

By Ingleby
Station Road
Bletchingdon
Kidlington
OX5 3AX

15/02264/OUT

Case Officer: Matthew Parry **Ward(s):** Kirtlington

Applicant: Lexham Stone Ltd

Ward Member(s): Councillor Simon Holland

Proposal: OUTLINE - 10 No dwellings with revised access; demolition of existing dwelling

Committee Date: 18.02.2016 **Recommendation:** Refusal

1. Application Site and Locality

- 1.1 The application site consists of a parcel of land comprising a dwelling and its curtilage in addition to an adjoining field. The site is located on the eastern edge of the hamlet of Enslow adjacent to the residential development of Ingleby Paddocks and is on the northern side of the B4027 which links Enslow with Bletchingdon.
- 1.2 A five bedroom bungalow and its associated outbuildings and garden area comprise the eastern part of the site. The western part of the site is an agricultural field and is separated from the residential property by a row of modest hedgerow trees that bisect the site. The site is currently served by two vehicular accesses from the B4027 – an informal unmade farm access at its western edge and a formal access to the dwelling at the east.
- 1.3 Along the site's southern boundary with the B4027 lies a line of trees comprising a variety of native species. Together these screen the site relatively successfully during summer months though there are some gaps in the tree cover as well as views through at the two vehicular access points. A drainage ditch is hidden amongst this line of trees and runs along the majority of the site's southern boundary.
- 1.4 The site itself is not covered by any statutory or local planning policy designations though it should be noted that land immediately to the south of the B4027 is part of the Oxford Green Belt. In addition, the Bletchingdon Quarry Local Wildlife Site is located less than 50m away on the south side of the B4027.

2. Description of Proposed Development

- 2.1 The application seeks outline planning permission for the demolition of the existing dwelling and the erection of 10 new dwellings with all matters except access reserved for later approval. The two existing access points are proposed to be closed and a new access created from the B4027 together with a new pedestrian/cycle way along the roadside verge linking the site with Enslow village. A section of the ditch along the site's southern boundary is proposed to be culverted as part of creating the new vehicular access.

3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
11/01146/OUT	Outline: Demolition of existing residential single family bungalow and disused cattery and development of 5 no. residential dwellings	Refused 15.11.11

4. Response to Publicity

4.1 The application was publicised by way of a notice in the local newspaper, letters to nearby properties as well as the erection of site notices. One third party representation has been received from the neighbouring Ingleby Farm and the comments raised are summarised as follows:

- The proposals represent overdevelopment of the hamlet of Enslow, significantly altering the fabric of this rural area meaning that Enslow would lose its character;
- The proposal would not afford sufficient space for landscaping and would result in properties having gardens too small for the size of the houses;
- The Local Plan seeks to concentrate growth to the more sustainable settlements of Banbury and Bicester. This site is in an unsustainable rural location and is not suitable for housing;
- Plots 3 and 4 shown on the site layout plan would allow potential for significant overlooking of the private amenity area serving Ingleby Farm to the north. This would fail to adequately respect the privacy of existing residents in conflict with Article 1 of the First Protocol and Article 8 of the Human Rights Act 1998;
- The applicant's supporting statement contains a number of inaccuracies including aerial photographs that are outdated. The vast majority of the main garden of Ingleby Farm is adjacent to the northern boundary of the application site;
- The proposals would increase traffic movements at a dangerous junction between the A4095 and B4027 – this would not only add to congestion but also present a highway safety risk given that there have been at least two accidents at this junction in the past year.

5. Response to Consultation

Parish/Town Council:

No comments received

Cherwell District Council:

Community Services – No infrastructure mitigation necessary.

Waste and Recycling Services – No objection.

Public Art – A financial contribution of £2000 is required to cover the cost of creating a new piece of public artwork for the village.

Landscape Services - No objection provided the tree belt to the southwest and eastern boundaries are retained and protected in accordance with BS5837:2012, and landscape

proposals indicate landscape treatment e.g. to the northern boundary in order to mitigate the development from adjacent residencies. Tree pit details will be required.

In accordance with CDC planning obligations and standards of provision, ten dwellings trigger a LAP, and not a LEAP as proposed on the Outline Site Proposals. The developer is to refer to CDC's Planning Obligations SPD for guidance on layout, location, access and play experience objectives. A designated pedestrian footway between the houses and the LAP is necessary to ensure safe access for residents and their children; not currently shown on the proposals.

Arboriculture – No objection subject to the measures set out in the tree protection plan and arboricultural method statement being accorded with. These should be secured by condition.

Environmental Protection – The site is potential contaminated due to neighbouring land uses. A phased contamination risk assessment should be secured by planning condition(s).

Anti-Social Behaviour - Due to the proximity of the site to a junction of two busy roads, a railway line 130m away, light industry 70m away and a motorcycle scrambler track across the road, the following conditions are required:

1. Prior to the commencement of the development hereby approved, a specialist acoustic consultant's report that demonstrates that internal noise levels do not exceed the levels specified in the British Standard BS 8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings', shall be submitted to and approved in writing by the Local Planning Authority. If required thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings affected by this condition shall be insulated and maintained in accordance with the approved details.

2. Prior to the commencement of the development hereby approved a specialist acoustic consultant's report that demonstrates that the World Health Organisations guideline noise value for outdoor areas of 55 dB LAeq (16 hr) or less can be achieved during the time period 07:00 to 23:00 hrs for domestic gardens and recreation areas used in common shall be submitted to and approved in writing by the Local Planning Authority. Where acoustic barriers, planting or other features are required to achieve this standard full details of these elements shall be submitted with the report for approval. Thereafter and prior to the first occupation of the affected dwellings and the first use of the common areas, the acoustic barriers shall be installed and retained in accordance with the approved details.

Oxfordshire County Council:

Local Highway Authority

Recommendation:

Objection

Key issues:

Question over feasibility of providing footway access to Enslow village

Visibility at site access does not meet DMRB guidelines

Very little opportunity for sustainable travel

Legal agreement required to secure:

Highway improvements to be carried out under S278, including new footway linking the development with the Rock of Gibraltar public house, and gateway features to be agreed in consultation with the parish council

S106 contribution to cover the cost of implementing a reduction in speed limit

Conditions:**Access: Full Details**

Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway **including a footway from the development to the Rock of Gibraltar public house and village gateway features**, 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 **including the above mentioned footway and gateway features** shall be constructed and retained in accordance with the approved details.

