

OS Parcel 3235 and OS Parcel 5021 West of West End, Launton 15/00392/OUT

Ward: Launton

District Councillor: Councillor David Hughes

Case Officer: Aitchison Raffety

Recommendation: Refusal

Applicant: Mr Richard Howden

Application Description: Erection of 8 detached houses and creation of informal open space

1. Site Description and Proposed Development

- 1.1 The application relates to a site located at the southern end of West End and is currently predominantly an open agricultural field which contains a stable building in the south-eastern part. An existing access is provided off West End at the north-eastern corner of the site and a straight access track runs along the boundary with existing residential properties on the northern boundary, providing access to the commercial building in the north-western part of the site. A track branches off the main one running south, providing access to the stable building which sits in the south-eastern part of the site.
- 1.2 The site is enclosed by hedgerows along the eastern, southern and western boundaries, with public footpaths running adjacent to these boundaries, providing views of the site through this vegetation. The footpath which extends past the end of West End continues to the south, through the vegetation into the open fields beyond. This provides a route under the railway line to the area beyond.
- 1.3 West End is characterised by a mix of housing types. Its character is derived from the traditional cottages infilled with more modern developments. These more modern developments are in the form of small culs de sac served off West End, examples include Chestnut Close.
- 1.4 The application is submitted in outline with all matters reserved for subsequent approval. Therefore the application seeks permission for the principle of the development and all details submitted with it are indicative only. The indicative layout submitted with the application shows the use of the existing access onto West End in the north-eastern corner of the site and upgrading of the existing access track to an adoptable standard. One house would occupy the site of the existing commercial building in the north-western part of the site and the remainder are shown as fronting onto the access road towards the existing residential properties. Each is shown with its own driveway and a small access track is provided between units 1 and 2 to allow access to the existing stable building.
- 1.5 To the rear (south) of the houses the remainder of the field is indicated as being set out as informal open space and the stable building which is also within the red line area is shown as in its current use. The informal open space and stable building are however identified as being outside of the red line application site.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter and press notice. The final date for comment was 2 July 2015. One letter has been received in support of the application and seven letters of objections, the contents of which are summarised as follows -

Support: 11 houses have been built along West End recently and a bungalow adjacent to the site, I cannot see any problem with another 8 properties.

Object:

- The site is beyond the built up limits of the village and is not an allocated site. The departure may be permissible though policy 49 of the NPPF if the housing land requirements had not been met. The Council has 5.1 years supply plus 5% and there is therefore no presumption in favour of this application.
- If development were permitted it would open the potential for development of other fields along West End
- Launton is under constant threat of being absorbed into Bicester with only a few fields now separating it from the town. The realignment of the ring road and associated railway bridges will further erode this separation.
- The application suggests 8 properties will not make a significant impact on traffic. The village is however affected more by traffic generated from the expansion of Bicester. Two developments in the village in the last 12 months have added probably 50 plus houses and their cars. There have been no serious accidents at the cross roads, but new development and increasing traffic from Bicester are rapidly contributing to a serious issue at the cross roads.
- Most of the tree planting is behind the houses and it does not ameliorate the view from the existing five houses which will have their outlook permanently altered.
- West End has a distinct character and in particular stone cottages and a rural spacious outlook. The proposed properties would be completely out of keeping with the neighbourhood and a significant blot on the landscape and would diminish the green rural nature of the area and increase noise pollution.
- The increase in traffic would mean this was no longer a safe environment for pets and wildlife to survive in.
- Approving development would open the floodgates for additional developments which would change Launton from being a quiet discrete village with its own distinct character into another suburb of Bicester.
- Accident data shows two accidents between 2010 and 2015. Given the development at Chestnut Close and if added to a further 8 houses the increased traffic would increase the risk of accidents. West End is a narrow road with a sharp unsighted bend at the Blackthorn Road end. At the other end West End is not wide enough to accommodate passing traffic.
- Much of the parking for properties on West End is on the road which makes for a single lane for traffic. Cars already need to mount the pavement to allow traffic to pass, which brings a risk to pedestrians. The frequency of these events would increase.

- The transport statement does not take account of the impact widening the existing access would have on parking for existing properties. Properties in the vicinity park on the road and widening the access will remove at least one parking space.
- It is likely that the houses will accommodate a number of occupants particularly given affordability problems and children having to live longer at home. This will mean a greater number of cars for each property which I cannot believe can be accommodated within the properties. Thus there would be overspill of vehicles onto the existing parking area.
- The buffer zone to Bicester would be taken away. These buffer zones should be kept to protect the villages around Bicester.
- The development would be out of character with the cluster of old cottages which are in keeping with their surroundings.
- Where are the 'local water courses' where the water would go. At present after large downpours West End floods.
- Properties facing the site will lose their uninterrupted views over the field. Large detached houses facing these properties will remove privacy from amenity spaces.
- The increased traffic would increase traffic movements and disturbance in front of the existing properties.
- This area of West End has a calm and tranquil village setting. The existing properties have significant character, many dating to the 19th Century. The development would have a negative effect on the character of this part of West End.
- The development would set a precedent for further proposals.

