

**Site Address: Land south west of
Cotefield Business Park, Oxford Road,
Bodicote**

14/02156/OUT

Ward: Bloxham and Bodicote

District Councillors: Chris Heath, Lynda Thirzie
Smart

Case Officer: Alex Keen

Recommendation: Delegate to the Head of
Development Management to approve subject to
conditions and subject to completion of a satisfactory
planning obligation

Applicant: Mr O Wells

Application Description: Outline – up to 95 homes (appearance, landscaping and layout reserved)

Committee Referral: Major Development

Committee Date: 03 September 2015

1. Site Description and Proposed Development

Site Description

- 1.1 The site is some 4.5ha of agricultural land which forms the southern part of a larger field, to the south of Bodicote village. Cotefield Nurseries (a garden centre open to the public) and Cotefield Business Park (comprising 5 units in a variety of commercial uses) lie to the east of the site, between the site and the A4260. Cotefield House, a former country house now subdivided into flats, also lies to the east. There is single shared point of access off the A4260.
- 1.2 The character of the area is edge-of-settlement and predominantly rural. The field is part of a shallow valley, with the land rising to the north and south. There is a single Oak tree and a single Sycamore tree in the centre of the application site. A modern (post-war) housing estate development lies to the north of the field, with fields to the south and west. A mature (approximately 25 metre wide) tree belt screens the site along the southern and western boundaries of the field. There is an existing agricultural access in the north-west corner of the field, and to the north-east corner, off Molyneux Drive.
- 1.3 The site is in an area of archaeological interest, and there are public rights of way passing to the south and west of the site. The site is classified as Grade II agricultural land, which is 'best and most versatile agricultural land' for planning purposes.
- 1.4 Outline planning permission was granted on appeal for 82 dwellings on the northern part of the field. Reserved matters approval was subsequently granted on 10 April 2013. This planning permission was implemented in April 2014 with the laying of foundations to a plot at the northern end of the site. However development has not progressed since then.

Proposed development

- 1.5 The proposal is for outline permission for up to 95 dwellings, with access and scale being considered. Appearance, landscaping and layout would be subject to reserved matters applications, if outline permission is granted.

- 1.6 An Illustrative Masterplan accompanies the application and shows one way in which the site could be developed. Vehicular access would be via the existing shared access off the A4260, and is shown as a spur leading south from the approved access road to the northern housing site. The primary road would follow a broadly circular route within the site, with secondary roads leading off to the north and south.
- 1.7 The existing Oak tree would be retained as the focal point of a central area of open space, which would be laid out along a north-west/south-east axis to align with the open space of the approved northern housing site. A combined LAP/LEAP is shown provided adjacent the Oak tree. Cycle routes are indicated to be provided, connecting to the wider cycle network via the northern housing site.
- 1.8 The applicant proposes the creation of new footpath links along the southern and western boundaries of the site connecting to the existing footpath network, along with enhancements to the existing public rights of way that pass close to the site.
- 1.9 With regard to scale, the applicant has indicated the following:
- 2 three storey buildings to be provided at the site entrance, approximately 11.5 metres high
 - The remainder to be a mix of 2 and 2½ storey buildings, between 9 and 10.5 metres high

The final distribution, design and size of buildings would be agreed at reserved matters stage.

- 1.10 The following documents have been submitted in supported of the application:
- Planning Statement
 - Design & Access Statement
 - Flood Risk Assessment
 - Landscape, Townscape and Visual Appraisal
 - Noise Assessment
 - Ecology Desk Study and Phase I Habitat Survey
 - Bat Activity and Dusk Emergence Survey
 - Draft Written Scheme of Investigation for Archaeological Excavation
 - Geophysical Survey and Archaeological Evaluation
 - Arboricultural Impact Assessment
 - Phase I Environmental Risk Assessment
 - Transport Assessment

- 1.11 The applicant has indicated a willingness to enter into a s106 agreement to secure contributions to mitigate the infrastructure and other impacts of the development, subject to such contributions being justified and necessary. This includes the provision of 35% affordable housing.

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 12 February 2015. 2 responses have been received, and in summary the following issues have been raised:
- The site is not a sustainable location to extend Bodicote village as it is too remote from the village, and is too far from Twyford.
 - The proposal will further degrade the countryside around Banbury.
 - The local road network is congested and the proposed development will add

- to these problems, with increased risks to highway safety
- Existing planned housing development has not been built out yet
- The development will impact on drainage and increase the risk of flooding to neighbouring properties, and along the Sor Brook/River Thames
- Local infrastructure cannot support the development; local schools are already over-subscribed