Estate Accesses, Driveways and Turning Areas

Prior to the commencement of the development hereby approved, 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 access, driveways and turning areas shall be constructed in accordance with the approved details.

Cycle Parking Provision

Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Construction traffic management plan: Prior to the first occupation of the development hereby approved, a Construction Traffic Management Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

Reason – in the interests of highway safety and the amenity of local residents.

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
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations

Informatives:

For roads within the proposed development to be offered for adoption to the Local Highway Authority a S38 Agreement will be required. For any private roads a Private Road Agreement will be required between the developer and Oxfordshire County Council. For guidance and information on road adoptions please contact the County's Road Agreements Team on 01865815700 or email Road.Agreements@oxfordshire.gov.uk.

Detailed comments:

Access arrangements The proposals provide for a single, simple priority junction, approximately 80m southeast of the junction of the A4095 with the B4027, which runs past the site. This is on a straight stretch of road with a wide verge. The transport statement provided with the application states that visibility of 191 metres to the southeast and 144 metres to the northwest are achievable. There do not appear to be any obstructions within this visibility splay.

However, the access is within national speed limit, and to the southeast, the achievable visibility falls 16 metres short of the DMRB guideline. To the northwest, the 50mph speed limit starts just before the junction with the A4095 the visibility to the northwest falls 16 metres short of the DMRB guideline for 50mph. In my opinion, DMRB guidelines should apply at this site, given its rural, unlit location, on a road which is extensively used as a commuter route 'cut through' to Oxford from routes to the north. There is no evidence that speed surveys have been carried out, so we have to assume that speeds are as per the speed limit, which means the visibility is not sufficient according to DMRB guidelines.

Should the LPA be minded to grant permission, the highways authority would require a reduction to 40mph on the B4027, extending 50m to the southeast of the access. This would of course be subject to consultation, with a risk of it not being possible to implement. The developer would also be required to implement a gateway feature on each approach to the village, to reinforce the speed limit. The highways authority made a similar requirement in its response to a nearby planning application.

In terms of pedestrian access to Enslow village, the transport statement mentions that a footway would be provided, linking to the footway proposed as part of the nearby planning application on the other side of the A4095. **In my opinion this footway is required to make the development acceptable in planning terms.** However no plans of this footway are provided, and I have serious concerns about the ability to provide it safely, allowing for a crossing of the junction with the A4095. This is because of a boundary wall of the property on the northwest side of this junction, which is too close to the carriageway on the corner to allow for the footway to come round the NW corner to a safe crossing point. Pedestrians would be forced to cross at a point where they could not see traffic approaching from the east on the A4095.

Given the nature of the B4027 at the site access, the access road should be 5.5m wide for a distance of 12m back from the junction. This is to prevent the situation of vehicles having to stop on the main road to allow another vehicle to exit. The footway should continue into the site onto the shared surface. If it is intended to offer the internal road for adoption, as a shared surface it must be 6m wide in order to be adoptable.

Car parking Car parking overspilling onto the B4027 would present an unacceptable safety risk. Therefore, if the LPA is minded to grant permission, at reserved matters stage the highways authority would be looking for evidence of suitable car parking provision. Two spaces per dwelling is low for this highly car-dependent location, but the development looks sufficiently spacious to accommodate a number of visitor parking bays to mitigate the risk.

Sustainability of the site The site is remote from public transport. Due to significant reductions in local authority finance it is highly probable that service 25 through Enslow village will cease operation in 2016, despite comments in the transport statement suggesting that alternative funding may be found. In any case the service does not offer a suitable timetable for commuting trips.

The location of this site is also poor for walking and cycling to alternative bus stops located on the A4165 near Bunkers Hill, and to Bletchingdon and to Kirtlington villages, due to these links being on twisting roads with fast traffic, encroaching vegetation and a lack of footways. New residents in this location are likely to be completely car-dependent. There are no retail outlets, schools or other neighbourhood facilities in Enslow (apart from a public house). Nevertheless, the developer must provide a travel information pack to each new resident at first occupation. This must be approved in advance by the Travel Plans Team at Oxfordshire County Council.

Education

Recommendation:

Approval

Key issues:

Based on the following mix (set out in the application form):

0 x One Bed Dwellings

3 x Two Bed Dwellings

2 x Three Bed Dwellings

5 x Four Bed Dwellings

This proposed development has been estimated to generate 3.84 primary pupils, 2.92 secondary pupils (including 0.44 sixth formers) and 0.08 pupils requiring education at an SEN school.

Primary education

£44,475 Section 106 required for the necessary expansion of permanent primary school capacity serving the area, at Bletchingdon CE (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 future.

Special Educational Needs (SEN) 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 future.

Legal Agreement required to secure:

£44,475 Section 106 developer contributions towards the expansion of Bletchingdon CE (VA) Primary School, by a total of 3.84 pupil 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 to be index linked from 1st Quarter 2012 using PUBSEC Tender Price Index.

Conditions:

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.

Informatives:

Indexation

Financial contributions have to be indexed-linked to maintain the real values of the contributions (so that they can in future years deliver the same level of infrastructure provision currently envisaged). The price bases of the various contributions are covered in the relevant sections above.

General

The contributions requested have been calculated where possible using details of the development mix from the application submitted or if no details are available then the County Council has used the best information available. As the planning application is an outline proposal and in recognition that the delivered scheme may differ from that so far assumed and assessed the council provides & requires a matrix mechanism for inclusion within the S106 agreement. The matrix sets out the contributions payable per 1, 2, 3 & 4+ bedroomed dwelling built. This avoids potential over / under payment of infrastructure contributions.