3. Consultations

3.1 **Launton Parish Council:** objects to the application on two grounds -

- Traffic in West End and at Launton crossroad;
- The development is outside of the village and would have breached the green buffer policy ESD15 of the emerging Local Plan. Planning applications have been refused on these grounds previously and the decisions upheld at appeal.

The Council also comment that the traffic predictions for car journeys extrapolated from a small number of villages in very different parts of the country cannot be taken seriously.

3.2 **Council Waste and Recycling Manager:** comments that no mention is made of separate waste or recycling storage which needs to be addressed before permission is granted. A S106 contribution of £106 per property is required for refuse bins.

3.3 **Environmental Protection Officer (contaminated land):** No comments received

3.4 **Conservation and Design:**

1.0 Introduction for a proposed development abutting the edge of the Village of Launton:

C.262 of the Local Plan confirms that Launton as a Category A Village can accommodate development in gap sites, as is currently being built between the industrial shed and the housing edge of the village, conversions and minor development. Assessing whether proposals constitute acceptable 'minor development' in terms of : size of village and level of service provision; The site's context within the existing built environment; whether it is in keeping with the character and form of the village; its local landscape setting; careful consideration of the appropriate scale of development.

The effect on the amenity of the houses to the north of the site is primarily a planning matter that will be dealt with in the Case Officer's assessment.

1.1 Size of village and level of service provision:

The village is defined as a Category A village capable of minor development, infilling, conversions. Service provision and size of village will be dealt with in the Case Officer's assessment.

1.2 The site's context within the existing built environment:

The proposed development site would result in an extension of the village towards Bicester and its green buffer.

The proposed housing is on a greenfield site abutting the SW edge of Launton Village. The greenfield site is currently used as a paddock with a stable block, beyond which is a strong belt of overgrown shrubbery which screens the continuation of the West End Lane which is now an abandoned lane, curtailed when the railway was built. The shrubbery to the lane in turn screens a long field parallel with the embankment to the railway, which is set at a higher level which is almost comparable with the top of the tree-line screening the lane.

The railway runs at high level to the SW of the site and although it is visually well screened, any existing noise issue is likely to increase with the improvements to the railway. Noise issues will be dealt with in the Case Officer's assessment.

Public footpaths run past the site, making this a significant view for walkers and cyclists entering the village.

1.3 Is the proposed Minor Development in keeping with the character and form of the village?

West End links the well-used footpaths which run through the field bounding the railway line, to the c18thC routeway, between Blackthorne and Bicester. The footpaths in turn link the village of Launton to Bicester, Langford, Wretchwick Farm and Ambroseden. The footpath approach towards Launton makes the proposed site of high importance, as it gives walkers their first impression of the village.

The existing edge of the village is currently defined by housing which turns the corner from West End and lines the start of a track, bounded by black estate railings, to the industrial shed. A new bungalow is currently under construction

on an infill site, which closes the gap between the housing and the industrial shed. Together, this now forms a hard built edge to the village. This edge is not picturesque but it is a historic line, beyond which houses have not strayed. The replacement of the industrial shed with a house, as shown as plot 8, in principle would be acceptable subject to design and layout, as this would now be considered infill within the village.

A quick analysis of the OS Maps show the properties on the north side of West End fronting the street with a long strip of land beyond. Hedgerows have grown up on these boundaries and the field pattern today is much as it was on the earliest OS Maps. The existing paddock referred to as Jack's Field, in the current application, was divided in two by a hedgerow on the OS Map of 1875-87 (highlighted in blue) but these appear to have been felled by the 1899-1905 map.

The tree line dividing the field (highlighted blue) in this 1875-87 map aligns with the southern edge of the proposed houses (plots 2-7).

The proposed layout of seven of the eight house would effectively fill the entire field to the NE of the 'blue hedgerow line' shown on the 1875-87 map. This would be contrary to the historic pattern of building in the village, which although it has grown organically in the interim years, it retains the open strips of field behind the buildings fronting and accessed from West End.

The proposed housing development layout of detached houses with integral garages, would not be in keeping with the historic character and form of the village.

The OS Maps show the Grade II listed building 'Old Timbers, 62 West End' has been built onto since the 1875-87 map. There is a modern development to the east of West End, called Chestnut Close which does not respect the way the rest of the village has organically developed.

If a case could be made by the Applicant that it was acceptable to build on this greenfield site and effectively extend the village, then the historic building line would be an important reference point as would set the precedent. It is considered that if a case can be made, the development should be limited to one or two properties fronting West End, retaining the traditional linear field pattern behind to the north west. There may be scope to ameliorate the effect of new openings reducing car park space by keeping the building line back from the edge of the site, in line with the listed building frontage dictated by the first two Grade II listed properties on the north side of West End.

The access to the stables would be more difficult with the proposed arrangement and any loading of horses into boxes would need to be done in the car park which could be problematic.

