

**Site Address: Land North of Gaveston  
Gardens and Rear of Manor Farm,  
Banbury Road, Deddington**

**16/00053/F**

**Case Officer:** Linda Griffiths

**Recommendation:** Approval

**Ward:** Deddington

**Referral Reason:** Major Application

**Ward Members:**

Councillors Hugo Brown; Mike  
Kerford-Byrnes; and Bryn Williams

**Committee Date:** 7 July 2016

**Applicant:** David Wilson Homes (Mercia)

**Application Description:** Residential development of 99 dwellings (Use Class C3), together with parking, public open space, landscaping and associated infrastructure

**1. Site Description and Proposed Development**

- 1.1 The application site is located to the north of Deddington, to the west of the A4260 Banbury Road and just north of Gaveston Gardens, an existing residential estate. The site is currently in agricultural use and has an existing field gate access from the A4260. The site lies just outside the Deddington Conservation Area and the historic core of the village. There have been some legally protected species recorded within the vicinity and there is potential for the site to be contaminated, however, there are no other site constraints.
- 1.2 The application now seeks consent for the erection of 99 dwellings and associated infrastructure on the site although the original submission sought permission for 95 dwellings. Access to the site will be from a new vehicular access directly to the A4260 just north of the primary school which is located on the opposite side of the road.
- 1.3 The site is located on a plateau at the northern end of the village and comprises approximately 3.8 hectares. The site rises gently across the site from the south eastern corner to the north western corner by 2 metres. The site is bounded along the A4260 Banbury road frontage by an existing hedgerow and trees, and along its northern boundary with the open countryside, an existing hedgerow and row of trees. The trees along this northern boundary are protected by a Tree Preservation Order. The southern and western boundaries of the site abut the modern development of Gaveston Gardens and The Daedings.

**2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter, site notices and a notice in the local press. The application has been advertised on two occasions, when the application was first registered and following the receipt of the amended application.

29 letters of objection have been received in respect of the original submission and are summarised as follows:

- Increase in numbers is unreasonable and an abuse of the planning process. This is not a modest increase, but is 11% additional to the 85
- Will compound traffic issues on the already busy A4260 and cause danger to

highway safety

- Impact on drainage. Thames Water has identified a need for a significant upgrade to the drainage to support the development
- Additional strain on village facilities, including the school and health centre
- Proposed pedestrian access to Gaveston Gardens will mean residents seeking to avoid congestion at the vehicle access point to the estate will park in Gaveston Gardens
- Contrary to the Deddington local plan
- Gardens should back onto Gaveston Gardens not a road and frontages as shown
- The existing landscape buffer to Gaveston Gardens is part of their gardens and as such is misrepresented in the proposal
- Traffic pollution and increased noise and disturbance for residents in Gaveston Gardens
- The site has rare wildlife (such as hedgehogs, green woodpecker and bats) the site survey regarding wildlife was insufficient and superficial
- Natural stone should be grouped, not scattered
- The repetitive design and cramped layout is not in keeping with Deddington village
- The Neighbourhood Plan survey highlighted the wish of local residents to downsize, this estate does not allow for that, nor will it allow local people to get on the housing ladder. Only 3/19 of the 2 bed homes are open market and 43 houses are 4/5 bedroom
- Plan shows very little on-street car parking and garages are too small
- The junction which is designed as a single lane which will prevent the free flow of traffic joining the already busy A4260 at peak times. There are already long queues south bound caused by the traffic lights and pedestrian crossing
- No information about how any foul drainage will be dealt with
- Harm the fabric, character and appearance of the Conservation Area
- Density is too high
- No landscape barrier proposed between Gaveston Gardens and the site
- The proposed footpath along the A4260 will be adjacent to deep gullies and the path does not extend the full distance
- The 'traditional' houses do not even have chimneys, nor are enough built in stone. There are several brick built dwellings in the village already which stick out like a sore thumb
- Essential that fibre fast broadband is provided for the development, this is important for young people and those who work at home
- Design does not enhance the approach into the village, is uninteresting, non-descript and shows no local congestion
- Estate roads are too narrow for parking and there is not enough provision for visitor parking. Parking is already an issue in Deddington
- A landscape barrier must be included along the boundary with Gaveston Gardens
- House designs are lazy and unimaginative, a stone frontage does not magically make them vernacular, it looks like an estate anywhere in the country, and cramped
- Preponderance of larger houses will attract commuters and contribute further to congestion
- All the affordable housing is crammed into one area of the estate
- Layout and house design is dreadful. The house design is very urban and not at all suitable for an historic village in a conservation area
- Landscaping is non-existent
- Few jobs locally, so people will need to travel to work increasing the carbon footprint of the village
- Security issues with pedestrian access through Gaveston Gardens

- Poor quality design solutions
- Some technical information is seriously deficient
- Garages are too small to accommodate a standard car
- The building materials proposed, ie stone and brick reinforces the split between private and social housing
- The density at 31 dph is significantly higher than both Gaveston Gardens at 20dph and the Daedings at 15dph
- Disappointed that no sec 106 money has been earmarked to improve car parking in the centre of Deddington
- Transport connections and links are poorly considered, particularly to Bicester North railway station

The comments can be read in full on the application file

Deddington Development Watch comment in summary as follows:

- The site stands on the high point of the ridge on which Deddington stands. The proposal would therefore be in a prominent topographical location when viewed from the north
- Layout is cramped and suburban in design typical of any new estate in the country. The proportion of stone is welcomed but even these 'traditional' designs lack any chimneys to reflect local character
- Density is not comparable to adjacent developments, the SHLAA suggested 50 on this site
- Fewer trees than within the approved reserve matters
- Need for 2/3 bed properties in the village, the scheme is unresponsive to this
- Foul drainage and water supply info is inadequate
- Affordable housing delivery plan is not consistent with the location plans and the accommodation schedule
- Affordable homes should be indistinguishable from the market housing and not concentrated together
- Garages are too small to accommodate a standard car
- The landscape and visual effects appraisal (6.3) states that there is no inter-visibility between the application site and any listed building so that the proposed development would not affect the setting of any listed building. This ignores the views of, and from, the tower of the parish church of St Peter and St Paul, with its eye catching pinnacles and gilded vanes which is Grade II\* Listed.
- Play area should be given to the Parish Council with a commuted sum for maintenance, not a Management Company
- No detailed plans for either vehicular or pedestrian access into the site
- Concern about traffic on this already busy road
- If the 30mph speed limit was maintained outside the site access, a larger, safer entrance would be required, but a 40mph buffer should be introduced to facilitate deceleration
- Security concerns from residents in Gaveston Gardens regarding the link
- TA is flawed in its assessments
- This is grade 2 agricultural land
- The area is not conducive to cycling

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

#### Update

Following the revised submission relating to 99 dwellings, Deddington Development Watch comment further as follows:

- Doubling the number of 2.5 storey houses from 12 (14%) to 25 (25%) is not a 'modest increase'
- Purporting to replicate the rooflines of the listed buildings in High street/New

Street, minus chimneys along the Banbury Road frontage will simply exacerbate an already obtrusive visual impact on the northern approach to Deddington

- The applicant suggests that Local Plan Policy BSC2 contains an absolute requirement for a housing density of 30dph when this is not the case where *'there are justifiable planning reasons for lower density development'*. Paragraph B.102 explains that: *'the density of housing development will be expected to reflect the character and appearance of individual localities and development principles that are appropriate to the individual circumstances of sites'*.
- Although the outline permission is for 85 houses, the proposed density is also contrary to saved Policy C30(i) that design control will be exercised to ensure *'that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity'* (i.e the low density developments of detached houses in Gaveston Gardens and The Daedings, not High Street/New Street
- Have the water supply concerns been resolved
- Management company remains of concern
- Applicant should be asked to confirm that all dwellings will have superfast broadband connections in conformity with Cherwell Local Plan Policy BSC9: *'all new developments will be expected to include provision for connection to Superfast Broadband'*. The small print on the applicant's Adderbury Fields web site says: *'Superfast broadband is available on selected plots only'*

Following the revised submission relating to 99 dwellings and the further consultation that was carried out, a further 19 letters of objection have been received which raise similar concerns to the above. These can be read in full on the application file.

1 letter of support states that as a Deddingtonian who has had to move out of the village due to high house prices, this development would be a blessing for daughters who attend the primary school and are desperate to move back and be close to family who live in the village.

