

**Land West Of  
Horn Hill Road  
Adderbury**

**16/00619/F**

**Case Officer:** Bob Neville                      **Ward(s):** Adderbury, Bloxham And Bodicote

**Applicant:** Mr M Gough

**Ward Member(s):** Cllr Mike Bishop  
Cllr Chris Heath  
Cllr Nigel Randall

**Proposal:** Residential development of a single dwelling with associated landscaping and land for an extension to the existing village burial ground - Resubmission of 15/01048/F

**Committee Date:** 09.06.2016                      **Recommendation:** Refusal

**Committee Referral:** Major application due to site area (1.1Ha) and public interest.

**1. Application Site and Locality**

- 1.1 The site is an area land at the edge of the village of Adderbury with an existing gated access off Horn Hill Road. There are residential properties to the north of the site, accessed from within the village off Manor Road and further residential properties along Horn Hill Road east of the site. Immediately adjacent the site to the south is an existing burial ground and Grade II\* listed 'Friends Meeting House' and there is open countryside to the west. The land is classified as Grade 2 agricultural land; although at the time of application the land had the appearance of unused scrub land.
- 1.2 In terms of site constraints, the site is situated partially within the designated Adderbury Conservation Area; although the majority of the site and area for the proposed dwelling and burial site extension sit outside of the Conservation Area boundary. There are several listed Heritage Assets adjacent and in close proximity and along Horn Hill Road, north-east and south-east of the site and the site is within an area of medium archaeological interest. Land adjacent and north of the site is designated as a BAP Priority Habitat and there area records of Swifts being present within the vicinity of the area. The site is within a buffer zone surrounding an area of potentially contaminated land and also the geology in the area is known to contain naturally occurring elevated levels of arsenic, chromium and nickel, as is seen in many areas throughout the district. There are no other significant site constraints relevant to planning and this application.

**2. Description of Proposed Development**

- 2.1 The application seeks permission for the erection of a single two storey 4-bedroom dwelling house with associated access drive, parking and landscaping; and also for an extension to the existing burial ground to the south of the site. The dwelling is proposed to be constructed of natural stone under a slate roof with a footprint of ~232m<sup>2</sup>, located ~135m west of Horn Hill Road and ~130m south of Manor Road. The extension of the burial ground would see an additional 0.424Ha of land incorporated into the overall burial site.

- 2.2 The application comes following pre-application discussions, in which officers raised concerns in relation to the principle of development and the harm that would be caused, not only to the intrinsic value of the open countryside and rural character but also to identified Heritage Assets i.e. the setting of the Friends Meeting House and the Conservation Area. It also follows the refusal of a similar scheme under reference 15/01048/F; refused for the reasons detailed below.
- 2.3 This resubmission of application 15/01048/F looks to address the previous reasons for refusal and includes a re-siting of the proposed dwelling eastwards closer towards Horn Hill Road by some 15m and additional information submitted with regard to Landscape and Visual Appraisal and Landscape Strategy.

### 3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>
10/00509/F	Change of use of land to form extension to burial ground. Permitted subject to conditions.
10/00510/OUT	Erection of 3 no. dwellings and access to burial ground. Withdrawn following the case officer indicating that the application was to be recommended for refusal, as the site was not within the built up limits of the village and that insufficient information had been submitted to demonstrate that the proposals would not be detrimental to the setting of the Friends' Meeting House.
15/01048/F	Residential development of a single dwelling with associated landscaping and land for an extension to the existing village burial ground. Refused on the following grounds: <ul style="list-style-type: none"> <li>• The proposed development constituted sporadic development beyond the built up limits of the Adderbury, which would cause harm to the intrinsic value of the open countryside and rural character, by intrusion into such, which would fail to reflect or reinforce local distinctiveness or preserve the natural environment at this location;</li> <li>• Insufficient information had been submitted in relation to the proposed burial site in terms of land levels and ground conditions to clearly establish whether the land was suitable for use as a burial site or whether its use as such would likely cause a risk of groundwater pollution.</li> </ul>

### 4. Application Publicity

- 4.1 The application has been advertised by way of neighbour letter, site notice and press advert. The final date for comment was the 25.05.2016. 107 items of correspondence have been received from local residents in objection to the proposals and three in support, as a result of this process.

