

**Case Officer:** Caroline Ford                      **Ward(s):** Cropredy, Sibfords And Wroxton

**Applicant:** Catesby Estates Ltd - Mr Ed Barrett

**Ward Member(s):** Cllr Ken Atack  
Cllr George Reynolds  
Cllr Douglas Webb

**Proposal:** OUTLINE - Demolition of existing building and outline planning application for residential development of up to 60 dwellings; provision of open space, landscaping and car parking for Cropredy Primary School (all matters reserved except access).

**Committee Date:** 27.10.2016                      **Recommendation:** Refusal for the reasons set out at the end of this report

Referral Reason - Major

## **1. Application Site and Locality**

- 1.1 The site sits to the south west of the village of Cropredy and is located between the existing development along Station Road and the Chiltern Mainline railway line. The site is currently paddock land, with large areas of establish trees/ woodland and an area of ancient woodland. The northern part of the site is largely flat; however the southern part drops towards the Sow Burge watercourse, which runs to the south.
- 1.2 The site is separated into two parts; the first is accessed from Station Road via Spring Lane and includes a paddock to the north of Spring Lane and a larger field/ paddock to the south of Spring Lane. This part of the site is bounded by housing to the north (Cup and Saucer and Cherry Fields), by dwellings and vegetation to the east (three dwellings constructed on the Old Surgery site, Manor Farm Barns and Springfields, a grade II listed building), by the Network Rail access to the south and by the railway line and associated vegetation to the west (except for a small break in the trackside vegetation).
- 1.3 The second part of the site sits to the south, beyond an access track owned by Network Rail and this area of the site would be accessed by a separate access from Station Road. This part of the site is bounded by the Network Rail access to the north, two residential properties (Jalna and 38 Station Road) as well as vegetation to the east, other vegetation to the south and the railway line and associated vegetation to the west.
- 1.4 The site has a number of recorded site constraints; including that the site is within the setting of a grade II listed building, part of Spring Lane is within the Cropredy Conservation Area and the rest of the site is within its setting, the most southerly part of the site is within Flood Zone 2/3, there are ecological records, including local priority habitat on site, the land has some potential to be contaminated, a public right of way runs through the site and the site has archaeological potential. Beyond these recorded site constraints, the land is further constrained by its shape due to the presence of the railway on embankment to the west as

well as a Network Rail owned access which runs between the two parts of the site as well as significant tree/ vegetation cover present on site.

## **2. Description of Proposed Development**

- 2.1 The proposal seeks outline planning permission for 60 dwellings with all matters reserved except for access. The proposal would involve the demolition of an existing agricultural steel building and alongside the provision of 60 dwellings, the provision of open space and landscaping. The proposal also proposes the provision of a small car park, which is proposed to be for use by Cropredy Primary School.

## **3. Relevant Planning History**

There is no relevant Planning History.

## **4. Response to Publicity**

The application has been advertised by way of neighbour letter, site notice and press notice. 162 representations have been received along with a petition signed by 207 residents. The following comments are raised:

- Is there a need for more housing? CDC has a 5.6 year supply. There is no urgent need to release the land for development.
- The large sites on the edge of Banbury are able to absorb housing required locally.
- A development of this size would alter and overwhelm the whole nature, character, size and community feel of the village
- Brownfield Land should be developed, not greenfield land
- Cropredy already has enough homes and the only identified need is for affordable housing
- Cropredy has had developments in the past showing there is no objection against progress
- Land is unsuitable for such a large development and would be unsustainable, a precedent could be set for more large scale development
- Where will children go to secondary school?
- The development is disproportionate representing a 20% increase in houses and population.
- Cropredy does not have the infrastructure or utilities to accommodate this scale of development
- The proposal is too modern a proposition for this picturesque village
- The proposal is for far too many brick built houses which are not in keeping with the Oxfordshire Ironstone which is predominant in the village.
- Lack of integration with the village. The layout faces towards the railway and away from the village. The site is landlocked with no street frontage and would create an access bottleneck in Spring Lane.
- The design concept in the DAS is ill conceived, primarily due to the constraints of the site
- The proposal would be seen from the conservation area along Station Road, especially during the winter months when there is less foliage to screen it
- Impact of the development on the living standards and privacy of nearby neighbours
- Unsuitable play spaces are provided and no provision is made for older children
- The development is dissected by the Network Rail access track

