

15 And 17 Milton Road
Bloxham
OX15 4HD

16/00892/OUT

Case Officer: Stuart Howden **Contact Tel:** 01295 221815

Applicant: Messrs J Barmby and M Howard

Proposal: OUTLINE - 3 No dwellings.

Expiry Date: 23 August 2016 **Extension of Time:** 30 September 2016

Ward: Adderbury, Bloxham and Bodicote **Committee Date:** 29 September 2016

Ward Councillors: Cllrs Bishop, Heath

Reason for Referral: Application requires a sensitive judgement, having regard to the advice given by officers at pre-application stage.

Recommendation: Refuse

1. APPLICATION SITE AND LOCALITY

1.1. The site is situated on the north side of Milton Road within the village of Bloxham. The north of Milton Road is characterised by relatively large detached dwellings with spacious rear gardens. The site itself is behind No.15 and No.17 Milton Road and currently comprises garden land serving both of these properties. To the rear of the site the land falls towards an area where a railway line previously ran. The site is not located within a Conservation Area and no listed buildings are sited within close proximity to the site. The site is located on land which the Council's records identify as potentially contaminated. To the rear of the site is a BAP (Biodiversity Action Plan) Habitat comprising of lowland mixed deciduous woodland.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. Outline planning application is sought for three dwellings on the site with all matters reserved. An indicative block plan has been submitted alongside the application, which displays three detached dwellings in a line running east to west. Two dwellings are shown to have large detached garages to their front. The access is shown as being taken from the Milton Road and would run between No.15 and No.17 Milton Road. The access would result in the loss of a garage serving No.17 Milton Road. Whilst all matters are reserved, the Planning Statement and Design and Access Statement submitted alongside the application discuss the principles of scale, appearance, access and landscaping.

3. RELEVANT PLANNING HISTORY

3.1. **13/01426/F:** Detached dwelling and garage – APPROVED on 29th November 2013. A two storey detached dwelling has been constructed on land to the rear of No.19 and adjacent to the east side boundary of the site subject to this current application. This existing dwelling is accessed off Exchange Lane. Whilst the dwelling was proposed to the rear of No.19 the development was not considered to constitute undesirable 'backland' development. The case officer's report stated the following:

“Given the relationship with the two dwellings on the opposite side of Exchange Lane and that the access track is already in place, Officers should consider that a dwelling in the proposed location will not appear incongruous. The principle of the proposed development is therefore considered to be acceptable.”



3.2. **03/02345/F:** Change of vehicular access to property – APPROVED on 19th November 2003.

4. PRE-APPLICATION DISCUSSIONS

4.1. The following pre-application discussions have taken place with regard to this proposal:

- **15/00125/PREAPP** – Demolition of existing 2 units and construction of 7 new dwellings together with associated access improvements, car parking, landscape works and any necessary ground remodelling and infrastructure – Response sent on 21st July 2015. As noted in the description above, 7 dwellings were proposed with 2 out of the 7 dwellings being replacement dwellings. Whilst the case officer advised that the proposal could be considered acceptable in principle, given that it is minor development in a Category A village, the proposed development was not considered to respect the form of the street scene and was considered to be an overdevelopment of the site. It was also noted that the creation of a separate private access would detrimentally harm the visual amenities of the area. The response concluded by advising that: *“in order for the scheme to be considered acceptable it is likely to require the removal of a significant number of plots from the scheme”*.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records.

5.2. The comments raised by third parties are summarised as follows.

- High density which is out of keeping with the rest of this part of Milton road;
- Loss of light to Woodside;
- Highways safety concerns:
 - Access will only allow one-way traffic at a time causing queueing on the access and waiting on Milton Road thus increasing the risk of an accident;
 - There is little parking and manoeuvring space around the proposed houses.
- Garage to front of No.17 would result in a loss of light to No.19 and this garage would also be unsightly.