3. Consultations

3.1 BODICOTE PARISH COUNCIL: **object** for the following reasons:

- The site is not identified for development in the Local Plan 2011-2031
- The site is outside the built-up area of Bodicote village and would be contrary to policies H13 and H18 of the Local Plan 1996
- The proposal would cause undue visual intrusion into the countryside and impact on areas judged to have a high level of tranquillity, contrary to policy ESD13 of the new Local Plan
- There are already traffic problems along Oxford Road and these will undoubtedly worsen as a result of planned development in the area, including the housing approved on the site to the north of the current proposal. This will increase traffic chaos and cause highway safety problems
- The relationship between the approved and proposed housing developments would be awkward. If the District Council is minded to approve the development, then “phase 1” and “phase 2” should be brought together more effectively

Cherwell District Council Consultees

3.2 PLANNING POLICY: **no objections in principle** commenting that the site has been identified as potentially suitable for development in the Strategic Housing Land Availability Assessment (SHLAA) Update 2014, subject to the implementation of the approved development to the north of the site. Moreover the site is included in the 2014 Annual Monitoring Report (AMR) as contributing 95 dwellings to the Council’s 5 year housing land supply.

Planning Policy officers advise that the site is in a sustainable location with access to community facilities and services such as a nursery, primary school, food shop, village hall and public house. Although there are extant permissions for residential development in Bodicote, it is noted that Policy Villages 2 of the Cherwell Local Plan 2011-2031 Part 1 directs an additional 750 dwellings to be delivered at the Category A villages, of which Bodicote is one.

Nevertheless Planning Policy officers caution that development of the site without development of the approved housing to the north would result in a poorly integrated form of development, on the periphery of the village. In addition the application needs to demonstrate that the proposal is acceptable in all other respects including integration into the existing landscape and the relationship to the neighbouring business park.

3.3 URBAN DESIGN: **issues need to be addressed** to ensure a suitable design response can be achieved at reserved matters stage. In summary these are:

- The relationship of the development to the business park, along the eastern boundary of the site. A buffer of some sort may be required to mitigate the potential noise and visual impacts of the business park
- The relationship of the development to the approved scheme (ref: 11/00617/OUT), along the north-west boundary of the site, is improved on the

scheme discussed at pre-application stage. However the configuration of access roads remains awkward and does not make efficient use of land. This should be reconsidered and ideally access taken direct from the access to the approved scheme.

- Greater variation in the density and mix of building types is preferred across the scheme; more consideration needs to be given to streetscenes, to demonstrate a clear hierarchy of streets and spaces. Also further consideration needs to be given to townscape with particular attention to key views and vistas into, out of, and through the site.
- The distribution of storey heights seems uncoordinated. 2.5 storey units adjacent the landscape buffer does not seem a sensitive response to this edge, and although some 3 storey units may be appropriate, a sense of scale/enclosure would better be achieved with linked units.
- Although the proposed green link through the development is positive, the design could be rationalised. A greater continuity of enclosure along the green route would be welcomed, along with further consideration/detail as to where footpath links connect off-site.

The Illustrative Layout was amended and revised details of scale were received in response to these comments.

3.4 HOUSING: **no objections** advising that the full on site affordable housing contribution required by policy BSC3 of the Cherwell Local Plan 2011-2031 is being offered, and the proposed housing mix is acceptable. The affordable housing should be clustered in groups of no more than 15 units and dispersed throughout the site, and should be built to agreed standards (e.g HCA's Design and Quality Standards).

3.5 ANTI-SOCIAL BEHAVIOUR: **no objections** commenting that the Noise Assessment submitted with the application demonstrates that with appropriate mitigation (to address the potential noise impact from road traffic on the A4260 and from the business park) the site is suitable for residential development. However this is predicated on the assumption that B2 (general business) uses are not permitted on the business park.

3.6 LANDSCAPE: **no objections** subject to a legal agreement to secure contributions to the following:

- Commuted sum toward the maintenance of existing hedgerows on the site of £35.78 per m²
- Provision of a combined LAP/LEAP and commuted sum toward maintenance of £122, 889.10
- Provision of informal open space and commuted sum toward maintenance of £25.07 per m²

The Landscape Officer comments that a coherent interface between the approved and proposed developments will need to be provided as currently there appears to be an inefficient use of land with duplication of access roads. In addition a link to the right of way to the south of the site should be provided, and the open space at the site entrance needs to be imaginatively developed.

3.7 RECREATION AND HEALTH: **contributions requested** to community halls and community development, in accordance with the Council's draft SPD for Planning Obligations. A contribution of £21, 998.32 is sought toward the enhancement of existing community facilities, to meet the additional demand anticipated from the development, and a contribution of £22, 968.12 is sought toward community events and publicity (such as residents' newsletters) to promote community integration.

In addition, a contribution toward public art is sought of £150 per dwelling.

- 3.8 WASTE AND RECYCLING: **no objections** subject to a contribution of £67.50 per dwelling to provide Waste and Recycling services to the development
- 3.9 TREES: **no objections** subject to conditions requiring submission and approval of an Arboricultural Method Statement (including a tree protection plan), the retention and protection of veteran trees, and the submission and approval of details of tree planting pits.