4.2 Full details of the issues raised in objection are available to be viewed via the Council's website. Below is a brief summary of issues raised in objection correspondence:

- Development on a greenfield site beyond the existing boundaries of the village;
- Detrimental impact on highway safety;
- Detrimental ecological impact; including the potential to impact on Great Crested Newts indicated as being present adjacent the site, and the wildlife and flora and fauna on the site;
- Detrimental impact on the character and appearance of the locality;
- Detrimental impact on the grade II\* listed Friends Meeting House and its setting;
- Detrimental impact on neighbour amenity;
- Inappropriate location for extension of burial ground given high water table and existing flooding issues;
- Pollution risk to local ground water;
- Contrary to Adderbury Neighbourhood Plan;
- Disruptions and safety issues during construction;
- It will set a precedent for further development.

## 5. Response to Consultation

### Parish/Town Council:

**Adderbury Parish Council:** Supports the application and makes the following comments:

1. The Parish Council does not believe the proposed dwelling will detract from or harm the setting of the Grade 2\* listed Friends Meeting House.
2. Although this proposed dwelling is just outside the built up limits of Adderbury, the Parish Council believes there is provision in the NPPF to allow support for it, namely NPPF paragraph 140. This states that 'LPAs should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweighs the dis-benefits of departing from those policies.' In this case, the Parish Council believes this applies.

The funds proposed for the Friends Meeting House would be used for renovating this Grade 2\* building, not just for normal repairs. This would be a carefully planned restoration project, working with Conservation officers and including items like replacing the 1960's cement tiles currently on the roof with stones field slate (or the heritage equivalent).

3. The Parish Council believes this also fits with English Heritages policies for Enabling applications.

The Parish Council welcomes the proposed offer of land for an extension to the existing cemetery. The PC will need to find further cemetery space in the near future (probably within 10 years) as the existing cemetery is becoming short of useable space.

The PC realises this would be subject to a survey for suitability but we have discussed the proposed extension land with Craig Hampton of the Environment Agency (EA) and held a site meeting with him. He has confirmed that much of the land could be used and he also

confirmed to CDC previously that the EA have no objections to this land for cemetery use (subject to the normal survey).

The Parish Council believes this offer is of substantial community benefit and would allow the PC to begin preparing the area, as well as organising the existing cemetery differently. Previously, CDC was not convinced that the extension land will be useable, but the Parish Council believes this application could be allowed, subject to a survey being carried out.

Cherwell District Council:

**Conservation Officer:** This proposal comprises two elements (i) a residential development of a single dwelling with associated landscaping, and (ii) land for an extension to the existing village burial ground.

The impact of any development on this site on the tranquillity and setting of the Grade II\* Friends Meeting House adjacent is a paramount conservation consideration.

Whilst the extension of the burial ground is considered commensurate with the functioning of this religious building, the revised scheme brings the proposed new dwelling into a more central location on the site, and therefore into closer proximity to the meeting house. My concern is that the ambiance of the meeting house which is integral to its significance will be eroded once there is a domestic residence sited deep in the adjacent plot. Residential occupation comes with the commensurate expectation of domestic noise.

Recommend refusal

NPPF 134 - It is anticipated that the proposal to build a new dwelling would lead to less than substantial harm to the significance of the meeting house which is not outweighed by public benefit. The extension of the village burial ground is independent of the building of the house, the granting of the one is not dependent on the granting permission for the other.

**Ecologist:** My comments for this application are similar to those previously submitted for 15/01048/F. The submitted ecological appraisal is fine although if more than two years elapse before the use of the area of burial ground further up-date surveys may be needed. The main constraints on site are the value of the habitats present, nesting birds and the assumed presence of reptiles and Great Crested Newts. The ecological appraisal makes a number of suggestions for enhancements on site which if carried out on the land surrounding the proposed dwelling and the burial ground land would be likely to result in no net loss to biodiversity overall. These include bat tubes in the dwelling itself and a fair amount of planting as well as wildflower meadow grassland on some areas of the burial ground. Ideally they should submit a management plan for the burial ground land. It seems unclear to me who would be responsible for the management and protection of biodiversity for this area?

I would recommend the following conditions to any permission:

*Use of Native Species*

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

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

*Construction Environmental Management Plans (CEMP) for Biodiversity*

*Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include those measures outlined in section 6.4 of the Ecological Appraisal submitted with the application which was prepared by EDP dated March 2016 and any other measures to be taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP.*

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

#### *Landscape and Ecological Management Plan (LEMP)*

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

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

#### *Biodiversity Enhancement*

*Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity on site to include recommendations in sections 5.7-5.12, 5.24, 5.35 and 5.36 of the Ecological Appraisal which was prepared by EDP dated March 2016, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.*

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

**Environmental Protection Officer:** My records indicate potential contaminative sources adjacent the north of the site i.e. the dismantled railway and the site is underlain by soils likely to contain naturally elevated concentrations of arsenic. As this is a proposal for a sensitive development, I recommend the applicant provides information to demonstrate they have considered the risk from land contamination in order to ensure the development proposals are safe. A desk study and walkover should be provided if already available. I recommend the phased land contamination assessment conditions (J12 -J16) are applied to demonstrate the proposed development is safe, or can be made so through remedial works.