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL

6.2. BLOXHAM PARISH COUNCIL: **Object** to the application:

- CDC has a five year housing land supply;
- The application is contrary to Paragraph 53 of the NPPF;
- The development is not within the built-up limits of Bloxham and is sporadic development within the open countryside;
- Detrimental harm to the visual amenities of the area – does not respect the street scene of Milton Road;
- Harmful impact upon the setting of the of the countryside;
- Density of the development too high and overdevelopment;
- Concerns with separation distances;
- Adverse impact on the views from PROW 136/4;
- Concerns with parking provision;
- Concerns with single car access;
- Clarification as to the legal aspects of a shared drive;
- The site covers a designated BAP Habitat;
- Flooding;
- Contrary to saved Policies H18, C8, C28 and C30 of the CLP 1996 and Policies Villages 1, ESD13 and ESD15 of the Cherwell Local Plan;
- Contrary to Policies in the Submission Draft Bloxham Neighbourhood Development Plan 2015-2031 (Policies BL9, B11 and B12).

STATUTORY CONSULTEES

6.3. OCC Drainage: **No comments received.**

6.4. OCC Highways Authority: **Objects** to the application. The location for the access to serve the three units is positioned too close to the next door property and does not allow for the required vision standard. However, if located centrally within the frontage of No.17 the standards are met. If the access shown in the submission were to remain, the boundary hedge to the frontage of both No. 15 and 17 Milton Road would in part need to be removed and setback to provide the required standard. However, the submission clearly identifies the extent of the site, limited to the area enclosed by the red line.

- 6.5. Thames Water: **No objections** in relation to sewerage infrastructure capacity and water infrastructure capacity.

NON-STATUTORY CONSULTEES

- 6.6. Arboricultural Officer: **No objections** in principle subject to a condition which states that the recommendations within the tree report are adhered to and that arboricultural supervision should be included with regular reports of each phase.
- 6.7. Environmental Protection Officer: **No objections.**
- 6.8. Building Control: **No comments received.**
- 6.9. Ecology: **No objections** in principle. A number of trees are being removed and these should be replaced on site where possible and should not be removed during the bird breeding season. We would also seek biodiversity enhancements. Assurance would be needed as to the set up and management of the northern boundary of the site with housing coming closer to it than present to ensure there is not future encroachment into the tree belt at this point. Any fencing should allow access for wildlife through or under.
- 6.10. Landscape Services: **expresses concerns.** Appears to be an overdevelopment of the plot. A reduction of plots to two from three would be welcome, and so allow for the introduction of landscaping to the frontages and then mitigate views between the site and the aforementioned dwellings.
- 6.11. Waste and Recycling: **No comments received.**

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- Policy Villages 1 – Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

- C30 – Design of new residential development
- ENV1 – Environmental Pollution
- ENV12 – Contaminated land

Draft Submission Bloxham Neighbourhood Development Plan (2015-2031)

7.3. The Draft Submission Bloxham Neighbourhood Development Plan (2015-2031) has recently passed through examination and, subject to modifications as recommended by the Inspector, has now been approved by the District Council to go to public referendum. Once adopted, the Neighbourhood Plan will form part of the Development Plan for Bloxham Parish.

7.4. Paragraph 216 of the NPPF states that from the day of publication, decision-takers may give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections, and the degree of consistency with the Framework. As the Neighbourhood Plan remains in draft form, and modifications have been recommended, the weight that can be afforded it is limited at this stage. However it is a material consideration, and the Policies most relevant to this application are:

- Policy BL2 – Sustainable Housing
- Policy BL4 – Parking
- Policy BL9 – Amenity of Existing Residents
- Policy BL11 – Rural Character of Village
- Policy BL12 – Importance of Space and Views

7.5. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell District Council: Home Extensions and Alterations Design Guide for Householder Planning Applications (2007)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of the Development;
- Design and Impact on the Character of the Area;
- Residential Amenity;
- Highway Safety;
- Contaminated Land;
- Ecological Impact;
- Other Matters.