Oxfordshire County Council Consultees

- 3.10 TRANSPORT: **no objections** subject to conditions requiring approval of full details, and subsequent provision of, the means of access between the land and the public highway, the parking and manoeuvring areas, and pedestrian links from the site to Oxford Road and to Molyneux Drive, along with the approval and implementation of a Travel Plan. In addition a legal agreement to secure the following is required:
- An amount per dwelling towards the Banbury Transport Strategy, calculated in line with the draft SPD for Planning Obligations
 - £862 per dwelling towards improving the frequency of bus services in the Bodicote area
 - £10,000 to improve the existing Weeping Cross bus stops on the A4260 Oxford Road
 - £1240 toward the cost of monitoring the Travel Plan
 - Cycle improvements to connect to the cycle network north of Broad Gap
 - A requirement to provide the proposed new walking routes and maintain them in perpetuity

In raising no objections, OCC Transport officers acknowledge that the proposal would contribute to cumulative transport impacts in the area giving rise to the need for transport improvements, and would also contribute towards congestion on the local network. However the applicant's willingness to make contributions to the Banbury Transport Strategy, and towards improving public transport and cycle connections, are welcomed and are considered adequate to make the transport impacts of the development acceptable.

With regard to the safety of vehicles exiting onto the A4260, OCC Transport officers accept that modelling cannot accurately predict the potential for lengthy delays to occur (which could result in an increase in unsafe manoeuvres). Furthermore, it is acknowledged that there is not a consistent pattern of accidents locally that involve traffic failing to give way from a minor road where queuing occurs. Therefore this is not considered sufficient reason to object to the proposal on highway safety grounds.

In respect of the Illustrative Layout, OCC Transport officers advise that the pedestrian/cycle route through the centre of the development should be suitable for shared use in all weathers and should be as direct as possible. In addition footpath connections should be provided to the surrounding rights of way network, and vehicle tracking should be provided at reserved matters stage.

- 3.11 ARCHAEOLOGY: **no objections** subject to a condition requiring a programme of archaeological investigation to be carried out in accordance with the submitted Written Scheme of Investigation (WSI).
- 3.12 EDUCATION: **no objections** subject to a legal agreement to secure the following:
- £733, 774 towards the future expansion to 2 form entry of the new Longford Park Primary School
 - £433, 637 towards the expansion of secondary school capacity at Warriner

School, Bloxham

- £19, 815 toward the expansion of special educational needs provision in the area, at Frank Wise School

OCC advise that these contributions are necessary to ensure the expansion of education facilities to meet the needs of the development

- 3.13 PROPERTY: **no objections** subject to a condition requiring the provision of fire hydrants in accordance with the requirements of the Fire & Rescue Service.

S106 contributions toward libraries, waste management, museums, youth services and adult day care are not being sought solely due to the restriction on pooling contributions imposed by regulation 123 of the Community Infrastructure Regulations 2010 (as amended).

Other Consultees

- 3.14 ENVIRONMENT AGENCY: **no objections**, advising that the responsibility for assessing surface water drainage proposals now rests with the Lead Local Flood Authority (LLFA).

- 3.15 THAMES WATER: **no objections** subject to conditions requiring the submission, approval and implementation of a foul and surface water drainage strategy, and requiring the submission and approval of a Water Network Impact Study. In addition informatives are recommended regarding the presence of a Thames Water main crossing the site, and regarding the minimum water pressure that should be designed into the development.

- 3.16 THAMES VALLEY POLICE (INFRASTRUCTURE): **contributions requested** to mitigate the impact of the development on Police services. This includes contributions to new/extended premises, vehicles, officer training and equipment. A contribution of £17,640.75 is requested, calculated on the basis of the anticipated population size of the development.

4. Relevant National and Local Policy and Guidance

4.1 DEVELOPMENT PLAN POLICY

Cherwell Local Plan 2011-2031 Part 1: The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20 July 2015.

The Plan was the subject of an independent examination conducted by an Inspector appointed by the Secretary of State. The Inspector's report was published on 12th June 2015 and the recommended main modifications required to make the Plan sound have been included in the adopted plan.

The Plan provides the strategic planning policy framework and sets out strategic site allocations for the District to 2031. Now adopted, the Plan forms part of the statutory development plan and provides the basis for decisions on land use planning affecting Cherwell District.

The Local Plan 2011-2031 – Part 1 replaces a number of the saved policies of the 1996 adopted Cherwell Local Plan. Those saved policies of the 1996 adopted Cherwell Local Plan which are retained remain part of the development plan. These are set out in Appendix 7 of the Local Plan 2011-2031.

