

Case Officer: Linda Griffiths **Ward(s):** Adderbury

Applicant: Gladman Developments

Ward Member(s): Councillor Nigel Randall

Proposal: Outline planning permission for up to 50 residential dwellings (including up to 35% affordable housing), land for potential GP outreach Surgery/Pharmacy/Community Use/Primary School Relocation, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Banbury Road and associated ancillary works. All matters to be reserved with the exception of the main site access

Committee Date: 17.12.2015 **Recommendation:** Refuse

Committee Referral Major Application

1 Application Site and Locality

- 1.1 The application site which extends to approximately 24ha lies to the west of the Banbury Road (A4260), Twyford and is currently in arable use and lies south of Summers Close. The eastern boundary is marked by occasional trees with denser hedgerows and trees marking its northern, southern and western boundaries. The site rises gently east from Banbury Road, before falling away to the Sor Brook to the west. There is a pond in the north western corner of the site.
- 1.2 Existing housing development lies to the eastern side of the Banbury Road and a recently consented residential development allowed on appeal lies immediately to the south (Application Number 13/00996/F refers). This consent has not yet been implemented. To the west of the site are open fields with extensive views across the open countryside to the south and west. Adderbury village lies to the south, with the spire of St Mary's Church. A Grade I Listed building, prominent in views across the site from Banbury Road.
- 1.3 There are several rights of way crossing the site. The main routes are north/south adjacent to the eastern boundary of the site with Banbury Road, northwest/southeast across the site and around the western and southern boundaries of the site. These routes lead to Croft Lane and Chapel Lane to the south. There is a bus service with bus stops on Banbury Road in front of the site. An agricultural access track runs along the northern boundary of the site with access onto the Banbury Road.

2 Description of Proposed Development

- 2.1 The proposal seeks consent for up to 50 dwellings to be located at the northern end of the site adjacent to the Banbury Road with a 0.1ha parcel of land reserved for a potential GP Outreach surgery and 1.8ha for a potential new primary school. The remainder of the site would be provided as dedicated public open space. This application has been submitted following a previous refusal for up to 98 dwellings on the site with land for a potential GP Outreach Surgery, pharmacy and community use together with associated infrastructure, landscaping and open space (15/00317/OUT refers).
- 2.2 Approval is sought as part of this submission for the proposed access to the development which is indicated as a single point of access off Banbury Road with an internal layout served off a single primary route. The existing public rights of way would be retained. With the exception of providing the main vehicular access into the site, the existing boundary vegetation is shown as being retained, with a large area of public open space proposed to the west, and a smaller area to include a children's play space between the proposed residential and the GP Outreach surgery and community facility adjacent to Banbury Road. Land is also indicated for a potential new primary school on the site. An attenuation basin is indicated on the south western boundary of the site.

3 Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
14/00100/SO	SCREENING OPINION - Residential development of up to 98 dwellings (use class C3) and GP Outreach Surgery with all matters reserved except for access	EIANO
15/00317/OUT	Proposed residential development of up to 98 dwellings, land for potential GP outreach surgery / pharmacy / community use, landscaping, public open space, associated infrastructure and associated works	REF

4 Response to Publicity

- 4.1 The application has been advertised by way of a notice in the local press, site notices and neighbour notification.
- 4.2 171 letters have been received from members of the public. In summary, the following issues have been raised:
- Contrary to Development plan
 - Contrary to Adderbury Neighbourhood Plan which people in the village have spent a great deal of time developing and is nearing the stage of presentation to CDC. Outside the Residential Settlement Boundary of that plan.

- The required five year land supply has been achieved and proved, therefore precluding the need for the provision of further housing
- Already been more than a fair share of planning permissions granted in the village. Since the beginning of 2015 and shortly before permission has been granted for more than 180 dwellings
- No requirement for village primary school to be relocated. Consultation notice in respect of the extension of the existing school site has been received
- Impact on character of the area, particularly view of church and village from Banbury. Area of high landscape value
- The public footpaths across and around the field are very important to the local community enjoying walks in the countryside and for dog walkers
- Loss of wildlife
- Capacity of the highway network is not sufficient to cope with the new development, the Banbury Road already suffers with significant congestion, particularly when there are issues on M40.
- GP outreach facility will increase traffic throughout the day and evening, if the school is relocated what will happen to that site, will this then be used for further development
- Previous application by Gladman already been reviewed and dismissed
- Village infrastructure cannot cope with more development, highway drainage and sewerage system is already poor
- Loss of views across to Bloxham and its church
- Water from the site passes through a restricted stone drain which is inadequate to cope with the increased flow from this development
- The fence to the southern boundary would need to ensure adequate access for maintenance of the ditch
- Sites in and around Banbury which are rotting and derelict, such as Crown House should be developed rather than greenfield sites
- Convert many empty and unused offices into flats instead
- The application does not achieve the long term objectives of the community to ensure that the village retains its unique identity as a rural village and has the ability to grow its community and infrastructure in a sustainable manner

The letters can be read in full on the application file.

4.3 Adderbury Conservation Action group object as follows:

- Although reduced in size to the previous application, it does not achieve the long term objectives of the community to ensure that the village retains its unique identity as a rural village and ability to grow its community and infrastructure in line with sustainable growth as a village
- Outside Residential settlement Boundary identified in the ANP
- Conflicts with NPPF, adopted Cherwell Local plan and saved policies of adopted Cherwell Local Plan 1996
- Although space is offered for a new school, it does not take into account that the existing school is to be extended

- Already been allocated a total of 182 dwellings over four sites within the last 18 months and well over the average 117 that could be expected by the Class A villages.
- Required five year housing land supply has been achieved precluding the need for the provision of further housing in Adderbury

5 Response to Consultation

5.1 Adderbury Parish Council: object as follows:

- Premature to the Adderbury Neighbourhood Plan and therefore would not allow residents of Adderbury to guide development as they should under the Localism Act. It is currently at the pre-submission stage of public consultation and will very shortly be submitted to CDC. Contrary to ANP.
- AMR has identified CDC has 5.1 years housing supply, which has been tested at a recent appeal at Kirtlington. In terms of the 750 rural housing numbers, Adderbury has already taken 182 across 4 sites. ANP does not envisage any further significant major developments within the Local Plan period. The village now needs time to assimilate these developments
- Does not comply with the CDC adopted Local Plan. The SHLAA does not see this as a suitable site for development in Adderbury and has rejected it stating that 'development in this location would have an unacceptable landscape impact and the topography of the site puts it in a very prominent position. There are potential access issues relating to the site'.
- Extension of the village boundary into open countryside and a greenfield site, contrary to CDC policies. NPPF only allows the need for housing numbers to override other planning concerns if the site is suitable, but APC does not believe this is such a site.
- Suggested area of housing will be separated from other residential building to the south of the site, including the development allowed on appeal and owned by CALA Homes, by green land suggested within the application itself and on the eastern side of the A4260, which forms a very clear boundary. Summers Close, to the north of the application site was built as an exception site (for disabled residents) and therefore cannot influence any other development or set a precedent for further development, so effectively also separating the site away from any established residential area to the north.
- Extremely prominent site within the landscape, set high on the side of the valley and will cause undue visual intrusion into open countryside which would be impossible to mitigate against by any increased planting on the boundaries as suggested in this application. This is contrary to NPPF and DCD adopted Local Plan.
- Would block views of conservation Area and Adderbury Church. This would lose the sense of arrival in a village context and have an urbanising effect
- Detract from amenity value of the area which is bounded on all sides by Public Rights of Way. FP101/11 forms part of the Adderbury circular walk.