- Spring Lane is a rural track and it will become a two lane road feeding estate traffic with the grass verges and planting lost. This is not compatible with the conservation area.
- The proposal would degrade the villages historic significance
- The proposal would also degrade the setting of listed buildings and converted barns
- Development would put further strain on local amenities which are already under pressure
- Incorrect information is given in relation to village services – i.e. there is no permanent post office except for two mornings a week
- Currently Station Road, which is used by locals and commuters, can be very badly congested particularly during school drop off and collection times and the speed of vehicles is of concern.
- Construction related traffic will be dangerous
- A possible extra 335 vehicles a day will cause more congestion, problems for existing residents and greater emissions pollution and would be dangerous for pedestrians and children
- Access problems from the site onto Station Road
- The Traffic survey is not representative – it needs to be carried out during school term time
- Cropredy has no transport links as the bus service has been discontinued except 1 bus on a Thursday. Car use will be predominant.
- Opposed to the access to the southern parcel and the car park due to speeding traffic and lack of vision. This will be dangerous due to this being a busy road, near a blind bend and children needing to cross at peak times of the day.
- The car park for the school is inadequate and would only accommodate staff parking. Parents would still park on the road for convenience.
- The design of the school car park is not appropriate for a high number of movements.
- Will traffic calming be installed to secure the safety of children?
- Concern over inadequate parking provision to serve the dwellings
- The towpath along the canal between Cropredy and Banbury is in a poor condition and would not be suitable for commuters
- There are footpaths leading onto Spring Lane and it is extensively used for many purposes, which is currently a pleasant rural environment and safe for all users
- The proposed footpath along Spring Lane would cut across existing residents gardens within their physical boundary and would infringe resident's right to privacy being around 1m to habitable room windows. Existing resident's cars would block this footpath.
- The visitor's parking space in Spring Lane was a planning requirement when three houses in Spring Lane were built. Moving this closer to Station Road will make it impossible to retain as a visitors space for these houses and may obscure sight lines further.
- Changes to access rights for the houses in Spring Lane would be needed. How will the right of way be preserved when building 60 houses, a road and pavement?
- Where would surface water go?
- There are serious flooding problems in this area of the village already.
- The southern end of the site is boggy and unlikely to be of use as public open space/ play
- The proposed flood attenuation measures are unimaginative and could be designed to have a greater amenity value and to support enhanced biodiversity.
- Who would be responsible for maintenance of storage tanks?

- The proposed number of trees/ hedgerows do not represent best practice and are unlikely to create a desirable neighbourhood and support biodiversity.
- Concerns relating to the proximity to the railway and the dangers to children, pets as well as compromised living conditions
- The embankment dominates the site and the prevailing winds are westerly. This would magnify the noise/ dust/ fume/ vibration impacts of being so close to the railway for existing residents and create a poor quality of life for new residents
- Concerns over potential light pollution.
- Sound proofing would not be effective and mean new residents couldn't open their windows
- Concerns relating to children playing near the pond and stream area
- Noise and vibration survey undertaken during the day – does not consider freight movements through the night.
- The archaeological study has shown further investigation is necessary
- The development is ecologically unsound and will cause a loss of wildlife
- A variety of Wildlife will be affected; badgers, rabbits are seen in the area
- Planning policy requires gains in biodiversity and better design standards. The application is considered to fail on both counts.
- The site has never been subject to modern farming methods and ridge and furrow is found as well as rarer plants.
- There is a tree protected by a TPO which would be at risk
- How can developing a greenfield site ever do anything but destroy valuable habitats?
- Construction related noise and disturbance would impact quality of life.
- The proposal would devalue properties
- The proposal does not meet the economic, social or environmental aims of the NPPF
- The foul sewer disposal plant in Cropredy is already working at maximum capacity
- There is a lack of consideration to sustainability proposed
- Concerns over more pressure on BT connections and broadband
- Most traffic travels through Great Bourton to Cropredy. This village has a rural road, with narrow or non-existent footways and is not designed for the weight and volume of current traffic. Many vehicles park along the road so it is often only one way traffic. Great Bourton cannot accommodate any increase in traffic
- The development would be an eyesore from Great Bourton

The Battlefields Trust: The proposed development is outside the Historic England defined nationally important battlefield of Cropredy Bridge (1644) but it is clear from primary accounts that parliamentarian forces operated from Cropredy during the battle and may therefore have used the land proposed for this development. It is therefore recommended that before any development works take place, there should be an archaeological investigation of the site to determine whether there are battle related artefacts there which would improve understanding of the battle and the forces that fought there. This survey should involve a systematic metal detecting under the supervision of an experienced battlefield archaeologist. A geophysical survey should also be considered to establish whether there is a grave pit on the site given its relative proximity to the fighting.

