

Case Officer: Emily Shaw **Ward(s):** Kirtlington

Applicant: Mr Clive Tredwell

Ward Member(s): Councillor Simon Holland

Proposal: Erection of up to 26 dwellings including creation of a new access, associated landscaping, open space and drainage infrastructure

Committee Date: 18th February 2016 **Recommendation:** Approval subject to further negotiations to agree appropriate S106

1. Application Site and Locality

1.1 The application site lies on the northern edge of the village of Weston on the Green and to the western side of the B430 that runs north from the A34. The site is an area of land of 1.5 hectares which sits to the north of an existing gated access off the B430. The land is currently used as open paddock land for the grazing of horses; there are no buildings currently on the site. Immediately to the south of the site there is currently an equestrian use with an existing vehicle access, two L-shaped stable buildings and grazing land. This area is within the applicant's ownership. Beyond the equestrian use to the south there are residential properties which front onto North Lane. The site and the surrounding landscape are relatively flat. There are public footpaths in the vicinity of the site, one running from North Lane to the west of the site and one which joins the B430 to the east of the site. There are no footpaths which run through the site. The Weston on the Green Conservation area lies approximately 50 metres to the south of the site and there are three listed buildings and two locally listed buildings to the south of the site on North Lane.

Planning History

1.2 The site to the south (shown as phase I on the indicative layout) already has outline planning permission for a residential development of up to 20 dwellings. Planning permission was approved on the 6th April 2015 with an associated S106 agreement which sought 35% affordable housing, a Local Area for Play (LAP), education contributions, highway works and landscaping and maintenance of the public amenity areas.

2. Description of Proposed Development

2.1 The application seeks outline planning permission for a residential development of up to 26 dwellings. All matters are reserved for future consideration. The application has however been supported by an indicative layout and the necessary supporting documentation.

3. Response to Publicity

The application has been advertised by way of neighbour letters, site notices and a press notice. The consultation period ended on the 1st January 2016.

20 letters of objection have been received. The comments are summarised as follows::

Material planning considerations

- Increase in hard surface and built development will increase surface water runoff on the site and surrounding area. The balancing pond would not be large enough to deal with this increase.
- Impact on foul drainage of the site and the surrounding area
- Works to provide a footpath from the site into the village would lead to narrowing of the highway, could harm highway safety.
- A development of 46 houses is inappropriate development for a village of approximately 200 houses.
- The categorisation of the village as category A is incorrect as the village does not have a school.
- The proposed development is not minor development.
- Consideration must be had for the Neighbourhood Plan which is being prepared.
- The proposed development is not considered to respect the form and character of the village in this location.
- An additional 26, as well as the 20 already approved, would put too much pressure on existing services.
- Impact on highway safety on the B430 which is already a very busy road. The proposed footpath link to the village would not be considered a safe route to the village
- Setting a precedent for Phase 3
- The location of the development is detached from the village and options for alternative transport links are low.
- Access to the site is located on a dangerous corner
- The footpath will impact the setting of the historic Drovers Pond.
- Weston on the Green is not the highest in terms of sustainability compared to other villages within Cat A and should therefore not take this number of houses.
- The speed of traffic on the B430 is very high meaning walking through the village is dangerous for families with small children. The village cannot support development which would increase the traffic through the village.
- The proposed housing sits outside of the built up limits of the village
- This development would increase pressure on existing local schools.

- The development is within a visually prominent location which will impact on the conservation area and other heritage assets.
- Families who occupy the proposed houses would need to travel by car to take children to school.

As well as objecting the contributors raised a number of points with regard to the following which are not material planning considerations:

- Noise cause during construction

4. Response to Consultation

Weston on the Green Parish Council:

- *Neighbourhood Plan (NP) process*

The village is preparing a Neighbourhood Plan which will guide change in the village to 2031. Work has been on-going since last summer and Cherwell District Council (CDC) designated the area of the whole Parish for the purposes of producing a Neighbourhood Plan earlier this year (2015). The Parish Council has formally agreed for a whole village referendum on the Plan to be held by October 2016. The Parish Council is preparing the plan through a working group, meetings have been held and a website has been set up: <http://www.wotgneighbourhoodplan.co.uk/>

As it stands part of the NP outcome is for a 10-15% expansion of the village over the period of the plan, which equates to approximately 32 new houses. The Neighbourhood Plan working group is looking to the wider brief of the betterment of the village as a whole, over the life of the plan. The PC is very aware of the issues raised in the Oxfordshire County Council reply on this specific planning application, which highlights the lack of sustainability of the village at this time. It is the PC's wish that the NP deals with this, looking for positive phased development, which the Parish Council insists is necessary, for any development to be sustainable and the village to grow. The NP working group is looking at a selection of sites, taking into consideration that the community also strongly supports future housing to address the needs of both retired households and affordable housing / young families. This is apparent from the results of the consultation and recent household survey. The PC believes that this application prejudices both the work by the Neighbourhood Plan forum and the allocation of suitable sites within the Parish (and Neighbourhood Plan designated) boundary.

A village household and business survey has been conducted and two well-attended public events were held in October 2015 to hear villagers' concerns and aspirations for the future of Weston on the Green. The village community made clear that it wants to see growth but wishes that growth to be directed where it will enhance the character and sustainability of the village. The Applicant did not engage with the neighbourhood planning process before submitting this application. At the public events held in October 2015, villagers were overwhelmingly against extending the village to the north along the B430. Further to the application being received, an open Extraordinary Parish Council meeting was held on 8th December to gauge the views of villagers to this application and all but one attendee asked the PC to object.

- *Scope of the application*

The PC is concerned that the District Council is receiving piecemeal applications for land north of Southfield Farm / land north of Oak View, when the promoter clearly has a long-

term plan for the available land as a whole. Phase 1 (13/01796/OUT) was granted outline consent (against the objections of OCC Transport, the PC and local objections) when from the indicative layout submitted it was clear that further development would be forthcoming on the north side of the access road. The same is true of this Phase 2 application, with a connecting road leading to what is likely to be Phase 3.

The PC finds there is no overall context within which to assess each application. The applicant tries to argue that, on the one hand, this application has to be judged in isolation, but on the other that one phase of development acts as the precedent for another. The application indicates that there has been a pre-application meeting with officers; either a comprehensive plan for the land holding has been presented and is being withheld from the village or, astonishingly, one was not asked for.

- *Size of development*

Phases 1 and 2 together constitute 46 houses, a figure likely to rise if schemes proceed to detailed applications (the Landscape and Visual Impact Appraisal for phase 2 refers to 'up to 30 houses'). The combined applications are effectively one scheme and would represent a 20+% growth of housing stock in the village on a single site if approved. The OCC consultation calculates that 26 houses will generate a net increase of 84 residents (46 houses would generate 148 residents; an increase of 30% to the existing village population). The applicants' Planning Statement Section 7.2 states: 'the application must be considered in light of the consented scheme' - 'given that they are effectively two elements of a single scheme'. If it is a single scheme, then it is at least 46 houses and far in excess of any 'pro rata' allocation within the Cherwell Local Plan.