Development would be very visible from these rights of way and would detract from their amenity value as they become rights of way through or edging a housing estate. From Banbury Road, views of open countryside would be lost. The agricultural area is significant in engaging the village with its rural roots.

- Will adversely affect ecology. Mature hedges on the south and south west of the site are dismissed in the Ecological Report as 'of no more than moderate ecological value at the local level'. This hedge is used by at least two RSPB red listed species (yellow hammer and sparrow) and their survey fails to allow for the use of this area by over-wintering thrush species including field fare and redwing. It has also completely ignored the spring fed pond in the north-west corner of the site, which should be considered for amphibians and reptiles as well as possible notable flora.
- School will not be able to accommodate additional pupils generated by the development. OCC believes the increased number of primary places needed for developments already permitted for Adderbury can be accommodated by an expansion to a one and a half form entry school. This would not allow for any further housing developments
- Public consultation has not been adequate, a public consultation was rejected by Gladman as 'confrontational and thus counterproductive'
- Parish Council is unconvinced by the offer of community facilities in this application. There has been no discussion with APC and the mention of land for three possible community uses is both undefined and would need more discussion on finance and a possible building. APC requests that CDC involves the Parish Council in any potential discussions with Developers over 106 funds or community benefits which could result from this development.
- Allocation of land for a primary school is unnecessary as OCC's stated policy is to expand the existing school to 1.5 entry on site. This policy is supported by APC and ANP. OCC have begun public consultation on this. This could lead to additional housing on the site.

Cherwell District Council:

5.2 **Planning Policy** – comments awaited

5.3 **Strategic Housing** – comments awaited

5.4 **Environmental protection Officer** – Air Quality - I have reviewed the Wardell Armstrong Air Quality Screening letter report dated 17 July 2015. It is noted that local air quality monitoring in the nearby area does not reflect the general background concentrations referred to in this report and it may be that concentrations are significantly higher than those reported. I recommend an air quality assessment is submitted which adequately assesses the current air quality and the impact of the proposed development. I recommend this is requested through condition.

Land Quality – I recommend the full contaminated land conditions are applied to ensure the developer demonstrates the site is safe from land contamination, or can be made so through remedial works.

5.5 **Arboricultural Officer** – comments awaited

5.6 **Landscape Officer** – objects as follows:

- The application site should be considered in respect of its valuable contribution to the character of the surrounding landscape. The site is the setting to the attractive landscape and urban edge of Adderbury with its church (St Marys). A landscape previously designated as An Area of High Landscape Value in Cherwell Local Plan 1996, and now given that the surrounding landscape and the application site as setting is deemed, in my estimation to be ‘distinctive and highly valued’ in accordance with the adopted Local Plan Policy ESD13, even though AHLV’s are not proposed to be retained. The reason the AHLV existed means that the landscape was deemed of significant value to be included in this designation, and is therefore worthy of the importance/weight in the adopted Local Plan policy.
- Under Policy ESD13: Local Landscape Protection and Enhancement, proposals will not be permitted if they would cause undue visual intrusion into the open countryside, be inconsistent with local character or harm the setting of settlements, buildings, structures or other landscape features (the setting of Adderbury Conservation Area and St Marys church). These points, in my view are highly relevant. I therefore judge the landscape sensitivity to be **high**; the magnitude of change is also **high**; and this means the significance of effect is also **high**.
- The ‘residential edge mitigating’ POS buffer between the residential parcel and Banbury Road will be at odds with the landscape character, allow for an uninterrupted view of the residential edge for visual receptors on the PrOW, route code 101/11/70, parallel to Banbury Road; the built edge will obscure the attractive views of the westward Sor Valley and the wooded slopes beyond for visual receptors, and therefore deemed to be very harmful to the receptor’s experience of this attractive landscape; I judge the magnitude of change is going to be **high** for these visual receptors, the receptor sensitivity is **high**, resulting in a **high (adverse)** Significance of Effect.
- In respect of viewpoints 1 and 2, to ascertain in the LVAI that the proposed development is visually recessive and therefore seen in the context of Banbury Road street scene (and so acceptable) is wholly wrong. The view is enhanced by the attractive backdrop of trees and the visual receptor experience will be substantially harmed by the intervening development. A harmful cumulative impact and long term effects will be experienced, not only by the visual receptors but by the residential receptors of Twyford Gardens if this viewpoint and viewpoint 2 are representative for the residential receptor experience, as opposed to the medium S o E in the LVIA. Although GVLIA 3 gives less weight to the importance of residential receptors over visual receptors, resulting in devalued experience and loss of enjoyment. I am concerned, and so must stress again, that this development, along with the already consented residential development south of the site, the existing Twyford Gardens residential

development east of Banbury Road, will result in a cumulative detrimental effect and harm to the distinctive landscape character.

- The receptor-experience of this attractive landscape-through accessibility of the site via the PRow onto elevated ground allows one to appreciate views of the surrounding Sor Valley, the attractive built form of Adderbury and the Church St Mary the Virgin-refer to Viewpoint 11. It is deemed to be a magnitude of change is going to be **high** for these visual receptors, the receptor sensitivity is **high**, resulting in a **high (adverse)** Significance of Effect.
- Local users of the PRow experience and value the amenity of the application site – not a consideration of the LVIA-with its elevated topography enables an experience and enjoyment of the attractive Sor Valley and wooded backdrop, the edge of Adderbury village with the ‘eye catching’ steeple of the church. The amenity experience will be substantially and irreversibly harmed by this development.
- The design and layout of the proposed informal open space (western area) is such as to formalise the existing landscape character, which is at odds with the surrounding rural landscape.

Oxfordshire County Council:

5.7 Transport: No objections subject to the comments below and the imposition of a number of conditions, informatives and a Sec 106 Agreement.

Key Issues

- Further work required on the TA with regard to other elements of the scheme proposal other than residential aspect of the development
- Bus service enhancement and bus stop infrastructure provision required as part of the development
- Minor off-site improvements required (pedestrian refuge) to allow access to the nearby bus stop on Banbury Road, details to be provided by the applicant and agreed by OCC
- There are a number of public rights of way within the development site that will need to be accommodated and protected
- The size of the development will make this area more urban so the footpaths need to remain as green corridors but also made safe and fully integrated with the development
- The development will affect existing rights of way in the proximity of the site due to the amount and frequency of increased use
- The development should provide the means to improve these rights of way to make them safer, more convenient for year round commuting and recreational use

Legal Agreement Required to Secure

- S 278 required regarding the provision of pedestrian refuge on Banbury road
- Undertaking to improve public rights of way in the vicinity of the application site
- Contribution of £3000 to improve public rights of way in the vicinity of the application site
- 'Sustainable Transport Contribution' the sum of £50,000 to enhance bus service provision
- Contribution of £10,000 towards improvements to the existing bus stop infrastructure
- Should additional developments go ahead (e.g GP Outreach Surgery, pharmacy, community use and relocation of primary school, a separate contribution will be calculated
- Contributions are sought for mitigation measures for the A4260 Banbury Road/A4260 Oxford Road/B4100 Aynho Road/Adderbury Court signalised junction (in recognition of the future capacity issues the junction will face), and also walking and cycling measures
- A final figure has not been included for strategic transport as the housing mix is not yet known. It will however be based per dwelling as follows: 1 bed £442; 2 bed £638; 3bed £994 and 4+ bed £1366

A number of conditions and informatives are recommended. Details of these are available on the application file.

