

**Site Address: Land West of OS Parcel
4100 Adjoining and South of Milton
Road, Adderbury**

15/02359/OUT

Case Officer: Linda Griffiths

Recommendation: Refusal

Ward: Adderbury

Ward member: Councillor N Randall

Applicant: Rosconn Group Ltd

Committee Date: 17 March 2016

Application Description: Application for residential development of up to 50 No dwellings, access, infrastructure and public open space. Means of access from Milton Road to be determined with all other matters reserved for subsequent approval.

1. Site Description and Proposed Development

- 1.1 The application site is currently an open field in agricultural use located beyond the existing built up limits of the village of Adderbury and lies to the south side of Milton Road. The site relates to an area of 3.5 hectares and proposes the erection of up to 50 residential dwellings with associated open space and infrastructure. A public right of way passes diagonally across the site. The site rises gently to the southern boundary. To the north west of the site on the opposite side of Milton Road are a collection of low buildings occupied by Ball Colegrave Plant nurseries. The site is enclosed along its northern, western and eastern boundaries by existing hedgerows, but the rear boundary of the site is currently open to the remainder of the field.
- 1.2 A recently consented residential development lies to the east of the application site which was allowed on appeal (13/00456/OUT refers). Reserved matters consent has subsequently been granted to David Wilson Homes and construction on site is well underway. A number of properties are now occupied (14/01673/REM refers).
- 1.3 Whilst the application submitted is in outline, consent is sought for the position of the access into the site at this time. A single new vehicular access is proposed directly to Milton Road. There are no footpaths along the site frontage back into the village centre. A public footpath passes from the north east to the south west across the site which emerges through a gap in the hedge from the open space provided as part of the adjacent residential development. The existing public right of way through the site will be retained.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notices and a notice in the local press.

148 letters have been received from members of the public, both residents of Adderbury and Milton. In summary the following issues were raised:

- Adderbury (along with Bloxham) has already taken far more than its fair share of development than it can cope with
- Yet another junction onto the Milton Road with potentially in excess of 100 vehicles using it at peak times
- No encouragement for walkers as there is no paved footpath provided from the village increasing car use accordingly

- Appears to be a total disregard of the wishes and recommendations of the Adderbury Plan which is presently nearing the stage of presentation to CDC
- The Local plan has been ignored which has already concluded that Adderbury has accepted more than its fair share of development in recent years
- Outside the main village and would struggle to become part of the community simply by its distance from the main amenities
- We have seen from the development at Adderbury Fields' across the road the complete folly that the so called affordable housing brings. Yes, there may be some 'affordable' houses but the vast majority are in the £500k to £800K bracket which is well beyond the reach of most of Adderbury's younger families, and no guarantee that villagers would get their first choice of affordable homes anyway. This results in the general exodus of the younger people to find affordable houses elsewhere and consequently we lose the next generation.
- Contrary to Adderbury Neighbourhood Plan
- Outside the agreed village boundaries and not close to the centre of Adderbury and will force everyone to use their cars
- Communities only work if they are of a sensible proportion and in a relevant location. The proposed development is a group of houses on a road outside the community of Adderbury and does not form part of any community.
- Does not appear to deliver affordable housing in any sensible quantity
- How does extra housing create long term jobs
- The purpose of the Residential Settlement Boundary in the ANP is to curtail ribbon development, prevent coalescence and only encourage sustainable development
- A Neighbourhood Plan, provided it complies with the Local Authority strategic requirements and meets with EU environmental regulations and gains support within a referendum from the Community takes priority where a conflict should arise as the most up to date primary planning document over the Local Plan
- Is at variance with the long term objectives of the community to ensure that this village retains its unique identity as a rural village and will have a negative effect on the ability of the community to grow and mould its infrastructure in line with the sustainable growth of the village
- Increased traffic through the village, Milton Road is already very busy
- Five year housing land supply has been achieved and there is no immediate need for additional housing in the village
- One step nearer coalescence with Milton and is totally unacceptable to the majority of the residents who have already voiced their rejection through the medium of the Adderbury Plan
- The application does NOT comply with Villages 1, Villages 2, ESD13, H18 and C8 of the 2015 and 1996 Local Plans
- The applicant has mis-stated the situation with the Hook Norton matter in that an application for Judicial Review is presently being prepared by CDC
- It is open countryside and good agricultural land
- Would deeply affect the character and appearance of this entrance to the village, urbanising it, the site is close to a conservation area and the many listed buildings in Horn Hill Road
- Added pressure on school accommodation

Adderbury Conservation Action Group object for similar reasons specified above. The representations can be read in full on the application file.

3. Consultations

- 3.1 Milton Parish Council: object as follows:
1. The application proposes that Adderbury should take more houses than is proposed in the Local Plan and takes no account of the clear view of villages in the emerging Neighbourhood Plan.
 2. Adderbury Primary School and Bloxham Primary have no available places (BSC7 & 8)
 3. There are no adequate recreational facilities (BSC10 & 11) or Doctors Practices (BSC8 & 9) or Community Facilities (library part time, shop barely profitable, no PO) (BSC10, 11 & 12) effectively. Further there are few job opportunities locally so all will have to drive.
 4. Milton Road is very busy at peak times and will be much busier as 5 new developments use it (CP 24)
- 3.2 Adderbury Parish Council: object as follows
1. The recent publication of the Annual Monitoring Report shows the council has exceeded its 5 year supply – 5.6 years for the period 2016-2021. This demonstrates that the proposed development of 50 dwellings in Adderbury is unnecessary
 2. The emerging ANP does not include this development which falls outside of the settlement area of Adderbury
 3. No community benefits are proposed
 4. The development is not included in the CDC Local Plan nor in the current SHLAA
 5. Within the Plan, Category A villages which includes Adderbury, were allocated a total of 750 dwellings. Due to current developments either started or granted in the district, this figure has now reduced to 179 over the whole plan period, which means there is no current need for further development at this stage
 6. This development on the edge of the village is in open countryside and is contrary to CDC's policies. It would impact upon the settlement gap
 7. The Wilson Homes development, next to this proposed development (which was only allowed on appeal) has a considered landscape edge to form a new village boundary. This site would 'leap frog' that landscaped edge.
 8. Should the Planning Committee be minded to approve the application, the materials for the dwellings should be stone, so it is in keeping with a rural setting.

Cherwell District Council Consultees

- 3.3 **Planning Policy Officer**: proposal is for residential development on greenfield land at the edge of a Category A village.