Principle of the Development

8.2. Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.

8.3. Paragraph 12 of the NPPF notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan

should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.

- 8.4. Cherwell District Council can demonstrate a five-year supply of deliverable housing sites therefore the presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.
- 8.5. Paragraph 17 of the NPPF states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable. Paragraph 111 states that Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed.
- 8.6. Policy Villages 1 of the Cherwell Local Plan Part 1 groups the District's villages into three separate categories (A, B and C). Bloxham is recognised as a Category A village. Category A villages are considered the most sustainable settlements in the District's rural areas and have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Within Category A villages, residential development will be restricted to the conversion of non-residential buildings, infilling and minor development comprising small groups of dwellings on sites within the built up area of the settlement. Policy BL2 of the Submission Draft Bloxham Neighbourhood Development Plan 2015-2031 (DBNDP) also states that conversions, infilling and minor development will be permitted within the existing built up limits, but this is provided that such developments are small in scale and that the development proposals show proper regard for the other policies in the plan.
- 8.7. In relation to whether the site is within the built up limits of the settlement, the site comprises part of the curtilage of No's 15 and 17 Milton Road. Whilst the submitted plans appear to show the site extending onto the former railway to the north, the case officer observed on site that this appears to reflect the current extent of the gardens. Furthermore, the very rear of the application site would follow a similar boundary line to the rear of the application site for the approved dwelling to east of the site (Woodside ((ref: 13/01426/F))). Thus, it would be difficult to argue that the application site is outside the built up limits of the settlement of Bloxham.
- 8.8. This proposal is therefore considered to be minor development within the built up limits of the settlement of Bloxham, which is one of the more sustainable villages within the Cherwell District. It is therefore considered that the principle, in general sustainability terms, of the 3 dwellings on this site could be acceptable.
- 8.9. However, the acceptability of the proposal is also largely dependent on it not causing significant harm to the character and appearance of the locality. Furthermore, the acceptability of the development is also dependent on it not causing harm to residential amenity, ecology, highways safety or public health through land contamination. These issues are discussed below.

Design and Impact on the Character of the Area

- 8.10. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

- 8.11. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.”*
- 8.12. Saved Policy C28 of the adopted Cherwell Local Plan exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 8.13. Policy BL12 of the Submission DBNDP 2015-2031 states that: *“Development of domestic gardens will not be permitted unless such proposals fully meet all the criteria set out in Policies BL10 and BL11”*. Policy BL10 of the plan relates to the Bloxham Conservation Area and is therefore not relevant in this instance. However, Policy BL11 of the Submission DBNDP 2015-2031 states that: *“All development shall be encouraged to respect the local character and the historic and natural assets of the area. The design and materials chosen should preserve or enhance our rural heritage, landscape and sense of place.”* Policy BL11 goes on to state development should relate in scale, massing and layout to neighbouring properties, be in keeping with local distinctiveness and characteristics of the historic form of the village and make a positive contribution to the character of Bloxham and its rural feel.
- 8.14. Paragraph 61 of the NPPF highlights that securing high quality and inclusive design goes beyond aesthetic considerations and that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 8.15. The built form is linear in nature along the Milton Road from Coton Wood to The Unicorn. The pattern is one of detached properties set in spacious plots, with a strong frontage onto Milton Road. Whilst a dwelling has recently been erected to the rear of No.19 Milton Road (Woodside) and there are two dwellings to the rear of the telephone exchange, these three dwellings are served by an existing access (Exchange Lane) and are considered to clearly relate to Exchange Lane.
- 8.16. Whilst all matters are reserved, the case officer is of the opinion that residential development on the site would constitute undesirable ‘backland’ development. Given the proposed siting of the dwellings to the rear of No.15 and No.17 and that a separate access would be required to serve these proposed dwellings, it is considered that the proposed development would fail to sympathetically relate to the linear built form to the west as well as the development to the east of the site. In particular any development would not have a frontage onto the street but instead would be surrounded on three sides (including to the front) by the rear gardens of neighbouring properties. The proposed development would also be visible from Public Footpath 136/4/10 to the east of the site as well as Milton Road, and would appear incongruous in views from this Footpath.
- 8.17. Whilst layout and scale are reserved matters, it is worth noting that the indicative layout on Drg No 2015-1002-P01 Rev B also appears cramped and contrived on the site due to the large scale of the dwellings in relation to the size of the plots. Such a design approach is considered to be undesirable as it would not relate well to the more spacious character of existing development, but given the limitations of the site it is difficult to see how a more acceptable arrangement could be achieved.
- 8.18. Examples of other sites where ‘backland’ development has taken place in Bloxham have been referred to by the applicant’s agent, but the sites referred to are along Banbury Road. Each proposal must be assessed on its own planning merits, and it is not considered that examples of development along Banbury Road are relevant