Detailed Comments

One point of vehicular priority access is shown on the submitted drawings which is located to the east of the site fronting onto Banbury Road positioned some 60m north of Kemps Road. The access must be constructed to OCC specification and will require a separate approval with OCC via a Section 278 Agreement. Visibility is considered adequate at the proposed access, although the 'suggested dimensions' of the access (spine road) at the junction will require amendments regarding geometry in that it must be 5.5m wide with 1.8m wide footways either side of it. This is in line with the county Council's emerging revised Design Guide.

Layout/Design Comments

As this is an outline application the internal layout of this site will therefore be finalised as part of the detailed design stage which is expected to comply with the emerging Design Guide. Any Street hierarchy to be agreed/approved must ensure the streets are wide enough to accommodate refuse vehicles. In addition tracking plans will be required to demonstrate refuse vehicles and cars can turn within any proposed highway particularly turning heads and leave such areas in a forward gear.

If the proposed development is to be offered for adoption to the Local Highway Authority a Section 38 Agreement under the Highways Act 1980 will be required, alternatively if the development is to remain private, a Private road Agreement will be required between the developer and OCC.

It is expected that future details on any reserved matters or full application shows a comprehensive pedestrian network throughout the site with footways provided on both sides of the carriageway. The adjacent and surrounding area benefits from a good pedestrian highway network with adequate footways and street-lighting provided along both sides of all roads in the vicinity of the site.

There are good pedestrian links to nearby bus stops/shelters, although, in sustainable terms it is considered appropriate and reasonable that the council will seek to secure through a legal agreement the provision of pedestrian facilities (pedestrian refuge) to cater for off-site pedestrian links in association with development proposals in accordance with Local Transport Plan Policy in the event of planning permission for the development being granted. The developer is to fund the full cost of the proposed pedestrian refuge on Banbury Road. Such works will form a Section 278 agreement under the highways Act 1980 with the county Council as Highway Authority.

Public Rights of Way

There are a number of public rights of way that are within the development site. The positions of these rights of way are shown on the Definitive Map. It is important that the correct legal routes as shown on the Definitive Map are protected and enhanced as part of the development.

Within the application there is information to indicate that the design will aim to enhance the existing public rights of way and that there will be provision of safe pedestrian movement between the development and the village. This is welcomed together with the extensive public open space as this will be of benefit to the whole village.

The applicant should contribute the sum of £3000 that would improve Adderbury footpath 14 leading from Chapel Lane to the development site (subject to landowner agreement). This would include small scale surface improvements where necessary and the replacement of stiles with kissing gates.

Public Transport

The development site is adjacent to the Banbury-Deddington-Oxford bus corridor, so the new residents will enjoy access to this bus service. However, the highway Authority is concerned that new residents have access to such service with limited frequency.

There is an urgent requirement to kick-start the delivery of an enhanced level of bus service along the entire Banbury-Deddington-Oxford bus route, to cater for increased demand which will be generated by the new housing development. This enhanced level of service is required, to influence the mode of transport for new residents within the area and to reduce the impact of additional car travel on the county's congested road network. There are plans, as evidenced in the Council's Bus Strategy and in the Cherwell chapter of the Local Transport plan for bus services on this route to be enhanced to a more frequent service.

The new residents will use two pairs of bus stops on the adjacent A4260 Banbury Road to access this key service at Twyford Gardens and at The Rise. The quality of roadship public transport infrastructure is poor, and requires some improvement to bring these facilities up to modern accessible standard. The service enhancement would be funded through developer contributions both in terms of provision and infrastructure.

The overall transport aim is to promote equality of opportunity ensuring the public transport systems provide effective access for everyone with the right connections in the right places and provision that caters for the needs of local residents.

As a residential development of fairly significant size, it is proposed that this development should take the lead in procuring the increased level of bus service south of Adderbury to Oxford, at least on Mondays to Fridays when there is a significantly greater need to provide a good quality service to take people to work. The quantum of bus service to be procured is the equivalent of one additional bus, used on Mondays to Fridays, excluding public holidays.

A funding strategy is proposed to ensure that the half-hourly frequency can be delivered along the entire S4 route towards Oxford, as this will deliver real transport benefits (such as fewer car journeys) along the entire A4260 corridor. In the light of this and to improve existing services and to maximise accessibility it seems reasonable and appropriate that the applicant/developer fund (Sustainable Transport Contribution) the supporting service/infrastructure as specified above.

Travel Plan

The developer has submitted a Travel Plan with this application. This would be because a previous application for the site was refused for 98 dwellings that would have required a residential travel plan. Some further work will be required to either the travel plan or the completion of our travel plan statement template to meet this request. A travel plan information pack will also be required to be approved prior to first occupation.

Transport Impact

The developer is to provide the above highway improvements and contributions to aid the function of the highway, in line with current policies such schemes will be implemented at nil cost to the County Council as highway authority. However, at this time further work on the TA on the overall assessment to include the other element of the scheme proposal whether it is GP surgery or a school etc as mentioned in the planning application is required to complete the full transport analysis. We would certainly like to see the likely traffic impact if the proposal is for a school proposal.

The application should be referred back to the developer/agent to take account of the above 'Transport Impact' requirements.

In terms of traffic activity associated with the residential aspect of the scheme (trip generation) it is evident that there will be an increase in traffic movements in the morning and in the evening during the commuter peak hour from the development proposal. To assess the trip generation of the development an analysis of data using the latest TRICS provides vehicle trip rates for a variety of land uses and enables the breakdown of surveys by very specific criteria, in this case dwellinghouses.

Using TRICS data we estimate that around 29 vehicles two way flow in the am peak hour and 32 vehicles two way flow in the pm peak hour will be generated by the residential aspect of the development. The highways consultant has made an assessment on the previous planning application for the site (number of dwellings-98) as this is considered as a 'robust assessment', the current application is some 50% less in traffic generation numbers.

The application states that there is a potential for a general practice outreach surgery, pharmacy, community use and primary school relocation, however, we are concerned that no mention of these are made in the Transport Assessment. Additional vehicle movements will happen if these developments go ahead and the impact on the proposed site access, highway network and the A4260 Banbury Road/A4260 Oxford Road, B4100 Aynho Road/Adderbury Court has not been taken into account.

We are concerned that the data within the TA on Table 6.8; summary of Model Results for 2020 without and with development flows (page 40) shows that the degree of saturation on the A4260 Banbury Road, A4260 oxford Road and B4100 Aynho Road is high (approximately between 895 to 93% apart from the PM peak on A4260 Oxford Road). We are concerned that these high numbers indicate that the signalised junction will be nearing capacity and has been underestimated and not fully explored given there is potential for further development on the proposed site which will surely generate more vehicle movement in the area.

The overall assessment for only the residential aspect of the scheme also caters for other committed developments in the area. Such changes in traffic impact on the network would not result in a 'severe material change in highway operation in short the development traffic can be accommodated safely and efficiently on the transport network at this time, although, if the majority of arms on the signalised junction mentioned above are nearing capacity in 2020 with or without the proposed 50 dwellings, then it might be pertinent to assume that junction will experience capacity issues with the addition of traffic travelling to and from the GP surgery and the school. It is strongly suggested that more work is carried out on the Transport Assessment to include the impact from the potential other developments on the site.