### 3. Consultations

3.1 **Deddington Parish Council:** object on the following grounds, raised the following questions and made the following observations:

1. The site name selected, Deddington Grange is out of keeping with the nature of the site and proposed development. The Parish council would welcome the opportunity to be involved in deciding the site and road names
2. The housing mix is a further move away from the housing need identified by the emerging Neighbourhood Plan with far more 4 and 5 bedroom houses and fewer 2 and 3 bed roomed houses. This plan lacks appreciation of local needs
3. The community has a demonstrable for high specification, 2 large en-suite bedroom and reception room houses for older members of the community to down size to
4. There are no stated arrangements for on-going maintenance for the communal infrastructure including communal car parking areas, public areas or SUDS and balancing pond. These will become a burden to the wider community. Who will be responsible for maintaining these areas?
5. On the Thames Water ALS map there is a water pipe entering the site under the proposed pedestrian link to Gaveston Gardens. The pipe exits the site in the north-west corner under Plot 1. This seems to be detrimental to future maintenance requirements of both the eventual home owner and for the wider community.
6. Despite a reported letter to an individual the developer's treatment of the pre-

existing buffer zone to Gaveston Gardens is not clear and intentions have been communicated to the detriment of the community. The greenery between the site and Gaveston Gardens falls entirely within the curtilage of the residents of Gaveston Gardens.

7. Some residents have concerns that in place new houses are not located 'garden to garden' and present overlooking issues as currently designed.
8. The location of the affordable housing into large groups rather than distributed throughout the development is discriminatory and not in keeping with the aspirations of the community
9. Site access details. There is currently no detailed design for either the pedestrian or vehicle access arrangements. The Transport Assessments refer to drawing JNY8344-01 rev D which relates to previous reserve matters application 14/02111/REM but does not confirm this design for both pedestrian and vehicular access. The details pertaining to the pedestrian access design are relatively vague and that the previously defined pedestrian footpath upgrade between the north-west corner of the A4260/B4031 junction and the site pedestrian entrance, as shown on drawing JNY-8344-01 rev D, seems to be lost. Point 4.6 in the Transport Assessment does mention utilising the existing footpath but the existing path is rather narrow and does not stretch as far as the proposed pedestrian entrance. This upgraded footpath which includes widening the existing footway and extending it to the site pedestrian entrance should a requirement for permission
10. The 30mph zone should be moved north before construction commences to reduce traffic hazards, and no plans are included to enforce this new speed limit.
11. The road works for the highways entrance (ghost junction and road widening) should also be built before construction starts
12. Foul water drainage. There is insufficient capacity in both foul and water supply infrastructure. Thames Water has requested a Grampian condition and we are very keen to understand how these matters are to be dealt with.
13. The nature of the measures to prevent vehicle access to Gaveston gardens is not clear
14. The applicant is making use of SUDS and a balancing pond. Will any fencing or safety equipment be required or provided?
15. Will the building work be phased and at what point must the affordable housing element be constructed?
16. Lack of chimneys fails to reflect traditional local character

The comments can be read in full in the application file.

Further to the above, additional comments have been received from Deddington Parish Council relating to Section 106 requirements and where the money might be spent within Deddington. These comments can be read in full on the application file.

In respect of the revised submission for 99 dwellings, further additional points are raised and summarised as follows:

- A condition should be imposed requiring the developer to commit to superfast broadband connectivity for all dwellings on the development
- It is not acceptable to state that the affordable dwelling can be easily converted to the Lifetime Homes Standard. All affordable housing should meet the HCA's design and quality standards
- Not appropriate to deliver development that does not comply with OCC highway standards
- Remain concerned that the development will be maintained by 'Management Companies', how they will be run and what the implications will be for residents
- Absurd that garages are being provided which are below the required OCC standard

- Errors in the Travel document in terms of the bus and rail information
- Would like to be certain of the commitment by DWH to provide the footway upgrades
- Do not agree with the claims by Turley that the development is compatible with the appearance, layout, scale and density of existing dwellings in the vicinity. The adjacent developments are all lower density developments of detached houses with chimneys
- The revised proposals include a number of 2.5 and 3 storey houses, including along the Banbury Road frontage, whilst none of the modern developments off Hempton Road are higher than two floors. These will appear over what remains of the tree boundary and hedging and the supply of stone housing will not match the vernacular because of the lack of chimneys.

These comments can be read in full on the application file.

### **Cherwell District Council Consultees**

3.2 **Planning Policy Officer:** A number of policies from the adopted Cherwell Local Plan 2011-2031, saved policies from the adopted Cherwell Local Plan 1996 and policies from the Non-Statutory Cherwell Local Plan 2011 are quoted and can be read within the consultation response on the application file.

The main observations are:

- Deddington is a Category A village, one of the more sustainable villages in the district (Policy Villages 1)
- Policy Villages 2 of the adopted Cherwell Local Plan 2011-2031 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 the rural allowance for small site 'windfalls' and planning permissions at 31 March 2014)
- 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.
- The proposal would assist in meeting overall policy villages 2 requirements
- The site benefits from an extant planning permission for 85 dwellings. This proposal would result in an additional 10 dwellings
- At this early stage in the Local Plan period the proposal would leave little scope for development to satisfy the housing needs of other settlements in the A Category, and would not achieve a balanced distribution of housing across the rural areas
- The district has a 5.3 year housing land supply for the current period 2015-2020 and a 5.6 year supply for the next five year period (2016-2021) commencing on 1 April 2016. The permitted 85 dwellings are already included in the five year housing land supply. The additional 10 dwellings would also contribute to the housing land supply
- There were 20 housing completions in Deddington between 2006 and 2011, and another 21 completions between 2011 and 2015.

No Planning Policy objection raised in principle. Although it is a sizeable development in the village, 85 dwellings have previously been approved on the site and this proposal would create 10 additional dwellings which will contribute to the Council's five year housing land supply. Deddington is one of the more sustainable villages within the District. In addition, Deddington has experienced a modest record of housing completions since 2006 when comparing with other Category A villages such as Adderbury, Ambrosden, Arncott, Bloxham and Yarnton.

Update

Following the revised submission relating to 99 dwellings, further additional/revised comments are made as follows:

- Deddington village centre includes a range of services and facilities and the village has both a primary school and doctor's surgery
- The site benefits from an extant planning permission for 85 dwellings. The proposal will result in an additional 14 dwellings
- A recent appeal decision for an application at Kirtlington (appeal ref: APP/C3105/W/15/3134944) confirmed that the district have a five year housing land supply (subject to detailed comments on the Council's specific position). There is therefore no pressing housing need for additional release at this time
- The proposed development would not result in an additional release of greenfield land within an area of countryside over and above the land that already benefits from planning permission. Policy BSC2 of the Local Plan requires the effective and efficient use of land.

No planning policy objection in principle. Although this is a sizeable development in the village, 85 dwellings have previously been approved on the site and this proposal would create 14 additional dwellings which will contribute to the Council's five year housing land supply. No additional land release would be required.

3.3 **Environmental Services Manager:** No objection to the waste and recycling storage

3.4 **Housing Officer:** The applicant has detailed the correct amount of affordable units (33), which is 35% of the total dwellings. The tenure split is also correct. There are too many 1 bed properties in the mix, an alternative mix is suggested. Of the rented units 50% should be built to lifetime homes standard (12 units). The affordable units should be in clusters of no more than 15 units, one cluster is 20. All of the 2 and 3 bed dwellings should have a minimum of 2 parking spaces per unit. The 33 affordable properties would need to meet the HCA's Design and Quality Standards including the necessary HQI requirements. The Registered Provider taking on the affordable housing units would need to be agreed with the Council.

#### Update

Following the revised submission, the Housing Officer's additional/revised comments are as follows:

- The 3 bed shared ownership property (plot 45) should be semi-detached as detached properties in this location are too expensive
- Of the rented units 50% of these should be built to meet Building Regulations requirement M4(2) Category 2: Accessible and Adaptable Dwellings (12 units). The units that will be built to Lifetime homes Standards need to be indicated within the development
- All of the 2 bed and 3 bed dwellings should have a minimum of 2 parking spaces per unit, only some of the 2 bed units currently have 2 spaces

3.5 **Environmental Protection Officer:** No objection in respect of noise and nuisance, but recommend a condition requiring a Construction Environmental Management Plan.