It is our contention that this application runs contrary to the recommendation in the Local Plan Examination Inspector's Report (May 2015) in paragraph 216, in which, referring to Category A villages, he requires the Local Plan Part 2 review process of categorization of rural areas to take place "before any new development sites are allocated therein". As Weston on the Green Parish Council queries the village's categorization as 'A', this delay is relevant. So, accepting this planning application before Local Plan Part 2, we believe runs contrary to the now-adopted Local Plan.

- *Unsuitable location for development*

The nature of the proposal is for ribbon development along the B430 extending the village northwards to higher land beyond the natural setting in which the village nestles. Local people have a very clear understanding of the natural boundaries of the village which cuts through the applicant's questionable visual appraisal and do not wish to see the village extended in this direction. The crux of the issue is that the development of these fields is not an appropriate extension of the village and would create a separate housing estate on the edge of the village rather than housing that is integrated into the village. The historic and rural village character, which is a very recognisable feature of the northern boundary settlement, would be destroyed.

- *Highways and footpaths*

The proposed development would be on the inside curve of what is seen locally as a potentially dangerous stretch of road and increasing the traffic using a junction at this point seems unsafe. Other objectors, including OCC, have commented on this in detail. We are also concerned at the extremely limited pedestrian linkage to the site based on a narrow footpath alongside a proposed narrowed busy road (and Strategic By-Pass for Jct 9 A34/M40). Again other objectors, including OCC, have commented on this in detail. The

Parish Council are strongly opposed to any development that fails to address a sustainable transport plan as defined in the National Planning Policy Framework as the village already struggles with traffic issues and a further increase in residential traffic is unacceptable.

- **Character and Design of proposed development**

The proposals are totally out of keeping with the characteristics of the village identified in the most recent CDC Conservation Area Appraisal, June 2009. (http://www.cherwell.gov.uk/media/pdf/p/7/Weston_on_the_Green_FINAL1_-_lr.pdf) This would be an isolated housing estate outside the setting of the village and past the Oak Tree, shown on the front of this current document and noted therein, as marking the end of the village. Cherwell Local Plan policy ESD 15 requires that development be compatible with up to date urban design principles, including Building for Life. <http://www.designcouncil.org.uk/resources/guide/building-life-12-third-edition>

The proposed housing mix of 17 x four bed dwellings and 9 x two bed dwellings does not satisfy the established housing needs of the village, based on the existing demographic and the need to attract a younger population base.

It is our contention that this application is not compatible with national, county and local planning policies and is the wrong development on the wrong site.

Cherwell District Council (CDC):

- **CDC Recreation and leisure – Halls:** A contribution per dwelling based on the size of the dwelling as per the following schedule:

Size of property	Contribution per dwelling based on figures @April 2015 subject to further inflation as appropriate
1 bed	103.39
2 bed	149.27
3 bed	232.37
4+ bed	319.55

This contribution would be used to enhance existing community facilities to accommodate increased usage.

Community Development – Events and projects: A contribution of £22988.79 @April 2015 (subject to any further inflation as appropriate) towards community events and projects such as information events, newsletters and welcome packs, to support the new residents to integrate into the community.

Public Art - There is a requirement for a public art contribution of £150 per dwelling

- **CDC Environmental Health - Noise from road traffic on the B430 and A34 could be a problem.** A noise impact assessment will therefore be required to demonstrate the design criteria specified in BS 8233:2014 can be achieved. A phased risk assessment for land contamination will also be required.

There would be no objection to the application subject to the following conditions being applied to consent granted:

No development shall commence until a scheme for protecting the proposed dwellings from traffic noise from the B430 and A34 has been submitted to and approved in writing by the

Local Planning Authority. The submitted scheme shall achieve the design criteria specified in BS 8233:2014 'Guidance on Sound insulation and reduction for buildings' Any works which form part of the scheme shall be completed in accordance with the approved details before any of the permitted dwellings to which the scheme relates are occupied.

Conditions to identify land contamination

- **CDC Housing** - has previously commented on the application no 13/01796/OUT which has received planning permission and, if this application is successful, will form phase I of this development to the north of Southfield Farm. CDC Housing requested the following mix in the original development:

Rent	Shared Ownership
4x2b4pH	2x2b4pH
1x3b5pH	

In addition to this, phase II will also require 35% of the units to be affordable. This equates to a further 9 units. 70% (6 units) of which are to be affordable rented units and the remaining 3 to be shared ownership or similar tenure to be agreed with the District Council.

There is expected to be a range of house types made available for the affordable housing provision (including one bungalow), the detail of which will be determined at reserved matter stage should this outline application be approved.

A suggested mix is as follows:

Rent	Shared Ownership
2x1b2p Apartments	3x2b4p Houses
3x2b4p Houses	
1x2b4p Bungalow	

The affordable homes should meet the HCA's Design and Quality Standards including the necessary HQI requirements. 50% of the rented element should also meet lifetime homes standards and the bungalow is to meet full wheelchair standards.

It is expected that the affordable units be tenure blind in their appearance, this includes in terms of their parking arrangements which should be in-curtilage wherever possible.

The units should also be transferred to an RP which is to be agreed with the Council.

- **CDC Conservation Officer** - The proposed development site lies in close proximity to the northern boundary of the Weston-on-the-Green conservation area although the two are separated by a narrow field occupied by stables. The topology of the countryside is such that from the north and east the land dips gently downwards towards Gallos Brook and the settlement of Weston. The B340 turns south-west just before entering the village and therefore the visitor to Weston –travelling from the north – arrives at a settlement which appears to be nestling in the enveloping agricultural land which surrounds it. The village also has a soft northern edge almost giving way into the countryside beyond.

This sense of seclusion and gentle transition will be lost with the development of the proposed site. The site occupies a slightly higher flat landscape thereby giving the proposed housing greater visibility. Further the proposed development is almost urban in its layout and density; an arrangement that is alien to the traditional settlement pattern of the historic village although not that dissimilar to the less than sympathetic 20th century

housing found within and around the village – development that is generally agreed to be harmful to the intrinsic historic interest, significance and character of Weston-on-the-Green as an historic settlement (and therefore for the most part excluded from the conservation area). I cannot agree with the observation that ‘the long term nature of the residential scheme represents a low to medium magnitude of effect on the landscape’; my view is that in this assertion on the impact of the proposal is being underplayed.

Weston-on-the-Green is a settlement which historic has derived its wealth from agricultural and the farming of the land which surrounds it. The proposed development in addition to appearing an urban (and therefore alien) extension to the village further isolates the settlement from its agricultural context. I therefore disagree with the observation in 7.1 that ‘The general rural feel of the area will be slightly diminished’; the impact will be fundamental – from rural countryside to urban.

The site also has the potential for possible archaeological significance given the location of a Bronze Age feature to the north east.

- **CDC Landscape Officer:**

Surveillance of this area is important and units fronting onto this would be appropriate. A foot path link through the areas would encourage public access. Houses fronting onto informal open space is more appropriate, with intervening highway access. The retained and proposed hedgerows need to form part of the public open space to ensure they are retained as landscape features rather than being incorporated into the private amenity space. A similar concern is noted with the plot and unit near the southwest corner of phase 11. The unit should be located at least 10 m from the site boundary to allow for a formal hedge and tree that casts dapples shade.