The site is located within easy reach of the nearby school and bus services which gives travel choices particularly walking given its proximity to such facilities. The village of Adderbury is within a reasonable walking distance.

In terms of personal injury traffic accidents in the area there are no significant correlations in the timing, location, frequency or circumstances of the personal injury accidents that were apparent along the adjacent highway including nearby junctions.

To conclude in terms of traffic generation and impact there is likely to be a marginal effect on the adjacent highway network as a result of the proposed residential element of the development. Additionally, it is considered there are no existing highway safety issues on the adjacent/nearby local highway network that would be exacerbated by the proposed development. It is therefore considered to have no detrimental impact on the adjacent highway at this time.

Should the application be recommended for approval there are no objections subject to a number of amendments and conditions/informatives that must be imposed/considered as outlined above. However, in light of the other elements of the scheme proposal please note our request for additional work on the TA. Amendments are required in this regard.

5.8 Archaeology:

The area is in an area of prehistoric archaeological potential and where little formal archaeological investigation has been undertaken. A small evaluation and subsequent excavation has been undertaken 200m to the north of this proposed site which recorded a Bronze Age linear feature. The linear features appear to relate to an earthwork feature identified from a Lidar survey and further linear features recorded by Lidar are present within this application site. It is therefore possible that these could also relate to further prehistoric archaeological features.

A Neolithic cursus has been identified 800m north of the application area, partly from aerial photography and partly from a geophysical survey. The full extent of this significant archaeological monument is unknown but it is likely to continue NW-SE to the east of Twyford. A possible Neolithic Henge has been identified from Lidar images 200m east of the site, partly within the built up area of Twyford. The circular enclosure is 180m in diameter and consists of a bank on the outside of a ditch.

It is therefore possible that this site could contain surviving archaeological deposits relating to the prehistoric period as well as deposits relating to the prehistoric period as well as deposits related to the very significant cursus and possible Henge site in the vicinity. Further information regarding the archaeological interest of the site will therefore be required in the form of an archaeological evaluation in order that the significance of any previously unrecorded archaeological features can be assessed.

In accordance with the NPPF, we would therefore recommend that, prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation. This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.

5.9 Education:

Primary – Christopher Rawlins CE Primary School is approaching capacity, and is expected to be completely full on the basis of recent trends. Expansion of primary school capacity in the area would be necessary as a direct result of any housing development. To meet the scale of housing and population growth currently expected across the Adderbury/Deddington area, it is currently estimated that an additional half form of primary school capacity will be needed.

A proposal to expand Christopher Rawlins CE Primary School is being consulted on, suggesting the school grows from its current 1 form entry (30 children per year group, 210 pupils total reception to year 6) to 1.5 entry size (45 children per year group, 315 total pupils reception-year 6). The school also offers 20 nursery places. This would require additional accommodation to be built, and feasibility studies have been conducted into how this can be provided. Contributions are sought towards this expansion.

One constraint on the expansion of schools is site area. Christopher Rawlins CE Primary School's current site area is just below the recommended minimum site area for a 1.5 form entry school, as set out in the government's Building Bulletin 103. One issue the feasibility work is therefore considering is how to address the constrained site. While it is expected that a satisfactory solution can be found to expand the school to 1.5 entry, it is much less likely that the site could support any larger school eg a 2 form entry school.

Should there need to be further growth in school capacity in the longer term, this could require a new school site, either to provide a second primary school for the village; or to relocate the school and allow it to expand; or to provide a split site school, for example, with infants on one side and juniors on the other.

£195,388 Section 106 required for the necessary expansion of permanent school capacity serving the area at Christopher Rawlins School.

Secondary:

Expansion of secondary school capacity in the area would be necessary as a direct result of housing development. This area feeds to The Warriner School (an academy), which is regularly oversubscribed, and effectively full.

Paragraph 72 of the NPPF makes clear that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to expand schools to maintain, or widen choice in education. Without expansion of The Warriner School, housing development would adversely impact on the operation of parental preference and result in a loss of amenity to young people already living in the area, who would be less likely to secure a place in their first preference school as a direct result. As such it would go against the intention of the NPPF para 72 by reducing the choice of school places available to meet the needs of existing and new communities.

If The Warriner School is not expanded, children would otherwise have attended the school would be displaced to other schools in nearby Banbury. These schools currently have spare places, but these places will be filled as a result of the population growth which is already evident in the local primary schools. Secondary School capacity in Banbury will need to be expanded as these higher pupil numbers feed through, and therefore should the schools be required to accommodate growth as a result of housing development in this area, the scale of expansion would be greater as a consequence.

Expansion of secondary school capacity at both The Warriner School and at schools in Banbury is therefore necessary to ensure the needs of the current and future populations can be met, and to ensure the council can meet its statutory duty to ensure sufficient school places. Contributions are sought towards the expansion of The Warriner School, where a capital project is being developed.

£204,467 Section 106 required for the necessary expansion of permanent secondary school serving the area, at The Warriner School.

Special:

A capital project at Frank Wise School, a special school in Banbury, is practically complete. The project replaced temporary accommodation with permanent build and also expanded the school, delivering 8 additional SEN places at a total cost of £1,800,000. Some of the cost was grant funded, with the cost to OCC being £837,000.

Across Oxfordshire 1.11% of pupils are taught in special schools and all housing developments are expected to contribute proportionately toward expansion of this provision.

An education contribution is not sought solely due to Regulation 123 of CIL 2010 (as amended), and the need to reserve the ability to seek contributions from larger developments in this area in the future.

5.10 Property:

A legal agreement will be required to secure a library contribution of £11,520.90 towards expansion and improvement of the library in Adderbury and additional book stock, and an admin and monitoring fee of £3,750.

A condition will be required in respect of the provision of fire hydrants on the site.

Contributions in respect of central library, waste management, museum resource centre and adult day care are not requested due to Regulation 123 of the CIL Regulations.

5.11 Minerals and Waste:

Published BGS mapping shows the application site to be underlain by deposits of ironstone, which forms part of an outcrop of ironstone between Adderbury and Bodicote, on the west side of Banbury Road, Adderbury. These deposits extend beyond the application site, to the north, but not to the west or south west.

The Council is not aware of any detailed geological information on the depth, extent and quality of these ironstone deposits, and there is no history of mineral working or of minerals industry interest in the immediate area. The overall extent of the ironstone deposits in this area is limited, particularly when compared with other outcrops of ironstone in north Oxfordshire. It is therefore uncertain whether there is a commercially workable deposit of ironstone in this area.

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

The application site is on the edge of the existing built-up area of Twyford and Adderbury and is constrained by existing and permitted housing to the south, east and north. The need for unworked margins (buffer zones) between existing or permitted dwellings and any mineral working would significantly reduce the area of the site that

could be worked for ironstone. It would also affect any working of the ironstone deposits within the land adjoining the application site to the north. The extent of these unworked margins would be increased by housing development on the proposal site, but, in view of the relatively limited extent of the mineral deposits and the uncertainty over the potential for working, it is unlikely that this would greatly increase the quantity of mineral that would be prevented from being worked. In view of this I consider there to be insufficient justification for these mineral deposits to be safeguarded from the effect of the built development and, accordingly, no objection should be raised to this planning application on minerals policy grounds.

Other External Consultees:

- 5.12 **Historic England:** Despite amendments since the previous scheme which sought to minimise harm, we remain convinced this proposal entails a high level of harm to significance and we do not think that harm is justified.