given the differing contexts between these existing developments and the current application site.

- 8.19. The Arboricultural Officer has stated that they have no objections to the proposal, subject to a condition that the recommendations of the tree report are adhered to, and such a condition would be attached if the application were to be recommended for approval.
- 8.20. In summary it is considered that the proposal would constitute an undesirable form of 'backland' development which fails to sympathetically relate to the existing development within the locality and would appear incongruous within this location, detrimental to the visual amenities and the overall character of the area. The proposal would fail to reinforce or enhance local character and therefore does not constitute acceptable 'minor development' and is unacceptable in principle. The proposal is therefore contrary to Policies Villages 1, ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Residential Amenity

- 8.21. Policy ESD15 of the Cherwell Local Plan Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Paragraph 17 of the NPPF notes that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy C30 of the Cherwell Local Plan 1996 states that design control will be exercised so that new housing development or any proposal for the extension or conversion of any existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority.
- 8.22. Saved Policy ENV1 of the Cherwell Local Plan 1996 states that: *“Development which is likely to cause detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.”*
- 8.23. Policy BL9 of the Submission DBNDP 2015-2031 relates to the neighbour amenity of existing residents and states that all development, shall where appropriate, avoid impinging upon the amenity of nearby residents in terms of noise or light pollution, privacy or access to daylight.
- 8.24. As all matters are reserved, a fully detailed assessment into the impact upon the amenities of neighbouring properties cannot be made. However, it is considered that the properties most likely to be affected by the proposed development would be No's 13, 15, 17 and 19 Milton Road and Woodside on Exchange Lane.
- 8.25. In relation to No's 15 and 17 Milton Road, these properties are to the south of the site and it is considered that suitable separating distances could be achieved between the proposed dwellings and these existing dwellings, that accord with the guidelines set out within the Council's Home Extensions and Alterations Design Guide, so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.
- 8.26. Regarding No.13 Milton Road, care will need to be taken in relation to putting windows in the west side elevations of dwellings, but it is considered that a suitable arrangement can be devised in order to prevent undue harm to No.13 in terms of loss of privacy or overlooking. Whilst the layout shows a proposed dwelling would run adjacent to the rear garden of No.13 to a certain extent, given the orientation of

the site and the overall size and length of the garden of No.13 it is considered that such a layout would not result in undue harm to No.13 in terms of the creation of an overbearing affect.