Detailed Comments:

Primary:

Bletchington CE (VA) Primary School has very recently relocated to a new building, in order to allow it to expand from an admission number of 10 to one of 15 (i.e. a 0.5 form entry school) to meet local population growth, including that generated from housing development. The new build capital project provides 35 additional pupil places (and re-provides 70 places) at a cost of £4,258,000. Developer contributions are sought towards the £1m funding that the county council has committed towards this project.

However, as this project met various needs in addition to the provision of additional pupil places (for example, a village hall space), we are seeking contributions at the standard extension rates, rather than the rate per pupil place of the construction of the new school building.

Secondary:

The area is served by The Marlborough CE School (a secondary academy), which has a capacity of 1138 places for 11-19 year olds. The school is expected to fill as a result of rising pupil numbers from the existing population, and would need to expand to make local housing development acceptable in planning terms.

Special:

SEN provision for this area is included within a specialist resource base within The Marlborough CE School, which is operating at capacity. Across Oxfordshire 1.11% of pupils are taught in special schools and all housing developments would normally be expected to contribute proportionately toward expansion of this provision.

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

Education contributions required to mitigate the impact of the development on infrastructure but for which Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) prevents OCC seeking a s106 obligation

□ £56,614 Section 106 contribution for necessary expansion of permanent secondary school capacity in the area by a total of 2.92 pupil places. This site lies in The Marlborough CE School's designated catchment area (an academy).

□ £2,330 Section 106 as a proportionate contribution to expansion of Special Educational Needs provision in the area by a total of 0.08 pupil places. This site is served by a Special Resource Unit at The Marlborough CE School (an academy) in Woodstock.

Property

Key issues:

Legal Agreement required to secure:

Administration & Monitoring Costs - £1,000

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

Admin and monitoring fee - Oxfordshire County Council requires an administrative payment of £1,000 for the purposes of administration and monitoring of the proposed S106 agreement, including elements relating to Education. The admin fee may increase depending on the value of any Transport related contributions.

OCC is not seeking property contributions to mitigate the impact of this development for all infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended).

Other External Consultees:

Thames Water – No objection with respect to mains water or waste water capacity. However, there is a water main crossing the application site which may need to be diverted at the applicant's cost or necessitate a change to the design and layout of the scheme.

Environment Agency – No statutory requirement to consult given that the site is located within Flood Zone 1. No comments made.

6. Relevant National and Local Planning Policy and Guidance

6.1 Development Plan Policies:

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1 (LPP1)

BSC 1 – District Wide Housing Distribution

BSC 2 – Effective and Efficient Use of Land

BSC 3 – Affordable Housing

BSC 4 – Housing Mix

BSC 9 – Public Services and Utilities

BSC 11 – Local Standards of Provision – Outdoor Recreation

ESD 1 – Mitigating and Adapting to Climate Change

ESD 2 – Energy Hierarchy

ESD 3 Sustainable Construction

ESD 6 – Sustainable Flood Risk Management

ESD 7 – Sustainable Drainage Systems

ESD 10 – Protection and Enhancement of Biodiversity and the Natural Environment

ESD13 – Local Landscape Protection and Enhancement

ESD 14 – Oxford Green Belt

ESD15 – The Character of the Built and Historic Environment

Villages 1 – Village Categorisation

Villages 2 – Distributing Growth across the Rural Areas

INF 1 - Infrastructure

Cherwell Local Plan 1996 (Saved Policies) (LP 1996)

C8 – Sporadic Development in the Countryside

C28 – Design of New Development

C30 – Residential Amenity

ENV12 – Contaminated Land

6.2 Other Material Planning Considerations:

National Planning Policy Framework (NPPF) - 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 on interpretation of national planning policy in addition to the application of relevant legislation.

7. Appraisal

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

- Principle of Development;
- Accessibility and Highway Safety;
- Design, Layout and Appearance;
- Landscape and Visual Impact;
- Open Space and Recreation;
- Effect on Neighbouring Amenity;
- Affordable Housing;
- Drainage and Flood Risk
- Ecological Implications;
- Energy Efficiency;
- Impact on Public Infrastructure;
- Planning Obligations;

Principle of Development

7.2 The site is in a rural location on the edge of Enslow, a hamlet providing very little in the way of everyday services, amenities or facilities. It also has very poor public transport links to larger settlements to allow residents to access both higher and lower order services. The site is served by an irregular bus service which does not present an attractive commuting option for residents and which, in any event, is likely to cease operation within the next year due to probable cancellation of subsidies for bus services within the county. As a result, occupants of new dwellings would be heavily car dependent in conflict with well-established environmental sustainability objectives. In reflection of its small size, limited services and isolated location, the site is classified within Policy Villages 1 of LPP1 as a Category C settlement which means that the development plan considers it suitable only to accommodate new dwellings through conversions of existing buildings and limited infilling. Whilst Policy Villages 2 allocates a small proportion (750 dwellings) of the overall housing target for the District across the rural areas, this applies only to residential development at the more sustainable Category A villages which are considered to be more socially, economically and environmentally able to satisfactorily accommodate them.

7.3 As a result, there is a clear planning policy objection within the development plan to new residential development in this location. These policies are up-to-date given their consistency with the NPPF and the Council's five year housing supply position and so full weight should be afforded to them. Policy BSC1 of LPP1 and its supporting text clearly set out the overall strategy for housing delivery within the Local Plan which is, in summary, to concentrate the majority of new housing to the District's largest settlement of Banbury and Bicester with only limited growth in the rural areas over the plan period. Not only would these proposals be in direct conflict with both Policy Villages 1 and 2 but they would be contrary to the objectives of the overall housing strategy of the Local Plan to concentrate growth to those areas that are more able to sustainably accommodate it.

7.4 Policy ESD1 of LPP1 is also material to consideration of the principle of this development. It states that measures will be taken to mitigate the impact of development within the District on climate change which means, at a strategic level, distributing growth to the most sustainable location as defined in the Local Plan. The housing supply policies in the LPP1 generally support this approach and, as such, this proposal to intensify residential development in one of the least environmentally sustainable locations in the District (due

to its heavily car dependent nature) would be in direct conflict with not only the Council's up-to-date housing supply policies but also its climate change policy objectives too.