The garage units near the south-western corner are very close to the proposed root protection area and therefore should be relocated way from this.

Hard and soft landscaped details are required to be secured by a suitable planning condition. Landscape maintenance specification is import to ensure that the informal opens space is maintained to ensure that it is successfully established for the benefit of onsite and offsite residents.

Hedgerow to Northampton Road

Again, the units of plots 1 and 12 are located close to the large boundary hedge resulting in light reduction and shade problems and possible hedge reduction or removal by residents which may expose the dwellings to view from Northampton Road. A landscaped informal opens space buffer between the hedge and the plot boundary should be considered. I recommend that the connectivity between the informal open space along the entire length of the hedgerow should physical connect with the informal open space in Phase 1 parcel.

BS5837: 2012

A tree and hedgerow and root protection area survey is to be implemented in accordance with BS5837 at an early stage to consider protective measures during site clearance and constructor access arrangement, and inform the design process to achieve an acceptable housing/infrastructure/informal open space layout. The garage of plot 26 appears to be too close to the potential root protection area of the hedgerow. Its location should be amended.

Access Road off Northampton Road and Informal Open Space.

A line of trees, equally spaced, along the northern edge of the access, and within adoptable highway remit are necessary to provide amenity and visual mitigation of Phase 1 units for the benefit of phase 11 residents and users of the informal open space.

Play Provision

CDC's Local Plan Policy BSC 11 indicates that 10 dwellings will trigger a LAP. An equipped LAP in the centre of the development, within the informal open space is the most accessible location for residents across the 2 development parcels.. The design layout, minimum area, quality of play equipment (min. of 3 robust pieces of play equipment), health and safety (safer wetpour surface and protective steel fencing and 2 accesses/self-closing gates). A seat with back and armrests with a litter bin. Level, paved paths are to connect seating and play activity areas with access/entrances. There are to be no drainage, manhole covers, or other utilities under or over the play area.

Attenuation

The gradients of the attenuation pond are to be shallow, or terraced to allow for children, who inadvertently fall in, to easily remove themselves from standing water.

Indicative Landscape Mitigation – Northern Boundary.

This is deemed acceptable, however the revised layout should ensure that the access road remains between the unit frontages and the woodland edge to allow enough 'breathing space' to alleviate any potential issues raised above, although the northern aspect is more appropriate for such planting.

Indicative Tree Proposals

There is going to be insufficient planting area and soil volume for the trees to the west of the parking court 21 – 23. Any walls near the trees will be subject to structural damage.

Plot Layout

The garden boundary to the southern and eastern elevations is to be clarified in respect of ownership and maintenance responsibility. A clear, red line adoption boundary, for the transfer of informal open space to CDC (confirmed in 106) is essential.

Planning Conditions

I propose the following conditions:

Landscape (hard and soft details)

Landscape maintenance for informal open space and highway.

Informal open space and play

Hedgerow retention conditions: Northampton Road and the western site boundary hedgerows/ 3 m minimum maintenance height.

Tree pit details.

- **CDC Arboricultural Officer** - Applicant needs to submit a BS5837(2012) tree survey to support the application.
- **CDC Waste and recycling** - Developer will have to satisfy the local authority that they have adequate provision for waste and recycling storage, before the application is agreed. Currently there is no provision for recycling, this is not acceptable.

If the developer needs any more advice please refer to: Waste and Recycling guidance which can be found on the Cherwell District Council website <http://www.cherwell.gov.uk/index.cfm?articleid=1735> Section 106 contribution of £106.00 per property will also be required.

- **CDC Ecology** – The ecological appraisal is fine. It would have been preferable for the reptile survey to have been submitted up front as we do not yet know whether there is significant population on site and where they plan to put in mitigation (if needed) for reptiles and a translocation site (again if needed) has not been identified. As reptiles are not an EPS however we can condition this aspect but it needs to be ensured that sufficient scope has been left within the plans to accommodate mitigation for reptiles.

In general the site is not of high ecological value except the hedgerows but the proposed layout shows these are to be retained. These would need protecting during any construction activities and a buffer should be kept of at least 5m between the development and the hedgerows for maintenance and to retain their value as wildlife corridors.

We have records of both badgers and hedgehogs in close proximity to the site. The survey included a badger survey but no evidence was found and they are not a constraint on site therefore. The development should adhere to best practice guidelines however with regard to badgers who may forage on the land (covering holes and trenches at night, remaining vigilant for signs of new setts, ensuring the site is not fenced off such that foraging or access is excluded across the site in the short or long term). Enhancements should be put in for Hedgehogs which are a Priority/BAP species - plans should not include close board fencing (or where completely necessary must include access points for hedgehogs). Wildlife friendly planting around the development should also help to mitigate for this species.

In line with National and Local policy we should be looking for a net gain to be achieved for biodiversity from developments. I would request therefore that a biodiversity enhancement scheme is submitted to include roosting provisions for bats and nesting provisions for birds both within the dwellings and on any mature trees. Recommend conditions to ensure no protected species are harm during construction and to ensure biodiversity enhancement.

Oxfordshire County Council (OCC):

- **OCC Highways** – Object:

Key issues: -

- The site is not in a transport sustainable location, and this situation will deteriorate with the impending loss of the only bus service operating through Weston-on-the-Green.
- Access proposals are unclear, and would need to be better demonstrated
- Maintenance of the required visibility splays needs to be demonstrated
- A travel information pack would be required
- A drainage scheme would be required

Should the Local Planning Authority decide to grant planning permission, then the following conditions would apply. 1) position and details of the access 2) vision splay details and protection 3) new estate road provided prior to first occupation 4) details of estate access, driveways and turning areas 5) parking and manoeuvring areas retained 6) details of turning for service vehicles and car parking provision and cycle parking provision. 7) prior to first occupation a travel information pack shall be submitted to and approved and each occupier provided with a copy of the approved plan. 8) surface water drainage details agreed prior to works commencing based on sustainable drainage principles. Suggested informative relating to private road agreement and Section 278 works.

This development site is not in a sustainable location. The development proposal is contrary to National Planning Policy Framework standards in that it fails to reduce the need to travel and maximise trips by sustainable modes. Weston-on-the-Green has a very limited range of local amenities and facilities that are within reasonable walking distance of the proposed development site. Schools and GP surgeries are situated over two miles away from the proposed development site in larger settlements such as Kirtlington. The distances involved to access such facilities will mean that the private car will be the dominant mode of transport to and from the site.

The low level of transport sustainability of this location is likely to be further reduced by the imminent withdrawal of county council funding for the No.25 bus service. This is set out in detail below under public transport.

The expected trip generation from the development is unlikely to have a detrimental impact on the surrounding highway network. The impact on highway capacity is therefore considered acceptable given that it is unlikely to have a "severe impact" on the local highway network, as set out in the National Planning Policy Framework.