Significance of the Church of St Mary and the Adderbury Conservation Area and the contribution of setting to significance

The church has a very fine spire, one of the best in Oxfordshire, and was intended to act as a landmark, advertising the wealth and status of the village. A church and village surrounding by rolling countryside is one of the defining images of the English lowland landscape and Adderbury is a particularly good example of this. Long views which take in the rural setting of Adderbury's historic core are therefore an important aspect of the significance of both the grade I listed church and conservation area and there is a good sequence of them from the A4260 across the proposed development site. These views are greatly enhanced by the way in which it is possible to appreciate the historic core of the village clustered around the church, illustrating how the church forms its focal point, with green fields in the foreground.

Proposal and Assessment of Harm

The latest proposal introduces a larger viewing cone across the site to retain some of the view that would otherwise be lost by building on this site. The overall scale of the development has also been reduced to 50 dwellings along with the provision for a primary school, a GP surgery, pharmacy and community centre.

While the proposal represents a less intensive development of the site, we nonetheless think it remains highly problematic. We acknowledge that the wider viewing cone would retain some of the views of the village and church. However, we do not think this would go far enough: the sequential view would be dramatically reduced and the presence of housing as Adderbury was approached would be significant enough to harm an understanding of the village's compact origins and this historic core with a highly visible church spire at its centre would no longer appear surrounded by open countryside. We therefore consider the revised proposal would still entail a high level of harm to significance of the grade I Listed church and the conservation area. We also strongly disagree with the applicant's assessment of harm which suggests the proposal would have a neutral impact on the significance of the Grade I Listed church and the Adderbury Conservation Area (pp21-22 Built Heritage Assessment).

Policy Context and Historic England Position

There is a strong legislative and policy context which affords protection to the historic environment. Chief amongst these is the statutory requirement set out in S.66 of the Planning (Listed building and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving a listed building or its setting. S.72 of the Act sets out the need to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. We think the application fails to preserve the setting of the listed building and the character and appearance of the conservation area.

Policy Villages 2 of the Local Plan identifies Adderbury as a Category A Village and therefore capable of taking a share of the housing identified for all Category A villages (750 in total). However, a site allocations document is yet to be completed. One of the criteria to be taken into account when assessing sites under this policy is 'whether significant impacts on heritage or wildlife could be avoided'. As we think significant heritage issues would arise from this proposal, we remain of the view that this site is not capable of taking development.

Notwithstanding clarity on the acceptability of this site within the context of Policy villages 2, the national Planning Policy Framework provides a robust policy context for decision making in the historic environment. Of relevance to this proposal is paragraph 132 which requires that harm is clearly and convincingly justified.

Without the benefit of an allocations document we also think it is difficult to make a case for development on this site. The applicant cannot assess the level of harm entailed by developing this site against other possible sites in Adderbury and thus cannot show that it is essential to develop this site to meet the requirements of Policy Villages 2, conversely they also cannot show that there are no other less harmful locations for development in the village. We therefore conclude they cannot provide the clear and convincing justification required by Paragraph 132.

Recommendation

We recommend the application be refused as the harm to the significance of the grade I church and the Adderbury Conservation Area has not been justified.

- 5.13 **BBOWT:** the position remains the same as per the previous application and the ecological report submitted at that time which indicated that significant ecological impacts arising from the proposals are unlikely. However, the previous ecological report made several proposals to protect any reptiles, breeding birds, bats, badgers or otters that may make use of the site. Suggestions were also made to deliver biodiversity enhancements. I would recommend that should permission be granted, these measures are secured by use of conditions to ensure that biodiversity is protected in line with national legislation and that enhancements are delivered in line with guidelines in the NPPF.

6 Relevant National and Local Planning Policy and Guidance

6.1 Development Plan Policies:

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the

District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1

ESD15 - The Character of the Built and Historic Environment

BSC1 - District Wide Housing distribution

BSC2 - The Effective and Efficient Use of Land

BSC3 - Affordable Housing

BSC4 - Housing Mix

BSC7 - Meeting Education Needs

BSC8 - Securing Health and Well Being

BSC9 - Public Services and Utilities

BSC10 - Open Space, Outdoor Sport & Recreation Provision

BSC11 - Local Standards of Provision - Outdoor Recreation

BSC12 - Indoor Sport, Recreation and Community Facilities

ESD3 - Sustainable Construction

ESD5 - Renewable Energy

ESD7 - Sustainable Drainage Systems (SuDS)

ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

ESD13 - Local Landscape Protection and Enhancement

ESD15 - The Character of the Built Environment

Policy Villages 1: Village categorisation

Policy Villages 2: Distributing growth across the rural areas

INF1 - Infrastructure

Cherwell Local Plan 1996 (Saved Policies)

H18 - New dwellings in the countryside

TR1 - Transportation funding

C8 - Sporadic development in the open countryside

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

C33 - Protection of important gaps of undeveloped land

ENV12 - Development on contaminated land

6.2 **Other Material Planning Considerations:**

National Planning Policy Framework (The Framework) - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

Planning Practice Guidance (NPPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

Other CDC Planning Guidance/Documents

Building in Harmony with the Environment SPG

Countryside Design Summary SPG

Planning Obligations Draft SPD

Adderbury Conservation Area Appraisal

Adderbury Neighbourhood Plan

7 **Appraisal**

Officers' consider the following matters to be relevant to the determination of this application:

- Principle of Development;
- Impact on Heritage Assets;
- Landscape and Visual Impact;
- Transport Impact
- Ecology
- Flood Risk;
- Loss of Agricultural land
- Adderbury Neighbourhood Plan

- Planning Obligations;

Principle of Development The Development Plan

- 7.1 The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan 2011-2031. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan so far as is material to the application and to any material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 11 which makes it clear that the starting point for decision making is the development plan.
- 7.2 The site is outside the built up limits of Adderbury Village, in open countryside, and the proposal is for large scale development including 50 new residential dwellings and associated infrastructure, potential site for a school, community facility and outreach GP surgery and public open space. The site is not allocated for development in any of the adopted Cherwell Local Plans comprising the Development Plan. As the site is not within the built up limits of the village, saved Policy H18 of the adopted Cherwell Local Plan 1996 restricts new dwellings beyond the built up limits of settlements, in open countryside to those which are essential for agriculture, or other existing undertakings, or where dwellings meet a specific and identified local housing need that cannot be met elsewhere. The proposal is therefore not in accordance with the adopted Cherwell local Plan 1996 in this respect.

Adopted Cherwell Local Plan 2011-2031

- 7.3 The Cherwell Local Plan has been through Examination, has been considered by Full Council and is now adopted. The Local Plan is consistent with the NPPF. Policy Villages 1 and 2 are both relevant to this application and were considered by the Examination Inspector to be sound. Policy Villages 1 of the Plan relates to proposals for residential development within the built up limits of villages and designates Adderbury as a Category A village and therefore one of the more sustainable based on criteria such as population, size, range of services and facilities and access to public transport. This policy allows for minor development, infilling and conversions. In assessing whether proposals constitute acceptable minor development certain criteria are used as follows:
- The size of the village and the level of service provision
 - Site's context within the existing built environment
 - Whether it is in keeping with the character and form of the village
 - Careful consideration of the appropriate scale of development
- 7.4 The application proposal is not minor development, nor is it within the built up limits of the village of Adderbury. The proposal therefore is not in accordance with Policy Villages 1. It should be noted however that, this does not mean that development outside villages cannot take place, but regard must then be had to Policy Villages 2 in that respect.