**Landscape Officer:** I have read the submitted Landscape and Visual Impact Assessment (LVIA) and visited the viewpoints chosen.

I was disappointed to see that the LVIA makes very little reference to the historic Quaker Friends Meeting House and does not examine the effect of the proposed dwelling on it. Both Tim and I are of the opinion that the Burial Ground is a public place and that the impact of the

dwelling on the Meeting House should have been assessed. A photograph and wire-line of the building as viewed from the Meeting House should have been provided.

In 4.7 the effects on the landscape within the immediate setting of the site are assessed as minor/negligible. This seems to ignore the Meeting House.

In consideration of visual effects, EDP seems to be assessing the site rather than the dwelling on the site.

My own assessment is as follows:

While I agree that the proposed development will not be visible in the wider landscape. I am concerned that no assessment has been made from the burial ground. It is likely that at the very least the roof will be visible if not more of the dwelling. And the dwelling is within the visual envelope of the Meeting House.

The proposed dwelling will be located at a point level with the burial ground where there is no perception of dwellings around, it will therefore intrude on the tranquillity of the setting for the Meeting House and burial ground. There will be disturbance to the tranquillity from cars using the drive and people occupying the house. There is no traffic intrusion into the surroundings as all the dwellings on Horn Hill have access directly off the highway. In addition there will be domestic garden paraphernalia on site. The proposed dwelling is over 100m from the rear of the nearest dwelling on Horn Hill which locates it well away from other dwellings.

The site of the dwelling is not inside the conservation area which forms the edge to the village at this point. And therefore is beyond the built up limits of Adderbury and in open countryside.

I think that the original reasons for refusal still stand.

#### Oxfordshire County Council:

**Highways Liaison Officer:** No objections subject to conditions

**Archaeologist:** The proposals would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

#### Other External Consultees:

**Environment Agency:** Due to increased workload prioritisation we are unable to make a detailed assessment of this application. We have checked the environmental constraints for the location and have the following guidance.

The proposal is for a residential dwelling and an extension to the existing village burial ground and the environmental risks in this area relate to:

Groundwater Protection - the site lies in SPZ 2/3, and/or secondary aquifer, and/or medium risk previous use in principal aquifer (add section 2)

#### Groundwater Protection

If infiltration drainage is proposed then it must be demonstrated that it will not pose a risk to groundwater quality. We consider any infiltration SuDS greater than 3m below ground level to be a deep system and generally not acceptable. All infiltration SuDS require a minimum of 1m clearance between the base and peak seasonal groundwater levels. All need to meet the criteria set out in our Groundwater Protection: Principles and Practice (GP3) document<sup>1</sup>. In addition, they must not be constructed in ground affected by contamination.

**Historic England:** Historic England state that their primary concern when considering this application is to protect the significance of the grade II\* listed Friends' Meeting House and the contribution that setting makes to this significance.

The 17th century Meeting House is of great importance historically as an unusually early surviving example of a non-conformist place of worship. The simplicity of its architecture has an inherent beauty but is also a powerful illustration of the Quaker approach to worship and life. The tranquil semi-rural setting of the building enhances its simple aesthetics and the semi-rural nature of the meeting house, in contrast to that of the parish church in the centre of the village, alludes to the fact that to be a Quaker in the 17th century was to belong to a group set apart from the rest of society and often regarded as dangerous or subversive.

Preserving the sense of isolation and tranquillity is therefore very important to sustaining the significance of this building. We were content with the previously submitted proposals as these were for a single house employing traditional materials and design set well to the rear of the adjacent plot. While this would be just visible in views of the Meeting House from within the burial ground we concluded that glimpses of a stone slate roof some way from the listed building itself would be unlikely to detract from the setting of the building. Furthermore, it would be barely visible from the road, and the sense that this is a semi-rural part of the village would be sustained.