- 7.5 Consideration of the acceptability of the principle of development also has to recognise that it is inherent within the proposals that they would result in the loss of greenfield land, some of which is open countryside and some of which is residential garden land. Once such land is lost to development this is likely to be in perpetuity and so its loss must be justified. Policy C8 of LP 1996 is reflective of the overarching core planning principles of the NPPF that inter alia recognise the contribution the intrinsic natural beauty of the countryside makes sustainability.
- 7.6 The existing field and its hedgerow boundaries are traditional features of the countryside and are inherent to the rural character of the area including the setting of Enslow and its surrounding natural landscape. New built development on this site would extend the hamlet of Enslow into its surrounding countryside and in turn directly result in the loss of its surrounding natural landscape and rural setting. Given the District's strong housing supply position which is already seeing the objectively assessed needs of the District being met across other more suitable allocated and unallocated sites, there is quite simply no robust justification for further unplanned permanent development of the countryside in this location. As a result these proposals for residential development in the open countryside are both unnecessary and unacceptable in principle.
- 7.7 Consequently, and for the reasons set out above, the principle of residential development on this site is considered to be wholly environmentally unsustainable due to the isolated car-dependent nature of the location and the impact that the development would have on the countryside which is contrary to both the provisions of the development plan and national planning policy.

Accessibility and Highway Safety

- 7.8 Policy SLE4 of LPP1 is reflective of national policy contained within the NPPF by requiring new developments to prioritise sustainable modes of transport and by requiring that account be taken as to whether safe and suitable access to a development can be achieved for all. The policy also goes on to state that development which is not suitable for the roads that serve it and which would have a residual severe traffic impact should be refused.
- 7.9 As discussed in the previous section of this report, the site is in an isolated car-dependent location where new residents would not be within easy reach of everyday services and facilities by sustainable transport modes. This is noted by the Highway Authority in OCC's consultation response. Enslow is a hamlet that is principally centred around a number of light industrial/warehouse units and a public house. It has a very limited number of houses and no services except for the public house. Not only is the site isolated with respect to other larger settlements and their associated services/amenities, it is also very poorly sited with respect to the rest of Enslow too. Indeed it is almost completely divorced from the settlement (and therefore its public house and employment) by the A4095.
- 7.10 In an effort to demonstrate improved connectivity with Enslow, the application proposes a combined footway/cycleway within the verge of the B4027 that would connect the new houses to the Rock of Gibraltar public house via a linkage with a new footway associated with the proposals on the nearby former B-line site. However, as noted by the LHA, this combined footway would not be suitable. Firstly, it would involve pedestrians having to cross the A4095 at a busy junction with the B4027 where there are inadequate visibility splays to ensure safe crossing. Furthermore, there are significant question marks about the deliverability of this footway given that there appears to be privately owned third party land on which it would need to be developed. As a result, the development would not

provide attractive pedestrian or cycle access to the limited facilities of Enslow for its future residents making them even more reliant on travel by car.

- 7.11 Matters do not improve when it comes to vehicular accessibility. The existing vehicular access to the bungalow on the site is already dangerous with national speed limit traffic combined with winding road alignment and verge landscaping limiting visibility splays to below the guidance set out in the Design Manual for Roads and Bridges (DMRB). Access and egress is therefore already hazardous for just one dwelling. The new access proposed would not be materially better in visibility terms and would intensify traffic movements into and out of the site. This consequently significantly increases potential traffic conflict and associated risks to the safety of road users. The width of the proposed new access also falls short of the minimum 5.5m expected by the LHA given that it is imperative that cars do not have to wait on the road whilst other exiting cars are temporarily impeding the site entrance.
- 7.12 To conclude on this matter, the proposed development would provide very poor opportunities for safe and suitable access to and from the site for pedestrians or cyclists. Similarly, it is very poorly served by public transport due to the limited existing bus service, the poor pedestrian connectivity to the bus stop and the likely withdrawal of the existing subsidy to the service by the County Council in the near future and the probable reduction/withdrawal of the service. As a result, the proposals do not prioritise or encourage sustainable modes of travel contrary to the requirements of Policy SLE4 of LPP1. Furthermore, the proposed development would intensify vehicle movements into the site via a vehicular access that has visibility splays that fall short of that expected in DMRB guidance for this type and speed limit of road meaning that vehicles entering and exiting the site will present a significantly increased highway safety risk to road users. As a consequence officers have concluded that the proposals are not served by safe and suitable vehicular access and therefore present a consequent risk to public safety contrary to the requirements of Policy SLE4 and national policy set out in the NPPF.

Design, Layout and Appearance

- 7.13 The application is in outline only with matters of scale, layout, appearance and landscaping reserved for later approval. Nevertheless, it is necessary to consider whether 10 dwellings are likely to be able to be satisfactorily accommodated on the site with respect to the general design and appearance of a final detailed scheme. The layout that has been submitted as part of the application is indicative only and is to try to demonstrate that the scheme can be acceptably delivered on the site.
- 7.14 Officers are particularly concerned about the relationship that the site and in turn the new houses would have with the rest of the built development of Enslow. As stated previously, new residential development would be both perceived and experienced as divorced from the main part of the hamlet by the A4095 and therefore would not integrate at all successfully with it. Instead it would be perceived as an uncoordinated sprawl of suburban development into the countryside rather than sitting comfortably as a coherent organic addition to Enslow. Furthermore, the large detached and semi-detached houses shown in the indicative plan would be prominent from the B4027 and would not be sufficiently deferential to its rural setting or be of a particularly traditional vernacular rural form of development akin to perhaps a farmyard layout. In reality any proposals are likely to see a collection of large suburban type houses proposed on this site which would only exacerbate the harm caused to the character of Enslow as a result of its poor integration with the settlement as well as the impact on the surrounding countryside.
- 7.15 Notwithstanding the above and officers' wider concerns about the acceptability of this site, it is likely that 10 suitably designed dwellings could be physically accommodated given the space available (0.76ha) and the layout of the site. A LEAP is proposed to the front of the

site though this is not required by Policy BSC11 given the size of development proposed – a LAP would be more suitable and proportionate particularly given that other children from outside the development are unlikely to use the play area given the inaccessibility of the site to other residents. Officers are satisfied that a LAP of a sufficient quality to meet the Council's standards could be accommodated within a future detailed scheme and the comments from the Council's Landscape Services team reflect this.