Planning law requires that applications for planning permission must be determined in

accordance with the development plan unless material considerations indicate otherwise. The policies of the new Local Plan most relevant to this application are:

PSD1:	Presumption in favour of sustainable development
SLE4:	Improved transport and connections
BSC1:	District wide housing distribution
BSC3:	Affordable housing
BSC4:	Housing mix
ESD3:	Sustainable construction
ESD10:	Protection and enhancement of biodiversity and the natural environment
ESD13:	Local landscape protection and enhancement
ESD15:	The character of the built and historic environment
Villages 1	Village categorisation
Villages 2	Distributing growth across the rural areas
INF1:	Infrastructure

The Local Plan and its associated documents are available on the Council's website: www.cherwell.gov.uk

Cherwell Local Plan 1996 (saved policies)

H18:	New dwellings in the countryside
C15:	Prevention of coalescence of settlements
C28:	Layout, design and external appearance of new development
C30:	Design of new residential development
ENV1:	Development likely to cause detrimental levels of pollution
ENV12:	Contaminated land
TR1:	Transportation funding

4.2 OTHER MATERIAL POLICY AND GUIDANCE

National Planning Policy Framework (NPPF): in particular paragraph 17 'Core planning principles' and sections 4 'Promoting sustainable transport', 6 'Delivering a wide choice of high quality homes', 7 'Requiring good design' and 11 'Conserving and enhancing the natural environment'

Planning Practice Guidance (PPG): in particular the sections on design, housing, transport, and noise

CDC Draft Planning Obligations SPD 2011

Oxfordshire Strategic Housing Market Assessment (SHMA) 2014

Strategic Housing Land Availability Assessment (SHLAA) update 2014

Annual Monitoring Report (AMR) 2014

5. Appraisal

5.1 The key issues for consideration in this application are:

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

- Access and transport impacts
- Residential amenity
- Flood risk and drainage
- Biodiversity and trees
- Archaeology
- Sustainable construction
- Affordable housing
- Infrastructure impacts

Relevant Planning History

5.2 The application site

13/00059/SO - Screening Opinion - Proposed development of up to 100 residential units EIA NOT REQUIRED 9 September 2013

5.3 The northern site

11/00617/OUT – outline planning application for up to 82 dwellings ALLOWED ON APPEAL 26 March 2012

12/01802/REM – reserved matters to 11/00617/OUT APPROVED 10 April 2013

5.4 Cotefield House

13/01466/F – Conversion of 2 ground floor apartments into 6. Includes the renovation of existing ancillary buildings APPROVED 7 February 2014.

Cotefield Business Park

09/00580/F – Use of units (3A – 3B) for the sale of goods by auction for up to 30 days per year APPROVED 23 June 2009. This permission includes a condition which makes the permission personal to the applicant.

06/00593/F – Alterations and change of use of agricultural building number 5 to B8 storage and distribution APPROVED 29 June 2006. This permission includes a condition restricting the times at which the premises can be operational.

02/01212/F – Extension to play centre building APPROVED 26 July 2002.

01/01707/F – Change of use of B1/B8 building to play centre and installation of mezzanine APPROVED 21 February 2002.

00/01795/F – Change of use of potato storage building to use for B1 (business) and B8 (storage and distribution) APPROVED 30 October 2000. This permission includes conditions restricting the time at which the premises can be operational, restricting outdoor storage and/or operation of goods, materials, plant and equipment, and limiting the level of noise than can be generated by the operation of any plant, equipment and machinery

Principle of development

- 5.4 Bodicote is identified as a Category A village in Policy Villages 1 of the recently adopted Cherwell Local Plan 2011-2031 Part 1. Category A villages are the district's most sustainable settlements outside the towns of Banbury and Bicester, and Policy Villages 2 of the Local Plan 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.*

- 5.5 The extant permission for 82 dwellings on the land immediately to the north of the application site (ref: 11/00617/OUT) was granted prior to 31 March 2014 and so does not count towards the rural allocation of 750 under Policy Villages 2.
- 5.6 The site is identified in the SHLAA update 2014 (site ref: BO022) as: *potentially developable for 95 dwellings upon full implementation of the development to the north*. In assessing the suitability of the site the SHLAA concludes that it is: *contained by the Cotefield Farm employment buildings and the screen planting to the south and west, providing a clearly defined limit to the extent of built development at Bodicote*. The site is also identified in the AMR for 2014 as a deliverable site contributing to the allocation of 750 under Policy Villages 2 and contributing to the Council's 5 year housing land supply, although this is without prejudice to the determination of the current planning application.
- 5.7 It is the case that neither the SHLAA update 2014 nor the AMR for 2014 allocate the application site for development. However Bodicote is one of the largest and most sustainable of the Category A villages with a good range of services and community facilities within walking distance of the site, and with opportunities to promote and enhance sustainable transport options such as cycling and regular bus services. Furthermore as noted in the SHLAA update 2014, the site is well contained and screened by mature planting and existing built development, and if developed it would provide a clearly defined and defensible limit to the built extent of Bodicote village. However, in order to deliver a sustainable form of development that is properly integrated with the existing built environment it is essential that the site is not developed in isolation, without the approved housing development to the north being progressed any further.
- 5.8 Paragraph 17 of the NPPF states that: *every effort should be made to objectively identify and then meet the housing, business and other development needs of an area (and) plans should...set out a clear strategy for allocating sufficient land which is suitable for development in their area*. Paragraph 49 of the NPPF 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 up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*. Paragraph 14 of the NPPF explains that the presumption in favour of sustainable development means: *approving development proposals that accord with the development plan without delay unless material considerations indicate otherwise*.
- 5.9 The application site and the approved housing development to the north are in the same ownership. As such it is possible to ensure by way of a legal agreement that that the proposal is not implemented without the approved housing development being progressed to completion, and in any case the applicant has indicated that work is expected to recommence on the approved housing development later this year. Therefore the proposal is considered to accord with the strategy for meeting the housing needs of the District as set out in the Cherwell Local Plan 2011-2031 Part 1, and is considered acceptable in principle under Policy Villages 2 of the Local Plan, subject to other material considerations being acceptable also as assessed below.