- 7.5 Policy Villages 2 of the Plan seeks to distribute the amount of growth that can be expected within villages, although how the numbers will be distributed is not specified, as precise allocations within each village will be set out in the Local Plan Part 2.
- 7.6 Policy Villages 2 provides for sites to be identified, both in the plan-making process, that is through the preparation of the Local Plan Part 2, including Neighbourhood Plans where applicable and through the determination of applications for planning permission. In identifying and considering sites, it states that regard should be had to the various criteria, including whether the land has been previously developed or is of lesser environmental value, and, whether development would contribute in enhancing the built environment. The policy states that a total of 750 homes will be delivered at Category A villages. This is in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at March 2014.
- 7.7 Considerable progress has been made to meeting the rural area allocation, with a residual allocation of 277 for the remaining plan period (up to 2031). As such there is a clear realistic prospect of the rural areas allocation being met in full, through approved developments and through allocations within the Development Plan. In the interest of proper planning and to ensure the most sustainable distribution of the remaining 277, there should not be a concentration of new buildings in just a few Category A villages. It is also considered that not all the allocation should be used so early on in the Plan Period as this would leave the Plan unable to respond to future needs.
- 7.8 It should also be noted that the Examination Inspector commented in respect of the adopted Local Plan 2011-2031 that it *'properly seeks to alter the local pattern of recent housing growth, as a disproportionate percentage (almost half) has taken place in smaller settlements, adding to commuting by car and congestion on the road network at peak hours'*. He also commented that there is a *'significant level of housing land supply already available in the rural areas'*.
- 7.9 The proposal would conflict with Policy Villages 2 in that it would result in the loss of open agricultural land beyond the built up limits of the village on the western side of the Banbury Road, and is not previously developed land or land of a lesser value. It is further considered that the quantum of housing that would result for Adderbury Village, an additional 50 on top of the 182 either currently under construction or with planning consent across four development sites on the edge of the village, which is only one of the 23 Category A villages identified to accommodate the 750 new dwelling allocation for the rural areas. This would run contrary to the sustainable strategy underlying the Development Plan and Policy Villages 2 which is an important material consideration. Work on Local Plan Part 2 has commenced. A consultation of the scope of this local plan closed in June this year with an issues and options paper currently being progressed. The development proposed is therefore considered to be contrary to the Development Plan and the Adopted Cherwell Local Plan 2011-2031 in this respect.
- 7.10 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 70). It also provides (paragraph 17) a set of core planning principles which, amongst other things require planning to:

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

7.11 The NPPF at paragraph 14 states 'at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both planning and decision taking..... for decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in this framework indicate development should be restricted

7.12 Having regard to the above, the development of this site as proposed is considered contrary to the requirements of the NPPF.

Five Year Housing Land Supply

7.13 In June 2014 the Council had a 3.4 year housing land supply which included an additional 20% requirement as required by the NPPF where there has been persistent under-delivery and to ensure any shortfall is made up in the 5 year period. Since June 2014 the District has resolved to grant planning permission for a number of housing proposals throughout the District, thereby improving the above mentioned position. A revised Housing land Supply was published on 31 March 2015.

7.14 The 2014 Annual Monitoring Report which was published on 31 March 2015 concludes that the District now has a 5.1 year supply of deliverable sites for the five year period 2015-2020 (commencing on 1 April 2015). This was based on the housing requirement of the Submission Local plan, now adopted Cherwell Local plan 2011-2031 which is 22,840 homes for the period 2011-2031 and is in accordance with the objectively assessed need for the same period contained in the 2014 SHMA (1,140 homes per annum). This five year land supply includes a 5% buffer.

7.15 The new adopted Cherwell local Plan has been found sound by the Examination Inspector following considerable consultation and examination, furthermore, the

Inspector endorsed the housing trajectory as 'effective and up to date' which includes a housing land supply for the next five years (paragraph 60 of his report). In approving the trajectory the Examination Inspector found 'the modified new housing total and revised housing trajectory represent a reasonable and realistic, deliverable and justified basis for meeting local needs over the plan period' (paragraph 58).

- 7.16 The Inspector also found that 'the 2014 SHMA and the modifications arising from it now properly address the NPPF's requirements for a significant boost to new housing supply and to meet the full OAN, including affordable housing, as well as take account of market signals' (paragraph 54).
- 7.17 The revised housing trajectory which included the 5% buffer was the main modification submitted to the Secretary of State on 21st October 2014 and considered by the Inspector in his Examination of the Plan when it re-convened in December 2014. The 5% approach was subsequently incorporated into the council's AMR which has been found sound by the Inspector's endorsement of the modified housing trajectory.
- 7.18 Having regards to the above, it is clear that the Local Plan Inspector considered that the adopted Cherwell local Plan 2011-2031 provides for a significant boost to new housing land supply which exceeds demographic needs, provides choice and which is supported by a realistic trajectory, and will provide a rolling five year supply of sites. It is therefore considered that the 5% buffer provides for choice and competition in the market for land and provides a realistic prospect of achieving the planned supply without a 20% buffer, and is therefore in accordance with paragraph 47 of the NPPF and the District currently has a five year housing land supply of deliverable sites.
- 7.19 The above view was upheld by a Planning Inspector in respect of a public inquiry held following an appeal against non-determination for the erection of 95 dwellings beyond the built up limits of Kirtlington (application number 14/01531/OUT refers).

Heritage Impact

- 7.20 Concerns have been raised regarding the impact of the development on the setting and significance of the Adderbury Conservation Area, and the setting of the Grade I listed church of St Mary, including objections from Historic England.
- 7.21 Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 states that proposals will not be permitted if they would: *harm the setting of settlements, buildings, structure or other landmark features, or harm the historic value of the landscape* and Policy ESD15 of that plan states that proposals should: *Conserve, sustain and enhance designated and non-designated 'heritage assets'... including buildings, features, archaeology, conservation areas and their settings, and to ensure new development is sensitively sited and integrated, include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation.*
- 7.22 There are extensive views, both within and across the site, to the historic centre of Adderbury village, which is designated a Conservation Area, and to the Grade I listed parish church of St Mary. The latter is particularly prominent in the skyline of the

village and is a noticeable and impressive feature on the northern approach to the village, along Banbury Road. The Adderbury Conservation Area Appraisal recognises the value of these views to the setting of the Conservation Area and the church.

- 7.23 Section 12 of the NPPF sets out planning guidance concerning archaeological remains and the historic environment. Paragraph 126 emphasises the need for local planning authorities to set out a clear strategy for the conservation and enjoyment of the historic environment, where heritage assets are recognised as an irreplaceable resource which should be preserved in a manner appropriate to their significance.
- 7.24 Paragraph 128 states that ‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.
- 7.25 Paragraph 129 states: ‘Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposed’
- 7.26 Paragraph 132 states: ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Substantial harm to or loss of a grade II Listed building should be exceptional.
- 7.27 The NPPF at paragraphs 133 and 134 go on to say that where a development will lead to substantial harm, this harm should be weighed against the public benefits of the proposal.
- 7.28 The proposal has been assessed in terms of its impact upon adjacent heritage assets, these being the Adderbury Conservation Area and the Grade I listed St Mary’s Church. The Built Heritage Statement submitted with the application states that the impact upon the setting of St Mary’s Church and the conservation area has been addressed by this revised scheme for a lesser number of dwellings indicated on a quadrant of land within the north-eastern area of the site, which is splayed back from the Banbury Road with the intention of retaining views from the Banbury Road of these heritage assets and preserving the rural backdrop to the church, concluding that the harm to the building would be less than substantial in magnitude and would therefore result in a neutral impact to the significance of this listed building.
- 7.29 In objecting to the application, Historic England comment that while the proposal represents a less intensive development of the site and that the wider viewing cone would retain some views of the village and church, the sequential view would still be dramatically reduced and the presence of housing as Adderbury was approached would be significant enough to harm an understanding of the village’s compact origins and this historic core with a highly visible church spire at its centre would no longer appear surrounded by open countryside. Historic England therefore consider the

revised proposal would still entail a high level of harm to significance of the Grade I listed church and the conservation area and therefore do not agree with the applicant's assessment of harm which suggests a neutral impact.