The current application retains the same design but moves it forward, closer to the Meeting House and the road. Thus it has the potential to have a greater impact than the previous application. A very long Heritage Setting Assessment has been submitted in support of the application, which asserts that there would only be glimpsed views of the proposed new building from the environs of the Meeting House. However, it does not demonstrate this, so it is unclear whether the current proposals would result in a glimpse or a rather more substantive presence in within the setting of the building. My own assessment is that there would probably not be more than a glimpse of the building in its new position, but I cannot be certain. It would not take much to demonstrate the impact of the proposals (a series of photographs taken from just west of the Meeting House with a wire frame showing the outline of the building would suffice - or even ranging poles reaching to eaves height held in place while the photo is taken) but evidence rather than assertion is needed if we are to be confident that the current proposals would not have an adverse impact on the setting of the listed building. 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. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance." At present it is not possible to properly understand the potential impact of the proposal and further work is needed before we think it proper to determine the application.

#### Recommendation:

It is recommended that your Council seek further information from the Applicant clarifying the likely impact on views from the grade II\* listed Friends' Meeting House and its tranquil rural setting. It would be inappropriate to grant permission unless the Council were convinced that the impact of the proposal on the setting of this building was slight and its significance was not harmed. At present insufficient information has been supplied to be confident of this.

**Following the submission of further information by the applicant, in line with their request, Historic England made further comment:**

In response to our letter of 21 April photomontages have been prepared showing the likely view from outside the grade II\* Friends' Meeting House. This confirms that only the roof of the new building would be visible. We are therefore content that the new building would not be a strong presence within the setting of the listed building. If this roof was constructed out of traditional local materials, such as Stonesfield slate with stone gables, its presence would be benign and would not be considered to harm the significance of the Meeting House.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

**Thames Water:** No objections

## **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 (CLP 2031)

Policy PSD1: Presumption in Favour of Sustainable Development

Policy Villages 1: Village Categorisation

Policy ESD 8: Water Resources

ESD10: Protection and Enhancement of Biodiversity and the Natural Environment

ESD13: Local Landscape Protection and Enhancement

ESD 15: The Character of the built and historic environment

#### Cherwell Local Plan 1996 (Saved Policies) (CLP 1996)

H18: New dwellings in the countryside

C8: Sporadic development in the open countryside

C28: Layout, design and external appearance of new development

C30: Design of new residential development

ENV1: Development likely to cause detrimental levels of pollution

ENV12: Development on contaminated land



## 6.2 Other Material Planning Considerations:

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

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

## 7. Appraisal

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

- Principle
- Highway safety
- Neighbour and Visual amenity
- Heritage Impact
- Ecological Impact
- Environmental Issues

### Principle

7.2 The National Planning Policy Framework (the Framework) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

7.3 Paragraph 6 of the Framework sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.

7.4 Policy PSD1 contained within the CLP echoes the Framework's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.

7.5 The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise (para. 12). Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015 and can demonstrate a 5.6 year housing land supply. The presumption in favour of sustainable development, as advised by the Framework, will therefore need to be applied in this context.

7.6 As with the previous submission (15/01048/F), whilst the application stands to be considered as a whole it is considered that the proposals have two distinct elements that require consideration: 1) The extension to the burial ground; 2) The construction of a single dwelling house and associated parking, landscaping and access.

- 7.7 The principle of the extension of the burial ground has to some extent been established through the granting of permission (subject to conditions) (10/00509/F) in 2010, albeit on a much lesser scale and on an area of land which now forms part of the current site. Whilst the extension of the burial site would encroach into the open countryside, the use is considered to be unobtrusive and it is considered that subject to appropriate landscaping, and further considerations relating to potential contamination issues discussed further below, that in principle it could be an acceptable use in this location.
- 7.8 Policy Villages 1 of the CLP 2031 groups villages into three separate categories (A, B and C). Adderbury is recognised as a Category A village, considered to be one of the most sustainable villages within the district given its services and facilities. Within category A villages new residential development will be considered for the conversion of non-residential buildings, infilling and minor development within the built up area of the settlement.
- 7.9 Within the original application (15/01048/F) the applicants contended that the context of the site and the settlement pattern had been significantly altered, with the approval of residential development on the north side of Milton Road and the further gifting of land for recreational use on land adjacent to that residential development, since pre-application discussions and advice. Whilst officers acknowledge these factors, they remain of the opinion that the site is beyond the built up limits of Adderbury and the approval of the residential development north of Milton Road does not directly affect the context of the application site.
- 7.10 Further information has been submitted with this application which furthers contends, within the LVIA, that the site of the proposed dwelling is within the 'perceived settlement edge' (as shown on Plan EDP 3: Findings of Visual Analysis), and by association would constitute development within the built-up limits of the village. Officers dispute this assertion and consider that the 'perceived settlement edge' boundary shown on the plan does not reflect the built-up limits and the loose-knit settlement pattern as seen along this part of Horn Hill Road.
- 7.11 The site is bounded to the north by a former railway line and following its removal this has provided a substantial naturalised boundary to the gardens of residential development south of Manor Road. The proposed dwelling is set within a substantial plot at the rural edge of the village and is located some distance from existing dwellings, the nearest being Reynard House some ~45m to the north-west. Given its somewhat divorced siting, south of the former railway line and ~135m west of Horn Hill Road, on agricultural land, it is therefore not considered to be within the built up limits of the village.
- 7.12 As the site is clearly not within the village, new residential development stands to be assessed against Saved Policy H18 of the CLP 1996; this sets out that a new dwelling in the open countryside will only be granted planning permission where it is considered to be essential for agriculture or another existing undertaking or where it meets the criteria for the provision of affordable housing and in either case where it does not conflict with any other policy in the development plan. No case has been, or can be, made for consideration as a rural exception site or other essential undertaking. The proposal clearly does not comply with this policy criterion and therefore represents a departure from the Development Plan and is unacceptable in principle.
- 7.13 Notwithstanding that the proposals (by virtue of the dwelling being sited beyond the built up limits of the village) are considered unacceptable in principle, due regard must also be had to other policies within the development plan and further considerations relating to visual and residential amenity, highway safety, heritage impact and are discussed below.