Design and impact on the character of the area

- 5.10 Paragraph 56 of the NPPF states that: *the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development (and) is indivisible from good planning*. Paragraph 61 goes on to explain that: *securing high quality and inclusive design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and*

historic environment.

- 5.11 Policy ESD13 of the Cherwell Local Plan states that: *development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.* Policy ESD15 of the Cherwell Local Plan states that: *new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design.* This includes a requirement for new development to: *contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features.*
- 5.12 The application site is part of a field which currently contributes to the rural setting and character of Bodicote village, and its development for housing would undoubtedly alter this character. However the northern part of the field is already planned to be developed for 82 houses, and the field is enclosed by commercial buildings to the east and a mature planting belt to the south and west. Views into the site from the surrounding countryside are therefore limited, and the site is read in the context of its relationship to the existing and planned housing to the north, and the commercial buildings to the east.
- 5.13 The proposed development would not extend beyond the planting belt or beyond the limits of the existing buildings to the east, and would read as a logical extension of the approved housing development to the north. It would appear well-contained and would provide a clear and defensible limit to the built form of Bodicote village. Therefore it is the opinion of officers that although the development of this site for housing would cause some local landscape harm, this harm is limited and would be outweighed by the benefits of providing additional housing to meet the District's housing needs, in accordance with the strategy of the new Cherwell Local Plan.
- 5.14 The retention and long-term maintenance of the existing mature planting belt can be secured by way of a s106 legal agreement, so ensuring the wider landscape impacts of the development are acceptable.
- 5.15 With regard to the design and appearance of the proposed development, although details of the layout, landscaping, and appearance are reserved matters and so are not for detailed consideration at this stage, the Council must nevertheless be satisfied that acceptable details could be achieved. The proposed Indicative Layout 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 is the interface and relationship along the northern boundary of the site to the approved housing development.
- 5.16 The Indicative Layout shows a looser, more informal road layout than that of the approved housing development to the north, with scope for subtle variations in building lines and a more irregular, organic placement of individual buildings. This is considered appropriate for an edge of village development and should facilitate a sensitively designed layout at reserved matters stage that responds to the rural character and context of the site. The proposal to create a green corridor through the centre of the development, with the focal point being a greenspace and play area centred on a retained veteran Oak tree, should further reinforce local distinctiveness and provide connectivity through to the approved development.
- 5.17 The relationship to the approved development along the northern boundary of the site will require careful treatment, to ensure successful integration between the two phases, and a number of possible options have been explored with the applicant. The approved development is for dwellings fronting the southern boundary with the application site, but accessed off shared private drives. As such it would not be acceptable or desirable (in highway terms) for the proposed development to also

show dwellings accessed off these drives.

- 5.18 To address this, and to avoid duplication of access roads, the Indicative Layout suggests dwellings fronting the northern boundary but with vehicular access to the rear. Front gardens and pedestrian access would be provided at the interface with the approved development, with the intention being to create the appearance of a single, unified streetscene.
- 5.19 Officers are not entirely convinced that the current arrangement shown on the Indicative layout is successful as it could appear somewhat contrived and raises design issues such as the treatment of the rear elevations of garages fronting onto this space. Nevertheless officers consider the general intent of creating a unified streetscene is appropriate to ensure proper integration, and are satisfied that subject to requiring approval of details of the layout of internal access routes at reserved matters stage, an acceptable layout and appearance can be achieved.
- 5.20 With regard to scale, this is not a reserved matter and so needs to be considered in the assessment of this outline application. The applicant has indicated a mix of 2 and 2.5 storey buildings, with two 3 storey buildings at the site entrance. Taking into account the rural edge-of-village context of the development, officers consider that the predominant scale should be 2 storey, although some 2.5 storey would be acceptable at carefully chosen locations, to provide visual interest and to reinforce legibility within the development (e.g. at the site entrance, at key viewpoints, and around the central greenspace). 3 storey development should be an exception, but with careful design could be appropriately used to create a gateway building at the entrance to the site. A condition regulating the amount of 2.5 and 3 storey development that would be acceptable is considered necessary, to ensure a final form of development that responds appropriately to its context.
- 5.21 The detail of individual building heights, widths and depths is largely dependent on the final layout and appearance of the development, and so can be appropriately dealt with at reserved matters stage.