- 8.27. In relation to No.19 and Woodside, care will need to be taken in relation to putting windows in the east side elevations of dwellings, but it is considered that a suitable arrangement can be devised in order to prevent undue harm to No.19 in terms of loss of privacy or overlooking. It is considered that windows in the south elevations of dwellings could be acceptable if they are set back at an acceptable distance from No.19 and it is considered that such distances could be achieved in order to prevent a loss of privacy to No.19. In relation to Woodside, there are 4 west side ground floor windows on this dwelling, only one of which serves a habitable room (sitting room). That said, this window is considered to be a secondary source of light to the room as it also has a large window on its rear elevation and it is considered that any loss of light to the side window would not be detrimental to the occupiers. There are 3 west side first floor windows on the dwelling, only one of which serves a habitable room (a bedroom over the garage), but this room has two other windows on the rear and east side elevations and it is considered that a suitable arrangement can be devised to prevent a detrimental loss of light to this room.
- 8.28. Whilst it is considered that a scheme comprising of two storey dwellings could be proposed that prevents undue harm to any neighbouring properties in terms of loss of light, overlooking or loss of privacy, or the creation of an overbearing affect, the case officer has concerns in relation to the proposed access to the site. The access shown would run between the dwellings at No.15 and No.17 Milton Road and would then run behind these dwellings. Given the close proximity of this track to these properties, any vehicle movements along the access are likely to result in a level of noise and disturbance within these adjacent dwellings and their relatively reduced back gardens, and this would in turn affect the enjoyment of the adjacent neighbours' private amenity areas and therefore harm the living conditions of current and future occupants of these neighbouring dwellings. Whilst it is possible to partially mitigate some vehicle noise along the road way with the installation of acoustic fencing, this would not be completely mitigated and the case officer holds the view that the general disturbance would be significant from the comings and goings associated with residential occupancy of the 'backland' site.
- 8.29. Given the above, it is considered that the proposal would result in unsatisfactory living conditions within adjacent residential properties through the introduction of increased vehicular activity. Thus, the proposal is considered to be contrary to Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C30 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

Highway Safety

- 8.30. Policy ESD15 of the Cherwell Local Plan Part 1 states that new development proposals should be designed to deliver high quality, safe, attractive, durable and healthy places to live and work in.
- 8.31. Whilst access is a reserved matter, the Council must be satisfied at this stage that an acceptable access can be achieved. The red line which marks the extent of the application site clearly outlines an access from Milton Road which runs between No.15 and 17 Milton Road therefore detailed comments on the access can be made. After reviewing a topographical survey submitted on behalf of the applicant, the Local Highways Authority has objected to the application. The Local Highways Authority has noted that the displayed location for the access serving the proposed three units is positioned too close to the next door property of No.15 and does not

allow for the required vision standard. The Local Highways Officer has noted that if the access were located centrally within the frontage of No.17 the standards would be met. In addition the Local Highways Authority has stated that if the access shown in the submission were to remain, the boundary hedge to the frontage of both No.15 and 17 would in part need to be removed and setback as above to provide the required standard. However, both of these solutions would require amendments to the red line which would result in a process of re-consultation and this is not deemed necessary given the above in principle objections to the proposal that the case officer holds.

8.32. Whilst Bloxham Parish Council has raised concerns in relation to the parking provision and Policy BL4 of the Submission DBNDP 2015-2031 set outs parking standards, it is considered that a scheme for 3 dwellings on the site could comfortably achieve the parking provision set out in Policy BL4, and this could be secured at reserved matters stage.

8.33. It is therefore considered that the access which is currently proposed to serve the site is substandard in vision terms and its use for the purpose proposed will be of detriment to the safety and convenience of other road users, contrary to Policy ESD15 of the Cherwell Local Plan Part 1 and Government guidance contained within the NPPF.

Contaminated Land

8.34. The Council's records indicate the site is on potentially contaminated land, but the Council's Environmental Protection Officer has raised no objections to the proposal. However, if the application were to be recommended for approval it would be considered necessary to attach a condition which notes that if unsuspected contamination is found to be present at the site, not 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 the Local Planning Authority.

Ecological Impact

8.35. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

8.36. Paragraph 109 of the NPPF 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 where possible."* Policy ESD10 of the Cherwell Local Plan Part 1 echoes Paragraph 109 of the NPPF in relation to the above.

8.37. The Ecology Officer has no objections in principle to the proposed development at the site. The Ecology Officer has sought biodiversity enhancement measures and these could be conditioned if the application were to be recommended for approval.