## **Highway Safety**

- 7.14 The Highways Authority has again assessed the proposals and raises no objections subject to conditions being applied to any permission requiring that: the access to the site is created in accordance with the geometry indicated on the submitted plans and in accordance with Oxfordshire County Council's specification and guidance, and further that prior to the commencement of any development that full specification details (including construction, layout, surfacing and drainage) of the access drive and parking and manoeuvring areas are submitted to and approved in writing by the Local Planning Authority; this is in line with previous recommendations on application 15/01048/F. I see no reason not to agree with this opinion and consider the proposed conditions would be appropriate in the interests of highway safety and ensuring that the site is adequately surfaced and drained, should permission be granted.
- 7.15 The proposed site is served by an existing access off Horn Hill Road. The scheme has a driveway and parking provision which is considered appropriate for the level of accommodation proposed, and would not lead to a demand for on-street parking. Whilst Horn Hill Road is fairly constrained with instances of on-street parking, it is considered that the modest increase in traffic associated the development of a further dwelling can be accommodated without significant detrimental impact on the safety and convenience of highway users and is acceptable in this regard.

## **Neighbour and Visual Amenity**

- 7.16 The Government attaches great importance to the design of the built environment within the Framework. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP which looks to promote and support development of a high standard which contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.
- 7.17 Policy ESD13 of the Cherwell Local Plan states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. It goes on to state that proposals will not be permitted if they would result in undue visual intrusion into the open countryside or would harm the setting of settlements. Further, Policy ESD15 of the CLP 2031 requires new development to complement and enhance the character of its context through sensitive siting, layout and high quality design. New development should, amongst other things, respect the traditional pattern of routes, spaces, blocks, plots and enclosures as well as the form, scale and massing of buildings. Development should be designed to integrate with existing streets and buildings should be configured to create clearly defined active public frontages.
- 7.18 Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the urban context of that development. Further, saved Policy C30 of Cherwell Local Plan 1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density with existing dwellings in the vicinity. This policy continues by stating that a development must also provide standards of amenity and privacy acceptable to the local planning authority.
- 7.19 As with the previous application (15/01048/F) concerns have again been raised with regards to the potential impacts on neighbour amenity in terms of loss of privacy. Whilst the proposed

new driveway would run through land adjacent the existing garden of Bridge House, which has a relatively open boundary, with post and wire fencing, the proposed dwelling itself is sited as such that it would not directly impact on this garden area. Given the separation distances between the proposed and existing dwellings, the existing boundary hedgerow/trees, which would interrupt views to the north, it is considered that the impact on neighbour amenity is not such that it would warrant a reason to refuse the application on these grounds alone and is acceptable in this regard.