Transport Statement (TS) – The TS present trip generation estimates for both the development site and the approved adjacent site. The rates used to determine these estimates are taken from TRICS database and are consistent with what could be expected at a site like this. The trip generation estimates appear reasonable and will create no significant adverse impact on the capacity of the highway network in this vicinity. The TS considers two alternative access options and both alternatives would need to demonstrate that a suitable visibility splay could be maintained as free from vegetation and other obstructions. The TS includes the construction of a footway to adoptable standards on the western side of the B430 connecting the development site with North Lane. This is regarded by OCC as an essential part of the development proposals.

Public transport – The bus service to and from West-on-the-Green is not only very infrequent, but it is probable that this service could be withdrawn in its entirety in 2016. The County Council's review of supported bus services has been through cabinet and decided to withdraw all subsidies to all supported services. This decision is subject to approval at the full budget meeting to be attended by all County Councillors in February 2016. If the decision is upheld all subsidy will be withdrawn in Oct 2016. The scale of development proposed could not provide the amount of funding or number of users required to create a self-sustaining commercial bus service through Weston-on-the-Green. A reduction or complete withdrawal of the service would leave new residents without any meaningful alternative to the car. Apart from the additional pressure on the A34 and Oxford's northern approaches, many children and elderly people in particular would have no independent means of travel to other places for work, education, retail, leisure and other activities. Weston-on-the-Green is a small village with very few facilities. Cherwell's designation of this village as a Category A village would appear to ignore the almost complete absence of services and facilities in Weston-on-the-Green and the very poor transport links. There is no school and only one shop. Almost all journey's for work, education, retail or social purposes would therefore be made by car. There is very little opportunity to walk or cycle.

Travel Plans – If the development is granted planning permission then a residential travel information pack should be produced and distributed to residents at the point of occupation so that all residents are aware of the travel choices available to them from the outset. The developer should also provide cycle parking within each residential boundary either with a garage or garden shed.

Road Safety – providing DMRB visibility standards are met and the footway is of adequate width, ideally 1.8 – 2 metres there is no objection to this application on safety grounds. The longer term accident history back to 1991, when this changed from being the A43 to the B430 following the opening of the M40 extension, reveals no accidents at the existing access in the vicinity in this period.

Drainage requirements covered under drainage comments.

- **OCC Drainage** - *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*
 - *Phasing*
- **OCC Archaeology** – *No objection subject to conditions seeking first stage archaeology report and programme of investigation. The site is located in an area of archaeological potential and a condition requiring that a staged programme of archaeological investigation be undertaken ahead of any development on the site will be required.*

The site is located in an area of archaeological potential on the northern edge of the historic settlement. The site is located immediately north of a number of C17th listed buildings and it is possible that archaeological deposits related to these buildings could survive on the site. A ring ditch has also been identified 440m north of the site from the aerial photographs which is likely to be the remains of a bronze age barrow (PRN 13900). A second probable barrow is located to the west of this feature (PRN 27173) and it is likely that further barrows could be present in the area.

This development could therefore impact upon archaeological features related to these sites.

We would therefore recommend that should planning permission be granted the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition as suggested above.

- **OCC Education** – *Detailed comments can be found in the full Oxfordshire County Council Comments at Appendix A.*
Based on the information currently available, this proposed development has been estimated to generate 10.20 primary pupils, 8.04 secondary pupils (including 1.28 sixth formers) and 0.21 pupils requiring education at an SEN school.

Primary Education - £118,116 Section 106 required for the necessary expansion of permanent primary school capacity serving the area, at Chesterton CD (VA) Primary School.

Secondary Education – OCC is not seeking education contributions to mitigate the impact of this development on secondary school infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), and the need to reserve our ability to seek contributions from larger developments than this in the area in the future.

Special Education Needs Education – OCC is not seeking education contributions to mitigate the impact of this development on SEN school infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), and the need to reserve our ability to seek contributions from larger developments than this in the area in the future.

Legal agreement required to secure - £118.116 Section 106 developer contributions towards the expansion of Chesterton CE (VA) Primary School, by a total of 10.20 places. This is based on Department for Education (DfE) advice weighted for Oxfordshire, including an allowance for ICT and sprinklers at £11,582 per pupil place. This is index linked from 1st October 2012 using PUBSEC Tender Price Index.

Planning permission to be dependent on a satisfactory agreement to secure the resources required for the necessary expansion of education provision. This is in order for Oxfordshire County Council to meet its statutory duty to ensure sufficient pupil places for all children of statutory school age.

The contribution calculations are based on the notified numbers and mix of dwellings. Pupil generation, and consequently developer contributions amounts required towards education, will need to be revised when there is a confirmed mix of dwellings.

- **OCC Property** – no objection subject to conditions. Full comments can be found within OCCs comments attached at appendix A.

The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure. The following housing development mix has been used:

0 x one bed dwellings

9 x two bed dwellings

0 x three bed dwellings

17 x four bed dwellings

It is calculated that this development would generate a net increase of: 83.97 additional residents including:

4.93 residents aged 65+

54.73 residents aged 20+

9.55 residents aged 13-19

8.41 residents aged 0-4

The legal agreement required to secure:

- Library book stock: £1,679.

*Total to be index linked from 1st Quarter 2012 using PUBSEC Tender price index

- Administration and monitoring in relation to property: £1,500.00

The County Councils legal fees in drawing up and/or completing a legal agreement will need to be secured.

- Administration and monitoring in relation to education and other S106 payments: £3,750

- **OCC Fire Authority** – OCC has a duty to ensure that an adequate supply of water is available for fire fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. An appropriate condition is to be applied to seek these details prior to development commencing.

Other External Consultees:

- **Thames Water** –

Waste Comments

With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied - "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Water Comments

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

5. Relevant National and Local Planning Policy and Guidance

5.1 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

Policy PSD1 – Presumption in Favour of Sustainable Development
 Policy BSC1 – District Wide Housing Distribution
 Policy BSC3 – Affordable Housing
 Policy BSC4 – Housing Mix
 Policy BSC10 – Open Space, Outdoor Sport and Recreation Provision
 Policy ESD3 – Sustainable Construction
 Policy ESD7 – Sustainable Drainage Systems (SuDS)

Policy ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
Policy ESD13 – Local Landscape Protection and Enhancement
Policy ESD15 - The Character of the Built and Historic Environment
Policy Villages 1 – Village Categorisation
Policy Villages 2 – Distribution of Growth Across the Rural Areas

Cherwell Local Plan 1996 (Saved Policies)

Policy C23 – Retention of features contributing to character or appearance of a conservation area.
Policy C28 – Layout, design and external appearance of new development
Policy C30 – Design of new housing development
Policy ENV1 – Development likely to cause detrimental levels of pollution
Policy ENV12 – Development on contaminated land

5.2 Other Material Planning Considerations:

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

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

6. Appraisal

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

- Planning History;
- Principle of Development;
- Housing Land Supply;
- Accessibility, Highway Safety and Parking;
- Landscape and Visual Impact and Heritage Assets
- Effect on Neighbouring Amenity;
- Drainage and Flood Risk;
- Infrastructure and Affordable Housing;
- Trees and Landscaping and Ecology