In terms of contamination, the GeoRisk Management Phase 1 Desk Study hasn't identified a significant risk from land contamination but has highlighted some uncertainties to clarify with site investigation. A number of conditions are recommended.

3.6 **Ecology Officer:** No comments received

3.7 **Landscape Officer:** Considers the plans poor and comments as follows:

- Where there is no space for trees some specimen shrubs should be used to

provide structure

- Thin strips of grass should be avoided. There are too many to mention on this scheme. No-one wants to drag a mower to their front garden to mow a few square metres. Thin strips between haunching do not work and should be avoided. Grass areas that go to appoint will be trampled to mud and should be avoided
- The shrub mixes are very poor. Little thought has been given to the compatibility of the species. Mix 1 had prunus Lusitanica 2.5m high and Euonymous which is a ground cover. Mix 2 Rosemary and Cistus are nowhere near the same size. Unless the plants are approximately the same height and vigour they will not grow well together. Shrub mixes should not be used everywhere. They are a lazy solution to a landscape design.
- I would like to see a lot more hedges to provide structure
- LAP/LEAP – the proposed location takes up most of the central green. The LAP/LEAP should be located on one corner to leave the largest grass area possible. The whole green needs fencing not just the equipped area.
- Trees within 3m of hard surfaces need root barriers.

Following the revised submission relating to 99 dwellings, the Landscape Officer comments that the development is becoming ever more dense. There is no room on this latest layout for any street trees on the lower section. There is very little landscape structure. Street Scene and landscape do not favour management companies. SUDS in particular needs specialist management which should be undertaken by experts. Management companies load additional costs onto residents which are unpopular. There is little detail on the submitted plan which limits the extent of my comments.

- 3.8 **Arboricultural Officer:** these comments were received in respect of the amended proposal relating to the erection of 99 units.

Whilst I have no objection to overhanging branches from G6 (the protected tree belt) being pruned back where required the extent of this pruning is considered excessive on the western end of the tree belt. This is an unacceptable incursion into the tree belt.

There does not appear to be a tree protection plan with details of the fencing which is going to be used together with any areas of no-dig construction in the vicinity of the RPA's of retained trees.

There should be a mix of species planted throughout the site rather than planting a small number of the same trees. For example, on the main road it is proposed to plant 14 *Carpinus betulus* Frans Fontaine. For bio security reasons there should be a mix of species planted. Details do not seem to have been supplied of the trees to be planted around the LEAP. These should not be all the same species but a mix of different tree types. This is the same for the trees proposed around the Suds feature. At the moment 8 Alder trees are proposed around the suds feature. It would be better to plant a mix of species, to include for example River birch and/or Swamp cypress. Root barriers should be included in the planting pits within 3m of a hard surface.

## **Oxfordshire County Council Consultees**

- 3.9 **Highways Liaison Officer:** Objection  
Access Arrangement – there is currently no detailed design of the site access arrangement for both vehicles and pedestrians/cyclists. Details agreed from the previous reserved matters application 14/02111/REM should be applied in this application and also to include comments made under paragraph 2 of the shared footway/cycleway section.



Layout – the layouts for the shared surfaces fronting plots 23-25 and 30-31 as well as the shared surfaces fronting plots 6-9 should be considered for redesigning if they are to be offered for adoption. These road sections have shown to have uneven carriageway widths. All visitor parking in lay-bys must have a minimum hard standing of 0.8m wide to allow drivers to step out of vehicles once parked.

Numerous properties are shown to have direct pedestrian accesses from the front door to the carriageway which is not good practice. Footpaths from houses must first connect to a public footpath rather than straight onto the carriageway. This would also eliminate the need to drop kerbs and prevents obstruction to pedestrian access as a result of parked vehicles.

In the interest of highway safety, a ramp to a junction table located within the proximity of a pedestrian crossing must require a bollard to be installed on approach to such a crossing point.

Some of the roads are shown to be a shared use facility, and it is worth mentioning that the runnable shared carriageway width to be adopted must be at least 6m wide with 0.8m service strips.

Secure cycle parking must be provided. OCC will require the proposal to proactively encourage walking and cycling, especially for local trips. Clarity is needed on communal cycle parking arrangements for apartments and all properties without garages should have secure sheds for cycle parking, and there should be some visitor/public cycle parking at the LEAP.

A vehicle tracking analysis is required to be carried for a larger bin lorry for all internal roads, bends and turning areas.

Shared footway/cycleway – is expected to link the development to Earls Lane as commented on in the original application. This should emerge from the development access running southwards then across Banbury Road (at the Toucan crossing) and continue down to terminate on Earls Lane.

To offer a more inclusive array of connectivity to pedestrians wishing to access the community north of the site, a footway should be provided that runs along the northern end of the vehicular access out of the development across Banbury Road. This would link up with the existing footway east of Banbury Road by a facilitation of dropped kerbs a few metres north of the main vehicular access.

Travel Plan – a residential travel plan will be required.

#### Transport Strategy

Oxfordshire County Council Policy – Paragraph 2.7 (page 7) still references OCC Third Local Transport Plan. In September 2015, Connecting Oxfordshire: Local Transport Plan 2015-2031 was adopted. The County Council Policy should be updated, paying particular attention to the following:

Policy 34 OCC will require the layout and design of new developments to proactively encourage walking and cycling, especially for local trips, and allow developments to be served by frequent reliable and efficient public transport. To do this we will:

- Secure transport improvements to mitigate the cumulative adverse transport impacts from new developments in the locality and/or wider area, through effective travel plans, financial contributions from developers or direct works carried out by developers
- Identify the requirement for passenger transport services to serve the development, seek developer funding for these to be provided until they

become commercially viable and provide standing advice for developers on the level of Section 106 contributions towards public transport expected for different locations and scales of development

- Ensure that developers promote cycling and walking for journeys associated with the new development, including through the provision of effective travel plans
- Require that all infrastructure associated with the developments is provided to appropriate design standards and to appropriate timescales
- Set local routing agreements where appropriate to protect environmentally sensitive locations from traffic generated by new developments
- Seek support towards the long-term operation and maintenance of facilities, services and selected highway infrastructure from appropriate developments, normally through the payment of commuted sums
- Secure works to achieve suitable access to and mitigate against the impact of new developments in the area, generally through direct works carried out by the developer

#### CDC Planning Obligations Draft SPD (July 2011)

Developer contributions are sought towards the strategic transport impact of this development. Development of a single dwelling, or any non-residential floorspace, or change of use needing planning permission will be regarded as having a general impact on transport and access infrastructure. A total transport contribution of £97,038 is required and will contribute towards the A4260/B4301 signalisation improvement. This figure has been increased to £98,174 following the increased number of units to 99.

A4260/B4031 traffic signal junction – Paragraph 6.15 states that ‘the results indicate that the A4260/B4031 signalised junction would operate near to or at capacity in the AM and PM peaks in 2016 both with and without development, and slightly above capacity in 2021 in all scenarios.

I would like to draw your attention particularly to Table 6.6:2021 PM Peak (17.00-18.00) A4260 High Street. There is a substantial increase in the degree of saturation with and without development – in the region of 12.2% (from 86.2% to 98.4%). Even though different years were assessed in the 2013 Transport Assessment (TA) from the application (13/00301/OUT), it can be interpreted that the increase in 10 homes with this current application pushes the High Street arm of this junction to very near capacity.

In light of the A4260/B4031 traffic signal junction working at (and over capacity) by 2021; a contribution is sought towards future work and upgrade of this junction to improve capacity issues.

Further, operation details of the toucan crossing to be provided by the developer must be linked with the signalised junction at the A4260/B4031 junction to avoid exacerbating delays, this linkage must be in place prior to opening.

#### Update

Following the submission of the revised proposal relating to 99 units additional/revised comments are summarised as follows:

#### Cycling infrastructure

Paragraph 3.24 of the TA points out that the area is conducive to cycling due to its relatively quiet nature and flat topography. The proposals of this application must capitalise on these factors to promote cycling as a mode of travel. OCC’s Residential Road Design Guide publication emphasises the need for cycle parking at both ends of the journey in a bid to encourage cycling mode which in this case should be demonstrably provided within the curtilage of the site.