- 7.20 The proposal looks to introduce residential development on agricultural land. The visual impact of the proposed development would not only be of a new residential dwelling house but also the domestic appearance of a significant residential curtilage (0.58 Ha). The applicants have submitted an LVIA which concludes that: *'the proposals represent a small-scale development which is entirely in-keeping with the local landscape character and would not therefore result in any material landscape or visual effects or policy contravention'*.
- 7.21 Views of the proposals from the public domain would be fairly limited, with principal views coming from surrounding properties, the adjacent cemetery and glimpsed views through the access from Horn Hill Road; which currently provide a view through the built form of the village to the open countryside beyond. The proposed development would be characteristic of a traditional farmhouse and would be constructed of materials which would integrate well with those of both the neighbouring properties and the wider village, and in a different context could be considered acceptable in design terms. Whilst views of the proposed dwelling could in some ways possibly be screened by the proposed landscaping scheme and the existing boundary hedgerows to the burial ground, officers consider that views would be had of a significant residential plot from the burial ground and glimpsed views from Horn Hill Road. These views would be of a residential dwelling with large residential curtilage set on the edge of and beyond the built up limits of the village extending the built form out into open countryside. Furthermore, it would fail to accord with the established pattern of development in the wider village which is generally characterised by dwellings having a much closer association with, and fronting onto, the highway. Whilst there are a number of examples of properties with larger than average degrees of setback, there are very few examples which would be comparable to the proposed scheme. The proposal is considered back-land development in the context of the existing settlement pattern experienced along Horn Hill Road.
- 7.22 The proposed dwelling and associated residential curtilage would have a detrimental impact on the localised landscape (albeit less than significant), wider rural character and established settlement pattern of the area, by this introduction of back-land residential development on a significant area of land which is clearly beyond the built up limits of the settlement and currently agricultural in its nature. It is considered that the provision of a residential dwelling in this location represents an unnecessary and sporadic development in this part of the countryside which would cause material harm to the rural character and appearance of the area and which fails to respect the established settlement pattern within the village.
- 7.23 Whilst there would be benefits to the applicant in bringing forward residential development on the land, the public benefit would be limited. It is considered that the potential benefits of providing the proposed development do not outweigh the harm having regard to what the Framework says about the importance of conserving and enhancing the natural environment, protecting valued landscapes, and would be contrary to paragraph 109 of the Framework. Therefore in this regard, the proposal would not constitute sustainable development and,

consequently, the presumption in favour does not apply in accordance with Paragraph 14 of the Framework.

- 7.24 It is considered that the extension of the burial site by its very nature is likely to be unobtrusive, and, subject to appropriate landscaping and boundary treatments, it is unlikely that it would have a significant detrimental impact on the character and appearance the landscape within which it sits. Whilst there is little supporting information within the application relating to the actual burial site extension, with no specific details of landscaping and boundary treatments, it is considered that details of these elements could be secured through appropriate conditions should any such permission be granted.

### **Heritage Impact**

- 7.25 As noted above the site straddles the boundary of the Adderbury Conservation Area and there are Grade II\* and Grade II listed buildings within proximity to the site. The Conservation Area and listed buildings are defined as designated Heritage Assets in the Framework.
- 7.26 The Framework requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of Heritage Assets and seeks to ensure that new development should make a positive contribution to local character and distinctiveness. It goes on to state when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. Significance can be harmed or lost through alteration or destruction of a Heritage Asset and any harm or loss should require clear and convincing justification. It goes onto state that where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Policy ESD 15 of the CLP echoes this advice.
- 7.27 Furthermore Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard to the desirability of preserving a listed building or its setting should be taken and Section 72 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 7.28 Historic England has assessed the proposals and whilst initially raising concerns regarding the potential impacts on the setting of the adjacent Grade II\* listed Friends Meeting House, does not now object to the proposals, following the submission of additional information demonstrating the potential visual impacts of the proposed development; advising that: *'the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice'*.
- 7.29 The Council's Conservation Officer raises concerns with regards to the potential impacts of the proposals on the tranquillity and setting of the adjacent Grade II\* listed Friends Meeting House, through the domestication of the site; similar concerns were also raised by the Council's Landscape Officer with regard to the visual impact on the setting of the listed building. No such objection was raised with regard to the previous application 15/01048/F. However, it should be noted that that whilst the Conservation Officer did not sustain an objection to the previous application, concerns were raised both at the pre-application stage and during the application.
- 7.30 As can be seen from the historical map (Plan EDP 2: Extract from First Edition Ordnance Survey Map (1881-1882)) within the applicant's 'Heritage Setting Assessment', the Friends Meeting House was originally divorced from the village providing a tranquil setting for the

Quaker Meeting House and burial ground; this tranquillity and remoteness is considered to contribute to the historical significance of the Heritage Asset. However over time the meeting house has become a more integral feature of the village, through surrounding incremental development, and the remoteness has become eroded.

