas... recognising the intrinsic character and beauty of the countryside (and focusing) significant development in locations which are or can be made sustainable.*
- 5.8 The Cherwell Submission Local Plan, once adopted, will provide the strategic plan framework for the current plan period 2011 to 2031. Although not yet part of the development plan, the draft policies of the Submission Local Plan are a material consideration in determining planning applications. There are a number of unresolved objections in respect of the housing policies contained in the submission Local Plan, and so officers consider these Policies cannot yet be afforded significant weight. However in view of the advanced stage of preparation of the submission Local Plan, the widely accepted status of the 2014 Oxfordshire Strategic Housing Market Assessment (SHMA) as the basis for setting the objectively assessed housing need for the District, and the impending publication of the examination Inspector's report, officers consider it is appropriate to consider the principle of the proposed development in the context of the housing policies of the submission Local Plan.
- 5.9 Draft Policy Villages 2 is concerned with the distribution of housing growth across the rural areas. It states that: *A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014.* Adderbury is identified as a Category A village, and so is considered suitable in principle to accommodate some additional housing under draft Policy Villages 2.
- 5.10 However, the Council's 2014 Annual Monitoring Report (published 31 March 2015) identifies that significant progress has already been made to meeting the allocation of 750 homes to be delivered at Category A villages, with planning permission granted for 116 homes in Adderbury since March 2014 and a residual unmet allocation of 296 homes to be delivered across the Category A villages under draft Policy Villages 2.
- 5.11 Adderbury is one of 23 Category A villages, and a *pro rata* share of the draft Policy Villages 2 allocation based on parish population size would be 48 dwellings. Whilst

this does not itself render the current proposal unacceptable in principle, and there is no maximum limit on the number of dwellings that could be delivered at any one village, it is an indication that Adderbury is already planned to accommodate a significant amount of new housing development (116 homes) and in a relatively short period of time. Officers consider that allowing a further 98 homes to be developed would amount to an undesirable over-concentration of new housing development in Adderbury that would prejudice a more even-planned and sustainable distribution of housing development across the District's Category A villages. This is a concern also expressed in the Pre-submission Adderbury Neighbourhood Plan (ANP). Therefore, and in the context of the Council being able to demonstrate an up-to-date 5 year housing land supply, officers consider the current proposal to be unnecessary, undesirable, unsustainable and unacceptable in principle in this rural location.

- 5.12 It is the case that the ANP identifies the application site as the preferred site for a potential re-location of the village primary school, and the provision of additional community facilities. This would suggest that those who have prepared the plan consider the site suitable to accommodate some development. However the scale, nature and form of the type of development envisaged by the ANP is wholly different to the current proposal for housing, and the suitability of the site for this type of development will be subject to assessment through the neighbourhood plan process. In any case, due to the early stage of preparation of the ANP, although a material consideration it is one of only limited weight.
- 5.13 It should be noted that the application site was considered in the Council's 2014 Strategic Housing Land Availability Assessment (SHLAA – sites AD008, AD029 and AD046) but was rejected because of concerns about the impact on landscape character and the setting of the village. Access was also raised as an issue of potential concern. The SHLAA does not itself determine whether or not a site should be developed, but it does identify issues that are likely to be a constraint on development taking place. These issues are assessed in more detail in the following paragraphs of this report.

#### HERITAGE IMPACT

- 5.14 A number of concerns have been raised regarding the impact of the proposed development on the setting and significance of the Adderbury Conservation Area, and the setting of the Grade I listed church of St. Mary, including objections from Historic England and the Council's Conservation Officer.
- 5.15 Saved Policy C33 of the Local Plan states that: *the Council will seek to retain any undeveloped gap of land which is important...in maintaining the proper setting for a listed building or in preserving a view or feature of recognised amenity or historical value.* Similarly draft Policy ESD13 of the submission Local Plan states that proposals will not be permitted if they would: *harm the setting of settlements, buildings, structure or other landmark features, or harm the historic value of the landscape,* and draft Policy ESD16 states that proposals should: *Conserve, sustain and enhance designated and non-designated 'heritage assets'...including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated.*
- 5.16 There are extensive views, both within and across the site, to the historic centre of Adderbury village, which is a designated Conservation Area, and to the Grade I listed parish church of St. Mary. The latter is particularly prominent in the skyline of the village and is a noticeable and impressive feature on the northern approach to the village, along Banbury Road. The Adderbury Conservation Area Appraisal recognises the value of these views to the setting of the Conservation Area and the Church.