## 5. Response to Consultation

### Parish/Town Council:

Cropredy Parish Council: Object to the proposal for the following reasons:

- The proposal would be disproportionate representing a 20% increase in dwellings and population
- The views of residents have been sought with 89% opposed to the proposal
- Only 280 dwellings of those identified at the category A villages are left to be identified over the next 15 years. There is no call for a development of this size.
- Cherwell already has a 5.6 year supply of housing land demonstrating this development is not required at present.
- The application refers to the objectives of the LTP 2015. There is no public transport in the village and it is estimated that this development would add 100/120 vehicles resulting in over 300 additional movements per day. Station Road is already a rat run and traffic is heavy at times. The likely car movements in Table 5.2 of the submission (Transport Statement) are disingenuous.
- The proposal is ecologically unsound – varied wildlife is seen on or near the site.
- The site is inappropriate in both scale and type of dwelling
- Most of the village is within a conservation area
- The site will be close to the mainline railway line
- The proposed exit onto Station Road will be close to School Lane, which is heavily used
- Additional pressure would be placed on the surgery, primary school and sewerage facilities
- The Parish Council welcome appropriate developments within the village but this should be in the form of infilling or a small development. A small development of affordable housing would be particularly welcomed.

Claydon with Clattercote Parish Council: The Parish Council endorses the objections by Cropredy Parish Council. Should this application be granted, there would be an apparent disregard to policies within the Cherwell Local Plan 2011-2031. The proposal also raises a number of concerns:

- Not enough infrastructure in the villages for development and no appetite for significant development within the villages
- Concern that development is approved against CDC policy and that enforcement action is not being taken
- Development should be within the confines of a village
- Development would lead to significant traffic which is already a concern in Cropredy and this has become worse with development in Banbury
- Bus services have recently been lost and has made the traffic situation worse
- Cropredy school is at capacity
- Need for smaller and affordable dwellings

A number of the Local Plan policies are referred to and it is concluded that in the view of the Parish Council, the proposal does not meet the desired criteria contained within the policies of the Cherwell Local Plan.

The Bourtons Parish Council: Object to the proposal and endorse the comments of Cropredy and Claydon with Clattercote Parish Councils. The main impacts on residents of Great and Little Bourton from this development would be:

- Increase in traffic causing congestion in Great Bourton and at the Southam Road junction
- Bourton residents have problems getting through Cropredy at school drop off times
- The proposed small car park will do little alleviate the problems and extra cars would exacerbate the problem
- The Travel Plan and Transport Statement are unrealistic. The walking/ cycling distances don't consider the limitations of those services and only basic needs can be met locally
- The canal towpath would not be a safe route to access Banbury
- There is not a good broadband service in the village so it would be difficult for people to work from home.
- A large development of 60 homes would put too much pressure on the facilities which serve the cluster of villages. A small development may be better received.
- Thames Water advise they would have no objection with regard to sewerage infrastructure capacity however this may not guarantee there is the necessary capacity. There are concerns the treatment works are nearing capacity.
- The proposal is considered to be over development of the site. The pattern of housing would be out of keeping with the style of surrounding housing.