Main Local Plan Policies

Adopted Cherwell Local Plan 2011-2031

Policy PSD 1: Presumption in favour of sustainable development

Policy Villages 1: Village categorisation

Policy Villages 2: Distributing growth across the rural areas

Policy BSC1: District wide housing distribution

Policy BSC2: The effective and efficient use of land – brownfield land and housing density

Policy BSC3: Affordable housing

Policy BSC4: Housing mix

Policy BSC7: Meeting education needs

Policy BSC8: Securing health and well-being

Policy ESD1: Mitigating and adapting to climate change

Policy ESD2: Energy hierarchy and allowable solutions

Policy ESD3: Sustainable construction

Policy ESD7: Sustainable drainage systems

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

Saved Policies of the adopted Cherwell Local Plan 1996

Policy C8: Sporadic development in the open countryside

Policy C28: Layout, design and external appearance of new development

Policy C30: Design control

Policy H18: New dwellings in the open countryside

Relevant Policies of the Non-Statutory Cherwell Local Plan 2011

Policy H19: New dwellings in the countryside

Policy EN16: Development on greenfield land, including best and most versatile agricultural land

Policy EN30: Sporadic development in the countryside

Policy R4: Rights of way and access to the countryside

Main Policy Observations:

- Adderbury is a Category A village (Policy villages 1), one of 24 category A villages in the Cherwell District
- Policy villages 2 provides that a total of 750 homes will be delivered at the Category A villages on new sites of 10 or more dwellings (in addition to that permitted at 31 March 2014 and a rural allowance for small site windfalls)
- The 2015 AMR (January 2016) shows that there are 280 dwellings remaining to be identified of the 750 dwellings allocated for the rural areas
- Policy villages 2 states that sites will be identified through the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission
- Consultation on the Pre-submission draft of the Adderbury Neighbourhood Plan took place in March 2015
- An 'issues based' (Regulation 18) consultation on the Cherwell Local Plan Part 2, which will allocate the non-strategic sites for the villages, commenced in January 2016 and close on March 11th
- As at 31 March 2015, Adderbury parish had a commitment (on sites of 10 or more homes) of 180 dwellings at: South of Milton Road (65 dwellings); East of Deene Close (58) (a scheme for 60 dwellings in total, with 2 dwellings having been completed during 2014-15); North of Milton Road (31); and land off Banbury Road (26). Of these, 117 dwellings will contribute to the Policy Villages 2 requirement (the 65 dwellings at Milton Road having been approved prior to 31 March 2014)
- The addition of a further 50 dwellings (as part of this proposal) would increase the commitments at Adderbury to a disproportionately large amount at one of the 24 Category A villages in the context of the remaining requirement for allocation (280)
- At this early stage in the Local Plan period the proposal would leave little scope for development elsewhere to satisfy the housing needs of other Category A settlements and would not achieve a balanced distribution of housing across rural areas. In a recent appeal decision relating to a proposal for 51 dwellings in Chesterton (ref APP/C3105?W/15/3130576)(February 2016) the Inspector dismissed the appeal noting that 'If disproportionate numbers of dwellings are permitted in any one settlement, then other settlements where housing sites have yet to be identified may not be able to meet their needs, including affordable housing needs, without undermining the local plan strategy'. The Inspector also expressed concerns that, together with the developments already permitted, if the appeal proposal were to be allowed there would be a significant increase in the population of the village over a

short timescale.

- The 2015 AMR (January 2016) confirms a 5.3 year supply of housing for the current period (2015-2020) rising to 5.6 for the five year period from 1 April 2016, including the application of a 5% buffer
- The presence of a 5 year land supply in the Cherwell District was endorsed by the Planning Inspector dismissing a recent appeal relating to a proposal for 51 dwellings in Chesterton (ref APP/C3105/W/15/3130576)(February 2016) and the Secretary of State in an appeal decision relating to a proposal for 54 homes at Hook Norton (ref APP/C3105/A/14/2226552)(December 2015)
- There is no pressing need for additional housing land release at this time, particularly in view of the level of housing development committed at Adderbury
- There would be a loss of open countryside as a result of this development at the edge of the village
- The potential landscape and visual impact (including impacts on the historic environment) will require detailed consideration
- The relationship with the adjoining development (now under construction) would require detailed consideration given that the Inspector, in approving the adjoining scheme, concluded that the harm caused by that development would be outweighed by the beneficial effects of providing a softer edge to the village providing for a more satisfactory transition to open countryside. The western boundary of the adjoining development is largely given over to a 'buffer zone' of open space and planting
- The Planning Statement highlights the potential benefits of the scheme including the provision of 18 affordable homes. There is a need for affordable homes across the District, but not necessarily in Adderbury at the current time given the number of affordable homes already committed as part of consented development in the village (see above)

Policy Recommendation: Objection due to loss of countryside in the absence of pressing need. Detailed assessment of landscape impact required.

3.4 **Ecology Officer:** Comments awaited

3.5 **Housing Officer:** The applicant needs to provide 18 affordable housing units, 35% of 50 units. The affordable housing should be split between 30% shared ownership and 70% affordable rent. An indicative housing mix should be:

Rent	Shared Ownership
2 x 1b2ph	5 x 3b5ph
7 x 2b4ph	
4 x 3b5ph	

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.

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 be in clusters of no more than 15 units. The units should also be transferred to an RP which is to be agreed with the Council.

3.6 **Environmental Protection Officer:** No objections in respect of contamination, but recommends the imposition of conditions relating to possible contamination if found and a Construction Environmental Management Plan (CEMP).

3.7 **Landscape Officer:** This site lies to the west of the David Wilson Homes site which is under construction. Since permission was granted for that site on appeal Cherwell

has received a 5 year land supply and the site is not allocated in our Local Plan. The David Wilson development deliberately incorporated a wide belt of green space on the western edge to provide a buffer to the open countryside beyond.

The site is a single field and the boundaries on 3 sides hedgerows. The western boundary which faces open countryside and has the PROW dissecting it is particularly overgrown and gappy.

The site is located on a relatively level plateau and is relatively well concealed in the wider landscape due to topography and existing vegetation. The sensitivity of the landscape is relatively high but the effects confined to a few significant points:

- The PROW which runs through the site and beyond to the south. There will be very significant changes within the body of the site which reduces as you move further away from the proposed built-up area
- A PROW to the southeast
- Glimpsed views from other viewpoints

In my opinion the LVIA is a fair assessment of the effects of the proposed development.

Oxfordshire County Council Consultees

3.8 Transport: Objection

Transport Development Control – the application is accompanied by a Transport Assessment (TA). Section 4.2 of the TS states that '*it is proposed to provide vehicular access by means of the construction of a new priority T-junction on to Milton Road*'. The junction referred to is taken to be that presented in drawing No.DWG01. The layout of the junction meets standards. However, the full 215m visibility splay is not demonstrated since it appears truncated at the edge of the plan. The full visibility should be demonstrated. **Reason for objection.**

Section 5.1 of the TS states that development will '*...provide a new section of footway that will tie into the new footway provision being made by other residential development on this section of Milton Road*'. However, no such footway appears on any plan. OCC requires assurance that the footway is feasible so this will need to be demonstrated on a plan clearly showing highway boundary. **Reason for objection.**

The TS does not present any analysis of the likely traffic impact of the proposed development on the highway network. No development trip generation estimates and no background traffic flows on Milton Road are presented. Reference to the analysis presented in the planning application for the neighbouring site (13/00456/OUT) suggests that the trip generation for this site should be comfortably accommodated on Milton Road. However, this needs to be demonstrated. **Reason for objection.**

Public Transport – the development site is within walking distance of bus stops at Oak Tree, West Adderbury which are served by the inter-urban bus service between Oxford, Deddington and Banbury. Bus service S4 currently operates every 30 minutes on weekday times to Banbury Town Centre and every 60 minutes to Oxford City Centre. There are no evening buses and only four buses on Saturday.