- 5.17 Paragraph 132 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be...as heritage assets are irreplaceable, any harm or loss (including to their setting) should require clear and convincing justification.*
- 5.18 The Built Heritage Statement submitted with the application acknowledges that the proposal has potential to cause harm to the setting of the Conservation Area and the Church. However it concludes that by restricting development to the east of the site and by preserving some views within the site: *any harm caused will be less than substantial in magnitude, and at the lower end of the less than substantial scale.*
- 5.19 In objecting to the application, Historic England comment that the site makes: *a strong contribution to the setting of both the church and conservation area, and advise that the proposal: would involve a relatively high level of harm to designated heritage assets.* Although the degree of harm is not stated to be substantial, it is clear that Historic England consider it to be much greater than that assessed by the applicant. The Council's Conservation officer also advises the development would result in significant harm to the setting of designated heritage assets, and suggests that this harm could be considered substantial.
- 5.20 Grade I listed buildings are of exceptional interest; only 2.5% of listed buildings are Grade I. As such the weight to be afforded to its conservation, in accordance with Paragraph 132 of the NPPF, is especially great. It is clear from Historic England's comments that the Church is considered to be one of the most important medieval parish churches in the County, and the visual prominence of the spire as a local landmark is an important part of its historic, cultural and social significance. The views of the Church from Banbury Road across the application site are some of the first to be encountered on the approach to the village from Banbury, and instill an appreciation of the importance of the building in its parish and landscape setting. The proposed development would effectively obliterate these views, reducing them to glimpses through and across the proposed housing development. The views of the Church from within and across the site from the public rights of way network would similarly be harmed. Therefore, and having regard to the exceptional significance of the building and the value derived from its rural landscape setting, officers consider that the proposal would cause a high level of harm to the setting and significance of this designated heritage asset, albeit on balance less than substantial.
- 5.21 With regard to the impact on the setting of the Conservation Area, as noted by Historic England the current views across the application site: *also allow Adderbury's origins as a compact rural settlement around a church surrounded by open countryside to be appreciated.* The proposed development would undoubtedly diminish the countryside setting of the historic village, in views along one of the primary routes into the village. It would also erode the countryside setting of the village as experienced in views looking out from within the Conservation Area. Although this harm can be considered less than substantial, when considered with the harm identified to the setting and significance of the Grade I listed church, officers consider the cumulative harm to the group value of these designated heritage assets is considerable.
- 5.22 Paragraph 134 of the NPPF states that: *where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.* Officers' will return to this as part of the planning balance exercise at paragraphs 5.48 to 5.52 of this report.
- 5.23 On the matter of archaeology, Paragraph 128 of the NPPF states that: *where a site...has the potential to include heritage assets with archaeological interest, local*

*planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.* The County Archaeologist has advised that there is high potential for significant archaeological remains to survive on site which could be damaged or destroyed by the development, and has advised that an archaeological field evaluation should be carried out prior to determination, to determine the extent of any remains and the weight that should be attached to the preservation. However no such field evaluation has been submitted and therefore officers consider there is insufficient information to establish if the archaeological impacts of the development can be made acceptable.