Planning layout drawing 15-061/02 Rev F shows shelters within the garden space of dwellings without garages denoted by SH. The provision of cycle storage is welcomed but disappointment that garages have not been designed to have an internal dimension of 3m x 6m in accordance with the Council's design guide to allow car and cycle storage.

#### Traffic Impact

Based on the information in the TA and having visited the site, it is my view that these additional units can be safely accommodated on the site and the adjoining transport network. I believe the additional movements will not have an unacceptable negative impact on congestion locally. Furthermore, with appropriate design the development may reduce vehicular speed on A4260 and benefit highway safety.

#### Layout

This amendment application has increased the number of dwellings which has resulted in an overcrowding of dwellings, particularly between plots 28-34. There should be unfettered access between parking and front doors. A 1.2m wide dedicated footway should be provided to the front door of Plot 31 to cater for users in wheelchairs and push chairs/prams as outlined in the Government's publication, Approved Document M: Access to and use of buildings.

Some of the estate roads are shared surfaces, and it is worth mentioning that the runnable shared carriageway width if these are to be adopted must be at least 5m wide with at least a 0.8m wide service strip provided.

#### Access for Servicing

The drawings have been tracked for a 9.01m refuse vehicle rather than a 10.5m refuse vehicle which is widely used within the district. The application should demonstrate manoeuvrability of such a vehicle across the site. Refuse vehicles should have suitable access and can get to within 5m of the kerbside collection points for all properties. Refuse vehicles should not be expected to reverse more than two complete vehicle lengths.

The section 106 contribution amounts have been increased in accordance with the additional units.

The above revised comments can be read in full on the application file.

- 3.10 **Drainage Officer:** There seem to be no information on the proposed drainage strategy for the site. We will have to see the FRA report with details of hydraulic calculations and any site investigation report so we can agree on the strategy the developer is proposing to manage post development storm water.

#### Update

Following the revised submission, no objections are raised and conditions are recommended requiring the development to be carried out in accordance with the submitted FRA and the agreement of the SuDS design for the site.

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

#### Primary

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. Both Deddington CE Primary

School and Christopher Rawlins CE Primary School (in Adderbury) are approaching capacity.

Following local consultation, Christopher Rawlins CE Primary School has been approved to grow from its current 1 form entry size (30 children per year group, 210 pupils Reception – Year 6) to 1.5 form entry (45 children per year group, 315 total pupils Reception – Year 6). This will require additional accommodation to be built, and Section 106 developer contributions towards the expansion of Christopher Rawlins CE Primary School are required. Costs are based on the feasibility study of the preferred solution which is £2,250,000 (at 1Q16). This equates to £20,270 per place created.

£689,383 Section 106 developer contributions towards the expansion of Christopher Rawlins CE Primary School, by a total of 34.01 pupil places. This figure has been revised to £684,923 based on the revised numbers and mix.

### Secondary

This area feeds to the Warriner School, which is regularly oversubscribed, and effectively full. Expansion of secondary school capacity in the area would be necessary as a direct result of housing development. When the previous application for this site was approved on appeal, the Planning Inspector ruled that contributions towards secondary education were not necessary to make the development acceptable in planning terms, as children generated by the development could be accommodated at The Warriner School if Banbury children who have previously been able to attend The Warriner were in fact displaced to other Banbury schools. However, this decision did not take into account the fact that growth within Banbury requires significant growth in Banbury secondary school capacity, including expansions of North Oxfordshire Academy and Blessed George Napier School and a new school in the longer term. More, recently the Planning Inspector in the case of Appeal Ref: APP/C3105/A/13/2204000 (land to the south west of Tadmerton Road, Bloxham) ruled that secondary education contributions in this context meet the CIL tests.

Paragraph 72 of the NPPF makes clear that the Government attaches great importance to ensuring that 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 the NPPF at paragraph 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 who would otherwise have attended the school would be displaced to other schools in nearby Banbury. These schools currently have spare places, but these places will be filled as a result of the population growth which is already evident in the local primary schools. Secondary school capacity in Banbury will need to be expanded as these higher pupil numbers feed through and therefore should the schools be also required to accommodate growth as a result of housing development in this area, the scale of expansion would be greater as a consequence. The need for expansion of secondary school capacity in Banbury is recognised in the adopted Cherwell Local Plan.

Expansion of secondary school capacity at both 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 that council can meet its statutory duty to ensure sufficient school places. Contributions are sought towards the expansion of

Warriner school, where a capital project is being developed.

£501,206 Section 106 developer contributions towards the expansion of The Warriner School by a total of 25.90 pupil places (including 3.89 6<sup>th</sup> Form places). This figure has been revised to £488,713 following the revised scheme and housing mix.

#### Special

A capital project at Frank Wise School, a special school in Banbury was recently completed. The project replaced temporary accommodation with permanent build and also expanded school, delivering 8 additional SEN places at a total cost of £1,800,000. Some of the cost was grant funded, with the cost to OCC being £837,000. Contributions are sought towards this, as well as further expansion of SEN capacity expected in the future. Across Oxfordshire 1.11% of pupils are taught in special schools.

£23,340 Section 106 developer contributions towards Frank Wise School, based on projected pupil generation of 0.67 pupils. This figure has been revised to £26,779 following the revised submission and housing mix.

#### Early Years

Since September 2013, under the Local Authority (Duty to Secure Early years Provision Free of Charge) Regulations 2012 made under Section 7 of the Childcare act 2006 (as amended by Section 1 of the Education Act 2011), local authorities have been under statutory duty to secure sufficient nursery 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 Deddington, nursery education is provided through a partnership of two charities – Deddington Partnership Foundation Stage Unit, co-located on the Deddington CE Primary School, and Deddington Village Nursery Ltd, located on Hempton Road, Deddington, adjacent to the Windmill Community Centre.

Since responding to the original application for this site, OCC has become aware that Deddington Village Nursery's temporary building is in need of urgent replacement and the committee are seeking funding to provide a planned replacement subject to all the necessary consents. If the building is not replaced, and the nursery forced to close, OCC would not be able to meet its statutory sufficiency duty in this area. The replacement building would be larger, so that the needs generated by the proposed development are met. A proportionate contribution is therefore sought towards the capital cost of ensuring sufficient nursery education provision to meet the needs of this development.

The development has been assessed as likely to generate 29.19, 0-4 year olds, that is, an average of 5.84 children per year of age across this five-year age band. Of these children, the following would be expected to be eligible for free nursery education:

- Of the estimated 5.84 two-year olds, 40% would be eligible = 2.34 children
- All of the estimated 5.84 three year olds = 5.84 children

This brings the total need for nursery provision to 8.18 places and a contribution of £45,759 towards the provision of sufficient nursery provision. This figure has been revised to £45,687 following the revised submission and housing mix.

3.12

#### Property

A condition is recommended requiring the provision of fire hydrants on the site.

#### Local Library

The development is served by Deddington 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 improvements are based upon the costs of extending a library. The development proposal would also generate the need to increase the core book stock held by 2 volumes per additional resident.

£27,014.20 contribution for the provision of library infrastructure and supplementary core book stock. This has been revised to £27,034.15 following the revised submission and housing mix.

Due to CIL Regulations, OCC will not be seeking a contribution towards central library, waste management, museum resource centre or adult day care infrastructure for this proposal.

The comments above can be read in full on the application file.

## **Other Consultees**

### **3.13 Thames Water:** comments as follows:-

**Waste Water:** Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. A condition is recommended requiring the submission and approval of a drainage strategy

**Surface Water Drainage:** it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water is required.

There are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3m of a public sewer. Thames Water will usually refuse such approval in the case of new buildings.

**Water Comments:** The existing water supply infrastructure has insufficient capacity to meet the additional demands. A condition is therefore recommended requiring an 'Impact Study' to be submitted to and approved. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Following the amended submission relating to 99 units, the above comments remain relevant.

### **3.14 Environment Agency:** No longer comment on applications of this nature as they are dealt with by the Lead Flood Authority for the District, which is OCC.