Access and transport impacts

- 5.22 Paragraph 32 of the NPPF states that planning decisions should take account of whether: *safe and suitable access to the site can be achieved for all people (however) development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.* Paragraph 35 states that developments should be located and designed where practical to: *give priority to pedestrian and cycle movements, and have access to high quality public transport facilities (and) create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.*
- 5.23 Likewise Policy SLE4 of the new Cherwell Local Plan states that: *all development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling...development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.*
- 5.24 A number of concerns have been raised about the impact of allowing additional development accessed off the A4260, in particular the potential for residual cumulative adverse impacts on the local road network when considered with other planned developments in the area. Potential problems highlighted include congestion on the local road network and the risk of traffic queuing to enter or exit onto the A4260 performing unsafe manoeuvres.
- 5.25 OCC Transport officers originally objected to the application on the grounds that the

submitted Transport Assessment had not demonstrated that the transport needs of the development could be accommodated safely and efficiently on the local transport network, and on the grounds that the priority junction onto the A4260 was not adequate and would lead to excessive delays at peak times.

- 5.26 In response the applicant revised the Transport Statement, and having considered the revised Statement OCC Transport officers are now satisfied that the transport impacts of the development can be made acceptable. This is based on the applicant's willingness to make a financial contribution toward the implementation of the Banbury Transport Strategy which seeks to deliver strategic transport improvement schemes in Banbury, and a recognition that the site is in a reasonably sustainable location with opportunities to connect to and enhance sustainable transport options such as local and regional bus services and cycle routes. These benefits can be secured by way of a s106 legal agreement.
- 5.27 With regard to the adequacy of a priority junction onto the A4260 and the potential for excessive queuing times, OCC Transport officers concede that there is not sufficient evidence to demonstrate that this problem would occur, or would increase the risk to highway safety.
- 5.28 With regard to accessibility and connectivity to and within the site, it is noted that the applicant proposes enhancements to the local rights of way network and proposes the provision of cycle and footpath links between the development and the existing cycle and footpath networks. It is considered that these enhancements can be secured by a combination of conditions and planning obligations, and the consideration of further details at reserved matters stage.
- 5.29 Therefore, in the absence of any other evidence to the contrary and taking into account the advice given at Paragraph 32 of the NPPF, officers consider that the transport impacts of the development can be made acceptable and it would not be justified to refuse planning permission on transport grounds in this case.

Residential amenity

- 5.30 Paragraph 17 of the NPPF 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*. With particular regard to the potential for noise and disturbance, Paragraph 123 of the NPPF states that planning should aim to: *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development*.
- 5.31 Layout is a reserved matter, and it is achieving a satisfactory layout that will primarily ensure that an acceptable amenity is provided for future occupants of the development by ensuring the relationship between neighbouring dwellings minimises the potential for adverse impacts in respect of overlooking, loss of privacy, overshadowing and loss of light. Having regard to the Illustrative Layout, officers do have reservations about whether 95 dwellings can be accommodated in such a way as to meet in every respect the Council's guidance in respect of separation distances. However the application is for "up to" 95 dwellings, which means that a lesser number could be approved at reserved matters stage, if this was found to be necessary to achieve a good standard of amenity. In addition, the Council's guidance should not be applied rigidly but should take individual circumstances into account. Therefore officers are satisfied that a layout can be agreed at reserved matters stage that is acceptable in residential amenity terms.
- 5.32 With regard to the relationship to the existing commercial uses at the adjacent business park, the planning history for the business park along with the applicant's own evidence and the case officer's observations on site indicate that there are no B2

(general industrial) uses either permitted or being carried out unlawfully at the business park. The uses that are permitted (B1 business and B8 storage and distribution) are not considered to be of type or scale incompatible with residential development, and the Council's Anti-Social Behaviour officer has not raised concerns in this regard.

- 5.33 In respect of the potential for noise disturbance to result from traffic using the A4260, the Council's Anti-Social Behaviour officer is satisfied that this could be adequately addressed by noise mitigation, as proposed in the Noise Assessment submitted with the planning application.
- 5.34 Therefore, subject to a condition requiring appropriate noise mitigation to be provided in accordance with the submitted Noise Assessment, officers are satisfied that the proposed development can be made acceptable in this respect.