The Council's bus strategy envisages this route operating at an enhanced frequency and for longer operating hours, to provide residents with a realistic choice of transport for journeys to work and college. The Bus Strategy envisages the procurement of a 30 minute frequency to oxford, plus evening and Sunday services. A requested financial contribution towards this procurement will be pooled with other developer funded sums to provide the additional services.

The Council therefore requests a contribution of £1,000 per dwelling towards the cost of enhancing the Oxford-Deddington-Banbury bus service. This is consistent with the amount requested from recent planning applications in the Deddington and Adderbury areas.

The Oak Tree bus stops are important access points to the inter-urban bus service to Banbury and Oxford. Ideally, they would be enhanced with hard-standing areas and shelters. However, the Parish Council would need to be involved with any decision to make improvements at these stops, including the provision of hard-standing areas and shelters.

The provision of a continuous walking route from the development to the Oak Tree bus stops and to Adderbury village is of fundamental importance in facilitating sustainable travel to and from this site.

Travel Plans – Under OCC standards and guidelines the development quantum dictates the need for a Travel Plan Statement and Travel Plan Information Pack.

Road Safety – OCC would be expecting to further extend the 30mph speed limit and relocate the gateway to a point to the west of the proposed site access. It would also expect to see a strengthening of a gateway effect to include carriageway narrowing, subject to consultation. Fees for the speed limit extension would be £2500 + £500 for any relocated or new traffic calming.

Rights of Way – Adderbury Footpath 25 runs through the site and it is good to see that this will be accommodated through a green corridor. This should be surfaced to provide an all-weather path to reflect the increase and type of use it will receive. It will be important to provide an all-weather path to reflect the increase and type of use it will receive. It will be important to ensure that the legal definitive route is provided on the ground.

3.9 **Education:**

Primary – Christopher Rawlins CE Primary School is approaching capacity, and is expected to be completely full on the basis of recent trends. Expansion of primary school capacity in the area would be necessary as a direct result of any housing development.

To meet the scale of housing and population growth currently expected across the Adderbury/Deddington area, it is currently estimated that an additional half-form of primary school capacity will be needed in the area. Christopher Rawlins CE Primary School has been approved to grow from its current 1 form entry size (30 children per year group, Reception-Year 6) to 1.5 form entry size (45 children per year group). The expansion will also allow the school to increase its nursery intake (3 year olds) from 20 full-time equivalent places to 26; in total an extra 11 places will therefore be created.

This will require additional accommodation to be built, and a feasibility study has been completed into how this can be provided. This identified the cost of the preferred solution as £2,250,000 (at 1Q16). This equates to £20,270 per place created. Contributions are sought towards this expansion.

Early Years – Since September 2013, under the Local Authority (Duty to Secure Early Years Provision Free of Charge (Regulations 2012 (SI 2012/2488), made under Section 7 of the Childcare Act 2006 (as amended by section 1 of the Education act 2011), local authorities have been under a statutory duty to secure sufficient nursery education provision for eligible two-year olds, where such eligibility is targeted at 40% of the age group. This is in addition to the statutory duty since September 2012 to secure sufficient nursery education provision for all three year olds.

In Adderbury, nursery education for 3 year-olds is provided through Christopher Rawlins Primary School's nursery class. The capital project at Christopher Rawlins Primary School outlined above will allow the school to increase its nursery intake, to accommodate the children which will be generated by this proposed development. Contributions are therefore sought towards the cost of this as explained above. Without this additional accommodation, OCC would not be able to meet its statutory sufficiency duty in this area, including meeting the needs generated by the proposed development.

A proportionate contribution is sought towards the capital cost of ensuring sufficient nursery education provision for 3 year-olds to meet the needs of this development. The development has been assessed as likely to generate 4.79 0-4 year olds. Of these children, 3.42 would be 3 year olds and therefore eligible for the free nursery education. In this instance, no contributions are requested towards nursery education capacity for 2 year olds.

Secondary – expansion of secondary school capacity in the area would be necessary as a direct result of housing development. This area feeds to the Warriner School, which is regularly oversubscribed, and effectively full.

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

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

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

Special – due to CIL Regulations, a contribution is not sought for Frank Wise school which is within Banbury.

3.10 **Property:** the impacts of the development will place additional strain on its existing community infrastructure. The following housing development mix has been used;

- 0 x 1 bed dwelling
- 8 x 2 bed dwelling
- 28 x 3 bed dwelling
- 14 x 4 bed dwelling

It is calculated that this development would generate a net increase of:

150.88 additional residents including:

- 10.32 residents aged 65+
- 98.88 residents aged 20+
- 15.46 residents ages 13-19
- 17.1 residents ages 0-4

A legal agreement will be required to secure:

Local Library – this development is served by Adderbury Library. This provision is significantly under-size in relation to its catchment population and this development will therefore place additional pressures on the library service. Costs for the development will therefore place additional pressures on the library service. Costs for improvements are based upon the costs of extending the library. The cost of extending a library is £2,716m² at 4th Quarter 2014 price base; this equates to £75 (£2,716 x 27.5/1000) per resident. This calculation is based on OCC adopted standard for publicly available library floor space of 23 m² per 1,000 head of population, and a further 19.5% space is required for support areas (staff workroom etc), totalling 27.5m² per 1,000 head of population.

This development proposal would also generate the need to increase the core book stock held by 2 volumes per additional resident. The price per volume is £10.00; this equates to £20 per resident.

- The contribution for the provision of library infrastructure and supplementary core book stock in respect of this application would therefore be based on the following formula:
£95 x £150.88 (the forecast number of new residents) = £14,333.60

Indexation – financial contributions have to be indexed-linked to maintain the real values of the contributions (so 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.

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 best information available is used. Should the application be amended or the development mix changed at a later date, the Council reserves the right to seek a higher contribution according to the nature of the amendment.

Contributions required to mitigate the impact of the development on infrastructure but which due to Regulation 123 of the CIL Regulations 2010 (as amended), OCC does not require a Sec 106 obligation in respect of:

- Central Library £2,587.59
- Waste Management £11,014.24
- Museum Resource Centre £905.28
- Adult Day Care £13,003.20

3.11 **Minerals and Waste:** No objection

Published BGS mapping shows the application site to be underlain by deposits of ironstone, which form part of an outcrop of ironstone on the west side of Adderbury, north and south of Milton Road. These deposits extend across land adjoining the application site to the west but they run out just to the south of the site.