- 7.30 Grade 1 listed buildings are of exceptional interest, only 2.5% of listed buildings are grade 1. As such, the weight to be afforded to its conservation, in accordance with paragraph 132 of the NPPF is especially great. It is clear from the comments made by Historic England that the church is considered to be one of the most important medieval parish churches in the county, and the visual prominence of the spire as a local landmark is an important part of its historic, cultural and social significance. The views of the church from Banbury Road across the application site are some of the first to be encountered on the approach to the village from Banbury, and provide an appreciation of the importance of the building in its parish and landscape setting. Similarly, should the proposed school site and GP Outreach surgery and community facility be developed, views of the Church and the conservation area would be harmed when seen from the public right of way which runs parallel to the Banbury Road and diagonally across the site from the Banbury Road.
- 7.31 In terms of the impact on the Conservation Area, the development proposed would diminish the countryside setting of the historic village clustered around the church, thereby affecting the setting of the Conservation Area.
- 7.32 On the matter of archaeology, Paragraph 128 of the NPPF states that: *where a site...has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment, and, where necessary, a field evaluation.* The County Archaeologist has advised that there is high potential for significant archaeological remains to survive on site which could be damaged or destroyed by the development, and has advised that an archaeological field evaluation should be carried out prior to the determination, to determine the extent of any remains and the weight that should be attached to their preservation. However, no such field evaluation has been submitted and therefore there is insufficient information submitted with the application to establish if the archaeological impacts of the development can be made acceptable. The applicants are aware of this issue but have advised verbally that the costs of carrying out a field evaluation are too great at this stage and suggest that this be made a requirement by condition. It is considered however that this would not be appropriate as if remains were found to be significant, their continued preservation would be compromised by the permission to develop.
- 7.33 Having regard to the above, the proposal is considered to be contrary to the Development Plan and the NPPF in respect of its impact upon designated Heritage assets and is therefore unacceptable in this respect.

Landscape Impact

- 7.34 Policy ESD13 of the adopted Cherwell local Plan 2011-2031 relates to local landscape protection and enhancement and therefore seeks to conserve and enhance the distinctive and highly valued local character of the entire District. The site in question

was previously identified in the adopted Cherwell local plan 1996 as an Area of High Landscape Value, although the formal designation relating to the Area of High landscape has been removed, this does not mean that the quality of the landscape is any less important. Policy ESD13 states that; *development will be expected to respect and enhance local landscape character.....and proposals will not be permitted if they would.....cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character.....harm the setting of settlements, buildings, structures or other landmark features, or, harm the historic value of the landscape.*

- 7.35 Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 states that new development proposals, amongst other things should: *Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within Cherwell valley and within conservation areas and their setting; conserve, sustain and enhance designated and non-designated heritage assets (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice within the NPPF and NPPG.*
- 7.36 Paragraph 113 of the NPPF states that Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. The NPPF also advises that the open countryside should be protected for its own sake. There are no tree preservation orders on or adjacent to the site although the application is accompanied by an arboricultural impact assessment.
- 7.37 The application is accompanied by a Landscape and Visual Impact Assessment which has considered the potential impacts on the landscape character and amenity of the site and surrounding area, and concludes that *'the proposals will not result in significant harm to the landscape character or visual environment and, as such, it is considered that the proposed development can be successfully integrated in this location.* The Council's Landscape officer has however, assessed the submission and disagrees with this conclusion and has objected to the proposal; judging the landscape sensitivity to be **high**, the magnitude of change to be **high** and therefore the significance of effect to be **high**. The proposal would therefore have a major adverse impact on the amenity value of the landscape and the enjoyment of the public rights of way network, and the loss of views of Adderbury Village and St Mary's Church. The Parish Council, the Conservation Action Group and a number of local residents have also raised objections on the grounds of landscape and visual impact.
- 7.38 Officers concur with the view that the proposals would have a significant adverse impact on the character, quality and amenity of the area. Whilst the extent of the area identified for housing development has been reduced and pushed away from the boundary with the Banbury road, the application proposal also seeks to establish the principle for the erection of a new primary school on the site, a GP Outreach surgery with pharmacy and community facility and a children's play area. Should all this development go ahead, it would effectively infill a 330 metre long open gap which

currently provides an important vista to the historic core of the village and its traditional rural setting, and extensive and attractive views across the Sor Valley from the public rights of way within the site would be diminished. Therefore the proposal would notably detract from the rural character and setting of the village and the area as experienced by local residents, visitors and users of the A4260 and public rights of way. This is considered to be a significant and demonstrable harm which must be taken into account in the planning balance.

- 7.39 Having regard to the above, the proposal is considered to be contrary to the policies in the Development Plan and advice within the NPPF in this respect and is therefore unacceptable.

Ecology

- 7.40 The application is accompanied by an ecological appraisal dated December 2014 which sets out the findings of the desk study and Extended Phase 1 survey undertaken in October 2014. It confirms that the site is not within a statutory or non-statutory designated site, although Adderbury Lakes nature Reserve is located only 0.5km away. The report states in summary that the proposal is unlikely to have any adverse effects on any statutory or non-statutory designations of nature conservation interest.
- 7.41 The NPPF conserving and enhancing the natural environment at paragraph 109 states that 'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 7.42 Section 40 of the Natural Environment and 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' and;
- 7.43 Local planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that a 'competent authority in exercising any of their functions, must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions'.
- 7.44 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 7.45 Under Regulation 41 of the conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes

can be granted to allow unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met:-

1. Is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
2. Is there a satisfactory alternative
3. Is there adequate mitigation being provided to maintain the favourable conservation status of the population species

- 7.46 Therefore where planning permission is required and protected species are likely to be found present at the site or surrounding area, Regulation 53 of the conservation of Habitats and species Regulations 2010 provides that Local planning Authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements might be met.
- 7.47 Whilst the Council's ecologist has not yet responded in respect of this application, the Ecology Appraisal is that which was submitted with the previous application, and the appraisal was assessed and considered by her previously to be '*satisfactory in depth and scope*' and demonstrates that there is limited potential for the development to result in unacceptable or significant adverse impacts on protected species. A number of conditions and informatives would need to be included within any permission to ensure that adequate mitigation and enhancements are included as part of the development.
- 7.48 Consequently it is considered that article 12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present on the site will continue, and will be safeguarded notwithstanding the proposed development. The proposal therefore accords with the NPPF and Policy ESD10 of the adopted Cherwell Local Plan 2011-2031.