- 7.16 As a major development as defined in planning legislation, the NPPF and Policy ESD7 of LPP1 require the development to incorporate a sustainable drainage scheme which may require space within the site for a small attenuation pond and other landscape features in addition to underground services and permeable hardsurfacing as part of efforts to ensure that no increase in surface water run-off discharges from the site. Whilst no details are provided at this stage officers have no concerns that there would not be space within the site to provide it in an acceptable manner subject to appropriate conditions being imposed.
- 7.17 The majority of boundary trees are proposed to be retained as part of the proposals and a tree report has been submitted that demonstrates how this would be achieved. It is the existing trees along the southern boundary that are of most significance both in terms of their contribution to the surrounding natural landscape as well as the amenity of future occupants of houses on the site. The Council's tree officers have not raised any concerns about the impact of the proposals on existing trees or hedgerows subject to the works being carried out in accordance with the submitted reports which includes retention and protection of these boundary trees and hedgerows. Whilst Plot 8 in the indicative layout plan does seem to have a garden that might be slightly overshadowed by an existing Ash tree at the southeast of the site, this is only an indicative plan and officers are satisfied that a suitable layout is available that would avoid any future pressure to lop or fell this tree.
- 7.18 Whilst, prima facie, there appears to be sufficient space within the site to accommodate 10 dwellings and the necessary associated car parking, bin/cycle storage, play and amenity areas, it has become apparent from Thames Water through consultation that a water main crosses beneath the site. At the time of writing this report the location of this water main is not known and Thames Water has been requested to provide more detail. Nevertheless, if the water main runs through the site it could provide a constraint to the design and layout proposed at reserved matters stage unless a developer was to fund the diversion of the water main which would potentially be quite costly and perhaps even bring into question the financial viability of the development. Avoiding development or types of development on key elements of the site could compromise the final design and layout of the scheme if the outline application was to be approved. At this stage however, given that the site is generously proportioned to accommodate the 10 dwellings, officers are assuming that it would still be possible to be able to provide an acceptable layout of development on the site in a manner that avoids conflict with Thames Water's easements. Where this does not appear to be the case based on information received from Thames Water between the time of writing this report and the Planning Committee meeting, officers will update Members accordingly.
- 7.19 Consequently, whilst design and layout details are matters reserved for later approval, officers are not satisfied that the type, form, layout and scale of the new development proposed is likely to be harmonious with the surrounding built and natural environment or contribute positively to the area's character and identity. As a result officers have concluded that, in this respect, the proposals would be in conflict with the requirements of Policy ESD15 of LPP1 as well as Policy C28 of the LP 1996 in addition to national policy set out in the NPPF.

Landscape and Visual Impact

- 7.20 Policy ESD13 of LPP1 resists development where it would be inconsistent with local character and cause undue visual intrusion into the open countryside. Policy ESD15 is also material as it requires development to respect local landscape features.
- 7.21 As stated earlier in this report, the site generally forms part of the open countryside and has a typical rural appearance as experienced from the surrounding area including from the A4095 and B4027. Policy C8 of the LP 1996 reflects the intrinsic value of the natural landscape whether it is subject to specific designation or not by resisting sprawl of development into the countryside. The NPPF reflects the value that the countryside makes to the environment and in achieving sustainable development.
- 7.22 The expansion of built development into the countryside on the site would harm local landscape character by virtue of the appearance of a collection of large suburban houses on this currently undeveloped land. At present the site contributes to the rural feel of the area both as seen within the surrounding landscape and as perceived by passing traffic on the B4027 and A4095 roads. Its loss would suburbanise this rural location and lead to the permanent loss of this area of countryside to the detriment of the character of the surrounding landscape and its intrinsically rural context. As part of efforts to improve connectivity of the site with Enslow, a combined pedestrian/cycle way is proposed along the northern verge of the B4027 which crosses the junction with the A4095 before connecting up with another proposed footway in Enslow. This formal footway link is indicative of an approach more appropriate in suburban areas rather than within an informal, undefined landscaped verge and would only add to the harm caused to local landscape character and the site's rural context. Whilst not by itself determinative, this does exacerbate the overall harm caused to the surrounding countryside as a result of this the suburban sprawl proposed.
- 7.23 Policy C8 of the LP 1996 and Policy ESD13 of LPP1 have the effect of seeking to prevent inappropriate sprawl of development into the countryside. In the absence of robust justification based on wider sustainability benefits officers cannot support the proposals given the inevitable harm that would result due to the encroachment into the countryside.
- 7.24 The B4027 marks the boundary of the Oxford Green Belt. Rather than a landscape designation this is strategically designated space designed to be kept undeveloped. Whilst the proposals may be visible from within the Green Belt this does not conflict with the purposes of Green Belt designation which is principally for it to provide a gap to contain urban sprawl rather than have inherent landscape value. Consequently, whilst for reasons already set out the proposals would give rise to significant harm by virtue of development within the open countryside they would not however be in conflict with the objectives of Policy ESD14 and the NPPF with respect to protection of the Green Belt.

Open Space and Recreation

- 7.25 Policy BSC11 of LPP1 requires developments proposing 10 dwellings or more to be served by a local area for play (LAP). This should provide a small, pleasant and safe environment for young children to play in and is particularly necessary in this case given that other play areas are not safely accessible from the site. Other general public amenity spaces are also necessary in order to help provide a sufficient quality residential environment for all future occupants.
- 7.26 A local equipped Area for play (LEAP) is proposed as part of the development though this is excessive to serve a development of this size given that only a very small number of children are likely to use it. Broadly speaking officers are satisfied that a LAP can be accommodated within the site and its currently proposed location on the indicative layout plan is thought to be acceptable subject to it being served by a footway from the houses.