- 7.31 The applicants have demonstrated that, subject to quality materials being used in the construction, the proposed new dwelling would not have a significant detrimental visual impact on the setting of the listed building and associated boundary walls. On balance, it is considered that whilst the domestication of the site adjacent the Friend's Meeting House would have an impact on the setting of this building, that it would not be so significant that it would be to the detriment of the historic or architectural significance of the Heritage Asset and a reason to refuse the application. It is considered that the specific appropriate detailing and choice of construction materials could be dealt with through pre-commencement conditions should permission be granted.

### **Ecological Impact**

- 7.32 The Framework – Conserving and enhancing the natural environment, requires 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 where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” (Para. 109)
- 7.33 Paragraphs 192 and 193 further add that “The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question”. One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
- 7.34 Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) 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 so far as they may be affected by the exercise of those functions”.
- 7.35 In respect to the application site, an Ecological Appraisal was undertaken by The Environmental Dimension Partnership in 2015 and report dated March 2016 submitted with the current application. The Council's Ecologist has reviewed the appraisal report and its findings and recommendations. The report is considered largely acceptable; although it is considered that some further information would be required to the outline protection of the current biodiversity interest on site (trees, hedges and wildlife) in a Construction

Environmental Management Plan (CEMP) and further specific details in relation to the biodiversity enhancements suggested throughout the ecological appraisal. Further, that given the age of the report, that an update may be required prior to the commencement of the development, should permission be granted. The report makes several observations and recommendations; it is considered that it would be appropriate to condition that, if the application should be approved, it is carried out in accordance with the details of this report and the further information considered necessary by the Ecologist, to ensure that the development does not cause harm to any protected species or their habitats and provides a net gain in biodiversity.

- 7.36 Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land could be safeguarded, subject to appropriate conditions attached to any such permission, notwithstanding the proposed development. It is therefore considered that the proposal therefore is acceptable in this respect having regard to the Framework - Conserving and enhancing the natural environment and Policy ESD 10 of the CLP.

### **Environmental Issues**

- 7.37 Part of the site where the proposed dwelling is to be sited is within a buffer zone surrounding an area of potentially contaminated land (associated with the historical railway line which bounds the site to the north) and the geology in the area is known to contain naturally occurring elevated levels of arsenic, chromium and nickel. The Framework (para. 120) advises that to prevent unacceptable risks from pollution decisions should ensure that new development is appropriate for its location and where a site is affected by contamination the responsibility for securing a safe development rests with the developer and/or landowner.
- 7.38 The Environmental Protection Officer raises concerns in relation to the potential for ground contamination from potential contaminative sources adjacent the north of the site i.e. the dismantled railway and that the site is underlain by soils likely to contain naturally elevated concentrations of arsenic. Given that the proposals constitute a sensitive form of development (i.e. residential development), it is considered that further investigative work is required to be undertaken to ensure that risks from land contamination are minimised and that adequate measures can be taken to remove any threat of contamination to future occupiers of the site, in accordance with Policy ENV12 of the CLP 1996. However, it is considered that the potential for land contamination affecting the proposed development is relatively low risk and that this matter could potentially be dealt with through the application of appropriate pre-commencement conditions attached to any permission, should the Authority be minded to approve the application.
- 7.39 Concerns have again been raised by local residents with regard to both existing and proposed burial sites and their susceptibility to flooding, and instances of graves within the existing burial site needing to be pumped out, and these have also been confirmed in correspondence to the Environment Agency (EA) submitted within third party correspondence. The EA raised no issues within its formal response to consultations on the previous application, however, in their response to the current application they suggest that further information is required to demonstrate that the development would not result in groundwater contamination.
- 7.40 The EA has previously confirmed that the site lies close to a spring line and they do not want to see any new development cause pollution. Their general advice is to avoid burials direct to groundwater. And further, in their response to the application for the previously approved

smaller extension to the burial site (10/00509/F) the EA required conditions to be imposed on the permission to ensure the prevention of any negative impacts on surface and ground water quality. These conditions were:

*Condition 3 of 10/00509/F*

*No burials to take place within 250 metres of any borehole, well or spring used for public water supply. No burials to take place within 30 metres of any other spring or watercourse  
No burials to take place within 10 metres of any field drain*

*Reason - To prevent any negative impact on groundwater and surface water quality.*

*Condition 4 of 10/00509/F*

*A minimum unsaturated zone of 1 metre should be maintained between the base of any interment and the maximum seasonal groundwater level*