Flood risk and drainage

- 5.35 Paragraph 103 of the NPPF states that: *when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.* The site is in Flood Zone 1, which is the zone of lowest flood risk. A Flood Risk Assessment has been submitted in support of the application, and this concludes that the risk of flooding is low and that the incorporation of SuDS (sustainable drainage systems) into the development is adequate to mitigate any potential increase in surface water flooding, either on site or elsewhere.
- 5.36 Neither the Environment Agency nor Thames Water have objected to the development, and although Thames Water are concerned about whether the existing sewerage infrastructure has capacity to accommodate the additional flows resulting from the development, they appear satisfied that this can be addressed by condition. Therefore, and in the absence of any evidence to the contrary, officers are satisfied that the potential impacts of the development in terms of flood risk and drainage can be made acceptable.

Biodiversity and trees

- 5.37 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.*
- 5.38 Detailed ecological survey work, including a Phase 1 Habitat Survey and a Bat Activity Survey, has been submitted with the application. The Phase 1 Habitat Survey concludes that whilst no protected or notable species were recorded as present on the site at the time of the survey, the site has potential to support protected species in particular bats, breeding birds, and invertebrates. It recommends further survey work in respect of bats, and recommends measures to avoid and mitigate the possible adverse impacts on birds and invertebrates.
- 5.39 The Bat Activity Survey found evidence that the site is used by low numbers of bats, predominantly *common pipistrelle*, but found no evidence of bat roosts. The survey concludes that the proposal would: *retain the majority of the habitats found to be of value to bats during the survey* including the veteran Oak tree, the perimeter planting belt, and a small area of woodland to the eastern corner of the site. A number of recommendations are made to preserve and enhance biodiversity, including

minimising the amount of artificial light spill, maintaining green corridor links through the site and to the veteran Oak tree, using native species in the landscaping scheme, creating areas of species rich grassland, and the provision of bat and bird boxes.

- 5.40 The Council's Ecology officer was consulted on the application but has not commented or objected to the proposed development or the findings of the ecological survey work. Officers have no other reason or evidence to disagree with the conclusions of the ecological survey work and conditions can be used to ensure the recommended mitigation and enhancement measures are incorporated into the detailed design of the development. Therefore, subject to these conditions, the development is considered to have an acceptable impact on biodiversity.
- 5.41 With regard to trees, there are no statutorily protected trees on the site. However there are a number of trees, including some veteran trees, present on the site which have both amenity and ecological value. The majority of these trees, including a veteran Oak tree in the centre of the site, are proposed to be retained.
- 5.42 An Arboricultural Impact Assessment has been submitted with the application and this provides a thorough assessment of the quality and health of the trees on site. It also recommends various measures to ensure the retained trees are adequately protected during construction.
- 5.43 The Council's Tree officer has not objected to the development and is satisfied that the most significant trees would be retained in the development. Therefore, subject to a condition requiring the submission and approval of an Arboricultural Method Statement, the impact of the development on trees is considered acceptable.

Archaeology

- 5.44 The OCC Archaeology officer has advised that there is evidence of archaeological remains surviving on site, as reported in the submitted archaeological investigation reports. However they advise that a condition requiring a programme of archaeological work to be submitted, approved and then implemented is adequate to ensure the impacts on archaeological remains are acceptable. Therefore the development is considered acceptable in this respect.

Sustainable construction

- 5.45 Policy ESD3 of the new Cherwell Local Plan states that: *all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy.* In respect of water efficiency, it also states that Cherwell District is in an area of water stress and so developments should achieve a limit of 110 litres/person/day.

The supporting text to Policy ESD3 explains that its requirements are to be applied flexibly, but with the onus on the developer to demonstrate why the requirements cannot be met. It is considered that this can be addressed by way of a condition requiring the submission, approval and then implementation of a sustainable construction strategy detailing the measures to be incorporated into the development to satisfy the requirements of Policy ESD3. Therefore officers are satisfied that the development can be made acceptable in this respect also.

Affordable housing

- 5.46 The Oxfordshire Strategic Housing Market Assessment (SHMA) 2014 identifies a significant need for affordable housing in Cherwell District. Paragraph 50 of the NPPF states that where local authorities have identified a need for affordable housing they

should: *set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified.*

- 5.47 Policy BSC3 of the new Cherwell Local Plan states that in the rural areas (which includes Bodicote): *all proposed developments that include 11 or more dwellings (gross)...will be expected to provide at least 35% of new housing as affordable homes on site.* It goes on to state that: *all qualifying development will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes.*
- 5.48 The Planning Statement submitted with the application confirms that the applicant is willing to provide 35% affordable housing on site, comprising of a housing mix that has been negotiated and agreed with the Council's Housing officers. The provision of this affordable housing can be secured by way of a s106 legal agreement. Therefore officers are satisfied that the development will comply with the requirements of Policy BSC3 and will make an important contribution to meeting affordable housing need in the District.