## **4. Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policy**

## Adopted Cherwell Local Plan (Part 1) 2011-2031

The Cherwell Local Plan Part 1 2011-2031 was formally adopted by Cherwell District Council on 20<sup>th</sup> July 2015 and provides the strategic planning framework for the district to 2031. The Cherwell Local Plan Part 1 replaced a number of the saved policies of the adopted Cherwell Local Plan 1996 although 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 considerations indicate otherwise. The relevant policies are as follows:

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 ESD1: Mitigating and adapting to climate change  
Policy ESD2: Energy hierarchy and allowable solutions  
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  
Policy INF1: Infrastructure

## Adopted Cherwell Local Plan 1996 (Saved Policies)

Policy H18: New dwellings in the countryside  
Policy C8: Sporadic development in the open countryside  
Policy C28: Layout, design and external appearance of new development  
Policy C30: Design of new residential development  
Policy C33: Protection of important gaps of undeveloped land  
Policy ENV12: Contaminated Land  
Policy TR1: Transportation funding

## 4.2 Other Material Policy and Guidance

National Planning Policy Framework

National Planning Policy Guidance

CDC Planning Guidance/Documents

- Building in Harmony with the Environment SPG
- Countryside Design Guide Summary SPG
- Planning Obligation Draft SPD 2011
- Deddington Conservation Area Appraisal

## 5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of development
- Design and Layout
- Housing Mix
- Transport and Highway Safety
- Ecology
- Flood Risk
- Impact on heritage assets
- Contaminated land
- Landscape impact, open space and play provision
- Planning obligation

### Relevant Planning History

5.2 Outline planning permission was granted at appeal following the refusal of planning permission for 85 dwellings on the site in December 2013 (13/00301/OUT) refers. Reserve Matters consent was subsequently granted in May 2015 (14/02111/REM) refers. That consent has been implemented by a start on site last month to create the new access into the site. A number of pre-commencement conditions attached to the original outline consent and reserved matters consent have been discharged, although a small number remain outstanding. There is therefore an extant planning permission for residential development on the site.

### Principle of Development

5.3 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 also requires that if regard is to be had to the development plan for the purpose of any determination to be made under the 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.

5.4 The application site is outside the current built up limits of Deddington Village on the western side of the Banbury Road, in open countryside, and the proposal is for a large scale residential development of 99 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. The site however does benefit from outline planning permission for 85 new dwellings which was granted on appeal (13/00301/OUT), and subsequent reserve matters consent granted in May 2015 (14/02111/REM). This has established the principle of residential development on the site and is a material consideration.

### Adopted Cherwell Local Plan 2011-2031

5.5 The Cherwell Local Plan has been through Examination, has been considered by Full Council, is now adopted and 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 Deddington 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. Deddington Village Centre includes a range of services and facilities and has both a primary school and doctor's surgery. 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 existing built environment
- Whether it is in keeping with the character and form of the village
- Careful consideration of the appropriate scale of development

- 5.6 The application proposal is not minor development, nor is it within the built up limits of the village of Deddington in relation to the western side of the A4260 Banbury Road. The proposal in principle 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 be had to Policy Villages 2 in that respect.
- 5.7 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.
- 5.8 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 in Category A Villages. This is in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings at 31 March 2014.
- 5.9 Considerable progress has been made to meeting the rural area allocation, the 2015 AMR (January 2016) shows that there are 280 dwellings to be identified of the 750 homes 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 280, 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. There were 20 housing completions in Deddington between 2006 and 2011 and another 21 completions between 2011 and 2015.
- 5.10 It should also be noted that the Examination Inspector commented in respect of the adopted Cherwell 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'*.
- 5.11 The principle of development on this site 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 the western side of A4260, Banbury Road, and it is not previously developed land or land of a lesser value. The site however benefits from an extant planning permission which was granted on appeal for the erection of 85 dwellings on the site and the principle of residential development on this site is therefore clearly established and is an important material consideration. The proposal would therefore

assist in meeting the overall Policy Villages 2 requirements.

### **National Planning Policy Framework**

5.12 The purpose of the planning system is to contribute to the achievement of sustainable development. The National Planning Policy Framework (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

5.13 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 a 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

### **Five Year Housing Land Supply**

5.14 The 2014 Annual Monitoring Report which was published on 31 March 2015 concluded that the District 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.

5.15 The new adopted Cherwell Local Plan 2011-2013 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 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).

- 5.16 The Inspector also found that the 2014 SHMA and the modifications arising from it now properly address the NPPF's requirements for a significant boost to new housing supply and to meet the full objectively assessed need, including affordable housing as well as take account of the market signals (paragraph 54).
- 5.17 The revised housing trajectory which included the 5% buffer was the main modification submitted to the Secretary of State on 21<sup>st</sup> 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.
- 5.18 The District had a 5.3 year housing land supply for the period 2015-2020 and now has a 5.6 year supply for the current five year period (2016-2021) commencing on 1 April 2016. The permitted 85 dwellings are already included in the five year housing land supply, the additional 14 dwellings would also contribute to the housing land supply.
- 5.19 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 can demonstrate that it has a five year supply of deliverable sites.
- 5.20 The above view has recently been upheld by the Planning Inspectorate in respect of a number of recent appeals, the most recent in respect of an appeal relating to the erection of 75 dwellings at Kirtlington (14/02139/OUT refers).

#### **Design and Layout**

- 5.21 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 to making places better for people'.
- 5.22 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.
- 5.23 Paragraph 61 also 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'. This site is located on the edge of the village of Deddington in what is currently an open field, close to the historic core and the Deddington Conservation Area. The development must also have regard to adjacent residential properties, both along Banbury and Hempton Roads in terms of integration. In order to successfully achieve successful integration with the existing village and development, new footpath/cycle links are proposed to the Banbury Road and through into Gaveston Gardens as part of the application submission. These were required by the Inspector in respect of the appeal proposal. In terms of proximity to the Deddington Conservation Area, the Planning Inspector in determining the appeal on this site, encouraged that the development should respond

to the more historic character of Deddington rather than the more modern 21<sup>st</sup> Century development. This is one of the key entry points into the village and it is therefore important that the proposed development provides an appropriate 'gateway setting', both in terms of the design, positioning of dwellings and choice of materials.

- 5.24 Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031 advises that design 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 context within which it sits. The adopted Cherwell Local Plan 1996 contains saved Policies C28 and C30. Policy C28 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.
- 5.25 The appearance of new development and its relationship with its surroundings and its natural and built environment can have 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.
- 5.26 Cherwell District is divided into four distinct character areas, each one exhibiting its own specific characteristics. Deddington is located within the 'Ironstone downs Character Area' where typically two storey terraced and detached houses constructed of ironstone dominate the historic core, although larger scale dwellings are found along High Street and within Market Square. The Design and Access Statement submitted with the application states at 4.1 that '*it is extremely important for the development to assimilate as comfortably as possible into its surroundings and that the intrinsic form and layout of the proposals needs to be appropriate to their local setting and the finished development should produce a strong identity and sense of place*', it went no further however in explain how this had been translated into the proposal. Further clarification and explanation of this was requested and an addendum to the original Design and Access Statement was received as part of the revised application.
- 5.27 Dwellings of traditional vernacular in North Oxfordshire have narrow gable spans and steeply pitched roofs and a major contributor to the historic core of Deddington and the Conservation Area is the predominance of vernacular buildings constructed in local ironstone. Traditional local vernacular, because ironstone is quite a soft stone, also tends to be simple wide fronted units with minimal detailing. Natural slate is also a predominant roof material. Ironstone boundary wall are also an important feature of the Conservation Area.
- 5.28 The Design and Access Statement which was submitted with the application included an assessment of a number of design features on existing properties within Deddington, but again, it was unclear how these had been translated into the proposed house types and street scenes generally. The submitted layout sought to follow the principles of the layout established for the site under the approved reserve matters consent (14/02111/REM refers) and therefore focussed on different house types and composition of buildings reflecting the house types by the applicant rather than those previously approved. The applicants were therefore requested to provide further explanation in this respect to enable an understanding of how the proposed house types and street scenes had evolved, seeking to reinforce local distinctiveness

and having regard to the historic form that had been identified in the Design and Access Statement. Following discussions with the applicant, the house types and street scenes have been amended. The Banbury Road is fronted by dwellings which have been designed to create a strong built frontage, constructed in natural stone, similar to the existing development found within the historic core with parking provided at the rear, accessed from within the development in a similar manner to properties along High Street. A three storey dwelling has been introduced into this frontage which is not considered acceptable, but the applicants have agreed by e-mail to remove this house type from the proposal, revised plans are awaited at the time of writing this report. The area around the Central Green and play space also seeks to create a strong built frontage overlooking it.