Any access from the car park would reduce the parking currently available to residents of West End, there may have to be some compensation in terms of increasing the size of the car park area to ensure car parking numbers were not reduced this will be dealt with in the Case Officer's assessment. The extension of the car park would only be possible by setting any development

back from the car park, possibly in line with the first two listed properties on West End.

1.4 Its local landscape setting

The village of Launton is set in farmland with dividing hedgerows which have not been managed and have grown up into trees.

Careful consideration of the appropriate scale of development

The scale of the development can only be assessed in plan terms and it is considered that 8No detached houses is not appropriate for a greenfield site which would extend the village and would not follow the traditional character of development on the north side of West End.

3.5 **Ecology Officer:** No comments received

3.6 **Arboricultural Officer:** No comments received

3.7 **Landscape Officer: Visual Impact** – The site is open to views from the PRoW immediately east, near to the existing stable block. There will be a high rate of significance of effect on receptors in respect of plot 1. In this regard the eastern boundary hedgerow near the car park is of a poor structure and will need to be supplemented with native shrubs to reinforce it. A wider view of the site will be experienced through an un-hedged boundary on the PRoW ie from the western corner of the site. The homes will be glimpsed from the elevated railway crossing, however, the indicative tree planting to the southern area/boundary has the potential to provide a good screen for the above visual receptors at the above viewpoints. Detailed landscape proposals should clarify this matter.

The residents (residential receptors) immediately north of the access road will lose a view of an attractive paddock if this development is consented, and significance of effect is probably going to be medium/high for these receptors. I would expect this issue to be addressed more fully with a visual appraisal. The access road is intended to be upgraded to an OCC adoptable. This therefore should allow planting of highway trees to provide both amenity to the street and visual mitigation for the residents.

Protection of vegetation – The root protection areas of all trees and overgrown hedgerows on the boundaries that are within an influencing distance of the development are to be identified on a land survey drawing. Root protection areas are to be indicated. This survey is to be done in accordance with BS5837. This is important because the site is contained effectively with structural vegetation which will effectively screen the development from visual receptors. Plot 1s footprint is very close to trees on the site boundary with the usual light reduction to windows and overshadowing to the garden. I recommend that the unit is located further away from the site boundary to ensure these problems are alleviated. An overshadowing study should be implemented to ensure that the unit and garden are not impacted upon by overshadowing trees.

POS/Play – The future management and cost of the informal open space is a concern. I would expect to see a S106 agreement to cover these issues and the parties involved.

Although the indicative tree planning is acceptable, it does not successfully relate to the wildlife area. I think the wildlife area should be integrated and become part of the POS. The area will be hidden from view and with limited public access it will in theory be at risk from garden encroachment. In any event it should be decontaminated sub soiled, top soiled and planted with native thicket. If this area does not successfully integrate with the POS then it may be necessary to redraw the red line to exclude the area. Land ownership around the site should be clarified including access arrangements. Cannot the stables be demolished and the area incorporated into the POS. A greater degree of control and protection to the structural landscaping can be achieved if the red line included these features.

If the red line were to include the southern half of the field as shown on the indicative layout drawing number 1503/01A there would be more potential for revising the layout around green space that includes a LAP with landscaped buffer fronting onto the active frontage of units. A revised housing layout is required. The play provision should adhere to CDC's planning obligation SPD to ensure that maximum play potential and appropriate quality standards are achieved.

Proposed planning conditions – A standard landscape condition will be required for hard and soft landscape detailing, along with landscape maintenance conditions to ensure maintenance in an appropriate manner. Tree pit condition for trees in hard and soft areas is also required. A hedgerow condition specifying a minimum height for the southern and eastern boundary hedgerows are required.

Contributions The following contributions are requested in respect of landscaping and POS -

Contribution	Cost
Hedgerows and formal hedges in informal open space	£35.78 per m2
Attenuation Pond	£14.91 per m2
Informal open space	£25.07 per m2
Play area	£31,995.52

- 3.8 **Thames Water:** Surface water drainage – it is the responsibility of the developer to make proper provision for drainage to ground water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant ensures that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to

discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

No objections regarding sewerage infrastructure.

No objections in respect of water infrastructure capacity, but recommend an informative as follows -

Thames Water aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres per minute at the point where it leaves Thames Water's pipes. The developer should take account of this minimum pressure in the design of the proposed development.

3.9 **Environment Agency:** The application is deemed to have a low environmental risk and due to workload the Environment Agency is unable to make an individual response.

3.10 **Oxfordshire County Council Consultees**

Highways Liaison Officer: makes the following comments –

Due to the limited range of facilities particularly within walking distance of the application site the scheme could be considered to some degree as an unsustainable location as it is on the fringe of the village. However, the nearest bus stops are within a reasonable walking distance (i.e. some 450m) and the local primary school is some 800m away, on this basis residents do have choice in their means of transport not forgetting cycling.

In terms of traffic associated with development according to the TRICS database in the peak hours the maximum number of vehicles generated by the proposal would be 6 vehicles two way flow which equates to one vehicle every 10 minutes.