Loss of Agricultural Land

- 7.49 The Council's records and the Planning Statement accompanying the application indicate that the proposal would result in the loss of some 14ha of best and most versatile agricultural land. The NPPF defines 'best and most versatile' as land in grades 1,2 and 3a of the Agricultural Land Classification. The council's records show that the site comprises a mix of grade 2 and grade 4 land.
- 7.50 Paragraph 112 of the NPPF states that: *local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.*

- 7.51 It is the case that most of the agricultural land surrounding Adderbury village is classified as best and most versatile, and as such any new housing development on the edge of the village is likely to result in some loss of best and most versatile agricultural land. However, it has already been established that there is not an immediate and overriding need for this site to be released for housing now, and there is already a significant quantum of new housing development already planned in Adderbury in the next 5 years. In particular, in respect of the remaining balance of dwellings to be provided in the category A villages under Policy Villages 2 of the adopted Cherwell local Plan 2001-2031, it has not been demonstrated that there are no other sites in the District which would be preferable in terms of using areas of poorer quality agricultural land. Therefore it is considered that the loss of this agricultural land is not currently justified in this case.

Transport Impact

- 7.52 Concerns have been raised about the potential transport impacts of the development, in particular the impact of additional flows on the local road network. A Transport Assessment and Travel Plan have been submitted as part of this application. OCC as Highway Authority have considered these along with the details of the proposed access and raise no objection subject to the imposition of a number of conditions. Comments have been made however in respect of the scope of the transport Assessment which does not include the proposed primary school, GP Outreach Surgery, pharmacy and community facility and advises that if these were to come forward a revised Transport Assessment would need to be carried out and submitted. As this is an outline application which also seeks to establish the principle of those additional uses on the site, this matter cannot be conditioned. It is considered therefore that the submission cannot be considered to be sufficient in this respect.

Flood Risk and Drainage

- 7.53 A detailed Flood Risk Assessment and Foul Drainage Analysis have been submitted with the application. The Environment Agency and Thames water have yet to respond to the consultation request. In respect of the previous submission however, no objection were raised by them to the proposal and were satisfied that a satisfactory drainage scheme could be achieved for this site. Therefore it is suggested that conditions should be imposed on the grant of any planning consent to ensure a detailed foul and surface water drainage scheme is submitted, agreed and implemented.

Adderbury Neighbourhood Plan

- 7.54 The Adderbury Neighbourhood Plan was published for consultation on 9 March 2015 following which the draft plan was reviewed and is due to be submitted to Cherwell District Council shortly. A further consultation will then need to be carried out prior to

an Examination of the Plan by an independent Inspector and ultimately a referendum has to be held. Although the ANP is a material consideration, it is one of limited weight at this current time.

Planning Obligation

- 7.55 Due to the scale and residential nature of the proposed development, it is considered that the proposal is likely to place additional demand on existing facilities and services and local infrastructure, including schools, community halls, public transport, public rights of way sports provision, play provision and public open space. Requests for contributions in respect of these have been made as part of the consideration of this application and would need to be secured via a section 106 agreement, to mitigate the impacts of the development in this respect.
- 7.56 Policy INF1 of the Cherwell Local Plan 2011-2031 states that: *development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.* Contributions can be secured via a section 106 Agreement provided they meet the tests of Regulation 122 of the Community Infrastructure Regulations 2010.
- 7.57 Although the applicant has indicated a willingness to enter a Section 106 Agreement to secure the necessary planning obligations, a signed completed agreement is not in place that would be acceptable to meet the anticipated infrastructure requirements of the development. A reason for refusal is therefore recommended in this regard.

8. Conclusion

- 8.1 In conclusion, having regard to the fact that the District currently has a five year housing land supply and the demonstrable harm to the setting designated heritage assets and landscape impact, it is considered that any benefits of the proposal are significantly and demonstrably outweighed by the adverse impacts such that planning permission should be refused for the reasons set out below.

9. Recommendation

Refuse for the following reasons:

1. The development proposed, by reason of its scale and siting on the edge of a village in an open countryside location, and taking into account the amount of new housing development already planned to take place in Adderbury and Cherwell District Council's ability to demonstrate an up-to-date five year housing land supply, is considered to be unnecessary, undesirable and unsustainable new development that would harm the rural character and setting of the village and would prejudice a more balanced distribution of the rural housing growth planned for in the Cherwell Local Plan. Therefore the proposal is considered unacceptable in principle and contrary to Policies ESD13, ESD15 and Policy Villages 2 of the adopted Cherwell

local plan 2011-2031 and saved Policies C8 and C33 of the adopted Cherwell Local plan 1996 and advice within the National planning Policy Framework.

2. By reason of its siting, scale, form and appearance, in particular the loss of important views across open countryside of the historic core of Adderbury village including the Adderbury Conservation Area and the Grade 1 listed church of St Mary, as experienced along one of the main approaches into the village, the proposed development is considered to cause considerable, unnecessary and unjustified harm to the setting and significance of designated heritage assets. There are no public benefits that outweigh this level of harm. The proposal therefore conflicts with Policies ESD13, ESD15 and Policy Villages 2 of the adopted Cherwell Local Plan 2011-2031, saved policy C33 of the adopted Cherwell Local Plan 1996 and the advice within the National Planning Policy Framework.
3. By reason of its siting, size, scale, form and appearance, in particular, the extensive loss of important views across open countryside of the historic core of Adderbury Village and the Sor Valley, the proposal is considered to cause significant and unacceptable harm to the rural landscape character and quality of the area and setting of the village as experienced by local residents, visitors and users of the A4260 and public rights of way. The proposal is therefore contrary to Policies ESD13, ESD15 and Policy Villages 2 of the adopted Cherwell Local Plan 2011-2031 and saved policy C33 of the adopted Cherwell Local plan 1996 and advice within the National planning Policy Framework.
4. By reason of the siting and size of the development and resulting loss of some 14ha of most versatile agricultural land, and taking into account the Council's ability to demonstrate a five year housing land supply, the quantum of housing development already planned for in Adderbury, and the lack of evidence to demonstrate that there are no other sites in Category A villages in the District which would be preferable in terms of areas using poorer quality agricultural land to meet the District's housing needs, the proposal is considered to result in unnecessary and unjustified loss of best and most versatile agricultural land. The proposal is therefore contrary to Policies BSC2 and Policy Villages 2 of the adopted Cherwell local Plan 2011-2031 and advice within the National Planning Policy Framework.
5. By reason of the site's location in an area of known archaeological interest with high potential for significant archaeological deposits to survive on site, in the absence of a detailed and adequate archaeological field evaluation, the Local Planning Authority cannot be satisfied that the proposal would not result in unacceptable and unavoidable harm to archaeological assets. Therefore the proposal conflicts with Policies ESD15 and Policy Villages 2 of the adopted Cherwell Local Plan 2011-2031 and advice within the National Planning Policy Framework.
6. It has not been satisfactorily demonstrated by the Transport Assessment submitted with this application what impact the proposed development, including the GP surgery, pharmacy, community facility and new primary school may have on the proposed access and local highway network contrary to the advice within the

National Planning Policy Framework.

7. By reason of the lack of a satisfactory completed section 106 agreement to secure contributions to the community services and infrastructure that would be directly affected by the development, and to secure the provision of affordable housing to meet housing need, the Local Planning Authority cannot be satisfied that the impacts of the development in these respects can be made acceptable. The proposal therefore conflicts with Policies BSC3 and INF1 of the adopted Cherwell Local Plan and advice within the National Planning Policy Framework.

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 having worked with the applicant by the Council by having determined the application in a timely manner.

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