### **Cherwell District Council:**

Planning Policy: Policy makes a number of observations:

- Cropredy is a category A village and has a range of services
- Policy Villages 2 allows for the delivery of 750 homes at the category A villages
- The 2015 AMR shows there are 280 dwellings remaining to be identified of the 750
- There were 4 housing completions in Cropredy between 2011 and 2016 and 5 dwellings permitted but not completed at 31/03/2016.
- The proposal would assist in meeting the Policy Villages 2 requirements
- On the 12/05/2016 an appeal decision was received confirming the District has a 5 year housing land supply. The Local Plan policies for the supply of housing should be considered up to date. There is no pressing housing need for additional land release.
- The proposed development would result in the release of greenfield land in an area of countryside. Policy Villages 2 does not preclude the development of greenfield land. The acceptability of a residential proposal would depend on a detailed assessment of the impact of a proposal having regard to the benefit of providing housing (including affordable housing) to meet overall Local Plan housing requirements. Policy BSC2 requires the effective use of land.
- A design proposal would need to apply policy ESD15 and address the site's relationship to Cropredy's built form, the railway line, woodland parcels on site and the conservation area adjacent.
- Although evidence base rather than a policy document, the SHLAA 2014 concluded that the site was potentially developable (66 homes) subject to careful design to address constraints.
- Housing Officers should advise on the required housing mix
- Given the designated Priority Habitats on and adjacent to the site, it should be considered whether Policy ESD10 on the protection and enhancement of biodiversity and the natural environment can be met.
- The concept Masterplan shows only 57 residential plots. It is noted that the application is for up to 60 dwellings with all matters reserved except access. Officers should be satisfied that 60 dwellings can be accommodated in compliance with the policies outlined.

Their conclusion is that no Planning Policy Objection is raised in principle subject to detailed impact assessment. The development would be in a relatively sustainable location and contribute to the Policy Villages 2 requirements.

Urban Design: It is considered that the development proposals for 60 houses would have a negative impact on the character of the village, having a suburbanising effect and changing the relationship between the village and the adjacent countryside. Some quantum of development may be appropriate; albeit, it would be of a significantly smaller level than that proposed. The following summarises the main concerns:

- The railway maintenance access prevents any meaningful relationship between the sites
- Spring Lane has a low key rural character providing an important connection with the countryside and changes to the route will have an impact on its character.
- Some development to the north of Spring Lane may be acceptable though the configuration of the illustrative plan raises some detailed layout concerns
- The scale and form of development to the south of Spring Lane will have a negative impact on the character of this rural area. A large cul de sac results from the access from Spring Lane and this is poorly related to the village.
- The nature and form of development within the illustrative plan is a mid-density cul de sac that would be suburban in character and which does not reflect the existing settlement pattern or character of the village.
- Concern raised in relation to the relationship with Manor Farm Barns
- There will be a suburbanising effect on the setting of the grade II listed Springfields
- The southern area of the site is tightly constrained and poorly connected with the existing and proposed development.
- The architectural form is suburban in character. Detailed comments in relation to architectural elements of proposed dwellings and materials.

Conservation Officer: The proposed suburban housing development and the supporting infrastructure it would require does not reflect the historic character or organic development of the village or conservation area. The proposals do not enhance or preserve the significance of the farmhouse Springfields and its historical connection with the rural landscape nor does it preserve or enhance the rural character of Spring Lane within the Cropredy Conservation area. The following summarises the main concerns:

- The Archaeological and Heritage Statement is a well set out document and is fairly thorough but omits some key points.
- The report appears dismissive of the contribution that Spring Lane makes to the village. The built development is of no particular architectural or historic interest but the Lane is a historical and visual link with the land. The fields contribute to the setting of the conservation area and listed building also providing a buffer between the village and railway. Part of the lane's charm is its narrow, informal character with gravel finish. The character of this lane should not change significantly as it provides a transition between the village and countryside. The urbanisation of this route would cause harm to the conservation area, albeit less than substantial harm.
- The ridge and furrow is a tangible link to the agricultural past despite being separated from the wider landscape.
- The site is within the setting of the Cropredy Conservation Area and the Grade II listed Springfields
- The proposed housing development with its sprawling layout would detract further from the setting of Springfields, the negative change being the severing of the last link between the heritage asset and its original setting in the countryside and farming

function. Additional planting would further disconnect the visual link between Springfields and the land.