TRICS is a computerised database and trip rate analysis package used for transport planning and development control purposes. TRICS provides vehicle trip rates for a variety of land uses and enables the breakdown of surveys by very specific criteria in this case dwelling houses.

The database comprises of over 6500 transport surveys at over a 110 different types of development and allows comprehensive trip rate analysis and auditing.

TRICS continues to be the nationally accepted standard source of trip generation information. TRICS was established in 1989 by a consortium of County Councils and is the system that challenges and validates assumptions about the transport impacts of new developments.

Essentially it is considered that the proposal overall is not that traffic intensive in terms of the number of units and as such is not considered a highway safety issue given the small amount of vehicles the development would generate.

In conclusion the NPPF goes on to make the following important statement which redefines the parameters against which planning decisions should be taken. "Development should only be prevented or refused on transport grounds

where the residual cumulative impacts of development are severe” in the case of this proposed development in traffic attraction terms i.e. the low numbers of traffic generated by the proposal are considered insignificant and this particular scheme although not ideal in terms of the location which is on the fringe of the village the overall traffic impact is not considered 'severe' and we would find it difficult to sustain an objection/refusal on these grounds.

The County Council as Highway Authority therefore has no objections to the proposal from a traffic and highway point of view subject to the following conditions;

i. That prior to the first occupation of the proposed development the access works between the land and the highway shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and shall be undertaken within a section 278/38 agreement under the Highway Act 1980.

ii. Prior to the first occupation of any dwellings hereby approved, all of the estate roads, footways/footpaths shall be laid out constructed and lit and drained in accordance with Oxfordshire County Council's construction specifications.

iii. No development shall commence on site for the development until a 'Construction Traffic Management Plan' providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during construction. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

Layout

It is appreciated that an indicative layout is submitted at this time, however, the final layout of the proposal will be subject to Oxfordshire County Council perusal when the reserved matters/detailed planning application is submitted.

Informative:

Prior to the commencement of development, a separate consent must be obtained from Oxfordshire County Council's Road Agreements Team for the proposed access and verge/kerb reinstatement works under Section 278 of the Highway Act 1980. For guidance and information please contact the County Council's Road Agreements Team on 01865 815700 or email Road.Agreements@oxfordshire.gov.uk

Drainage Engineer:

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The

scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features (this maybe secured by a Section 106 Agreement)
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Cherwell Local Plan 2011- 2031 – part 1

PSD 1	Presumption in favour of Sustainable Development
ESD 6	Sustainable flood risk management
ESD10	Protection of biodiversity and the natural environment
ESD13	Local landscape protection and enhancement
ESD 15	The character of the built and historic environment
Policy villages 1	Village categorisation
Policy villages 2	Distributing growth across rural areas
BSC 1	District wide housing distribution
BSC 8	Securing Health and well being
BSC 10	Outdoor sport and recreation provision
BSC 11	Local standards of provision – open space

Adopted Cherwell Local Plan (Saved Policies)

H18	New Dwellings in the countryside
C15	Preventing Coalescence of settlements
C28	Layout, design and external appearance of new development
C30	Design of new residential development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

5. Appraisal

5.1 The key issues for consideration in this application are:-

Planning History
Principle of Development
Design and Impact on the Character of the Area
Parking and Highway Safety
Residential Amenity
Flood Risk
Ecology and Protected Species

Planning History

- 5.2 There is a controversial planning history to the site which includes enforcement matters on the unit located on the north-western part of the site which remains outstanding. The main relevant aspects of the planning history are identified below;
- 5.3 Planning permission was granted under reference 01/00267/F for the erection of a stable building on land which is outside but adjacent to the application site but within the applicant's ownership. Following the grant of planning permission a subsequent application for revisions to the position and size of the stables was refused planning permission under reference 02/01292/F. A further application to demolish part of the building and retain the remainder was approved under reference 02/02078/F.
- 5.4 Subsequent to these decisions, applications for non-compliance with condition 6 regarding the creation of a new access were submitted. 03/0036/F and 03/01019/F were refused because of conflict with pedestrian use of the footpath.
- 5.5 The erection of a new dwelling adjacent to the northern site boundary was originally refused permission in 2005 (05/02486/F) on the grounds of the site being in a backland position and the access close to other properties causing noise and disturbance to their living environment. In addition West End and the junction at the end of the road were considered unsuitable for additional traffic. Permission was subsequently granted for a dwelling in this location (11/00246/F). In reaching this decision, the Council concluded that the site represented a sustainable location within the village and that due to a recent appeal decision elsewhere in the village the highway objections could not be sustained.
- 5.6 Planning permission was granted under reference 10/00021/F for the erection of a store/workshop building on the north-western part of the site. This building has been erected but there are ongoing enforcement issues relating to the site. An Enforcement Notice alleging the breach of two conditions attached to this planning permission was served by the Council and appealed by the applicant. This appeal was subsequently dismissed and the Enforcement Notice upheld. The breach of conditions related to the use of the building and site for manufacturing purposes and storage of materials and vehicles outside of the building.
- 5.7 An application was submitted in 2013 (13/01834/F) with the following description "*Retain existing storage containers, covered bays and portacabin (office, kitchen and wc facilities) and allow use of workshop/store for repair and*

maintenance work of agricultural machinery and equipment and for light metalwork fabrication; PROPOSED - New building to provide covered bays and secure store, raised deck for fuel container and fence". The application was withdrawn but a revised proposal was submitted in 2014 under reference 14/01916/F. This application was refused for the following reason:-