- 5.29 The original submission did not accord with traditional local vernacular and failed to reflect local distinctiveness, a number of dwellings had overly wide gable spans and a mix of materials. The properties shown to be constructed in ironstone which were concentrated to the front of the site, had only ironstone to the front elevations, with the remainder in brick. This was not considered acceptable and the applicants were requested to reconsider this matter. The revised submission now indicates that 43 out of the 99 dwellings (43.4%) are now to be constructed in natural ironstone under a natural slate roof. The applicants have also agreed to construct a further two plots at the head of the main access route into the site in stone, increasing the number of stone properties to 45 (45.5%). This compares to 33% on the approved reserve matters scheme. Further revised plans showing this are still awaited at the time of writing the report.
- 5.30 In terms of legibility through the site, the submission, in line with the approved reserve matters consent seeks to establish a 'Landmark Building' at the head of the main access route into the development, but the design and access statement failed to explain why the dwelling indicated was a landmark and how it had been designed having regard to local distinctiveness and the character of Deddington. It was also considered inappropriate for this location having regard to its scale, position of its double garage, roof lights to the front elevation and over-sized roof lights at the rear. The revised scheme now indicates a revised house type in this position which as identified in the addendum to the original design and access statement has taken its design cue from 'The Hermitage' in Market Square, although it is indicated to be constructed in render rather than stone. The applicants have been requested to consider constructing this plot and that adjacent in stone to frame the central open space and continue the rhythm of materials around it which are shown in natural stone. An e-mail received from the applicant's agent has confirmed that this has been agreed, although amended plans are awaited at the time of writing this report.
- 5.31 In terms of the layout, a large open parking court serving a block of affordable units at the south western end of the site was considered unacceptable, both in terms of its visual appearance within the street scene and poor relationship with the properties it was to serve. This area has subsequently been re-designed, and although the parking court remains large, its prominence within the street scene has been reduced by introducing stone walls and piers to the entrance. On balance this is now considered an acceptable solution.
- 5.32 In terms of neighbour impact, a number of objections have been received from residents in Gaveston Gardens who have expressed concerns about possible overlooking from properties which front the landscape belt which was provided in conjunction with the Gaveston Gardens development to mitigate the visual impact of the development on the approach into Deddington from the north. Dwellings fronting towards Gaveston Gardens are set back approximately 15m off this boundary. This together with an overall depth of the landscape buffer of 15m gives a total distance of approximately 30m from the front of these properties to the rear gardens of the dwellings in Gaveston Gardens. It is considered therefore that due to the distances

involved from the front of these properties, across the landscape buffer to the rear of properties in Gaveston Gardens that overlooking and loss of privacy is not sufficient to justify refusal of this application.

- 5.33 Having regard to the above comments and the revised plans which have now been received which have sought to address the majority of the concerns raised, it is considered that the scale, design and layout of the proposed development accords with the advice within the NPPF and is in accordance with the Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and saved Policies C28 and C30 of the adopted Cherwell Local Plan 1996.

### **Housing Mix**

- 5.34 The revised application for 99 dwellings proposes 65 market houses and 34 affordable housing units with a mix as follows:

Open Market	Affordable
1x 2 bed Flat over garage unit	8 x 1 bed house (rent)
6 x 2 bed house	13 x 2 bed (rent)
19 x 3 bed house	3 x 3 bed house (rent)
29 x 4 bed house	9 x 2 bed house (shared ownership)
10 x 5 bed house	1 x 3 bed house (shared ownership)

- 5.35 The affordable housing mix is agreed with Cherwell District Council. Policy BSC4 of the adopted Cherwell Local Plan (Part 1) 2011-2031 requires that the mix of housing is negotiated having regard to the Council's most up to date evidence on housing need and available evidence from developers on local market conditions.

- 5.36 In respect of the original submission for 95 units on the site, the accompanying planning statement in seeking to justify why an additional number of units was proposed, identified one of the benefits of the scheme as being the provision of a greater number of smaller units to help local people get on the housing ladder. This submission introduced 3 number 2 bed properties which were not included in the approved scheme (14/02111/REM refers), one of which was a flat over garage (FOG). Whilst the provision of some 2 bedroom properties was welcomed, the overall mix actually resulted in fewer 3 bed properties and a greater proportion of 4 and 5 bed detached properties. The applicants were advised that the proposal therefore did not provide any benefit over the approved scheme in terms of the housing mix and were asked to re-consider this element.

- 5.37 The applicants have responded to the above, but that has resulted in the number of units across the site being increased to 99 units. The number of 4 and 5 bed detached has also been reduced, and the number of 2 bed and 3 bed properties has been increased. There are now 6 number 2 bed properties for market sale which will hopefully seek to address some of the need for smaller units within the village as identified by local residents.

- 5.38 It is considered on balance, that although the number of units on the site has been increased, a greater mix of housing as required by Policy BSC 4 has been achieved which is of benefit to the village.

### **Transport and Highway Safety**

- 5.39 A Transport Assessment (TA) has been submitted as part of this application and has been prepared by PFA Consulting on behalf of the applicants. Vehicular access to the site will be from the A4260 Banbury Road and will take the form of a ghost island priority junction as agreed in relation to the consented applications (13/00301/OUT and 14/02111/REM). The form of the junction approved as part of the reserve matters consent (drawing number JNY8344-01 Rev D) has been incorporated into the

proposed planning layout. The proposed site access will be located immediately north of the existing 30 mph speed limit into the village. The intention is to extend the 30 mph speed limit northwards following development.

- 5.40 Pedestrian and cycle access will be provided from the south east end of the site and a new toucan signal controlled crossing of Banbury Road, suitable for pedestrians and cyclists will be provided immediately opposite Deddington CE Primary School providing a safe and direct route to Earls Lane, the school and the wider Deddington village. The operation of the Toucan crossing will be linked to the existing traffic signals at the A4260/B4031 signals to the south of the site.
- 5.41 A pedestrian/cycle route is also indicated into Gaveston Gardens from the site in order to integrate this development with existing development and provide a more direct access to facilities along the Hempton road and Windmill Centre.
- 5.42 The TA has been assessed by OCC as Highway Authority. In terms of traffic impact, the highway authority consider that the additional movements can be safely accommodated on the site and adjoining transport network and will not have an unacceptable negative impact on congestion locally.
- 5.43 In terms of the site layout, an objection is raised by the highway authority on the grounds that it has not been fully designed to adoptable standards and that the tracking plans are inadequate in terms of the size of the refuse vehicle shown and refuse collection from properties. Revised plans have since been submitted which demonstrate that a 10.5m refuse vehicle can manoeuvre around the site. Concerns are also raised in respect of the proposed garages which should measure 3m x 6m to ensure that a car and cycle storage can be provided within it.
- 5.44 Whilst the above objection is noted, the applicants state that they do not intend for the highway authority to adopt the roads and the layout has been adequately tracked to show that refuse and emergency vehicles can manoeuvre throughout the site. In terms of the size of the garage, the highway authority suggests a condition requiring garages to be constructed to those dimensions. It is considered however, that the imposition of this condition is unreasonable and may have other implications in terms of the layout. It is not considered that an objection and therefore a recommendation of refusal on these grounds alone can be justified.

### **Ecology**

- 5.45 The application is accompanied by a preliminary ecological assessment dated October 2015 and prepared on behalf of the applicants by Middlemarch Environmental. To fulfil this brief, an ecological desk study and a walkover survey (in accordance with Phase 1 Habitat Survey methodology) were undertaken. The desk study exercise identified no European statutory sites within 5km of the survey area, no UK statutory sites within 2km and one non-statutory site within 1km. The survey area is within the SSSI impact risk zone of 'Bestmoor SSSI' which is located 3km south-east of the survey area. The site is not located within 10km of a statutory site designated for bats. The closest non-statutory site, Deddington Mill is located 860m north-west from the development site. The desk study also provided records of protected and notable species including badger, hedgehog, harvest mouse and birds.
- 5.46 The walkover survey was undertaken on 22<sup>nd</sup> September 2015. At the time of the survey the site was dominated by improved grassland, surrounded by fences and hedgerows, with scattered scrub, scattered trees and a small area of plantation woodland. The key ecological features on site in relation to the works proposed are scattered trees, bats, badger, hedgehog, harvest mouse and birds. A number of recommendations are therefore made within the report in respect of these.

5.47 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.