## DESIGN AND IMPACT ON THE CHARACTER OF THE AREA

- 5.24 The site is currently open countryside and contributes to the rural character, quality and amenity of the area, in particular the rural character and setting of Adderbury village. Its open character and extensive views of the historic village and surrounding countryside also contributes to the amenity value and enjoyment of the various public rights of way either crossing or passing in close proximity to the site.
- 5.25 Saved Policy C7 of the Local Plan states that: *development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.* Similarly Policy C33 states that: *the Council will seek to retain any undeveloped gap of land which is important...in preserving a view or feature of recognised amenity or historical value.* More generally, draft Policy ESD13 of the submission Local Plan states that: *Development will be expected to respect and enhance local landscape character,* and draft Policy ESD16 states that new development should: *Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.*
- 5.26 The Landscape and Visual Impact Assessment submitted with the application has considered the potential impacts on the landscape character and amenity of the site and surrounding area, and concludes that: *the proposals will not result in significant harm to the landscape character or visual environment.* However the Council's landscape officer disagrees with this conclusion and has objected to the proposal on the grounds it would have a major adverse impact on the amenity value of the landscape and the enjoyment of the public rights of way network, in particular the loss of views of Adderbury village and the church of St. Mary. The Parish Council, the Conservation Action Group, and a significant number of local residents have also raised objections on the grounds of landscape and visual impact.
- 5.27 Officers concur with the view that the proposals would have a major adverse impact on the character, quality and amenity of the area. The development would effectively infill a 330 metre long gap in the built form of the village, which currently provides an important vista of the historic core of the village and its traditional rural setting, and extensive and attractive views across the Sor valley from the public rights of way within the site would also be diminished. Therefore the proposal would notably detract from the rural character and setting of the village and the area as experienced by local residents, visitors and users of the A4260 and the public rights of way. Officers consider this to be a significant and demonstrable harm to be taken into account in the planning balance.
- 5.28 With regard to the design and appearance of the proposed development, although details of the layout, scale, landscaping, and appearance are reserved matters and so are not for consideration at this stage, the Council must be satisfied that acceptable details could be achieved. The proposed Initial Development Framework shows one way in which the development could take place. The internal road layout is particularly important as it provides the framework for the development. As

proposed, officers consider it has an overly engineered, linear form and appearance that would dictate a somewhat unimaginative, urban estate layout that would not be successful at responding to, and integrating with, the traditional rural character and settlement pattern of the historic village. It also appears inconsistent with the Illustrative Masterplan contained in the submitted Design and Access Statement.

- 5.29 Access is not a reserved matter, and Article 2, Part 1 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 is clear that access means: *the accessibility to and within the site...in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network*. This being the case, officers consider it is important to ensure that the positioning of the proposed internal access routes will lead to an acceptable layout at reserved matters stage. As currently proposed, and for the reasons outlined at paragraph 5.28 above, officers consider the details of access to be unacceptable in design terms.

#### RESIDENTIAL AMENITY

- 5.30 There is sufficient separation between the area proposed to be developed and existing and planned neighbouring dwellings to enable acceptable details of layout, scale and appearance to be agreed at reserved matters stage, without undue harm (e.g. overshadowing, an overbearing impact, or loss of privacy) resulting to the amenity of neighbours. With regard to the amenity of the proposed residents, the Initial Development Framework suggests a density of 25 dwellings per hectare, based on a developable area of 3.88ha, and this is considered adequate to ensure a satisfactory standard of amenity (e.g. distances between facing windows, outdoor amenity space) can be provided. Therefore the proposal is considered acceptable in residential amenity terms.

#### TRANSPORT IMPACT

- 5.31 Concerns have been raised about the potential transport impacts of the development, in particular the impact of additional traffic flows on the local road network, and the safety of the proposed access onto the A4260.
- 5.32 A detailed Transport Assessment and Travel Plan have been submitted with the application. OCC Highways have considered these along with the details of the proposed access, and have concluded that the access would be acceptable in highway safety terms with: *the associated trip generation traffic (resulting from the development) considered negligible given the numbers it will generate i.e. around one vehicle a minute in the busiest hour*. In coming to this conclusion, OCC Highways have taken into account the various transport options available to the proposed residents of the development, including bus services connecting to Banbury and community facilities in the village within walking distance, and the anticipated traffic impacts of other planned developments in the area.
- 5.33 With regard to the impact on the various public rights of way crossing the site, OCC Highways appear satisfied that the legal routes can be protected and enhanced in the development, with off-site enhancements (to mitigate the likely increased use of the local rights of way network) secured through a s106 legal agreement.
- 5.34 Officers have no reason or evidence to disagree with the conclusions and advice of OCC Highways, and therefore the proposal is considered acceptable in transport terms subject to conditions and completion of a satisfactory s106 legal agreement, as recommended in OCC Highways' response.