The proposed new buildings/structures and the unauthorised buildings/structures would cause detrimental harm to the rural setting of the village and the visual amenities of the wider area. Furthermore, the proposed industrial use of this workshop and the surrounding site would be incompatible with the residential character of the area and would cause an unacceptable level of nuisance to the occupants of the adjoining premises in terms of noise and disturbance. As such the proposal is contrary to saved Policies C7, C28, C31 and ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework 2012.

Principle of Development

- 5.8 Section 38 (6) of the 1990 Town and Country Planning Act sets out the requirement for decisions to be made in accordance with the development plan unless material considerations indicate otherwise. This remains the statutory position. The NPPF at paragraph 11 confirms the continued importance of the development plan in the decision making process and that the changes introduced through the NPPF do not override the importance of the plan led system.
- 5.9 Launton was identified in Policy H13 of the 1996 Local Plan as a category 1 village where development is appropriate within the settlement boundary through infilling, conversions or minor developments. This policy has been replaced by Policy Villages 1. The application site lies clearly beyond the built up part of the settlement other than the north-western corner where a modern portal frame building exists. Whilst there are enforcement issues relating to its use, this in my view forms part of the built up part of the village. The remainder of the site is an open paddock and is in open countryside. There is therefore conflict with Policy Villages 1.
- 5.10 Policy villages 1 of the Cherwell Local Plan 2031 Part 1 permits development within the built up area of the settlement for infilling, conversions or minor development. Minor development is identified as schemes under 10 units, although the precise definition is left open, dependent upon the scale appropriate for each individual village.
- 5.11 The Council in its latest Annual Monitoring Report published in March 2015 indicated that it could now demonstrate a five year housing land supply with a 5% buffer. The calculations show a supply of 5.1 years. This position is significant as it means that policies for the supply of housing remain up to date. Therefore the application by way of being outside of the settlement for most part conflicts with Policy Villages 1 of the Cherwell Local Plan 2031 Part 1. This conflict in policy weighs significantly against the proposals.
- 5.12 The position of the site outside of the village and the conflict identified above is not however the end of the matter. The presumption in favour of sustainable

development which is the golden thread running through the NPPF is followed through within Policy ESD1 of the Cherwell Local Plan 2031 Part 1. It is necessary therefore to look at other factors in addition to the policy conflict in order to determine whether the development can be regarded as sustainable. There is a recognition in Policy Villages 2 that there remains a requirement for further housing within the rural areas. This is confirmed in table 5 of the plan where a further 750 dwellings in addition to the windfall allowance or committed sites in excess of 10 units as of 31st March 2014. In view of this continuing need and absence of a published plan to indicate where these units will be provided through site allocations, there must be a recognition of the potential for these additional houses to be located in the higher category, more sustainable villages. This would include Launton. In my view therefore caution must be attached to simply seeking to reject proposals which are outside of settlement boundaries in principle.

- 5.13 Site specific matters on design, landscape impact etc below. There is a key issue which is relevant to this particular site which is contained in the 1996 Local Plan and the Cherwell Local Plan 2031 Part 1. Policy C15 of the 1996 Local Plan remains saved and seeks to prevent the coalescence of settlements and refers specifically to Bicester and Launton within the text. The application site did fall within a buffer area in the submission Local Plan through policy ESD 15. This sought to provide specific areas where development should be restricted and special attention paid to retaining the separate character of villages surrounding Bicester. This policy has been deleted from the adopted version of the Local Plan and therefore whilst there remains a need to consider the issue of coalescence of Launton with Bicester, including the impacts of the expansion planned to the east of the town, there is no specific area identified within a policy or on the proposals map which seeks to restrict development. The application therefore stands to be considered against the less specific policies such as ESD 13 and ESD 15.
- 5.14 Bicester is proposed to expand and South East Bicester (Bicester 12) extending the town to the western side of the railway line close to the village of Launton. The protection of the individual character of the village remains a relevant consideration which can be achieved through policy C15 of the 1996 Local Plan as well as policy Bicester 12 and also ESD 13 and ESD 15 of the Cherwell Local Plan 2031 Part 1, despite the deletion of the green buffer areas. The development of houses on the land would clearly reduce its openness and lead to encroachment of this area and reduce the gap between the village and Bicester including the south east expansion area. The site is however enclosed by mature hedgerows and woodland planting and is visually separated from the open countryside beyond. The development of the land would lead to development closer to Bicester, however, in view of the site's characteristics any encroachment would not have material impact on the visual degree of separation. I do not therefore conclude that the development of 8 units would result in coalescence between Launton and Bicester and I do not consider there to be conflict with policy C15 of the 1996 Local Plan as a result.
- 5.15 In reaching conclusions on the issue of the principle of development it is recognised that a small area of the site contains built development. Whilst there are ongoing enforcement issues with that part of the site, there is built

development which is authorised. The development of the north-western part of the site would not in my view visually encroach into the countryside.