Infrastructure impacts

- 5.49 The consultation response has identified that the development is likely to have an impact on community services and infrastructure including the local transport network, education and community facilities. It has also identified that the development is likely to create demand for recreation and play facilities.
- 5.50 Policy INF1 of the new Cherwell 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.* Paragraph 203 of the NPPF states that: *Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.*
- 5.51 However this is qualified by Paragraph 204 of the NPPF which states that: *planning obligations should only be sought where they (are) necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonable related in scale and kind to the development.* These tests are replicated in regulation 122 of the Community Infrastructure Regulations 2010 (as amended). In addition, regulation 123 of the CIL Regulations imposes a cap on the number of pooled contributions that can be secured by way of a planning obligation.
- 5.52 Officers consider contributions to transport, education, community halls, open space and play areas would be necessary and justified to make the development acceptable in planning terms. The developer has indicated a willingness to enter into a s106 legal agreement to secure these contributions and to ensure the infrastructure impacts of the development are adequately mitigated, subject to any contributions sought being compliant with the CIL Regulations. Negotiations have commenced on a legal agreement and therefore officers are satisfied that subject to satisfactory completion of the legal agreement, the infrastructure impacts of the development can be made acceptable.
- 5.53 With regard to the contributions requested to public art, community events and publicity, and to Thames Valley Police, these contributions are not considered to be compliant with the CIL Regulations and so are not necessary or justified to make the development acceptable in planning terms.

Engagement

- 5.54 With regard to the duty set out in paragraphs 186 and 187 of the Framework, officers

have worked positively and proactively with the applicant to address the issues that have arisen during the application, to enable a positive recommendation to the Planning Committee to be made. Therefore it is considered that the duty to be positive and proactive has been discharged.

Conclusion

- 5.55 The proposal is considered acceptable in principle under Policy Villages 2 of the Cherwell Local Plan 2011-2031: Part 1, which provides for an allocation of 750 new homes at the Category A villages across the plan period. Bodicote is one of the larger and most sustainable of the Category A villages, with access to a wide range of community services and facilities, along with opportunities to maximise the use of sustainable transport modes. However this is subject to the approved housing development to the north of the application site being constructed, so as to ensure proper integration into the village.
- 5.56 The site is well contained by existing buildings to the east and mature planting to the south and west, providing screening from the surrounding countryside and resulting in the proposed development reading as a logical and defensible limit to the built form of the village. Acceptable details of layout, scale and appearance can be secured by condition and at reserved matters stage, to ensure a high quality form of development that integrates well with the existing (and planned) natural and built environment. The harm to the rural character, quality and appearance of the area and the wider landscape would be limited.
- 5.57 Although the development is likely to generate additional traffic on the local road network with potential impacts on congestion and traffic flows and peak hours, the residual cumulative impact is not considered severe and can be adequately mitigated by s106 contributions to road infrastructure improvements, and by measures to promote the use of and enhance sustainable transport modes such as cycling and public transport. Acceptable details of access to and within the site, including parking, can be secured by condition.
- 5.58 The impacts of the development are, or can be made, acceptable in all other respects including providing a satisfactory standard of amenity for future residents, mitigating the flood risk, drainage, archaeological and arboricultural impacts of the development, and securing measures to preserve and enhance biodiversity on the site. On-site contributions to affordable housing, open space and play facilities, along with off-site contributions to education and community halls, can be secured by way of a s106 legal agreement.
- 5.59 Therefore the proposed development is considered to comply with Policies PSD1, SLE4, BSC1, BSC3, BSC4, ESD3, ESD10, ESD13, ESD15, Villages 1, Villages 2 and INF1 of the Cherwell Local Plan 2011-2031: Part 1, saved Policies C15, C28, C30, ENV1, ENV12 and TR1 of the Cherwell Local Plan 1996, and the guidance and policy contained in the NPPF and the PPG.

6. Recommendation

Delegate to the Head of Development Management to **approve**, subject to conditions and subject to completion of a satisfactory planning obligation to secure the following:

- a) The implementation of the development to be tied to the implementation of the development approved under planning application ref: 11/00617/OUT
- b) Contributions to:

- i) Affordable housing
- ii) Strategic transport improvements
- iii) Bus service improvements
- iv) Cycle network improvements
- v) Public footpath improvements
- vi) Primary education services
- vii) Secondary education services
- viii) Community hall improvements
- ix) Provision of on-site public open space and play facilities
- x) Long term maintenance of on-site public open space and play facilities
- xi) Long-term maintenance of existing hedgerows and planting belts
- xii) Long-term maintenance of on-site SuDS

Conditions

The precise wording of the recommended conditions is currently being negotiated with the applicant in accordance with Government guidance in the PPG, and as requested by the applicant. A complete list of recommended conditions will be provided in the written updates, in advance of the Planning Committee meeting.

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.