8.38. To the rear of the site is a BAP Habitat comprising of lowland mixed deciduous woodland. Whilst the Ecology Officer would like assurance that the housing would not encroach further into the tree belt, the trees themselves are not protected and those within the site could potentially be felled without requiring consent at this moment in time.

Other Matters

8.39. The applicant and their agent have made reference to the pre-application advice given by the Council in July 2015, and in particular have stated that the advice given was supportive of the principle of residential development on the site. They further state that they consider it unreasonable for officers to now raise concerns with the acceptability of residential development on this site.

8.40. Government Guidance is clear that pre-application advice cannot prejudice the decision a Council makes on a subsequent planning application. Nevertheless it is a material consideration. In this case the pre-application advice was given in respect of a scheme for 7 dwellings (including the demolition and replacement of 15 and 17 Milton Road), and was clear that the scheme was considered unacceptable in terms of the number of dwellings proposed and the relationship with existing development. Nevertheless the advice did conclude by suggesting that *“for the scheme to be considered acceptable it is likely to require the removal of a significant number of plots from the scheme”*.

8.41. Officers accept that this gives the impression that some residential development on the site could be acceptable. However the current application is for a materially different scheme, and further advice was not sought prior to the submission of the current scheme. Moreover, whilst the pre-application advice is a material consideration, officers do not consider it justifies approving development which is considered unacceptable in design terms and contrary to Development Plan policy, for the reasons set out above.

8.42. That said, officers fully recognise the value and importance of good quality pre-application advice, and further recognise that in this case it was not unreasonable for the applicant to conclude from the advice given that a scheme for a reduced number of dwellings (as proposed) could be acceptable. It is important that applicants and agents have confidence in the Council's pre-application system, and measures have been put in place since July 2015 aimed at improving the quality and reliability of pre-application advice. In the circumstances, if the Planning Committee resolve to refuse planning permission as recommended, officers will arrange for the fee paid in respect of the pre-application advice to be refunded in full.

8.43. Bloxham Parish Council has raised concerns in relation to an increase in the flooding risk, but the site is located within a Zone 1 Flood Plain, i.e. land as having a less than 1 in 1,000 annual probability of river flooding, therefore it is considered highly likely that the proposal would not increase the likelihood of flooding risk to an extent that would justify refusal.

8.44. Bloxham Parish Council has requested clarification as to the legal aspects of a shared drive and the Landscape Officer has also sought clarification of the ownership of the site, but such matters are not material planning considerations and so cannot influence the Council's decision on the application.

9. RECOMMENDATION

That permission is refused, for the following reason(s):

1. The proposed development represents inappropriate 'backland' development as the proposal fails to sympathetically relate to the established linear form and pattern of existing development along Milton Road, appearing incongruous within this location, detrimental to the visual amenities and the overall character of the area. The proposal does not constitute acceptable 'minor development' and is unacceptable in principle. Thus, the proposal is contrary to Policies Villages 1, ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework.
2. The proposed development, by virtue of the layout of the access track serving the proposed dwellings, would result in unsatisfactory living conditions within the adjacent residential properties of No.15 and 17 Milton Road through the introduction of noise and disturbance as a result of increased vehicular activity. Thus, the proposal is contrary to Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C30 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.
3. The access which is proposed to serve the site is substandard in vision terms and its use for the purpose proposed will be of detriment to the safety and convenience of other road users, contrary to Policy ESD15 of the Cherwell Local Plan Part 1 and Government guidance contained within the NPPF.

PLANNING NOTES

For the avoidance of doubt, the plans and documents considered by the Local Planning Authority in reaching its decision on this application are: Application Form submitted with the application, Design and Access Statement dated May 2016, Planning Statement dated May 2016, Drawing Numbers 2015-1002-P01 Revision B and Tree Report by Sacha Barnes Ltd dated March 2016 (ref: SB/JS/448) submitted with the application and Drawing Number 4039-01 received from the applicant's agent by e-mail on 8th July 2016.