- The relationship of the field to railway cutting is significant.
- The proposal would not affect the physical form or fabric of the grade II listed building, however S66 of the Act requires the Authority to 'have special regard to the desirability of preserving the building or its setting'. It is not clear how building on agricultural land which forms the setting of the grade II listed building and village would make a positive contribution to local character of the fields, which have historical and cultural associations with a village built on agriculture before the canal and railway arrived.
- The harm or loss of the agricultural setting in relation to the setting of the Grade II listed building and the Conservation area require clear and convincing justification.
- The proposal would lead to less than substantial harm to the significance of Springfields as a heritage asset as described. This needs to be weighed against the public benefit. The public benefit of providing housing could be met on a different site or if identified as being needed in the village, the land to the north of Spring Lane may be more suitable.
- The proposals therefore neither preserve or better reveal the significance of Springfields or the Conservation area and should not therefore be treated favourably.

Strategic Housing: A 35% affordable housing provision is required (21 units on this site). A 70/30 split between affordable rented units and shared ownership units is required. Additional information is provided in relation to clustering, parking standards and build standards required.

Landscape: The LVIA document is an acceptable interpretation of the landscape and visual impacts and effects. Other thoughts are as follows:

- Manor Farm receptors will experience visual harm and oppressiveness with the closeness of the unit. It is recommended units are relocated away from the boundary with a landscape buffer between.
- The location of the community play area will be affected by flooding, especially with the increased run off from the development. The play area should be relocated away from the area at risk of flooding and should be in the form of a combined LEAP/LAP and the retention of the LAP in the Northern field.
- The existing woodland on the western boundary must be retained and protected. The openness between the southern end of the woodland and the railway maintenance track should be planted as new woodland.
- There should be a planting to act as a deterrent to access between the two parcels across the Network Rail maintenance access.
- The tree survey needs to establish a construction exclusion zone around trees as this is a major design constraint on the layout.

It is confirmed that committed sums towards the future maintenance of woodland (existing and proposed), informal open space, play provision and hedgerows. Play provision in the form of two LAPs and a LEAP are required.

Arboricultural: The site has significant tree cover along the boundaries of the site and the majority of trees are to be retained with no significant loss of tree cover. One tree is protected by a TPO. The proposals in the Arboricultural report are acceptable. A tree protection plan should be provided. Shadow plans demonstrate that it is mostly roads which are going to be shaded rather than properties with the exception of the property located to the north west of

the site. This property will likely get some sunshine in the morning but little in the afternoon and so this property should be deleted. Details of tree planting are required.

Ecologist: There are no major ecological issues on site, although there are a number of features of ecological value either on site or bordering it and some potential for some protected species to be present and affected. The scheme aims to provide buffers to bordering land of value and provides some green infrastructure and these areas require protection during construction. There is potential for biodiversity enhancements on site in order to achieve a net biodiversity gain in line with policy and the ecological assessment makes some good recommendations in this regard. Further proposals should be incorporated. Lighting schemes need to include measures to ensure that light does not spill on to the surrounding vegetation.

In response to the Reptile survey that was then submitted, advice was provided that this was in line with best practice and as no reptiles were found, it would appear that reptiles would not be a constraint on site.

Following this response, a neighbour alerted Officers to a juvenile grass snake seen on site. The Ecologist therefore recommends that a protected species check is undertaken prior to the commencement of any development as well as a Reptile Method Statement to ensure precautions are taken prior to and during any site clearance to avoid injury to any reptiles dispersing or passing through the site.

Recreation and Leisure Team: A contribution towards Community Halls is requested to be used to enhance existing local community facilities to take account of the potential increased usage as a result of the development. A contribution is also sought towards Community Development (events and projects) towards community events and projects such as information events, newsletters and welcome packs to support the new residents to integrate into the community.

A contribution is also sought to provide public art to enhance the new communal space and to encourage community cohesion and improve cultural infrastructure.

Environmental Protection: Having studied the application and the submitted noise report, no objections are raised subject to a planning condition to control noise levels.

Business Support Unit: It is estimated that this development has the potential to attract New Homes Bonus of approximately £467,902.08 over 6 years under current arrangements for the Council with an additional sum payable per affordable home. It is considered that the proposal for car parking for Cropredy Primary School will have a negligible impact on the Business Rates able to be secured by the Council.

### **Oxfordshire County Council:**

Councillor George Reynolds: The area around the school used to flood regularly and the road and bridge yearly. Drainage must be well researched and thought out. Foul sewer outlets must be able to take the extra waste. The proposal for a car park for the school is good but it is on the opposite side of Station Road and so may not be used by parents unless there is a safe crossing. Traffic along Station Road is heavy at times and parking around the school, at the start and end of the day is difficult so traffic issues must be carefully studied. It is

understood that the school is full so this needs to be carefully dealt with. The school takes children from 3 large villages and the possibility of extra children from the marina if it ever gets residential status.