In the event that planning permission was to be granted, a planning obligation would be necessary to secure the provision of a play area, its transfer to the Council and a commuted sum for future maintenance as well as approval of its details. For similar reasons officers are satisfied that there should be sufficient space within the site to provide general amenity and green space to ensure a suitable quality residential environment. Such amenity spaces would also need to be the subject of clauses in a planning obligation to cover their future maintenance.

Effect on Neighbouring Amenity

- 7.27 Together Policies C30 of the LP 1996 and Policy ESD15 of LPP1 require new development to adequately protect the amenity enjoyed by neighbouring dwellings. This is reflective of national policy in the NPPF which sets out in its core planning principles the need for planning to seek to secure a good standard of amenity for existing and future occupants of land and buildings.
- 7.28 There is only one existing dwelling adjoining the site that could reasonably be affected by the proposed development. Ingleby Farm lies to the north and its curtilage wraps around part of the northern and eastern boundaries of the site. The design and layout shown in the submitted plans is indicative and so the impact on the neighbouring property cannot be fully considered at this stage. Nevertheless, it is clear from the indicative plans that there would be scope to ensure a more than sufficient separation distance from any new houses to the dwelling of Ingleby Farm itself which should prevent undue harm to privacy, light of outlook enjoyed within the neighbouring house. The design and positioning of houses proposed in the north-east corner of the site would need to take account of the need to limit impact on the enjoyment of the neighbouring garden but there is no reason to suggest that this could not be achieved given the space available within the site through a combination of suitable boundary treatments, planting and generous separation distances.
- 7.29 A third party representation from Ingleby Farm has suggested that residential properties in close proximity to the north-eastern boundary could prejudice use of the neighbouring site as a facility for the rehabilitation of injured racehorses. However, officers see no reason why a typical residential use would be likely to cause any particular noise and disruption that would adversely impact upon this neighbouring land use.
- 7.30 The third party representation from neighbouring Ingleby Farm has drawn attention to the potential for conflict with human rights established under the Human Rights Act 1998 which transposed the European Convention on Human Rights into UK legislation. The representation quotes Article 8 and Article 1 of the First Protocol which together relate to protection of privacy and a right to a private life. However, for reasons already set out above, officers are satisfied that any detailed scheme for 10 dwellings on the site could be designed in such a way that there would be no material impingement on the enjoyment of neighbouring private property. In any event, such Articles are qualified rights and not absolute rights such that they do allow for interference with private property rights by a public authority if it is in the general interest and provided for by law – i.e. through planning legislation.
- 7.31 In summary, officers are content that 10 dwellings could be accommodated on this site in such a manner that they would not have a significant adverse effect on neighbouring living conditions in accordance with the requirements of Policy C30 of the LP 1996 and Policy ESD15 of LPP1 as well as that set out in the NPPF. Furthermore, approval of the proposals would not appear to give rise to an interference with the human rights enjoyed by those living in neighbouring property. Consequently, with respect to the impact on neighbouring amenity, officers are satisfied that the proposals are acceptable.

Affordable Housing

- 7.32 Policy BSC2 of LPP1 reflects national policy in the NPPF by requiring development proposals to make efficient and effective use of land. This avoids the prospect of unnecessary loss of further greenfield or environmental sensitive sites. Policy BSC3 of LPP1 requires all residential proposals on sites suitable for 11 or more dwellings (gross) to provide at least 35% of the homes as affordable tenure.
- 7.33 The site is 0.76ha in size and only 10 dwellings are proposed. The indicative plans indicative this to be 10 large houses, probably with 4/5 bedroom bedrooms and many with double garages. A disproportionately large LEAP is proposed which is unnecessary to accord with the requirements of Policy BSC11 of LPP1. In short, notwithstanding the fact that the site is environmentally unsuitable for residential development for reasons already set out, the proposals also amount to a very clear underdevelopment of the site which is at best inefficient use of the land and at worst a deliberate attempt to avoid triggering the quantitative threshold for affordable housing in Policy BSC3. Were this site to be reasonably developed, officers would expect it to accommodate more dwellings and there are numerous permutations through which a higher number than currently proposed could be achieved. In light of the Council's approach taken on recent applications at the nearby B-Line site, it is likely that such affordable housing would be preferably delivered off-site in a more sustainable location via a commuted sum paid by the developer to the Council at an amount equivalent to the cost of providing 35% affordable housing on-site. The current application is silent on affordable housing and makes no offer to provide it either on or off-site.
- 7.34 Consequently, officers have concluded that the proposals amount to a highly inefficient use of land that as a consequence puts other greenfield land at unnecessary future risk of development. Furthermore the proposals represent a contrived attempt to circumvent planning policy requirements to contribute towards mixed and balanced housing delivery in the District. In this respect the proposals are therefore found to be in conflict with the requirements of both Policies BSC2 and BSC3 of LPP1.

Drainage and Flood Risk

- 7.35 The site is not known to be at risk of fluvial flooding or subject to significant drainage problems based on Environment Agency data. As a result, in flood risk terms there is no planning policy objection to residential development on this site. Nevertheless, as a major development and to comply with the requirements of Policy ESD7 of LPP1, the proposals must incorporate a sustainable drainage scheme. Whilst no details are provided at this stage, officers are content that there is sufficient space within the site to incorporate any surface water drainage landscape features. If the application was to be approved, a condition would be necessary requiring prior approval of a surface water drainage scheme.
- 7.36 The site does not appear to be served by a public sewer to discharge foul wastewater. In such circumstances, the Planning Practice Guidance in paragraph 34-020-20140306 states that where a connection to a public sewage treatment plant is not feasible (in terms of cost and/or practicality) a package sewage treatment plant should be considered. This could either be adopted in due course by the sewerage company or owned and operated under a new appointment. The package sewage treatment plant should offer treatment so that the final discharge from it meets the standards set by the Environment Agency. A proposal for a package sewage treatment plant and infrastructure should set out clearly the responsibility and means of operation and management to ensure that the permit is not likely to be infringed in the life of the plant.
- 7.37 The applicant has provided details of an intended package sewage treatment plant though this could be subject to change depending on the final reserved matters details of the

scheme. Thames Water has not raised any concern regarding the use of such a treatment plant. In the event that outline planning permission was to be granted, officers would recommend a condition requiring prior approval of the full details of the treatment plant and its future maintenance. Officers have no concerns regarding accessibility of the site for a waste tanker within the site given the generous space available, but there is concern generally about the safety of the access (as set out above).