5.48 Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 requires the protection and enhancement of biodiversity and the natural environment.

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'

5.49 Whilst the Council's ecologist has not yet responded in respect of this application, the Ecology Survey Report includes a list of recommendations which it advises should be adhered to by the applicant when the development is carried out in order to ensure that it will not result in unacceptable or adverse impacts on protected species or wildlife habitats on the site. A number of conditions and informatives will therefore need to be included in any grant of planning permission to ensure that adequate protection, mitigation and enhancements are included as part of the development.

5.50 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 in this respect.

#### **Flood Risk and Drainage**

5.51 The application is accompanied by a Flood Risk Assessment which includes a surface water drainage strategy for the site. This has been produced by PFA on behalf of the applicants and is dated April 2016. It is proposed to utilise infiltration drainage comprising an infiltration basin which will be located at the south eastern corner of the development site which is the lowest point of the development site.

5.52 Policy ESD 7 of the adopted Cherwell Local Plan (Part 1) 2011-2031 sets out the Council's approach to Sustainable Drainage Systems (SuDS) to ensure that new developments are better adapted to the predicted impacts of climate change in the South East, which include more intense rainfall events and in order to prevent surface water run-off from increasing flood risk. SuDS seek to manage surface water as close to its source as possible, in this case an attenuation basin is proposed on site.

5.53 The submitted FRA has been assessed by OCC as Lead Flood Authority who raise no objection to the proposal but require the imposition of conditions on the planning consent requiring the development to be carried out in accordance with the FRA and details of the SuDS design to be submitted and agreed prior to the commencement of development.

5.54 In terms of foul water drainage, it is intended that foul flows from the development would be discharged to the existing public foul sewers located in the vicinity of the site. Existing foul sewers are located to the south of the site in Gaveston Gardens, Earls Lane, High Street and Horsefair.

5.55 The drainage information has been assessed by Thames Water who raise no objection to the proposal but request the imposition of conditions requiring the submission of a detailed drainage strategy and an impact study to be carried out in respect of the existing water supply.



### **Impact on Heritage Assets**

- 5.56 The application site is not within the Deddington Conservation Area, although the boundary lies just to the south of the site, and there are no listed buildings on the site. The application is not accompanied by a Heritage Statement although the submission does include an archaeological desk based assessment, produced on behalf of the applicants by CGMS Consulting. This assessment has established that there are no Scheduled Monuments, Registered Parks and Gardens, Registered Battlefields, Listed Buildings or Conservation Areas situated within or immediately adjacent to the site and therefore the development will not impact upon these heritage assets, although the assessment has established that the site has a low potential for significant archaeological remains to be present dating to all periods. No concerns or issues have been raised by OCC Archaeologist in this respect.
- 5.57 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'.
- 5.58 Policy ESD 13 of the adopted Cherwell Local Plan 2011-2031 states that proposals will not be permitted if they would 'harm the setting of settlements, buildings, structure or other landmark features, or harm the historic value of the landscape' and Policy 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'.
- 5.59 As previously stated, this site is not located within or immediately adjacent to the Deddington Conservation Area and there are no listed buildings on the site or immediately adjacent, although the Conservation Area boundary which includes a significant number of listed buildings within it, is located just to the south of the development site.
- 5.60 The site already has planning consent for residential development on the site and having regard to the above, it is not considered that the development would have a detrimental impact on the setting of the Conservation area or its listed buildings and is unlikely to have any detrimental impact on archaeology and is therefore acceptable and in accordance with the Development Plan and advice within the NPPF in this respect.

### **Contaminated Land**

- 5.61 The application is accompanied by a report which has been produced by Georisk Management on behalf of the applicants dated January 2016. The report presents the findings of the desk study research together with an initial conceptual model and assessment of potential geoenvironmental constraints that would need consideration for the proposed future development on the site. The Council's constraints information has revealed that there is potentially contaminated land within 50m of the site and there is naturally occurring Arsenic Chromium nickel on the site.
- 5.62 The Council's Environmental Protection Officer has assessed the GeoRisk Management Phase 1 Desk Study which has not identified a significant risk from land contamination but has highlighted some uncertainties to clarify with site investigation. He advises that this is acceptable but would like to see some intrusive investigation works to confirm the findings of the conceptual model. A number of conditions are

therefore recommended.

### **Landscape Impact, Open Space and Play Provision**

- 5.63 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 formal designation relating to the Area of High Landscape Value has been removed, it 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'*.
- 5.64 Policy ESD 15 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, landmark 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 by the NPPF), including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively designed and integrated in accordance with advice within the NPPF and NPPG.*
- 5.65 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.
- 5.66 The application is accompanied by an 'Appraisal of Landscape and Visual Effects' which has been produced by Pegasus on behalf of the applicant. The report has been prepared by Chartered Members of the Landscape Institute and has been undertaken in accordance with best practice guidelines as set out in 'Guidelines for landscape and Visual Impact Assessment' (third edition April 2013). The assessment has compared the approved scheme with this new submission and uses viewpoints based on those previously agreed in respect of the appeal proposal and agreed with Cherwell District Council and considered the potential impacts on the landscape character and amenity of the site and surrounding area.
- 5.67 The appraisal concludes that in terms of visual impact on the wider landscape character or on visual amenity, this submission will have negligible additional impact and that the proposal could be successfully accommodated on site and assimilated into the surrounding landscape with only very localised landscape and visual effects.
- 5.68 It is accepted that the development proposed by virtue of its nature, being the development of agricultural land, which is quite clearly currently part of the open countryside, situated beyond the built up limits of the village will result in some localised harm around the immediate vicinity of the site. The introduction of housing and associated domestic paraphernalia onto the site would also have an urbanising effect on this currently rural approach, however it is accepted that provided the existing boundary vegetation is retained, that the development proposed is unlikely to appear so unduly prominent or obtrusive from the wider countryside, that the visual impact of the development would not be so significant to cause such demonstrable

harm as identified within the NPPF to justify refusal of the application in terms of its impact upon the wider countryside and landscape. Furthermore, the extant planning permission on this site is also a material consideration in determining the visual and landscape impact of this development.

- 5.69 The application proposal is therefore acceptable in terms of landscape and visual impact and is considered to accord with Policies ESD13 and ESD15 of the adopted Cherwell Local Plan (Part 1) 2011-2031 and Government advice within the NPPF.
- 5.70 The application proposal also includes information regarding landscaping proposals and open space within the site. It indicates the provision of a combined LAP/LEAP (children's play space) centrally within the site and adjacent to the main access route into the development. This accords with the reserve matters approval and is considered acceptable. The applicants have been requested to keep the play equipment to one side of this green space to ensure a usable open area is also retained for more informal play and recreation use.
- 5.71 In terms of the landscaping proposals within the site itself, the Council's Landscape Officer has been critical of the layout, the number of trees proposed and the quality of the landscaping that can be provided within the development due to the amount of space available. The submitted layout plan and the landscape appraisal report proposes a number of specimen trees along the access road into the site and around the central green space with a number of smaller trees located to the front of residential properties. The existing boundary planting would be retained. A condition will be included which seeks the details of a landscaping scheme to be submitted and agreed.
- 5.72 The existing tree belt along the northern boundary of the site is protected by a Tree Preservation Order (TPO 17/2015) refers. This will be retained as part of the development proposal. The Council's arboriculturalist has expressed concern about the proximity of Plot 1 and its garage in respect of this group and therefore the extent of pruning that may be required. This issue was raised with the applicants but has not been addressed by the latest submission. It is therefore suggested that a condition be included to ensure that the trees are protected and that any pruning required is kept to a minimum.