Transport – Objection – the following are the key comments:

- A contribution of £5000 is required towards the improvements of public rights of way to make them safer and more convenient for year round use
- All works in and immediately adjacent the highway will be subject to a separate agreement under S278 of the Highways Act with OCC
- The locations of the site accesses proposed are acceptable in principle. Visibility is considered adequate.
- With regard to the access to the northern site, comments are raised as to the relationship of the access with the parking arrangements in place for the existing dwellings.
- No visibility splay coverage has been provided in relation to the southern access.
- The footway to the north of this access should be extended north to link with the existing footway.
- OCC welcomes the proposal of dedicating a parking area for school associated parking which would help alleviate parking issues along Station Road at pick up and drop off times. A maintenance strategy needs to be considered. The location of the parking may however be seen as a deterrent by parents unless there is a safe crossing facility along Station Road.
- The existing footpath will cross an area of open space where there will be a children's play area. The play area and footpath must not be placed on the footpath. Improvements to the footpath could be made and a contribution is sought to make these safer and more convenient for year round commuting and recreational use.
- The development is well served by sustainable transport (walking and cycling) to access facilities within the village. The nearest rail station is Banbury and there is a limited bus service. Accessing employment or facilities outside the village will have to be by private car.
- Despite the reliance on the car, the predicted trips are low and will not have a negative impact on the highway network.
- A Construction Traffic Management Plan would be required.
- The Travel Plan requires some amendments.

Drainage: The application does not meet OCC guidelines on the use of Sustainable Drainage on all developments as it is proposed to use underground storage, large pipes that will surcharge, connecting the whole site through this system and discharge to local stream. The soakage tests show there is no soakage across the site but some SuDs can be incorporated to improve water quality.

Archaeology: No objection subject to conditions. An archaeological evaluation report has been submitted for the site which has highlighted that archaeological features dating to the Roman period do survive on the site albeit these are not of National importance and would therefore not be a constraint to any development. A programme of archaeological recording will need to be undertaken on the site ahead of the development, which can be secured through an appropriately worded condition.

Education: No objection subject to contributions towards primary and pre-school education to contribute to the necessary expansion of permanent primary school capacity serving the area at Cropredy CE School. Contributions are not sought towards Secondary education or Special

Educational Needs due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) with the OCC position reserved to enable contributions to be sought from larger developments in the area in the future.

Following building work, capacity at Cropredy CE Primary School has been increased to create a 1 form entry school offering 30 places per year – 210 in total. The schools current capacity depends upon temporary accommodation shared with Cropredy pre-school. The school has only 180 places in permanent accommodation and 173 pupils already on roll. 33 new homes have already been permitted in the school's catchment area, which will remove the current level of space places in permanent capacity. The pre-school has currently reported no current vacancies. Temporary accommodation will need to be replaced with permanent and contributions are thus sought.

Property: No objection subject to conditions. The County Council considers that the impacts of the development proposal will place additional strain on its existing community infrastructure. However, due to pooling restrictions set out at Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), OCC are not seeking contributions to mitigate the impact of this development on infrastructure (these would have included contributions towards Banbury library, Oxford central library, strategic waste management, County museum resource centre and adult day care). Funding for critical infrastructure is to be delivered through CIL where there is no opportunity to gain contributions through S106 due to current legislation.

In order to respond to the Transport and Drainage comments, the applicant has provided a further submission that has been sent to OCC for further comment. It is hoped that a response will be received so that Members can be updated at Committee.

#### **Other External Consultees:**

Thames Water: With regard to sewerage infrastructure capacity, no objections are raised. It is recommended that a planning informative be applied to any planning permission with regard to water pressure.