Ecological Implications

- 7.38 Both Policy ESD10 of LPP1 and national policy in the NPPF seek net gains for biodiversity as part of new developments. This reflects the Council's wider statutory duty within the Natural Environment and Rural Communities Act 2006 to have regard within its functions to the purpose of conserving biodiversity.
- 7.39 Enhancement to biodiversity is achieved by protecting, managing, enhancing and protecting existing resources as well as creating new resources. As stated previously in this report, the application proposes the retention of all boundary trees which could be secured by condition if the application was to be approved. These tree and hedgerow boundaries are likely to provide a habitat and pathway for bats and other wildlife and so should be retained. Within the site the existing trees are generally small and insignificant such that they could easily be replaced as part of planting within a new landscape scheme. All new buildings would provide the opportunity to incorporate bird boxes and bat bricks or tubes in the gable walls so as to provide additional roosting and nesting habitat. Subject to such conditions, officers are satisfied that there should, at the least, be no net loss of biodiversity within the site.
- 7.40 The designated Bletchington Quarry Local Wildlife Site (LWS) lies to the south of the B4027. However, due to the separation distance and the intervening road, it is unlikely that the proposals would have any material effect on the integrity and wildlife value of this local site.

Energy Efficiency

- 7.41 Policy ESD3 of LPP1 requires all new residential development to incorporate sustainable design and construction in order to achieve zero carbon standard. Such standard however is no longer supported by central Government and it is anticipated that energy standards will soon be fully incorporated into the relevant parts of the Building Regulations. In the meantime, local planning authorities can only require new developments to accord with the energy performance standards set out in the former Code for Sustainable Homes Level 4. In the event that planning permission was to be granted, a condition would need to be imposed requiring the development to accord with this standard in the interests of environmental sustainability. Cherwell District is also an area of water stress and to reflect this Policy ESD3 sets out limits on water usage in new dwellings – 110 litres/person/day. In the event planning permission was to be granted, a condition would also be necessary to ensure the new dwellings accord with this water limit.

Other Matters

- 7.42 The Council's Environmental Protection officers have reviewed the proposals. There is some evidence that the site could be contaminated though not to a level of significant concern. Consequently if planning permission was to be granted a condition would be necessary requiring a phased contamination risk assessment of the site to establish its contamination and any remediation necessary. Environmental Protection officers have also noted the proximity of the site to busy roads, industrial premises, a railway line and motorcycle scrambler track which together could have the potential to create noise nuisance for occupants of the proposed new houses. It is therefore recommended that, if approved, conditions be imposed requiring the new dwellings to incorporate any

necessary acoustic insulation in order to achieve the relevant British Standard (BS 8233:2014) for internal residential environments.

Impact on Infrastructure

- 7.43 In order to accord with the requirements of Policy INF1 of LPP1 and to ensure proposals are both socially and economically sustainable, it is necessary for new development to adequately mitigate its impact on public infrastructure. The proposals are likely to generate need for additional capacity at primary and secondary schools as well as special educational facilities in the local area. However, due to the impact of pooling restrictions introduced by the CIL Regulations 2010, only financial contributions towards the expansion of Bletchingdon Primary School can be sought. OCC have calculated this to be approximately £44,475 though this would be dependent on the final mix of houses proposed at reserved matters stage.
- 7.44 Given the size of the development, financial contributions towards off-site indoor and outdoor sports facilities as well as community facilities are not required having regard to the Council's draft Planning Obligations SPD.
- 7.45 The Council's Public Arts officer has suggested that a financial contribution be made towards the creation of a piece of public artwork within Enslow. However, having regard to very generic nature of the project as well as the limited size of the development proposed, this contribution is thought by officers to be both unnecessary and unreasonable having regard to the tests of planning obligations set out in the NPPF and CIL Regulations 2010.

Planning Obligations

- 7.46 In the event that Members resolve to grant planning permission notwithstanding officers' advice to the contrary, the following would first need to be secured through a satisfactory planning obligation with the District and County Councils:

Cherwell District Council:

- Financial contribution towards provision of off-site affordable housing equivalent to cost of providing 35% affordable housing on-site;
- Provision of a LAP on the site and arrangements for its future maintenance including, where appropriate, transfer to the Council together with commuted sum;
- Future maintenance of on-site public realm landscape features and SuDS.

Oxfordshire County Council:

- Financial contribution towards expansion project at Bletchingdon Primary School equating to approximately £44,475 but dependent on final house types/sizes proposed;
- Highway improvements to be carried out by developer under s278 of Highways Act 1980 to provide new footway link and village gateway features;
- Financial contribution to cover the cost of varying the TRO so as to reduce the speed limit on a section of the A4095 and B4027.

- 7.47 It cannot however be assumed that the applicant would be willing to commit to agreeing to provision of the above infrastructure items in satisfactory terms through a planning obligation. In the absence of a legal agreement that properly secures the above, the Council could not be certain that the development proposed would adequately mitigate its impact. Consequently officers recommend that Members also refuse to grant planning permission for this reason.