Planning History

6.2 The area of land immediately to the south of the application, shown blue on the site location plan has outline planning permission for development comprising up to 20 dwellings. Application 13/01796/OUT was approved on the 6th April 2015. There has been no reserved matters applications submitted in relation to this planning permission, but the permission remains extant

Principle of Development

6.3 Weston on the Green is identified as a Category A village as part of the recently adopted Cherwell Local Plan Part 1 policy Villages 1. Category A villages are identified in the Plan as the most sustainable settlements within the rural areas of the district based on population size, number and range of services, the accessibility (travel time and distance) of the village to other services and urban areas by private car and public transport, accessibility in terms of walking and cycling and local employment opportunities. A detailed study of the relative

sustainability of the district's villages was carried out in 2009 and updated in 2014 (Cherwell Rural Areas Integrated Transport and Land Use Study, (CRAITLUS)) and this was used to inform the categorisation of the villages. In this study it was identified that Weston on the Green has a range of 7 services consisting of, a nursery, retail outlet, food shop, post office, public house, recreation facilities and a village hall. Weston on the Green therefore ranks 13 out of the 23 Category A villages, based on service provision, and is therefore considered to be one of the more sustainable villages within the District. The ranking of the villages by services can be seen at Appendix B.

- 6.4 The CRAITLUS study also looked at accessibility to other services outside of the village such as employment, secondary school, hospital, major centres, major retail and supermarket. At the time of the study there was a limited bus service in Weston on the Green to Bicester, Kidlington and Oxford providing access to services by an alternative mode of transport to the private car. Furthermore, Weston on the Green is located near very good strategic transport links with direct access on to the A34 to the south and then on to the wider local and national road network.
- 6.5 Under policy Villages 1 of the Cherwell Local Plan Category A villages are considered suitable for developments consisting of minor development, infilling and conversions within the built up limits of the village. In this case the site of the proposal is not considered to fall within the built up limits of the village of Weston on the Green and so would not comply with policy Villages 1. However, policy Villages 2 provides for a total of 750 homes to be delivered at Category A villages with sites identified through the plan-making process, and through the determination of planning applications. Taking into account the outline planning permission established on the site immediately to the south and the close relationship that this proposal has to that site, this proposal is appropriate to be considered in light of Policy Villages 2.
- 6.6 This policy sets out a number of criteria which are to be considered when considering sites for 10 or more dwellings at the Category A villages. The assessment of the proposal against these criteria will be made within the report below.

Housing Land Supply

- 6.7 The NPPF requires that in order to significantly boost the supply of houses local authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing. The current housing land supply figures are set out in the December 2015 Annual Monitoring Report. The Council's current position is that it can demonstrate it has a 5.3 year supply of housing land and therefore the policies of the adopted Local Plan are up to date and relevant to the determination of this application.
- 6.8 Policy Villages 2 identifies that a total of 750 homes will be delivered at Category A villages. From the Annual Monitoring Report 2015 it can be seen that a total supply of 470 dwellings is presently expected from non-strategic sites (10 or more dwellings) at Category A villages as at 31 March 2015. This leaves about 280 dwellings to be identified in order to meet the policy Villages 2 requirement to 2031.
- 6.9 Given the amount of development that has already been committed to take place in the rural areas, and in the context of the Council having an up-to-date 5 year housing land supply, it is important to consider whether allowing this site to be released for housing would undermine the overall strategy of the Local Plan to direct housing to the most sustainable locations in the district. In particular concerns have been raised about the quantum of development proposed at Weston-on-the-Green.
- 6.10 Policy Villages 2 states that sites will be identified through the preparation of Neighbourhood Plans where applicable, Local Plan Part 2 and through the determination of applications for planning permission. Since 2011, Weston on the Green has seen 12 dwellings being built

between 2011 and 2015 although these do not contribute to the policy Villages 2 allocation. However the permission that has been granted for 20 dwellings on the land to the south of this site, which was granted on the 6th April 2015, does contribute towards the 750 dwellings allocation for the rural areas. There are permissions for 4 other dwellings within the village.

- 6.11 The site is identified in the Strategic Housing Land Availability Assessment (SHLAA) as part of a larger 6.8 hectare site to the north of Weston on the Green. The SHLAA concludes that the site of this application and land further to the north of the village would be available and suitable, in principle, for development should the Council require sites located outside of the built up area of the village.
- 6.12 The Parish of Weston-on-the-Green has been identified as a neighbourhood planning area and the Parish Council have advised in their comments that the village is working towards preparing a Neighbourhood Plan. However this is in very early stages with no draft document prepared and therefore the neighbourhood plan carries limited weight in the assessment of this application or in the identification of suitable sites for development.
- 6.13 As noted above, Weston-on-the-Green is ranked as one of the more sustainable Category A villages because of its good transport links and access to services and facilities. Whilst it is noted that the bus service through the village is likely to be withdrawn, this service provides a limited alternative to the private car and the majority of travel from the village is by private car. Furthermore the withdrawal of this service will affect other category A villages. Having regard to the guidance at Paragraph 29 of the NPPF and the criteria for assessing proposals under Policy Villages 2, officers are satisfied that on balance Weston-on-the-Green remains an appropriate location, in sustainability terms, to consider a proposal for 26 dwellings.
- 6.14 Government guidance and appeal decisions are clear that being able to demonstrate a 5 year housing land supply is not itself a reason to refuse planning permission, and proposals must be considered in the context of the presumption in favour of sustainable development contained in the NPPF. Therefore provided the proposal does not conflict with any of the Council's adopted development plan policies, including the criteria of Policy Villages 2, on balance the proposal is considered appropriate in sustainability terms and would not undermine the overall housing strategy of the recently adopted Cherwell Local Plan Part 1.

Accessibility, Highway Safety and Parking

- 6.15 The Local Highway Authority has raised an objection to the proposed development advising that the development site is not in a sustainable location. Weston-on-the-Green is identified as a Category A village in the recently adopted Cherwell Local Plan Part 1 and so officers do not agree with the view of the Local Highway Authority. As stated above, in paragraph 6.2 the village has 7 services which are accessible within the village and offer employment opportunities within the village, therefore allowing residents of the village to work and access some services without the need to travel. The categorisation of the villages was considered by the Inspector at the examination in public of the Local Plan, and was found to be sound and justified supported by a robust evidence base (Inspector's Report Page 44). It is accepted that services such as school, health services and major shopping facilities would need to be accessed by public transport or by the private car, but the need for the use of the private car would be less within the Category A villages compared to other villages such as Category B and other smaller villages. Furthermore, Weston on the Green has good transport links with easy access to the A34 and the wider local and major road network.
- 6.16 It has been suggested by the Local Highway Authority that the existing bus service no. 25 is highly likely to be withdrawn from service during 2016. This will leave Weston on the Green with no bus service to Kirtlington, Bicester or Oxford. The existing bus service provides 4 services to Kirtlington, Monday to Saturday and 5 services to Bicester, Monday to Saturday. This is an infrequent service however it does provide the opportunity for residents of Weston

on the Green to access services and employment which are not available within the village. Weston on the Green and a number of the Category A villages are likely to be affected by the removal of a number of village bus services, however, these villages still have a number of services within the village to serve residents without the need to travel by the private car. Therefore, it is the Local Planning Authorities opinion that Weston on the Green is a suitable sustainable location for the proposed residential development which accords with the overall strategy for distributing housing growth of the adopted Local Plan and Government guidance contained within the NPPF.