#### **Planning Obligation**

- 5.73 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, sports provision, play provision and public open space. Affordable housing will 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. The Council's legal team have been instructed and an agreement relating to CDC contributions has been drafted.
- 5.74 Policy INF1 of the adopted 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.
- 5.75 The Heads of Terms are as follows:  
CDC Obligations
- 35% affordable housing
  - Community Halls - £22,697.23 towards enhancement of the existing Windmill

- centre, to provide a new toilet block and extend the existing lounge area
- Community development - £22,988.79 towards community events and support for the new residents
- Public open space maintenance at £12.54 per sqmetre
- Balancing pond maintenance at £12.43 per sqm
- Maintenance of existing hedgerows at £15.35 per sqm
- Combined LAP/LEAP on site with £129,913.97 for maintenance
- Offsite sports provision - £123,178.97 to increase the capacity of sports pitches in Deddington

#### OCC Obligations

- Strategic transport contribution of £98,174 towards improvements to junction signalisation
- Upgrade of bus services - £1000 per dwelling
- Installation and maintenance bus stop flag pole and information cases on Banbury Road - £2,000
- Section 278 agreement for off-site highway works, e.g pedestrian crossing, access and footway provision
- Primary education - £684,923
- Secondary education - £488,713
- SEN - £26,779
- Nursery education - £45,647
- Deddington library - £27,034.15
- Administration and monitoring - £6,400

#### **Engagement**

- 5.76 With regard to the duty set out in paragraphs 186 and 187 of the Framework, it is considered that the duty to be positive and proactive has been discharged through working with the applicants to achieve an appropriate form of development and by the subsequent efficient and timely determination of the application.

#### **Conclusion**

- 5.77 Although this is a sizeable development within Deddington village, 85 dwellings have previously been approved on the site and this proposal would allow an additional 14 dwellings which will contribute towards the Council's Five Year Housing Land Supply without the need to release any further green field land. Deddington is one of the most sustainable villages within the District and has only received a modest amount of development since 2006 compared to other Category A settlements. It is considered that there are no significant harmful effects from this proposal. The proposed development as identified above therefore is considered to be in accordance with the policies within the Development Plan and Government advice within the NPPF and is therefore acceptable.

### **6. Recommendation**

**Approval**, subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined in paragraph 5.75 above,
- b) the following conditions:
  - 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and

Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement] and (drawings numbers need to be inserted)

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

- 3) Prior to the commencement of the development hereby approved, samples of the materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 4) Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in natural, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 5) Prior to the commencement of the development hereby approved, a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m<sup>2</sup> in size) shall be constructed on site, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be constructed in strict accordance with the approved brick sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 6) All windows shall be side hung flush fitting casements or sash windows which shall be of a sliding sash design

Reason- To ensure the satisfactory appearance of the completed development and to comply with Policy C18 of the adopted Cherwell Local Plan 1996, Policy ESD15 of the adopted Cherwell local plan 2011-2031 and

Government guidance within the National Planning Policy Framework.

- 7) Prior to the commencement of the development, full design details of the joinery of the doors and windows, including bay windows and dormer windows hereby approved, at a scale of 1:20 including elevations, vertical and horizontal cross sections, cill, lintel and recess detail and colour/finish, shall be submitted to an approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 8) Prior to the commencement of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 9) Prior to the commencement of the development hereby approved, full details of the new boundary walls to be constructed in the positions indicated on the external finishes plan, drawing number 15-061/37 Rev D shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the new boundary treatment shall be erected, in accordance with the approved details, and retained and maintained in situ at all times.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 10) Prior to the first use of any new public footpath, the new footpath shall be formed, constructed, surfaced, laid and marked out, drained and complete in accordance with specification details which shall be firstly submitted to and approved in writing by the Local Planning Authority.

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

- 11) Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site, including full written justification for any changes in levels, together with full details of any necessary retaining structures for the proposed development 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 finished floor levels plan and detailed retaining structures.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 12) Prior to the first occupation of the development hereby approved, the appropriate number of refuse bins required in relation to the dwellings shall be provided and, other than on the day of refuse collection, the refuse bins shall be stored at all times within the curtilages of the dwellings hereby approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 13) Prior to the commencement of the development hereby approved, full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.

Reason - To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.

- 14) Upon the commencement of the development hereby approved, full details of the landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

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

- 15) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the

development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

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

- 16) Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

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

- 17) Except to allow for the means of access and vision splays the existing hedgerow along the western, Banbury Road boundary of the site shall be retained and properly maintained at a height of not less than 2.5 metres, and that any hedgerow which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 18) The existing hedgerow/trees along the northern boundary of the site shall be retained and properly maintained at a height of not less than 2.5 metres, and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 19) Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.



- a) Written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of relevant arboricultural issues.
- b) The relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters
- c) The timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.
- d) The procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and arboricultural incidents
- e) Details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (eg: reduced dig systems, arboresin, tree grills)

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

- 20) Prior to the commencement of the development hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

- 21) If any retained tree is identified as being or having the potential to be a 'veteran tree', it shall be the subject of a specific management plan devised by a qualified and competent arboriculturalist. No work to the veteran tree, or within its vicinity, which might compromise the environs of the tree shall be carried out without the written approval of the Local Planning Authority.

Reason - To ensure the retention and protection of veteran trees which are important ecological habitats for a wide range of wildlife including Red Data Book species as identified in the UK Biodiversity Action Plan (BAP) and are of significant cultural value and to comply with the adopted Cherwell BAP and Government guidance contained within the National Planning Policy Framework.

- 22) Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote

the healthy development of the proposed trees, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

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

- 23) Prior to the commencement of any development on the site, full details of any pruning works necessary to the TPO trees along the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented only in accordance with those approved details.

Reason – In the interests of the visual amenities of the area and the protection of the TPO Trees and to comply with good arboricultural practice and Government Guidance contained within the National Planning Policy Framework.

- 24) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) <25.4.2016 / D200 Issue 2 /PFA Consulting and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by the 1 in 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- Infiltration pond and permeable paving (para 4.11 and 4.13)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason – To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

- 25) Prior to commencement of the development hereby approved, the SuDS design for the site shall be required to be submitted to and approved in writing by the Local Planning Authority. These details must demonstrate how the system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

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

- 26) Development shall not commence until a drainage strategy detailing any on

and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

- 27) Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

- 28) Prior to the commencement of the development hereby approved, specification details of the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with the details originally agreed upon in drawing no JNY8344-01 Rev C of 14/02111/REM. Further, operation details of the toucan crossing to be provided by the developer must be linked with the signalised junction at the A4260/B4031 junction to avoid exacerbating delays – this linkage must be in place prior to opening.

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

- 29) Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the estate roads, turning area and parking spaces within the curtilage of the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the areas in question shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

Reason – In the interests of highway safety and to comply with Government guidance within the National planning Policy Framework

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

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

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

Reason – In the interests of highway and to comply with Government guidance within the National planning Policy Framework

32) Prior to first occupation a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason – In the interests of sustainability and to ensure a satisfactory form of development and to comply with government guidance within the National Planning Policy Framework

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

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

34) If contamination is found by undertaking the work carried out under condition 33, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 35) If remedial works have been identified in condition 34, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 34. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

39) The development hereby approved shall be carried out strictly in accordance with the details, mitigation strategy and recommendations set out in the preliminary Ecological Assessment Report No: RT-NME-120802 dated October 2015 Rev A December 2015 submitted with the application, which was prepared by Middlemarch Environmental dated December 2015.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

40) Prior to the commencement of the development hereby approved, full details of a scheme for the location of bat, bird, owl and invertebrate boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any dwelling, the bat, bird, owl and invertebrate boxes shall be installed on the site in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

41) Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed between the dwelling(s) and the highway without the prior express planning consent of the Local Planning Authority.

Reason – To retain the open character of the development and the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

42) Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

43) The garage(s) shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.

Reason - To ensure that satisfactory provision is made for the parking of

vehicles on site and clear of the highway in accordance with Government guidance contained within the National Planning Policy Framework.

- 44) Prior to the occupation of each dwelling, that dwelling shall be provided with the necessary services to enable the provision of high speed broadband (no less than 100mbs).

Reason - To facilitate home-working and information delivery in accordance with Government guidance contained within the National Planning Policy Framework.

### **Planning Notes**

#### **1. Archaeology**

The County Archaeologist has indicated that the proposal does not appear to directly affect any presently known archaeological sites. However, the County Council's records do show the presence of known archaeological finds nearby and this should be borne in mind by the applicant. If archaeological finds do occur during development, the applicant is requested to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary. Please contact : County Archaeologist, Historic and Natural Environment Team, Infrastructure Planning, Speedwell House, Speedwell Street, Oxford, OX1 1NE (Telephone 01865 **328944**).

#### **2. Legal Agreement**

Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.

#### **3. Third Party Interests**

Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

#### **4. Construction Sites**

The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.

#### **5. Biodiversity/Protected Species**

Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.

**6. Bats**

Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.

**7. Nesting Birds**

Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

**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 to achieve an acceptable form of development on the site.