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

The proposed development needs to be considered against saved Oxfordshire Minerals and Waste Plan Policy SD10 on protection of mineral resources. This policy dates from 1996 but it is consistent with the NPPF (paragraph 143 bullet 3). Under Policy SD10, development which would sterilise the mineral deposits within this site should not be permitted unless it can be shown that the need for the development outweighs the economic and sustainability considerations relating to the mineral resource. However, Policy M8 in the submitted Oxfordshire Minerals and Waste :Local Plan: Part 1 – core Strategy, December 2015 does not list ironstone as one of the mineral resources proposed to be included in mineral safeguarding areas (which are to be defined in Part 2 of the Plan).

The application site is already constrained by the current housing development immediately to the east on the western edge of the existing built up area of Adderbury. The need for unworked margins (buffer zones) between the dwellings and any mineral working would significantly reduce the area of the site that could be worked for ironstone. It could also affect any working of the ironstone deposits within the land adjoining the proposal site to the west. The extent of these unworked margins would be increased by housing development on the application site but, in view of the relatively limited extent of the mineral deposits in this area and the uncertainty over their potential working, it is unlikely that this would greatly increase the quantity of mineral that would be prevented from being worked.

In view of the proposed change in policy on safeguarding of ironstone in Oxfordshire and the constraints on and uncertainty over the possible working of the mineral deposits within the application site and adjoining land, I consider there to be insufficient justification for these mineral deposits to be safeguarded from the effect of the proposed built development. Therefore no objection should be raised to this application on minerals policy grounds.

- 3.12 **Drainage Officer:** With regard to the Flood Risk Assessment (Ref: MT/NWK/JN2016/FRA), prepared by Morgan Tucker, OCC requires **further clarification** to be provided with regard to the allowable discharge rate calculation and storage volumes methodology in the FRA. OCC will normally require that, for the range of annual flow rate probabilities, up to and including the 1% annual probability (1 in 100 year event) the developed rate of run-off into a watercourse should be no greater than the undeveloped rate of runoff for the same event based on the calculation of QBAR or QMED and the use of FSSR growth curves. In the calculations of storage volumes consideration should be given to interception, Attenuation, Long Term and Treatment storage volumes. Discharge rates will need to be agreed.

Have the swales and SUDS features been designed around the natural flow paths within the site?

If approved, a condition is recommended requiring the submission of a surface water drainage scheme for the site.

Other Consultees

- 3.13 **Thames Water:** Waste - with the information provided TW has been unable to determine the waste water infrastructure needs of this application. Should the LPA look to approve the application ahead of further information being provided, a Grampian condition is requested in respect of a drainage strategy for the site.
Water – the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. A condition is therefore requested regarding impact studies in respect of the existing water supply infrastructure and any additional capacity required.

Insufficient documentation containing confirmed details of the proposed drainage plan could be located on the local authority website. In order for Thames Water to determine whether the existing sewer network has sufficient spare capacity to receive the flows from the proposed development, a drainage strategy must be submitted detailing both the foul and surface water strategies. Details of the proposed connection points or alterations to the public system including; calculated peak foul and surface water discharge rates for both the pre and post development site, details of any pumped discharges (maximum pump rates), attenuation details with accompanying capacity requirement calculations and details of incorporated SUDS must be included in the drainage strategy. If initial investigations conclude that the existing sewer network is unlikely to be able to support the demand anticipated from this development, it will be necessary for the developer to fund an Impact Study.

- 3.14 **Environment Agency:** no comment, the application has been assessed as having a low environmental risk.

4. Relevant National and Local Policy and Guidance

4.1 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 policies of Cherwell district's Statutory development Plan are set out below:

Adopted Cherwell Local Plan 2011-2031 Part 1

Policy BSC1 – District wide housing distribution

Policy BSC2 – The effective and efficient use of land

Policy BSC3 – Affordable housing

Policy BSC4 – Housing mix

Policy BSC7 – Meeting education needs

Policy BSC8 – Securing health and well being

Policy BSC9 – Public services and utilities

Policy BSC10 – Open space, outdoor sport and recreation provision

Policy BSC11 – Local standards of provision – outdoor recreation

Policy BSC12 – Indoor sport, recreation and community facilities

Policy ESD3 – Sustainable construction

Policy ESD5 – Renewable energy

Policy ESD7 – Sustainable drainage systems

Policy ESD10 – Protection and enhancement of biodiversity and the natural environment

Policy ESD15 – The character of the built environment

Policy Villages 1 – Village categorisation

Policy villages 2 – Distributing growth across rural areas

INF 1 - Infrastructure

Adopted Cherwell Local Plan 1996 (Saved Policies)

H18: New dwellings in the countryside

C8: Sporadic development in the open countryside

C27: Development in villages to respect historic settlement pattern

C28: Layout, design and external appearance of new development

- C30: Design of new residential development
- C33: Protection of important gaps of undeveloped land
- ENV12: Contaminated land
- TR1: Transportation funding

4.2 Other Material Policy and Guidance

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

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

Other CDC Planning Guidance/Documents

- Building in Harmony with the Environment SPG
- Countryside Design Summary SPG
- Planning Obligations Draft SPD 2011
- Adderbury Conservation Area Appraisal
- Adderbury Neighbourhood Plan

Cherwell Local Plan – Proposed Submission Draft (August 2012)

5. Appraisal

5.1 The key issues for consideration in this application are:

- Principle of Development
- Design and Access Statement
- Landscape and Visual Impacts
- Transport Assessment and Highway safety
- Ecology
- Flood Risk
- Loss of Agricultural Land
- Impact on Heritage Assets
- Adderbury Neighbourhood Plan
- Planning Obligations

Principle of Development The Development Plan

5.2 The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell local Plan 1996 and the adopted Cherwell Local Plan 2011-2031. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan so far as is material to the application and to any material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 11 which makes it clear that the starting point for decision making is the development plan.

- 5.3 The site is outside the built up limits of Adderbury Village, in open countryside, and the proposal is a large scale residential development of up to 50 new dwellings with associated infrastructure, including open space. The site is not allocated for development in any of the adopted Cherwell Local Plans comprising the Development Plan. As the site is not within the built up limits of the village, saved Policy H18 of the adopted Cherwell Local Plan 1996 restricts new dwellings beyond the built up limits of settlements, in open countryside to those which are essential for agriculture, or other existing undertakings, or where dwellings meet a specific and identified local housing need that cannot be met elsewhere. The proposal is therefore not in accordance with the adopted Cherwell Local Plan 1996 in this respect.