## BIODIVERSITY IMPACT

- 5.35 Paragraph 99 of Circular 06/05 states 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.* Likewise Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that: *every public authority must in exercising its functions, have regard...to the purpose of conserving (including restoring/enhancing) biodiversity.*
- 5.36 A detailed Ecological Appraisal has been submitted with the application. The Council's Ecology officer has considered this, and is satisfied that it is: *satisfactory in depth and scope:* and demonstrates that there is limited potential for the development to result in unacceptable or significant adverse impacts on protected species. Officers have no reason or evidence to disagree with the conclusions of the Ecology officer and therefore, subject to conditions to ensure the mitigation and enhancement measures proposed in the Ecological Appraisal and recommended by the Ecology officer are implemented, the development is considered to have an acceptable impact on biodiversity.

## LOSS OF AGRICULTURAL LAND

- 5.37 The Council's records and the Planning Statement accompanying the application indicate that the proposal would result in the loss of some 14ha of best and most versatile agricultural land. The NPPF defines 'best and most versatile' as land in grades 1, 2 and 3a of the Agricultural Land Classification. The Council's records show that the site comprises a mix of grade 2 and grade 3a land.
- 5.38 Paragraph 112 of the NPPF states that: *local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.*
- 5.39 It is the case that most of the agricultural land surrounding Adderbury village is classified as best and most versatile, and as such any new housing development on the edge of the village is likely to result in some loss of best and most versatile agricultural land. However it has already been established that there is not an immediate and overriding need for this site to be released for housing now, and there is a significant quantum of new housing development already planned to take place in Adderbury in the next 5 years. In particular, in respect of the remaining balance of 296 dwellings to be provided in the category A villages under draft Policy Villages 2 of the submission Local Plan, it has not been demonstrated that there are no other sites in the District which would be preferable in terms of using areas of poorer quality agricultural land. Therefore officers are not convinced that the loss of a further significant area of best and most versatile agricultural land is either necessary or desirable in this case.

## FLOOD RISK AND DRAINAGE

- 5.40 Concern has been raised about surface water drainage and the potential for the development to increase the risk of surface water flooding in the area, in particular on the highway.
- 5.41 A detailed Flood Risk Assessment and Foul Drainage Analysis has been submitted with the application, and having considered this information neither the Environment Agency nor Thames Water have objected to the development and appear satisfied

that a satisfactory drainage scheme can be agreed. Therefore, subject to conditions to ensure a detailed foul and surface water drainage scheme is submitted, agreed and implemented, officers consider the proposal would be acceptable in this respect.

#### POLLUTION CONTROL

- 5.42 The Council's Environmental Protection officer has commented that the proposed development is particularly sensitive to the risks of ground contamination, and due to the long-established agricultural use of the land and the elevated levels of naturally occurring arsenic in the area, there is a risk of ground contamination on this site. However conditions requiring a full ground contamination survey to be carried out and mitigation measures proposed and implemented as necessary, officers are satisfied that this risk does not present an overriding constraint on development.
- 5.43 No concerns have been raised about the potential noise impacts of the development, and although the proposal would be exposed to road traffic noise (and could itself contribute to an increase in that noise), officers agree with the applicant that any adverse noise impacts are unlikely to be significant.
- 5.44 Likewise officers are satisfied on the basis of the information submitted with the application that there are unlikely to be significant adverse impacts in respect of air quality and pollution associated with the proposed development.

#### COMMUNITY INFRASTRUCTURE IMPACT

- 5.45 Due to the scale and residential nature of the proposed development, which is anticipated to generate in the region of 265 new residents, it is considered that the proposal is likely to place additional demand on existing community services and infrastructure in the local area including schools, community halls, public transport and public rights of way, health facilities, waste services, and public open space. The consultation response has provided evidence that this would indeed be the case, with requests for contributions to be secured via a s106 legal agreement, to mitigate the impacts of the development in this respect.
- 5.46 Draft Policy INF1 of the submission Local Plan states that: *Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.* Contributions can be secured via a s106 legal agreement provided they meet the tests of Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended), which states that planning obligations should be: *(a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.*
- 5.47 Although the applicant has indicated a willingness to enter into a s106 agreement to secure the necessary planning obligations, a signed completed agreement is not in place that would be acceptable to meet the anticipated infrastructure requirements of the development. Therefore officers cannot be satisfied that the infrastructure impacts of the development can be made acceptable in this case.