8. Conclusion

- 8.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, decisions must be taken against the provisions of the development plan unless material planning considerations indicate otherwise. For reasons set out above, the proposals would be in conflict with a significant number of adopted and up-to-date development plan policies due to inter alia; the isolated nature of the site, impact upon the open countryside, significant highway safety risks, poor integration and connectivity with established development, inefficient use of land and absence of affordable housing as well as the failure of the applicant to enter into a satisfactory legal agreement to ensure the impact of the proposed development on infrastructure is adequately mitigated. Unless material considerations indicate otherwise, the application should therefore be refused.
- 8.2 The NPPF includes a general presumption in favour of sustainable development which is defined as incorporating three dimensions – social, economic and environmental. Where proposals are weighed against these dimensions and found to be overall sustainable, this can outweigh conflict with an adopted up-to-date development plan.
- 8.3 The proposals would make a contribution towards meeting identified housing needs which weigh in favour of the proposals. The scheme would also create some temporary employment due to the construction work. It is also possible that the proposals could, if the pedestrian link were feasible, improve connectivity with Enslow village for existing residents of the neighbouring Ingleby Paddocks site. As a consequence there are some social and economic benefits arising from the proposals though they are not significant. Some environmental benefits could result in terms of biodiversity enhancement though the nature and extent of this is not clear at this stage.
- 8.4 Weighing heavily against the proposals is the substantial environmental harm that would result from the erection of 10 new dwellings in an isolated and completely car-dependent rural location on greenfield land in open countryside. The creation of new houses on this site would also adversely affect the rural landscape setting of the site and introduce suburban sprawl into the natural landscape. In addition to this environmental harm, the proposals also represent an awkward site that is divorced from the main settlement of Enslow and, as such, would be poorly integrated with it. Moreover its pedestrian connectivity with Enslow is potentially highly dangerous and questionable as to whether it can actually be delivered due to land ownership constraints. The proposed development would therefore not form a harmonious and well-considered addition to Enslow such that it would be harmful to both settlement character and its rural landscape setting. The proposals would also be likely to give rise to indirect environmental harm due to the highly inefficient use of land proposed which sees a density of approximately 14 dwellings per hectare on the site. Notwithstanding the wholly unsuitable location of the site, the contribution that the scheme makes to delivering new housing is therefore too modest given that would leave further greenfield sites at unnecessary risk of development.
- 8.5 The proposals would also result in significant adverse social impacts too. Not only would new residents of the development be poorly connected to services and amenities, they would be at significant highway safety risk both in terms of pedestrians crossing the A4095 to access Enslow Village as well as drivers entering the site from the B4027. Not only would this put new residents at risk but it would also endanger existing road users.
- 8.6 Further weighing against the proposals is the lack of any contribution towards affordable housing within the development as a result of the inefficient use of the site. This means that the proposals make no meaningful contribution towards creating mixed and balanced communities within the District given that only large expensive private family homes are proposed.

- 8.7 Finally, in the absence of any satisfactory legal agreement it cannot be assumed that the impact of the proposed development on infrastructure is appropriately mitigated. In this absence, it should be assumed that the proposals could result in financial cost to local authorities and in turn cause harm to facilities they provide for existing communities which amounts to both an economic and social adverse impact.
- 8.8 Officers have therefore concluded that the environmental, social and economic harm arising from the proposed development substantially outweighs the benefits such that the presumption in favour of sustainable development does not provide a reason to depart from the development plan. As a consequence, given the aforementioned significant conflict with the development plan, the proposals should be refused accordingly.

9. Recommendation

Refuse, for the following reasons:

1 The proposals seek to create new residential properties in a wholly unsustainable location on the edge of a settlement that contains almost no facilities, services or amenities and to which there is no meaningful alternative to use of the private car for access to employment or higher or lower order services. To compound matters the site is very poorly integrated with the existing settlement given that it is divorced from it by the A4095 with the result that it would not even enable safe, attractive or convenient pedestrian or cycle access to the limited facilities available within Enslow. As a consequence the proposals would give rise to a heavily car dependent development that conflicts with the environmental sustainability objectives inherent within the requirements of Policies ESD1, BSC1, Villages 1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1 as well as the sustainability objectives set out in the National Planning Policy Framework.

2 The proposals would result in inappropriate encroachment of built development into what is visibly open countryside that would, by its very nature, scale and size, introduce an inappropriate suburbanisation to the rural landscape and in turn detract from and erode the inherent natural beauty of the countryside. The proposals therefore fail to accord with Policy C8 of the Cherwell Local Plan 1996 and Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1 that together seek to protect the countryside from encroachment in the interests of preserving this irreplaceable natural resource,

3 Having regard to the location of the site and its position such that it is fundamentally divorced from the core built-up areas of Enslow, the proposals represent development that would both functionally as well as visibly fail to integrate successfully with the existing settlement and thus fail to respect the established grain and layout of the settlement to the detriment of its character and appearance as well as that of the surrounding countryside. Consequently the proposals fail to accord with the requirements of Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Policy C28 of the Cherwell Local Plan 1996.

4 The proposal represents an under-development of the site given that, due to its size and layout, it evidently has the capacity to accommodate more dwellings. Such an alternative scheme would generate a requirement to contribute towards off-site delivery of affordable housing. In the absence of any commitment to provide such a financial contribution or any viability appraisal to justify otherwise, it can only be concluded that the proposed development would be contrary to the requirements of Policy BSC3 of the Cherwell Local Plan 2011-2031 Part 1 which seeks to create mixed and balanced communities.

5 The proposals would result in the creation of a replacement and more heavily used vehicular access from a national speed limit road that due to traffic speeds, landscaping and road alignment would have inadequate visibility splays. As a result both ingress and egress from the site would be inherently dangerous and detrimental to the safety of all road users. Consequently the proposals fail to provide safe and suitable access for all contrary to the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and national policy set out in the National Planning Policy Framework.

6 As a result of the lack of detail provided of the new footway and the absence of sufficient information to demonstrate that it can be satisfactorily delivered as well as the wholly inadequate visibility splays at the proposed pedestrian crossing of the A4095, the proposed development would fail to provide safe and suitable pedestrian connectivity with Enslow village and in turn would fail to prioritise sustainable modes of transport above the private car contrary to the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and national policy set out in the National Planning Policy Framework.

7 In the absence of the completion of a satisfactory legal agreement the local planning authority cannot be content that both the on and off-site impacts of the development can be appropriately mitigated in the interests of safeguarding public infrastructure, mitigating highway safety concerns, delivering mixed and balanced communities and securing suitable on-site future maintenance arrangements. Consequently, in this respect, the proposals are contrary to the requirements of Policy INF1, BSC3, BSC9, BSC11 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1.

Planning Notes/Informatives:

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), the Council has tried to work positively and proactively with the applicant/agent during consideration of this application to try to find timely solutions to concerns in an effort to deliver sustainable development. Unfortunately, despite these efforts, the application proposals do not amount to sustainable development and consent must accordingly be refused.

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