- 6.17 The proposed development would increase the population of Weston on the Green and therefore this would introduce additional residents who would be likely to use the local village services, Post Office, shop, nursery, bus service (currently) and this additional population will contribute to ensuring the future viability of these existing services making it more likely they will be retained for use by the village into the future.
- 6.18 Given the outline nature of the proposal it is not possible to do a full assessment as to the access, parking and turning arrangements. However it is necessary to be satisfied at this stage that an acceptable arrangement can be achieved that is in compliance with the adopted policies or guidance in the NPPF relating to highway safety. The Local Highway Authority have suggested a number of conditions if the Local Planning Authority are minded to approve the application to ensure the design of the new access, vision splays, estate road, turning and parking can be agreed as part of the reserved matters submission, and so officers are satisfied that acceptable details can be agreed the reserved matters stage.
- 6.19 Comments received in response to the consultation have raised highway safety as an issue in terms of the increased use of the B430 and the works required to the highway to provide the footpath link to the village. Concerns regarding the safety of pedestrians using the proposed footpath and walking along the B430 through the village have also been raised. The Local Highway Authority have commented that the expected trip generation from the proposed development is unlikely to have a detrimental impact on the surrounding highway network. This application is in outline form and therefore no details of the proposed access have been provided at this stage. The Highway Authority have advised that providing acceptable visibility standards are provided at the new access point and the proposed footpath (secured as part of application 13/01796/OUT) is an adequate width (2m wide) there is no objection to the application on highway safety grounds.

Landscape and visual impact and heritage assests

- 6.20 The criteria listed under Policy Villages 2 include “whether significant adverse impact on heritage or wildlife assets could be avoided...whether development would contribute in enhancing the built environment (and) whether significant adverse landscape impacts could be avoided”.
- 6.21 The application site is somewhat divorced from the existing settlement as it currently abuts an area of land which is in equestrian use to the north of the village. The land in equestrian use, immediately to the south of the site, has an extant outline planning permission for residential development of up to 20 dwellings. To the south of the site with outline planning permission are the rear gardens of the properties which front onto North Lane. The site has a rural feel to it, being currently in use as paddocks for the grazing of horses and having a close relationship to the wider countryside. The site is clearly development beyond the built up limits of the village and as such is an encroachment into the open countryside. The site has a strong landscape boundary along the B430 to the east and along the surrounding fields to the west. The site and the surrounding landscape is very flat and as a result of the site characteristics and the surrounding landscape the development will not be viewed from any long distances or have any significant landscape impact. The only views of the site will be localised; from the B430 when passing the site and from the north where views are restricted by the existing

hedgerows, from public footpaths in close proximity to the site, and from residential properties. These localised views of the proposed development will not in the opinion of officers' result in significant harm to the visual amenities of the area.

- 6.22 Weston on the Green has an unusual development pattern with the majority of its residential properties being located along roads which spur off the western side of the main B430 in an east west alignment. The proposed development would be a further example of such a layout where properties front onto the access road but turn their backs on the properties to the south. However, it is considered by the Design and Conservation Officer that this modern form of development will appear as an alien feature against the existing historical development pattern of the existing village.
- 6.23 The Council's planning officers do not have the same view as the Design and Conservation Officer in terms of the form of development. It is considered that the development of this site is an appropriate location and form of further residential development which would follow the existing form of development which is currently sited along the B430 extending the west of the B430. Furthermore, taking into account the outline planning approval for up to 20 dwellings immediately to the south of this site it is considered that the development of this site would not cause significant further harm to the detriment of the visual amenities of the area. The views of the site whether it comprises 20 dwellings or 46 dwellings would, in the case officer's view, have a very similar and limited visual impact on the surrounding landscape.
- 6.24 It is the case that some aspects of the submitted indicative layout could be improved upon (e.g. the formality and regularity of housetypes, the estate-like layout of the north-eastern parcel, the arrangement and prominence of garages). However as all matters are reserved it is considered that an acceptable detailed scheme which would contribute positively to the built environment can be secured at reserved matters stage.
- 6.25 Turning to heritage impacts, the site is located to the north of the Conservation Area and there are three statutory listed buildings and two locally listed buildings to the south of the site. Therefore the proposed development needs to be considered in light of Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which seeks to preserve and/or enhance the special interest of listed buildings and conservation areas. The development does not result in the loss of any heritage assets but has the potential to harm their settings due to their proximity with one another. Comments on the application have raised concerns about the impact of the proposal on the setting of nearby heritage assets, the Conservation Area and listed buildings to the south. The applicants assessment of the impact on heritage assets sets out that due to the main orientation of the listed buildings being towards the south, the lack of public views of the listed buildings from the north and the separation between them and the proposed development that their settings will not be harmed. It is the case officer's view, that due to the site of the proposed development being sited further away from the identified heritage assets than the previous approved outline scheme for residential development to the south, the proposal would not cause any further harm over and above residential development on the site to the south. Therefore, it is considered that no adverse harm will be caused on the setting of the heritage assets and their special interest will be preserved.
- 6.26 The application site is outside of the Oxford Green Belt but the southern section of the village, south of Bletchington Road, does fall within the Green Belt. As such this limits the opportunities for new development within and on the edge of the settlement with any focus likely to be in the northern part of the village.
- 6.27 Given the outline nature of the proposal it is not possible to do a full assessment as to the design and layout of the proposed development as this will be a matter for consideration at reserved matters stage. However it is possible to conclude that the development is unlikely to

have any significant landscape impact or impact on heritage assets. As such the proposal complies with Policies ESD13 and ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1, Policies C18, C23, C28 and C30 of the Cherwell Local Plan 1996 and guidance in the NPPF relating to design and heritage assets.