Design and Impact on the Character of the Area

- 5.16 The application site is relatively contained through existing boundary landscaping along the eastern, southern and western boundaries of the field. The site is therefore relatively self-contained and its development will not result in any wider harmful visual appearance or character of the countryside. Whilst the NPPF continues to protect the intrinsic qualities of the countryside as set out in paragraph 17 it is necessary to balance this in principle protection against meeting the development needs of an area and in this case the need to identify additional land outside of rural settlements in order to meet the housing needs of the District. Therefore it is necessary to identify specific harm over and above simply developing within the open countryside for proposals to be refused. The landscape officer's comments do not point to any specific landscape of visual harm that would result from the development of the site. The new properties would be visible from public locations around the site but within a limited area of visibility. The wider landscape would be protected. I do not therefore consider there to be any justification for refusal based upon the impact on the character of the landscape.
- 5.17 In terms of the design quality of the development, although an outline scheme, there is an indicative layout which the supporting information suggests is the preferred approach for the development of the site. It is important however to recognise that given that all matters are reserved, the layout is not for consideration at this stage. The issue to assess is whether a development of 8 units could be successfully accommodated within the application site and not the specific layout which is submitted.
- 5.18 The indicative layout shows the houses fronting an access road which follows that of the existing means of access to the commercial building on the north-western part of the site. A large area of open space sits to the rear of the residential properties with the rear boundaries abutting this space. Although the open space is not within the red line area, this arrangement is not considered to be an appropriate quality of design and these features are not appropriate for this location. I do not consider the open space to be a safe attractive area and houses backing onto this is similarly inappropriate visually. It is also difficult to imagine how the stable building could be retained within in an area of open space associated with a housing development. It seems impractical to have such a building with no land associated with it given its use. I therefore consider that it would seem unlikely to realistically remain in its current use in the long term.
- 5.19 The layout of the indicative plan is poor and would not be acceptable, but the application is not seeking permission for this. Therefore the question is whether the site could accommodate 8 dwellings and the open space necessary. The site area is 1.28 hectares which is far in excess of that necessary to accommodate 8 dwellings. The amount of development does not make efficient use of the land which is required by paragraph 58 of the NPPF. Policy BSC2 of the emerging Local Plan promotes a minimum density of 30 dwellings per hectare. Whilst it is not reasonable to have an inflexible approach to the issue

of density and there is a need to have appropriate densities for a particular site having regard to its context and environmental capacity, there remains the need to make efficient use of land. Furthermore 8 dwellings do not trigger the need for affordable housing. If a more efficient use of the land was proposed then affordable housing would be provided which would therefore deliver a significant additional public benefit. I am concerned over the extremely low density of the development and the application does not justify this level and as such conflicts with the requirements of the NPPF.

- 5.20 The undeveloped area of the application site which is the majority of the land is a single open field. It is relatively flat and does provide an attractive edge to the village which provides part of the setting of the southern part of the settlement. Currently there is a distinct separation between the edge of the village and the more open land to the south of the application site. Approaching the site along the public rights of way, the field provides a valuable separation to the built up part of the village which has a very clear boundary, marked by the line of existing properties and the existing access road serving the commercial unit. Whilst the replacement of the commercial unit with a residential property would have visual benefits, I am concerned that the development of the application site will erode the attractive, green setting to the village. The field provides an attractive approach to the southern edge of the settlement and although not widely visible this does not undermine its importance.
- 5.21 The Council's design and conservation officer has examined the issue of the impact of the development of the site in detail. She has concluded that the development of the site does not respond to the character of the village street and that if development is to be acceptable it should be restricted to a limited frontage development facing West End. The replacement of the commercial building is acceptable as effectively an infill plot but the wider development is assessed as being unacceptable. I agree with these conclusions and am of the opinion that the development of the open field would be out of character with and harm the setting of the village. I therefore consider its development to cause material harm which is not justified and would conflict with the need for high quality of design as identified in the NPPF and also Policies C28 and C30 of the adopted Local Plan and also ESD 16 of the emerging Local Plan.

Parking and Highway Safety

- 5.21 A separate transport assessment has not been submitted and therefore the LHA made their own estimates of trip generation from interrogation of the TRICS database. Giving due consideration to the type, scale and location of the development, they estimate 1 additional trip every 10 minutes during peak hours.
- 5.22 Concerns have been raised regarding the ability of the local highway network to accommodate safely the increased traffic resulting from the proposed development, specifically regarding the nearby crossroads, alignment of West End and on-street parking pressures along Chestnut Close and West End. The crossroads would not accord with current highway design guidance and visibility between approaching vehicles from Bicester Road and Station Road is poor. West End bends tightly with forward visibility being restricted by a boundary wall immediately adjacent the carriageway. On-street parking is

commonplace and may obstruct the movement and visibility of highway users. Whilst generally the above matters are undesirable in terms of new design, they do not necessarily preclude development such as this; indeed, research has shown limited visibility and carriageway width leads to more cautious driving and has the potential to reduce accidents. Locally this is reflected by Road Traffic Accidents Records, which show there has been only 1 recorded accident in the last five years and, furthermore, that accident was unrelated to the layout of the highway and parked vehicles.