Adopted Cherwell Local plan 2011-2031

- 5.4 The Cherwell Local Plan has been through Examination, has been considered by Full Council and is now adopted. The Local plan is consistent with the NPPF. Policy Villages 1 and 2 are both relevant to this application and were considered by the Examination Inspector to be sound. Policy Villages 1 of the Plan relates to proposals for residential development within the built up limits of villages and designates Adderbury as a Category A village and therefore one of the more sustainable based on criteria such as population, size, range of services and facilities and access to public transport. This policy allows for minor development, infilling and conversions. In assessing whether proposals constitute acceptable minor development, certain criteria are used as follows:
- The size of the village and level of service provision
 - Site's context within the existing built environment
 - Whether it is in keeping with the character and form of the village
 - Careful consideration of the appropriate scale of development
- 5.5 The application proposal is not minor development, nor is it within the built up limits of the village of Adderbury. The proposal therefore is not in accordance with Policy Villages 1. It should be noted however, that, this does not mean that development outside villages cannot take place, but regard must then be had to Policy Villages 2 in that respect.
- 5.6 Policy Villages 2 of the Plan seeks to distribute the amount of growth that can be expected within villages, although how the numbers will be distributed is not specified, as precise allocations within each village will be set out in the Local Plan Part 2.
- 5.7 Policy Villages 2 provides for sites to be identified, both in the plan-making process, that is, through the preparation of the Local Plan Part 2, including Neighbourhood Plans where applicable and through the determination of applications for planning permission. In identifying and considering sites, it states that regard should be had to the various criteria, including whether land has been previously developed or is of lesser environmental value, and, whether the development would contribute in enhancing the built environment. This policy states that a total of 750 homes will be delivered at Category A Villages. This is in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at March 2014.
- 5.8 Considerable progress has been made to meeting the rural area allocation, with a residual allocation of 277 for the remaining plan period (up to 2031). As such there is a clear realistic prospect of the rural areas allocation being met in full, through approved developments and through allocations within the Development Plan. In the interest of proper planning and to ensure the most sustainable distribution of the remaining 277, there should not be a concentration of new buildings in just a few Category A villages. It is also considered that not all the allocation should be used so early on in the Plan Period as this would leave the Plan unable to respond to future

needs.

- 5.9 It should also be noted that the Examination Inspector commented in respect of the adopted Local Plan 2011-2031 that it *'properly seeks to alter the local pattern of recent housing growth, as a disproportionate percentage (almost half) has taken place in smaller settlements, adding to commuting by car and congestion on the road network at peak hours'*. He also commented that there is a *'significant level of housing land supply already available in the rural areas'*.
- 5.10 The proposal would conflict with Policy Villages 2 in that it would result in the loss of open agricultural land beyond the existing built up limits of the village along Milton Road, and it is not previously developed land or land of a lesser value. It is further considered that the quantum of housing that would result for Adderbury Village, an additional 50 on top of the 182 either currently under construction or with planning consent across four development sites on the edge of the village, which is only one of the 23 Category A villages identified to accommodate the 750 new dwelling allocation for the rural areas. This would run contrary to the sustainable strategy underlying the Development Plan and Policy Villages 2 which is an important material consideration. Work on the Local Plan Part 2 has commenced. A consultation of the scope of this local plan closed in June 2015 with an issues and options paper currently being progressed. The development proposed is therefore considered to be contrary to the Development Plan and the adopted Cherwell Local Plan 2011-2031 in this respect.
- 5.11 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 70). It also provides (paragraph 17) a set of core planning principles which, amongst other things require planning to:
- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
 - Always seek to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings
 - Proactively drive and support sustainable economic development
 - Support the transition to a low carbon future in a changing climate
 - Encourage the effective use of land by re-using land that has been previously developed
 - Promote mixed use developments
 - Conserve heritage assets in a manner appropriate to their significance
 - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant developments in locations which are, or can be made sustainable
 - Deliver sufficient community and cultural facilities and services to meet local needs
- 5.12 The NPPF at paragraph 14 states 'at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both planning and decision taking..... for decision taking this means:
- Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
 - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework

- taken as a whole; or
- Specific policies in this framework indicate development should be restricted

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

Five Year Housing Land Supply

- 5.13 The 2014 Annual Monitoring Report which was published on 31 March 2015 concluded that the District now had a 5.1 year supply of deliverable sites for the five year period 2015 – 2020 (commencing on 1 April 2015). This was based on the housing requirement of the Submission Local Plan, now adopted Cherwell Local Plan 2011-2031 which is 22, 840 homes for the period 2011-2031 and is in accordance with the objectively assessed need for the same period contained in the 2014 SHMA (1,140 homes per annum). This 5 year supply included a 5% buffer.
- 5.14 The new adopted Cherwell Local Plan has been found sound by the Examination Inspector following considerable consultation and examination, furthermore, the Inspector endorsed the housing trajectory as 'effective and up to date' which includes a housing land supply for the next five years (paragraph 60 of his report). In approving the trajectory, the Examination Inspector found the 'modified new housing total and revised housing trajectory represent a reasonable and realistic, deliverable and justified basis for meeting local needs over the plan period' (paragraph 58).
- 5.15 The Inspector also found that the 2014 SHMA and the modifications arising from it now properly address the NPPF's requirements for a significant boost to new housing supply and to meet the full OAN, including the affordable housing as well as take account of the market signals (paragraph 54).
- 5.16 The revised housing trajectory which included the 5% buffer was the main modification submitted to the Secretary of State on 21st October 2014 and considered by the Inspector in his Examination of the Plan when it reconvened in December 2014. The 5% approach was subsequently incorporated into the council's AMR which has been found sound by the Inspector's endorsement of the modified housing trajectory.
- 5.17 A revised AMR dated December 2015 was considered and approved by the council's Executive on 4th January 2016 which confirms that the District now has a 5.6 year Housing Land Supply.
- 5.18 Having regard to the above, it is clear that the Local Plan Inspector considered that the adopted Cherwell local Plan 2011-2031 provides a significant boost to new housing land supply which exceeds demographic needs, provides choice and which is supported by a realistic trajectory, and will provide a rolling five year supply of sites in accordance with paragraph 47 of the NPPF. The District therefore currently has a five year supply of deliverable sites.
- 5.19 The above view has recently been upheld by the Planning Inspectorate in respect of a public inquiry held following an appeal against non-determination for the erection of 95 dwellings beyond the built up limits of Kirtlington (application number 14/01531/OUT refers), and more recently in respect of an appeal at Chesterton for up to 51 dwellings (15/00454/OUT refers).

Design and Access Statement and Proposed Layout

- 5.20 Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment and advises at paragraph 56 that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should

contribute positively to making places better for people’.