Effect on neighbouring amenity

- 6.28 This proposal for outline residential development will be sited approximately 70 metres from the nearest residential dwelling and approximately 60 metres from the nearest residential garden boundary. The land immediately to the north of the properties on North Lane already has outline planning permission for up to 20 residential dwellings. The proposed development will therefore be sited north of the site which already has permission for residential development. The proposed development would alter the outlook from the rear of the properties fronting North Lane and the effect on these properties is likely to be significant, but no more so than the effect of any greenfield development on existing dwellings. It is also the case that the planning system cannot be used to protect private views. These properties have benefited from the outlook afforded to them by having open fields to the rear of their gardens but this is not a right as such and cannot form a reason to refuse the application. As part of the assessment of the application consideration can be had as to whether the development is likely to result in any overbearing impact, result in overlooking or adverse noise and disturbance once implemented.
- 6.29 It is worthwhile mentioning here the conclusions of the previous case officer in assessing the scheme to the south of the site (13/01796/OUT) in relation to overbearing and privacy issues. It was concluded that the scheme for 20 dwellings to the north of the village would be unlikely to cause demonstrable harm on the existing residents on North Lane because the Council's informal space standards of a separation of 22 metres could be secured. The proposed scheme for 26 dwellings to the north will be located further away from the existing dwellings on North Lane and therefore it is considered that in terms of overbearing and privacy issues the impact caused by the proposed development would be not as significant as the scheme to the south. Given the greater distances involved and the orientation of the site and the existing properties the proposal would not be considered to have an overbearing impact or result in the loss of light or privacy.
- 6.30 Increase in noise and disturbance is also a relevant consideration in the assessment of the application. Significant impacts usually only occur where there is a conflict in neighbouring land uses. However, in this case there would be residential properties adjacent to residential properties and as such the proposal is unlikely to result in adverse noise and disturbance. Existing residents have raised concern with noise and disturbance during the construction period. Whilst this is not a irrelevant consideration it is not usually sufficient to refuse an application. It is possible to require a construction phase travel plan and restricted hours of construction work. However, most construction sites operate in accordance with guidelines set by the construction industry and there is other legislation that can control anti-social behaviour whether it be as a result of individuals or construction sites.
- 6.31 Given the above assessment in relation to neighbour impact it is considered that a scheme could be developed that would comply with Policy C30 of the Cherwell Local Plan 1996. However this would have to be fully assessed at the reserved matters stage.

Drainage and flooding

- 6.32 The site falls within flood zone 1, outside of zones 2 and 3 and therefore lies within an area which is at the lowest risk of flooding. The submitted flood risk assessment also confirms that the site does not appear to have suffered from historical surface water flooding based on the Cherwell and West Oxfordshire Strategic Flood Risk Assessment, however this document

does identify the impermeable nature of the ground and the requirement to maintain surface water flow rates. A number of the third party comments have raised concerns with the increase in hard surface area by the proposed development and concerns that the proposed balancing pond is too small for a site of this size. Oxfordshire County Council have provided comments on the application and have advised that 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. Such a scheme submitted prior to the commencement of development will ensure that a suitable drainage scheme based on sustainable drainage principles can be incorporate into the development.

Trees, landscaping and Ecology

- 6.33 The existing site is currently used for the grazing of horses with substantial hedgerows with some mature trees within the boundary planting enclosing the site from the east and west. These existing landscape features will need to be maintained as part of the proposed development as they provide a very good established visual screen to the development from the B430 to the east and north and from the footpath to the east of the site. Suitable conditions can be applied to secure the retention of existing hedgerows, and to ensure that a suitable landscaping scheme and maintenance for the site is agreed at reserved matters stage.
- 6.34 With regard to ecology an Extended Phase 1 Habitat Survey Report has been submitted in support of the application, and the Council's Ecology officer has advised that in general the site is not of high ecological value except the hedgerows which the proposed layout shows to be retained. These would need protecting during any construction activities and a buffer should be kept of at least 5m between the development and the hedgerows for maintenance and to retain their value as wildlife corridors, this provision can be incorporated within the details of a reserved matters scheme.
- 6.35 The application has not been supported by a reptile survey, however the Council's Ecology Officer has advised that because reptiles are not European Protected Species this can be secured by a condition ensuring that such a survey is carried out prior to any works commencing on the site to ensure there are no reptiles present. If reptiles are found then the report will need to include appropriate mitigation methods and any translocation site details if required.
- 6.36 The village has an existing playground and public open space to the west of the village approximately 800 metres from the proposed development. The provision of a Local Area for Play as part of the proposed development will provide an area of open space and play area for the northern part of the village.

Infrastructure Provision and Affordable Housing

6.37 The development of this site would result in increased pressure on existing infrastructure and potentially the need for new infrastructure. As such the Council would look to secure a S106 legal agreement which would require the applicant to contribute towards the following;

- Local area of plan and commuted sum for maintenance
- Refuse bins
- Public art
- Education - £118.116 Section 106 developer contributions towards the expansion of Chesterton CE (VA) Primary School, by a total of 10.20 places. This is based on Department for Education (DfE) advice weighted for Oxfordshire, including an allowance for ICT and sprinklers at £11,582 per pupil place. This is index linked from 1st October 2012 using PUBSEC Tender Price Index.

- Libraries
- Community facilities and events improvements

6.38 In addition Policy BSC3 of the Cherwell Local Plan Part 1 requires all proposed developments of 11 or more dwellings in the rural areas to provide at least 35% of new housing as affordable homes on the site. The Council's Strategic Housing officers have advised that this equates to a total of 9 units (70% (6 units) of which are to be affordable rented units and the remaining 3 to be shared ownership or similar tenure to be agreed with the District Council).

6.39 The applicant has stated within the planning statement supporting the application that there is agreement to provide 9 affordable housing units and other S106 contributions requests and does not intend to dispute these. However further negotiations are required with the applicant and other departments to reach an appropriate agreement and it is therefore requested that Members delegate to officers to negotiate until an acceptable agreement is reached.

The Planning Balance

6.40 At the heart of the NPPF is a presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. In principle Weston on the Green is identified in the recently adopted Cherwell Local Plan Part 1 as one of the more sustainable villages within the district as set out above and therefore, on balance, meets this requirement of the NPPF in terms of sustainability.

6.41 The proposal is appropriate to be considered under Policy Villages 2 of the Cherwell Local Plan and the quantum and location of development proposed is considered to be consistent with the overall housing strategy of the Local Plan. The proposal would deliver social and economic benefits with the provision of new housing, including a policy-compliant on-site affordable housing contribution, and would contribute to meeting rural housing needs in the District. There would be no significant adverse harm to the visual amenities of the area and no other significant or unacceptable environmental harm has been identified. The proposal is considered acceptable in highway safety and access terms.

6.42 All-in-all the benefits of the proposal, which is considered to comply with the Council's adopted Development Plan policy, outweigh any harm and so the proposal is considered to be sustainable development within the meaning of the Framework.

Other issues

6.43 Comments received from third parties have raised concern that the approval of a second phase of residential development in this location could set a precedent for further development to the north of the current site. Further development to the north of the current proposal would need to be fully assessed as part of a further planning application taking into account all the issues raised above.

7. Engagement

7.1 With regard to the duty set out in paragraphs 186 and 187 of the Framework, any objections that have been raised have been brought to the attention of the applicant's agent who has had the opportunity to respond. The application will have exceeded its original target date but the agent has agreed to an extension of time limit to allow time to finalise a S106 in the event of the application being approved. It is considered that the duty to be positive and proactive will have been discharged through the efficient determination of the application.