- 5.23 Previous applications along West End, particularly for the extension to Chestnut Close were refused planning permission on highway ground, however at an appeal into one of those the Inspector concluded as follows-

'I saw the bend and junction constraints on West End and the locations of the nursery school and public house. I do not doubt that on-street parking can be very heavy here in the evenings. Adequate parking would be provided within the site, no more than one extra vehicle would exit the site at once and they would see and be seen adequately. In the absence of evidence about accidents I consider that the extra traffic would not create an unacceptable danger to others.'

- 5.24 The NPPF provides specific guidance at paragraph 32 stating that *"development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."* The Highway Authority have examined the impacts of the development and concluded that the relatively limited increase in vehicle movements along West End during peak hours would not result in a severe impact and as such they have not objected to the application. Having considered the matters above, in the context of the National Planning Policy Framework (NPPF), given the modest level of traffic generation, accident history and findings of the planning Inspector on the nearby site, I do not consider a refusal on the grounds of traffic impact and highway safety would be sustainable.

- 5.25 Sustainable development lies at the core of the NPPF and with regard to transport this relates to accessibility and particularly the ability of future residents to access goods and services in an efficient manner, without placing high dependence upon the use of private cars. The site is relatively remote from services within the village but reasonably accessible to bus to Oxford via Bicester and occasional services to neighbouring villages, although these services are limited. In this regard, I consider that the site is appropriately accessible, particularly taking account of the proposed designation as a category A 'service centre' within the submission Local Plan.

Residential amenity

- 5.26 A noise survey is included as part of the planning application. The main issue regarding the site relates to the presence of the railway line to the south of the site. The assessment takes account of the planned increase in frequency of service along this line in reaching its conclusions. The assessment provides evidence on noise levels and examines this against the LOAEL (Lowest Observed Adverse Effect Level). This is defined as a level above which adverse effects on health and quality of life can be detected.

- 5.27 The results of the analysis indicates that the LOAEL levels can be achieved for internal spaces during the day for new properties on the application site through employing appropriate specification to the design of the properties. The combination of double glazing, hit and miss trickle ventilation etc can be employed to create suitable internal noise levels during the daytime period. At night there is an issue with opening windows. An open window significantly reduces the sound insulation properties within the construction of a property and in such circumstances the LOAEL levels would be exceeded. LOAEL levels can only be achieved during the daytime with windows open and would not be satisfactory during the night time period.
- 5.28 In terms of external spaces the assessment indicates that appropriate noise levels can be achieved during the daytime. LOAEL levels would be exceeded during the night time period, however as this runs from 23.00 until 07.00 this is not considered to be relevant in view of the likely use of gardens during that period.
- 5.29 There is a problem therefore with night time noise levels where windows are open. The design and layout of the scheme are not under consideration during this application however the applicant has indicated a strong preference for the indicative layout included with the application. The site is relatively narrow and options for the layout are limited. The provision of houses with their main rear facades facing towards the southern boundary and the sources of the noise from the railway line would in my view be inappropriate as it would result in main habitable rooms facing the noise source. In summer months when windows are likely to be open during the night there would be the potential for disturbance. This could affect a significant number of main rooms and I have concerns over the quality of the living environment that would be produced. The NPPF requires high quality of design within new developments, and this includes creating attractive and comfortable places to live (paragraph 58). Policy BSC 8 of the emerging Local Plan reflects this national guidance and I am concerned that there is no guarantee that the minimum appropriate standards can be achieved with the development and this could lead to an inappropriate level of amenity for future residents. Such a situation would not be acceptable and should be avoided.
- 5.30 Concerns have been raised regarding issues of overlooking from the new development as well as noise and disturbance from vehicle movements. The access road which is shown on the indicative plan runs past the southern boundaries of a number of existing properties. This route is not fixed as part of this outline proposal, however, constraints on the position of the access make this arrangement a strong possibility. The access route currently serves the commercial unit on the north-western part of the site. Notwithstanding the enforcement issues which are ongoing, the authorised use of the building would generate traffic movements, including commercial vehicles. I am satisfied that traffic generation from 8 residential units will not be significant and whilst there would be an impact on the residential amenities of neighbouring properties, I do not consider these to be at a level where harm would be caused that could warrant refusal for this reason.

- 5.31 In terms of the impact from the new properties in terms of overlooking or overbearing impacts the site is large enough to ensure suitable separation is provided between new and proposed properties through the detailed design process. I do not consider there to be any conflict in this regard.