- 5.21 The NPPF also advises at paragraph 60 that developments should seek to achieve a strong sense of place and whilst particular tastes or styles should not be discouraged, it is proper to promote or reinforce local distinctiveness.
- 5.22 Paragraph 61 states ‘although visual appearance and the architecture of individual buildings are very important factors, securing high quality design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment’. The proposed development is not in accordance with these important factors, the development does not relate well to the adjacent development which is currently under construction and quite clearly sits in isolation beyond the existing built up limits of the village and does not integrate successfully with the existing village or the adjacent development. The adjacent David Wilson Homes development which was allowed on appeal is set well back from Milton Road and the existing public right of way and incorporates a large area of open space and landscaping to the frontage and western side of the site to provide a softer landscaped edge which blends with the open countryside to this part of the village. The development proposed lies to the west of this landscaped edge, extending the built village boundary into open countryside.
- 5.23 Policy ESD 15 of the adopted Cherwell Local Plan 2001-2031 advises design that standards for new development, whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of the built development and to ensure that we achieve locally distinctive design which reflects and respects the urban or rural landscape and built context within which it sits. The adopted Cherwell Local Plan 1996 contains saved Policies C28 and C30. Policy C18 states that ‘control will be exercised over all new development to ensure that the standard of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of the development’. Policy C30 requires new housing development to be compatible with the appearance, character, layout, scale and density of existing dwellings in the locality and to ensure appropriate standards of amenity. Policy ESD 15 also advises that the design of all new developments will need to be informed by an analysis of the context, together with an explanation and justification of the design principles that have informed the design rationale. This should be demonstrated in the design and access statement.
- 5.24 A Design and Access Statement has been submitted with the application which seeks to set out the framework for the proposed development of the site. An illustrative layout plan has been submitted which indicates that 50 dwelling units can be accommodated on the site, indicating open space and landscaping to the western section of the site and the residential development provided in two clusters with the public right of way retained through the centre of the development. Attenuation ponds and swales are also incorporated within the open space which will form part of the site drainage strategy, incorporating wet grassland and marginal planting. The Design and Access Statement however lacks detail and fails to adequately justify why the site has been identified, why it is suitable for the development proposed and how the concept of the layout has evolved in respect of the character of Adderbury, the adjacent development and the site’s opportunities and constraints.
- 5.25 The appearance of new development and its relationship with its surroundings and its built and natural environment has a significant effect on the character and appearance of an area. Securing new development that can positively contribute to the character of its local environment is therefore of key importance. The development indicated will sit forward in the street scene of the adjacent David Wilson Development and will extend the built form of Adderbury along Milton Road

into the open countryside to the detriment of the visual amenities of the locality and the edge of the village. The application site lies indisputably beyond the existing built up limits of the village which is very clearly defined by the new development adjacent, together with its open space and landscaped buffer.

- 5.26 In terms of sustainability and relationship with the remainder of the village, it is also necessary to consider the relationship of the site to the village centre and its facilities, in particular whether it is likely that residents would access facilities in the village, such as the school on foot or whether they would be more likely to use a car. The site is located some distance from the village centre and is served by its own separate vehicular access, will little scope for proper integration with the existing residential development.
- 5.27 In terms of the design and layout, whilst the design and access statement has sought to indicate character areas for the development which are stated to follow specific character areas from within Adderbury, no specific design principles have been set to guide or test the design approach for the development. Whilst the Design and Access statement has made an analysis of building form, type, scale, materials etc that are vernacular to Adderbury village, none of this has been translated into the design and access statement in respect of the proposed development. It is therefore unclear what the development on this site may look like and whether in terms of its design it will respect local vernacular and local distinctiveness.

Landscape and visual Impact

- 5.28 Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 relates to local landscape protection and enhancement and therefore seeks to conserve and enhance the distinctive and highly valued local character of the entire District. The site in question was previously identified in the adopted Cherwell Local Plan 1996 as an Area of High Landscape Value, although the formal designation relating to the Area of High Landscape Value has been removed, this does not mean that the quality of the landscape is any less important. Policy ESD13 states that; *'development will be expected to respect and enhance local landscape character....and proposals will not be permitted if they would.....cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character....harm the setting of settlements, buildings, structures or other landmark features, or, harm the historic value of the landscape.*
- 5.29 Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 states that new development proposals, amongst other things should: *Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within Cherwell Valley and within conservation areas and their setting; conserve, sustain and enhance designated and non-designated heritage assets (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice within the NPPF and NPPG.*
- 5.30 Paragraph 113 of the NPPF states that Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscaped areas should be judged. The NPPF also advises that the open countryside should be protected for its own sake.
- 5.31 The application is accompanied by a Landscape and Visual Impact Assessment which has considered the potential impacts on the landscape character and amenity of the site and surrounding area. In terms of National character Areas, the site lies at

the northern extent of the Cotswolds Landscape Character Area. In terms of Local Landscape Character Area, the Cherwell District Council, Landscape Character Area Assessment 1995 identifies the site as being within the Ironstone Hills and Valleys Landscape Character Area with 'small scale, rolling farmland with strong field patterns'.

- 5.32 The application site is a single agricultural field with a public right of way passing through it, surrounded on three sides by well-established native hedgerows which are generally unmanaged. A number of trees are located within the hedgerows. The site is not covered by any specific landscape designations within the current adopted Cherwell local plan policies, but as stated above, the site was previously characterised as being within an Area of High Landscape Value. There are no registered SSSI's or Local nature Reserves, Ancient Woodlands, Historic Parks and Gardens, or Registered Battlefields within or adjacent to the application site.
- 5.33 In terms of the visual assessment carried out by IDP Landscape Ltd on behalf of the applicants, fieldwork was undertaken to identify a number of public viewpoints in the immediate and wider setting of the site. This was informed by a desk study which included a review of that carried out for the adjacent site, and then verified in the field. The views are stated as being taken from publicly accessible viewpoints and are considered by IDP to provide a fair representation of the visual environment in which the site is located.
- 5.34 The submitted Landscape and Visual Assessment report states that the magnitude of change that will occur as a result of the development will be medium as not all the site will be developed and the landscaping will be enhanced. In terms of the wider character type of the Upstanding Village Farmlands, it considers the magnitude of change will be negligible given the existing effects of neighbouring development and the level of enclosure. In terms of receptors, visual sensitivity is considered to be high for those using the Public Right of Way, and medium for road users.
- 5.35 The Landscape and Visual Landscape Assessment concludes by stating that '*there will not be any residual significant adverse effects on the landscape or visual environment, except for the loss of the open field and the effect on the footpath through the site itself. The topography and landscape structure provide the capacity to accommodate the proposals, without the loss of key landscape elements or characteristics. On the basis that the landscape strategy proposed is executed successfully, it is considered that the proposals for new housing will not result in significant harm to the landscape character or visual environment*'. The report and the application proposal has been assessed by the Council's Landscape Officer who considers that the application site is located on a relatively level plateau and is relatively well concealed in the wider landscape due to topography and existing vegetation. Whilst the sensitivity of the landscape is relatively high, the effects will be confined to a few significant points, these being:
- The PRoW which runs through the site and beyond to the south. There will be very significant changes within the body of the site which reduce as you move further away from the proposed built-up area.
 - A PRoW to the southeast
 - Glimpsed views from other viewpoints

To conclude she considers that the submitted Landscape and Visual Assessment is a fair assessment of the proposed development.