8. Conclusions

8.1 This application is in outline only with all matters reserved for future consideration and as such it is the principle of the development that is being considered. The proposal is considered to be a sustainable form of development as it is sited within Weston-on-the-Green which is

identified under Policy Villages 1 as a Category A village. Furthermore the proposed development of up to 26 dwellings on this site is considered to be an acceptable form of development when considered under Policy Villages 2 of the Adopted Local Plan 2011-2031 Part 1. The proposal as set above is not considered to cause adverse harm to the visual amenities of the area, the Conservation Area or Listed Buildings and would not cause adverse harm to highway safety or to flood risk in the area. The village currently has a number of services which serve the village and furthermore, the village has very good transport links to the wider transport network. Therefore, the proposed development is considered to be in accordance with Policies BSC1, BSC3, BSC10, ESD7, ESD10, ESD13, ESD15 and Policy Villages 2 and Government guidance contained with the National Planning Policy Framework.

Recommendation Approve subject to:

- a) The applicants entering into a legal agreement to the satisfaction of the District Council to secure affordable housing and financial contributions (to be delegated to officers);**
- b) The following conditions:**

General Implementation

- 1) No development shall commence until full details of the access, layout (including the layout of the internal access roads, footpaths and cycleways), appearance, scale and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) In the case of the reserved matters, the final application for approval shall be made not later than the expiration of three years beginning with the date of this permission. Each application shall demonstrate how the design and access principles of Phase 1 and Phase 2 shown on the indicative layout on drawing No. BBA 109 PA 003, have been used to inform the reserved matters applications.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3) The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

- 4) The approved plans to which this permission relates are the site location plan received with the application and Drawing No. BBA 109 PA 003 (Phase 2 indicative layout).

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

- 5) Prior to the commencement of the development hereby approved, a Phasing Plan covering the application site (Phase 2) and the development of the 20 dwellings approved under planning application ref: 13/01796/OUT (Phase 1) as shown on drawing No. BBA 109 PA 003 shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include a timetable for implementing the developments with estimated completion dates for each phase. Thereafter the developments shall be carried out in accordance with the approved Phasing Plan.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Government guidance contained within the National Planning Policy Framework.

- 6) The development hereby permitted shall comprise of no more than 26 dwellings and shall be carried out in accordance with the submitted site location plan and those plans approved as part of the reserved matters applications.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Access

- 7) Prior to the commencement of the development hereby approved and as part of the Reserved Matters, full details of the means of access between the land and the highway, including position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

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

- 8) Prior to the commencement of the development hereby approved and as part of the Reserved Matters, full specification details of the internal access roads, footpaths and cycle ways which shall include construction, layout, surfacing, drainage and lighting, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

- 9) Prior to the commencement of the development hereby approved and as part of the Reserved Matters, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the accesses, driveways and turning areas shall be constructed in accordance with the approved details.

Reason – In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

- 10) Prior to the commencement of the development hereby approved and as part of the Reserved Matters, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the

development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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

- 11) Prior to the commencement of the development hereby approved and as part of the Reserved Matters, and notwithstanding the application details, full details of refuse and fire tender turning within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

- 12) Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

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

- 13) No structure exceeding 1 metre in height measured from the carriageway level shall be placed within the visibility splays of the site access.

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

Drainage

- 14) Prior to the commencement of the development hereby approved, a detailed scheme for the surface water drainage and foul sewage drainage of the development, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, detailing any on and/or off site drainage works has been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved drainage scheme.

Reason - To ensure satisfactory drainage in the interest of public health, to avoid flooding of adjacent land and property and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Noise and Contamination

- 15) No development shall commence until a scheme for protecting the proposed dwellings from traffic noise from the B430 and A34 has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall achieve the design criteria specified in BS 8233:2014 'Guidance on Sound insulation and reduction for buildings' Any works which form part of the scheme shall be completed in accordance with the approved details before any of the permitted dwellings to which the scheme relates are occupied.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with saved Policy ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

Reason - To ensure the environment is protected during construction in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 17) Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 18) If a potential risk from contamination is identified as a result of the work carried out under condition 17, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 19) If contamination is found by undertaking the work carried out under condition 18, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place until

the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 20) If remedial works have been identified in condition 19, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 19. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 21) If during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Archaeology

- 22) Prior to any demolition on the site, the commencement of the development hereby approved and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

- 23) Prior to any demolition on the site (other than in accordance with the agreed Written Scheme of Investigation) and prior to the commencement of the development and following the approval of the first stage Written Scheme of Investigation approved under condition F6, a programme of archaeological evaluation, investigation and recording of the application shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

Reason: In order to determine the extent, character and significance of the surviving remains

or archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

Trees and Biodiversity

- 24) As part of the Reserved Matters, a full tree survey in line with BS5837(2012) and method statement to identify existing trees and hedgerows within the site and immediately adjacent to the application site and any required tree/hedgerow protection shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved tree survey.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 25) As part of the Reserved Matters, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include:
- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (b) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 26) As part of the Reserved Matters, a landscape management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, other than for privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 27) Except to allow for the means of access and vision splays the existing hedgerow along the eastern boundary of the site shall be retained and properly maintained at a height of not less than 2 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason: In the interests of the visual amenities of the area, to provide an effective screen to

the proposed development and to comply with Policy ESD 13 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 28) The existing hedgerow along the western boundary of the site shall be retained and properly maintained at a height of not less than 2 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason: In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy ESD 13 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 29) The development hereby approved shall be carried out in strict accordance with the recommendations detailed in section 5 of the Extended Phase 1 Habitat Survey dated June 2015 submitted with the application.

Reason: To conserve and enhance biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031: Part 1 and Government guidance contained within the National Planning Policy Framework.

- 30) Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance of the translocation of any reptile, a reptile survey (which shall be carried out in accordance with best practice guidelines) shall be carried out, and the findings, including a mitigation strategy if required, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter all works of mitigation shall be carried out in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031: Part 1 and Government guidance contained within the National Planning Policy Framework.

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

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031: Part 1 and Government guidance contained within the National Planning Policy Framework.

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

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

33) Prior to the commencement of the development hereby approved, a Landscape and Ecology Management (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the LEMP shall be carried out in accordance with the approved details.

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

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

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

Other matters

35) Prior to the first occupation of any dwelling on the site, a scheme for the provision of refuse and recycling bins to serve each dwelling including details of the type and specification of the bins to be provided and a programme for their provision, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason – To ensure the provision of adequate waste and recycling facilities to serve the development, in accordance with guidance contained in the National Planning Policy Framework.

Planning Notes:

- 1) Note for Condition 12 – The application is advised that details of the information required as part of the detailed drainage strategy can be found within Oxfordshire County Council's comments dated the 17th December 2015.
- 2) The applicant is advised that if further advice is required in relation to conditions 14 and 15 contact should be made with the County Archaeologist on 01865 328944 or by writing to Richard.Oram@oxfordshire.gov.uk or Historic and Natural Environment Team, Infrastructure Planning, Speedwell House, Speedwell Street, Oxford, OX1 1NE, who can provide advice in terms of the procedures involved, provide a brief upon which a costed specification can be based, and provide a list of archaeological contractors working in the area.
- 3) The applicant is advised that the County Archaeologist expects the programme of archaeological evaluation and mitigation/Written Scheme of Investigation to include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to Oxfordshire County Council as soon as practically possible following the completion of the on site investigation.

Statement of Engagement

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

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