#### PLANNING BALANCE

- 5.48 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development: *which should be seen as a golden thread running through both plan-making and decision-taking.* Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions should not be considered in isolation, but should be considered jointly and simultaneously, taking local circumstances into account. In practice this means



that a planning balance exercise should be undertaken to determine if, taken as a whole, the adverse impacts of the proposal identified above are outweighed by the benefits such that it could still be considered sustainable development.

- 5.49 The proposed development would undoubtedly deliver social benefits in terms of meeting housing need, including the provision of on-site affordable housing, and the provision of a large area of public open space. It also offers the potential for land to be reserved for future community use (e.g. development of a GP surgery and community hall), which could be secured by a s106 legal agreement. There would be economic benefits arising directly from the construction phase of development, and indirectly from the contribution of future residents to the local economy, and environmental benefits arising from the proposed enhancements to biodiversity.
- 5.50 Nevertheless, it is quite clear that there would also be a number of significant and demonstrable adverse social, environmental and economic impacts resulting from the development. In summary these are an overconcentration of new housing in Adderbury village causing harm to the rural character and quality of the village and undermining a more balanced distribution of housing growth across the rural areas, the loss of important views of the historic core and countryside setting of Adderbury village including considerable harm to the setting and significance of Adderbury Conservation Area and the Grade I listed church of St. Mary, harm to the rural landscape character of the area, an internal access layout that would appear overly urban and would fail to successfully integrate with the traditional rural character of the village, and the loss of some of the best and most versatile agricultural land. In addition there is insufficient information to properly assess the potential archaeological impacts of the development, and there is no signed completed legal agreement that would be acceptable to secure the necessary planning obligations to mitigate the anticipated infrastructure impacts of the development, and the provision of affordable housing.
- 5.51 In the context of the Council being able to demonstrate an up-to-date 5.1 year housing land supply there is not an overriding need for additional sites (such as the application site) to be released for housing now. Therefore the weight to be afforded to the benefits of delivering housing is reduced. As regards the land proposed to be reserved for future community use, there are no detailed proposals for this and it would presumably be for a third party to bring forward specific proposals for this site. As such there is no guarantee this land would be adequate or suitable for community use, or indeed that it would be developed for community use. Therefore officers consider that limited weight can be afforded to this benefit.
- 5.52 In conclusion, when considering the economic, social and environmental impacts of the development as a whole, officers consider the limited benefits of the proposal are significantly and demonstrably outweighed by the adverse impacts such that planning permission should be refused for the reasons given at section 6 of this report, below.

### **Engagement**

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

## 6. Recommendation

**Refuse**, for the following reasons:

1. The proposed development, by reason of its siting and scale on the edge of a village in an open countryside location, and taking into account the amount of new housing development already planned to take place at Adderbury and Cherwell Council's ability to demonstrate an up-to-date 5.1 year housing land supply, is considered to be unnecessary, undesirable and unsustainable new housing development that would harm the rural character and setting of the village and would prejudice a more balanced distribution of the rural housing growth planned for in the Cherwell Submission Local Plan. Therefore the proposal is considered unacceptable in principle and conflicts with saved Policies H12, H18, C8, C9, C27 and C33 of the adopted Cherwell Local Plan, draft Policies ESD13, ESD16 and Villages 2 of the Cherwell Submission Local Plan, the NPPF in particular paragraphs 7, 8, 9, 10, 14 and 17 and section 7 'Requiring good design', and the PPG.
2. By reason of its siting, size, scale, form and appearance, in particular the extensive loss of important views across open countryside of the historic core of Adderbury village including Adderbury Conservation Area and the Grade I listed church of St. Mary, as experienced along one of the main approaches into the village, the proposed development is considered to cause considerable, unnecessary and unjustified harm to the setting and significance of designated heritage assets. There are no public benefits that outweigh this level of harm. Therefore the proposal conflicts with saved Policies C27 and C33 of the adopted Cherwell Local Plan, draft Policies ESD13, ESD16 and Villages 2 of the Cherwell Submission Local Plan, the NPPF in particular paragraph 17 'Core planning principles' and section 12 'Conserving and enhancing the historic environment', and the PPG.
3. By reason of its siting, size, scale, form and appearance, in particular the extensive loss of important views across open countryside of the historic core of Adderbury village and the Sor valley, the proposal is considered to cause significant and unacceptable harm to the rural landscape character and quality of the area and the setting of the village as experienced by local residents, visitors and users of the A4260 and the public rights of way. Therefore the proposal conflicts with saved Policies C7, C27 and C33 of the adopted Cherwell Local Plan, draft Policies ESD13, ESD16 and Villages 2 of the Cherwell Submission Local Plan, the NPPF in particular paragraph 17 'Core planning principles' and section 7 'Requiring good design' and the PPG.
4. By reason of the engineered, regular linear position and form of the proposed internal access roads, the details of access shown on the Initial Framework Plan are considered to dictate an overly modern, urban estate layout that would not be successful at responding to, and integrating with, the traditional rural character and settlement pattern of the historic village and the surrounding countryside. Therefore the proposal conflicts with saved Policies C27, C28 and C30 of the adopted Cherwell Local Plan, draft Policies ESD13 and ESD16 of the Cherwell Submission Local Plan, the NPPF in particular paragraph 17 'Core planning principles' and section 7 'Requiring good design' and the PPG.
5. By reason of the siting and size of the development and the resulting loss of some 14 hectares of grades 2 and 3a agricultural land, and taking into account the Council's ability to demonstrate an up-to-date 5.1 year housing land supply, the quantum of housing development already planned for in Adderbury, and the lack of evidence to demonstrate that there are no other sites in Category A villages in the District which would be preferable in terms of using areas of poorer