- 5.36 It is accepted that the development proposed by virtue of its nature, being the development of an arable field, which is quite clearly part of the open countryside, situated beyond the existing built up limits of the will result in localised harm within the immediate vicinity of the site and from the existing public rights of way, either within the immediate locality, or which pass through the site. The introduction of houses,

access roads and associated domestic paraphernalia onto the site would have an urbanising effect on this rural setting. Despite, the visibility of the site within the wider countryside being restricted by intervening vegetation and topography and therefore the development proposed is not likely to appear so unduly prominent or obtrusive from the wider countryside it is considered that the visual impact of the development would not be so significant to cause such demonstrable harm as described within the NPPF to justify a refusal of the application in terms of its impact on the wider landscape. It is considered however, that there would be harm to the immediate locality and the enjoyment of users of the existing public right of way across the site as a consequence of the development on this currently open agricultural land and the rural setting of the village sufficient to justify refusal in this respect contrary to Policy ESD 13 of the Cherwell Local plan 2011-2031 and Government advice within the NPPF.

Transport Assessment and Highway Safety

- 5.37 A Transport Statement has been submitted as part of this application and has been prepared using the Department for Transport's document 'Guidance on Transport Assessment 2007'.
- 5.38 The application proposes the construction of a new single vehicular access by means of a new priority T-junction into the site directly from Milton Road which is a single carriageway road with a width of approximately 6m. The Transport Assessment states that the junction has been designed to accord with the Oxfordshire Design Guide and visibility splays of 2.4m x 215m have been provided in accordance with the advice set out in the Design Manual for Roads and Bridges. This section of Milton Road currently has a speed limit of 60mph. There is no formal footpath provision along the road frontage the immediate vicinity of the proposed site. As part of the development proposals the application states that a new section of footway that will tie into the new footway provision being made by other residential developments on this section of Milton Road, thereby providing access to the local amenities and public transport links.
- 5.39 The nearest bus stops to the site are located at the junction of Horn Hill Road/Milton Road, with no bus stops being known as Oak Tree Bay. Although there are no formal waiting facilities or timetable information supplied, the main service operating from these stops is the hourly S4 operating between Oxford and Banbury providing links to Kidlington and Deddington.
- 5.40 The Transport Statement and accompanying plans have been assessed by OCC as highway authority. An objection is raised to the current submission on a number of grounds:
1. The access layout of the junction meets standards, however, the full 215m visibility splay is not demonstrated since it appears truncated at the edge of the plan. The full visibility splay should be demonstrated.
 2. A footpath is suggested, however, no such footway appears on any plan. OCC requires assurance that the footway is feasible so this will need to be demonstrated on a plan clearly showing highway boundary.
 3. The TS does not present any analysis of the likely traffic impact of the proposed development on the highway network. No development trip generation estimates and no background traffic flows on Milton Road are presented. Reference to the analysis presented in the planning application for the neighbouring site (13/00456/OUT) suggests that the trip generation for the site should be comfortably accommodated on Milton road. However, this needs to be demonstrated.
- 5.41 As this is an outline application which seeks to establish the access into the site as part of this submission, these matters must be properly addressed as part of this

application. It is considered therefore that the submission cannot be considered sufficient in this respect.

Ecology

- 5.42 The application is accompanied by an ecological appraisal dated May 2015 which sets out the findings of a preliminary ecological appraisal undertaken on 15th May 2015. A desk study was carried out to identify statutory and non-statutory designated sites within 7km (internationally designated sites) and 5km (Nationally designated sites) and records of protected or notable species within 2km of the site. It confirms that the site is not within a statutory or non-statutory designated site, although Deddington Mill Local Wildlife Site is located only 2km away and Deada's Wood and Adderbury Lakes Woodland Trust Reserves are located only 1.7km away.
- 5.43 It is not just designated sites that are of importance to the biodiversity resource of the district. Landscape features such as hedgerows, woods, trees, rivers and riverbanks, ponds and floodplains can be of importance both in urban and rural areas, and often form wildlife corridors and stepping stones. Relevant habitat and species surveys and associated reports are required to accompany applications Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 requires the protection and enhancement of biodiversity and the natural environment.
- 5.44 The Phase 1 Habitat Survey recorded the following habitats on the site:
- Species-poor hedge and trees
 - Arable
 - Bare ground
- 5.45 The Protected Species survey results indicate that there are no Protected Species within the site, although the hedgerow and tree boundaries may support common reptiles and common farmland birds. There are various records around Adderbury, but no potential for roosting bats on site. The site itself formed mainly of an arable field is of poor quality for foraging bats. The hedgerows provide some value for foraging and commuting bats. The report concludes that the site is ecologically poor, it is currently being farmed with boundaries managed to maximise field sizes. Should the site management change from arable use, the value of the site may increase. With the development of the adjacent field (east of the site) the conditions on site may change such as the creation of a SUDs scheme immediately on the site's boundary which could increase the ecological interest. A number of recommendations are made to mitigate the impact of the development from an ecological point of view. This includes laying the hedge along the Milton Road frontage to ensure its future retention.
- 5.46 The NPPF conserving and enhancing the natural environment at paragraph 109 states that 'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 5.47 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that 'every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity' and;
- 5.48 Local Planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining an application where Protected Species are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that a 'competent authority in exercising any of their functions, must have regard to the requirements of the Habitats Directive as far as they may be affected by

the exercise of those functions’.

- 5.49 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 5.50 Under Regulation 41 of the Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or nesting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met:-
1. Is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
 2. Is there a satisfactory alternative
 3. Is there adequate mitigation being provided to maintain the favourable conservation status of the population species
- 5.51 Therefore where planning permission is required and protected species are likely to be found present at the site or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements might be met.
- 5.52 Whilst the Council's ecologist has not yet responded in respect of this application, the Ecology Survey Report demonstrates that there is limited potential for the development on this site to result in unacceptable or significant adverse impacts on protected species. A number of conditions and informatives would need to be included within any grant of planning permission to ensure that adequate mitigation and enhancements are included as part of the development.
- 5.53 Consequently it is considered that article 12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present on the site will continue, and will be safeguarded notwithstanding the proposed development. The proposal therefore accords with the NPPF and Policy ESD10 of the adopted Cherwell Local Plan 2011-2031.

Flood Risk and Drainage

- 5.54 A detailed Flood Risk Assessment and SUDS Drainage Strategy have been submitted with the application. The current Environment Agency Flood Map indicates that the development is located within Flood Zone 1, that is, land having a risk of less than 1 in 1000 annual probability of river flooding and therefore is of low environmental risk. There are two watercourses identified close to the site, Sor Brook located approximately 0.5km to the north and east of the site, which runs through Adderbury Village centre and River Swere approximately 1km to the south of the site. The Council's constraints map has identified that the site is a minor aquifer. The application submission proposes to implement a SUDS scheme comprising surface water swales through strategic corridors with the swales discharging to a balancing pond which will provide the majority of the attenuation storage volume. The balancing pond will discharge to an existing drainage ditch on the north site boundary at greenfield rates.
- 5.55 The submitted FRA has been assessed by OCC as lead drainage authority and has raised a number of issues. Further clarification is required in respect of the allowable

discharge rate calculation and storage volumes methodology in the FRA, and further advises that the calculations of storage volumes should consider the Interception, Attenuation, Long Term and Treatment storage volumes. OCC also query whether the swales and SUDS features have been designed around the natural flow paths within the site. A condition would therefore be necessary requiring a surface water drainage scheme for the site to be agreed and implemented.