Flood Risk

- 5.32 The application site is accompanied by a flood risk assessment which examines the potential flood sources in the area. The land lies well beyond the flood risk areas which are identified on the Environment Agency flood maps which gives a strong indication that the land is not at risk from fluvial sources. In addition, examination of records for surface water, ground water and sewerage flooding indicate a low risk and no specific instances associated with the site. The flood risk assessment indicates that there is no significant risk of flooding based on the data available.
- 5.33 The NPPF sets out the Government's policy on flood risk and seeks to ensure new developments are designed in order to avoid vulnerability to climate change. Paragraph 100 seeks to avoid inappropriate development in areas at risk of flooding including the use of the sequential test. The key driver of Government policy is to avoid placing new developments at risk of flooding both now and also in the future having regard to the potential impacts of climate change and this is included in Policy ESD 6 of the emerging Local Plan. The flood risk assessment which accompanies the application demonstrates that the site is appropriate in principle for residential development and that satisfactory on site attenuation can be provided in order to manage surface water drainage. I do not therefore consider any harm to arise through matters of flood risk or drainage.

Ecology and protected species

- 5.34 A phase 1 ecological survey accompanies the application which provides the evidence in support of development by the applicant. This assessment indicates that the site has a low ecological value being dominated by improved grassland. In terms of potential for protected species there is little opportunity within the site. There is some potential foraging habitat for bats along the site boundaries and limiting light spill in these locations will be necessary and could be dealt with through the detailed design process.
- 5.35 The report does identify the potential for ponds in the vicinity to have the potential to house Great Crested Newts. These are outside of the application site but there is potential for newts to move across the site. Clearly the development would pose a significant risk to great Great Crested Newts if any such use did take place. The report confirms the need for a mitigation licence from Natural England in such circumstances and measures employed to prevent the use of the site. In normal circumstances the full extent of the impacts of a development on the natural environment should be known at the outline application stage in order to determine whether any impacts from development can be adequately mitigated. In this case there is some potential for the use of the site by Great Crested Newts but there is a gap in the evidence base. It does however appear that in circumstances where Newts were living in the vicinity that mitigation could be employed to prevent harm to

the population. I therefore conclude that in this instance conditions requiring a suitable Great Crested Newt survey and if appropriate mitigation measures could be attached to any planning permission that would suitably address this issue.

Consultation with Applicant

- 5.36 Given the fundamental concerns over the principle of the development of the application site it was not considered appropriate to enter into discussions with the agent as these matters could not have been addressed.

Conclusion

- 5.37 The application for a total of 8 dwellings on the land would involve development outside of the village, taking development closer to Bicester. The green buffer designation has been deleted from the adopted Cherwell Local Plan 2031 Part 1 and is no longer a material consideration. The retention of a separate identify of the village remains a relevant consideration and is addressed under policy C15 of the 1996 Local Plan and policies including ESD 13 and ESD 15 of the Cherwell Local Plan 2031 part 1. The site is enclosed by mature landscaping and its development would not in my assessment result in visual coalescence with Bicester. The site is outside of the settlement and there is conflict with policy villages 1 of the Local Plan which seeks to restrict development beyond the settlement boundaries. This must be balanced against the need for additional land outside of settlements in rural areas and even where there is a five year land supply it remains necessary to consider such proposals against the presumption in favour of sustainable development. Launton as a category A settlement is considered relatively sustainable and as such I do not consider an in principle objection to development beyond the settlement boundary can be sustained.
- 5.38 The site is relatively contained, with limited impacts from any development on the wider landscape. However the site provides an attractive setting on the edge of the village, particularly given the close proximity of the footpath network and change in character experienced from the open agricultural land to the south of the settlement. There would be significant harm caused to the character and setting of the village through the development of this field which would conflict with the requirement for high quality design which is a key aspect of national planning policy.
- 5.39 The noise survey supplied indicates that appropriate standards cannot be maintained during night time hours for new houses if windows are left open. This is a likely scenario during summer months and the proposals as currently submitted in my view fail to show that an adequate level of amenity can be provided. I do not consider that the development would result in unacceptable impacts on existing properties through overlooking or disturbance and matters relating to ecology and flooding can be addressed through conditions at the detailed design stage. In respect of traffic matters the increase in traffic movements would be limited and balanced against the removal of the authorised commercial use from the site. Recent decisions in the village including an appeal decision have accepted further traffic along West End and

there are not considered to be any change in circumstances relating to this application.

6. Recommendation

Refusal - for the following reasons

1. The development of the application site would result in the encroachment of built development into an attractive open parcel of land which provides an important open character and setting to the village of Launton. The introduction of built development on the site would be out of keeping with the established pattern along West End and cause substantial harm to the character of the settlement, contrary to Policies ESD 16 and village policy 1 of the adopted Cherwell Local Plan 2011-2031 and to the NPPF.
2. The information submitted within the Noise Impact Assessment indicates that that the development would be unable to achieve suitable LOAEL noise levels within the properties during the night time period. This would lead to the creation of an inappropriate internal living environment for future occupants which would be contrary to the requirements for high quality design as set out within Policy C30 of the adopted Cherwell Local Plan and BSC 8 of the submission Cherwell Local Plan and the requirements of the NPPF

Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council in a timely and efficient way.