*Reason - To prevent any negative impact on groundwater quality.*

- 7.41 No information has been submitted by the applicant in relation to such matters and water table levels cannot be confirmed. It is therefore considered that it would not be appropriate to consider applying such conditions in this instance; as such conditions would not be precise and could not be enforced without a greater understanding of the context, and therefore would fail to meet the tests set out in current national guiding policy (i.e. the Framework Para. 206), with regards to making otherwise unacceptable development acceptable through the use of conditions.
- 7.42 The EA has previously indicated that further investigation is required to establish what areas of the proposed burial extension site could be potentially be used for burials. The applicant states within the supporting Planning Statement that they would consider ground water investigations of the land for the extension to the burial ground if it is agreed necessary during the determination of the application. This offer of further information has not been explored as officers considered that it would be unreasonable to put the applicant to further expense of obtaining such reports, given the 'in principle' objection outlined above. Given the limited information that has been submitted in relation to the proposed burial site in terms of landscaping, boundary treatments, land levels and ground conditions, it is considered that it cannot be clearly established whether the land is suitable for use as a burial site or whether its use as such would likely cause a risk of groundwater pollution contrary to the provisions and aims of Policy ENV1 and guidance within the Framework.

## **Other Matters**

- 7.43 The applicant proposes within the application to convey the land necessary for the extension to the burial ground to the Parish Council and also a £100,000 contribution towards the works necessary for the upkeep of the Friends Meeting House. It is considered that it would be necessary for interested parties to enter into an appropriate legal agreement/undertaking to secure these contributions; however no such undertaking has been progressed, again due to the 'in principle' objection.
- 7.44 The Friends Meeting House is currently maintained by the Parish Council whilst financial contribution to the upkeep of the building would ease the financial burden on the Parish, it is considered that this payment does not make the proposed dwelling any more acceptable in planning terms and in accordance with the policies of the development plan. Further, given the concerns raised with regard to the suitability of the land for the burial site extension, discussed



above, it is considered that the public benefit that would be gained from the proposed contributions is somewhat limited.

- 7.45 Comment has been made with regard to the emerging Adderbury Neighbourhood Plan and possible conflicts between the development and this plan. The plan is still in its early stages of preparation at the present and it is considered that no significant weight can be given to it as a material consideration at this time.

## **8. Conclusion**

- 8.1 Given the above assessment in the light of current guiding national and local policy context, it is considered that proposals represent an inappropriate form of development beyond the built up limits of the village, which would cause harm to the intrinsic value of the open countryside and rural character. Whilst the proposals are considered acceptable in terms of highway safety and any potential neighbour impacts, it is considered that they fail to preserve the overriding character and appearance of the area or reflect or reinforce local distinctiveness and the existing settlement pattern by virtue of constituting back-land development which would intrude into the open countryside. And further that the suitability of use of the site for an extension to the burial site has not been demonstrated. It is further considered that any potential benefits of providing the proposed development or contributions to the Parish Council do not outweigh the significant harm identified above and the proposals are therefore considered contrary to the above mentioned policies; as such the application is therefore recommended for refusal for the reasons set out below.

## **9. Recommendation - Refusal for the following reasons:**

1. The proposed dwelling constitutes sporadic development beyond the built up limits of the Adderbury and, in the absence of an appropriate justification, conflicts with saved Policy H18 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework. Furthermore by virtue of its siting, scale and design, the proposed dwelling would cause harm to the intrinsic value of the open countryside and rural character, by intrusion into such, which would fail to reflect or reinforce local distinctiveness and existing settlement pattern or preserve the natural environment at this location. The proposals would therefore be contrary to saved Policies H18, C8, C28 and C30 of the Cherwell Local Plan 1996, Policies Villages 1, ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
2. Insufficient information has been submitted in relation to the proposed burial site in terms of land levels and ground conditions to clearly establish whether the land is suitable for use as a burial site or whether its use as such would likely cause a risk of groundwater pollution. The proposals would therefore be contrary to the provisions and aims of Policy ENV1 of the Cherwell Local Plan 1996, Policy ESD 8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

**PLANNING NOTES:**

For the avoidance of doubt, the plans and documents considered by the Council in reaching its decision on this application are: Application form, Design and Access Statement (March 2016), Planning Statement (March 2016), Heritage Setting Assessment (March 2016), Ecological Appraisal (March 2016), Findings of Arboricultural Baseline Assessment (May 2015), Landscape and Visual Appraisal (March 2016) and drawings numbered: PL-01a\_Location Plan, HT-01B\_Plans, HT-02\_Elevations, HT-03a\_Sections, PL-03c\_Planning Layout, PS-01\_Perspective 1 and PS-01\_Perspective 2.

**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), no problems or issues have arisen during the application. The applicant's agent has been made aware of the case officer's concerns during the course of 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.

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