- 5.56 In terms of waste, Thames Water have not been able to determine the waste water infrastructure needs and therefore recommend the imposition of a 'grampian style' condition should consent be granted. In respect of the existing water supply infrastructure, Thames Water advises that there is currently insufficient capacity to meet the additional demands of this development. A condition is therefore recommended requiring an impact study to be carried out prior to the commencement of the development to determine the magnitude of any new additional capacity required and a suitable connection point.

Loss of Agricultural Land

- 5.57 The Council's records indicate that the proposal would result in the loss of some 3,5ha of best and most versatile agricultural land. The NPPF defines 'best and most versatile' as land in grades 1, 2 and 3a of the Agricultural Land Classification. The Council's records show that the application site is Grade 2 agricultural land.
- 5.58 Paragraph 112 of the NPPF states that; 'local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.'
- 5.59 It is the case that most of the agricultural land surrounding Adderbury village is classified as best and most versatile, and any such new housing development on the edge of the village is likely to result in some loss of best and most versatile agricultural land. However, it has already been established that there is not an immediate and overriding need for this site to be released for housing now, and there is already planned in Adderbury in the next 5 years. In particular, in respect of the remaining balance of dwellings to be provided in the Category A villages under Policy Villages of the adopted Cherwell Local Plan 2011-2031, it has not been demonstrated that there are no other sites within the District which would be preferable in terms of using areas of poorer quality agricultural land. Therefore it is considered that the loss of this agricultural land is not currently justified in this case.

Impact on Heritage Assets

- 5.60 The application is accompanied by a Heritage Settings Assessment. Paragraph 128 of the NPPF states that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting'.
- 5.61 Paragraph 132 of the NPPF states: 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'.
- 5.62 Policy ESD 13 of the adopted Cherwell local Plan 2011-2031 states that the proposals will not be permitted if they would 'harm the setting of settlements, buildings, structure or other landmark features, or harm the historic value of the landscape and Policy ESD 15 of that plan states that proposals should' conserve,

sustain and enhance designated and non-designated heritage assets'.... Including buildings, features, archaeology, conservation areas and their settings and to ensure new development is sensitively sited and integrated, including information on heritage assets sufficient to assess the potential impact of the proposal on their significance'.

- 5.63 The site is not located within or immediately adjacent to the Adderbury Conservation Area and there are no listed buildings on the site or immediately adjacent. The Adderbury Conservation area and a number of listed buildings are however are located just to the east of the development site. It is not considered however, that the development of the site as proposed would have a detrimental impact on the setting of the conservation area or its listed buildings and is therefore acceptable in this respect..

Adderbury Neighbourhood Plan

- 5.64 The Adderbury Neighbourhood Plan was published for consultation on 9 March 2015 following which the draft plan was reviewed and is due to be submitted to Cherwell District Council shortly. A further consultation will then need to be carried out prior to an Examination of the Plan by an Independent Inspector and ultimately a referendum has to be held. Although the ANP is a material consideration, it is one of limited weight at this current time.

Planning Obligation

- 5.65 Due to the scale and residential nature of the proposed development, it is considered that the proposal is likely to place additional demand on existing facilities and services and local infrastructure, including schools, community halls, public transport, public rights of way, sports provision, play provision and public open space. Affordable housing would also need to be secured as part of the development. Requests for contributions in respect of these have been made as part of the consideration of this application and would need to be secured via a section 106 agreement, to mitigate the impacts of the development in this respect.

- 5.66 Policy INF1 of the Cherwell Local Plan 2011-2031 states that: ' development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities. Contributions can be secured via a section 106 Agreement provided they meet the tests of Regulation 122 of the Community Infrastructure Regulations 2010.

- 5.67 Although the applicant has indicated a willingness to enter a Section 106 Agreement to secure the necessary planning obligations, a signed completed agreement is not in place that would be acceptable to meet the anticipated infrastructure requirements of the development. A reason for refusal is therefore recommended in this regard.

Engagement

- 5.68 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.69 In conclusion, having regard to the fact that the District currently has a five year housing land supply, it is considered that any benefits of the proposed are significantly and demonstrably outweighed by the adverse impacts such that planning permission should be refused for the reasons set out below.

Refuse, for the following reasons:

1. The development proposed, by reason of its scale and siting beyond the built up limits of the village, in open countryside, and taking into account the amount of new housing development already planned to take place in Adderbury, and Cherwell's ability to demonstrate an up-to-date five year housing land supply, is considered to be unnecessary, undesirable and unsustainable new development that would harm the rural character and setting of the village, and would prejudice a more balanced distribution of rural housing growth planned for in the Cherwell local Plan. The proposal is therefore considered unacceptable in principle and contrary to Policies ESD13, ESD15 and Policy Villages 2 of the adopted Cherwell Local Plan 2011-2031 and saved Policies C8 and C33 of the adopted Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.
2. By reason of its siting, scale form, appearance and relationship with the adjacent development, the proposal is considered to cause significant and unacceptable harm to the rural landscape character and quality of the area and setting of the village as experienced by local residents, visitors and users of Milton Road and the existing public right of way. The proposal is therefore contrary to Policies ESD13, ESD15 and Policy Villages 2 of the adopted Cherwell local Plan 2011-2031 and saved Policy C33 of the adopted Cherwell local Plan 1996 and Government advice within the National Planning Policy Framework.
3. By reason of the size of the development proposed and resulting loss of some 3.5ha of most versatile agricultural land, and taking into account the Council's ability to demonstrate a five year housing lands supply, the quantum of housing development already planned for Adderbury, and the lack of evidence to demonstrate that there are no other sites in Category A villages in the District which would be preferable in terms of areas using poorer quality agricultural land to meet the District's housing needs, the proposal is considered to result in unnecessary and unjustified loss of best and most versatile agricultural land. The proposal is therefore contrary to Policies BSC2 and Policy Villages 2 of the adopted Cherwell local plan 2011-2031 and advice within the National Planning Policy Framework.
4. The Design and Access Statement submitted as part of the application fails to provide sufficient detail in respect of the design principles for the new development, particularly in respect of the appearance of the dwellings, including design details, scale and form of the proposed new dwellings, window and door details, boundary enclosures and materials. It is therefore not possible to determine whether the development proposed will respect local distinctiveness and result in an appropriate form of development on this edge of village site. The proposal therefore fails to accord with the requirements of Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the National Planning Policy Framework.
5. By reason of the lack of a satisfactory completed Section 106 Agreement to secure contributions to the community services and infrastructure that would be directly affected by the development, and to secure provision of affordable housing to meet housing need, the Local Planning Authority cannot be satisfied that the impacts of the development in these respects can be made acceptable. The proposal therefore conflicts with Policies BSC3 and INF1 of the adopted Cherwell Local Plan 2011-2031 and advice within the National

Planning policy Framework.

STATEMENT OF ENGAGEMENT

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