quality agricultural land to meet the District's housing needs, the proposal is considered to result in the unnecessary and unjustified loss of best and most versatile agricultural land. Therefore the proposal conflicts with draft Policies BSC2 and Villages 2 of the Cherwell Submission Local Plan, the NPPF in particular paragraphs 17, 28, and 112, and the PPG.

6. By reason of the site's location in an area of known archaeological interest with high potential for significant archaeological deposits to survive on site, in the absence of a detailed and adequate archaeological field evaluation the Local Planning Authority cannot be satisfied that the proposal would not result in unacceptable and unavoidable harm to archaeological assets. Therefore the proposal conflicts with draft Policies ESD16 and Villages 2 of the Cherwell Submission Local Plan, the NPPF in particular paragraph 17 'Core planning principles' and section 12 'Conserving and enhancing the historic environment', and the PPG.
7. By reason of the lack of a satisfactory completed s106 legal agreement to secure contributions to the community services and infrastructure that would be directly affected by the development, and to secure the provision of affordable housing to meet housing need, the Local Planning Authority cannot be satisfied that the impacts of the development in these respects can be made acceptable. Therefore the proposal conflicts with saved Policy H5 of the adopted Cherwell Local Plan, draft Policies BSC3 and INF1 of the Cherwell Submission Local Plan, the NPPF in particular paragraphs 17, 203 and 204 and section 6 'Delivering a wide choice of high quality homes', and the PPG.

### **Planning Notes**

1. The plans and documents relating to this decision are: Drawing Nos. 5591/ASP01 and 5591/ASP03 Rev F, and the Planning Statement (February 2015), Design and Access Statement (ref: 5591.DAS.005.VF dated February 2015), Statement of Community Involvement (January 2015), Foul Drainage Analysis (December 2014), Socio-Economic Sustainability Statement (January 2015), Landscape and Visual Impact Assessment (ref: 5591.LVIA.004.VF dated February 2015), Transport Assessment (ref: GA001 dated February 2015), Travel Plan (ref: GA001 dated February 2015), Ecological Appraisal (ref: ECO4040.EcoAp.vf1 dated December 2014), Arboricultural Impact Assessment (ref: 8925\_AMS.001 dated January 2015), Flood Risk Assessment (ref: FRA-18158G-14-412 Rev B dated 27 January 2015), Built Heritage Statement (ref: TC/18444 dated February 2015), Archaeological Desk Based Assessment (ref: PC/RAJS/18443 dated January 2015), Noise Screening Report (ref: CMD/MP/LE12802/003 dated 22 December 2014), and Air Quality Screening Report (ref: CMD/MP/LE12802/002 dated 22 December 2014).

### **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.