Network Rail: Network Rail makes a number of comments in relation to the following matters:

- Advice is given in terms of designing proposals within proximity to the operational railway in order that there should be no increase in Network Rail's liability or to affect the safety, operation or integrity of the railway.
- The Network Rail access must be available for access/ egress at all times to enable Network Rail to carry out its statutory undertaking at any time.
- Clarity over the intentions with regard to the underbridge is required.
- The noise/ vibration assessment considers the operational railway. The developer/ LPA must ensure that appropriate mitigation measures are included to ensure appropriate mitigation to avoid future complaints. It is also relevant to note that the level of railway usage may change at any time, regular maintenance work, which is often noisy can be carried out at night and emergency works can be required at any time. These should be taken into account in the consideration of how noise and vibration are mitigated.
- A condition is recommended to agree any earthworks/ excavations close to the boundary
- The proposal must not increase Network Rail liability as a result of increased flooding risks.

- A trespass proof fence must be provided to reduce the risk of individuals illegally trespassing onto the railway.
- A condition is recommended in relation to vehicle safety measures to protect their infrastructure from damage to line side fencing or from vehicles accidentally rolling onto the railway.
- The developer is required to enter into agreements with Network Rail as detailed in the consultation response.

Environment Agency: No response received.

## **6. Relevant National and Local Planning Policy and Guidance**

### **6.1 Development Plan Policies:**

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

#### Cherwell Local Plan 2011 - 2031 Part 1

PSD1 – Presumption in favour of Sustainable Development  
 SLE4 – Improved Transport and Connections  
 BSC1 – District Wide Housing Distribution  
 BSC2 – The Effective and Efficient use of Land  
 BSC3 – Affordable Housing  
 BSC4 – Housing Mix  
 BSC10 – Open Space, Outdoor Sport and Recreation Provision  
 BSC11 – Local Standards of Provision – Outdoor Recreation  
 BSC12 – Indoor Sport, Recreation and Community Facilities  
 ESD1 – Mitigating and Adapting to Climate Change  
 ESD2 – Energy Hierarchy and Allowable Solutions  
 ESD3 – Sustainable Construction  
 ESD5 – Renewable Energy  
 ESD6 – Sustainable Flood Risk Management  
 ESD7 – Sustainable Drainage Systems  
 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  
 Policy Villages 2 – Distributing Growth Across the Rural Areas  
 INF1 - Infrastructure

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

C8 – Sporadic development in the open countryside  
 C28 – Layout, design and external appearance of new development  
 C30 – Design control

## 6.2 Other Material Planning Considerations:

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

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

Cropredy Conservation Area Appraisal

## 7. Appraisal

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

- Principle of Development;
- Landscape and Visual Impact;
- Design;
- Impact on Heritage Assets;
- Housing Mix/Affordable Housing;
- Transport
- Open Space and Recreation;
- Trees, Landscaping and open space;
- Effect on Neighbouring Amenity;
- Noise and Living Conditions;
- Ecological Implications;
- Flood Risk and drainage;
- Sustainability and Energy Efficiency;
- Effect on Infrastructure;
- Planning Obligations;
- Local Finance Considerations

Principle of the Development

7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996.

7.3 The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan and the site sits outside the built up limits of the village.

### **Adopted Cherwell Local Plan**

7.4 The Cherwell Local Plan 2011-2031 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. With

regard to the villages, the Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and the natural and historic built environments of the villages and rural areas. It does however advise that there is a need within the rural areas to meet local and Cherwell wide needs. Policy BSC1 seeks to distribute the required housing for the District, including the allocations at Banbury and Bicester. In relation to the villages and rural areas, 2,350 homes are allocated for the 'Rest of the District'. Of these 2,350 homes, 1,600 are allocated by Policy Villages 5 at Former RAF Upper Heyford. This leaves 750 homes identified for development elsewhere. Policy Villages 2 provides for these 750 homes to be delivered at Category A villages. The Policy advises that these sites would be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable and through the determination of applications for planning permission. A number of criteria are listed and these must be considered through the determination of a planning application.

- 7.5 The Local Plan seeks to identify a sustainable hierarchy of villages to set a framework for considering how proposals within villages will be determined. Policy Villages 1 provides a categorisation of the District's villages to ensure that unplanned, small scale development within villages is directed towards those villages that are best able to accommodate limited growth. Category A villages are those identified as being the most sustainable in the hierarchy of villages in the District and this is why these are where planned development to meet District housing requirements to help meet local needs should be directed as defined by Policy Villages 2 subject to a detailed assessment as to the proportionate impact of development proposed upon the settlement in question. Cropredy is classified as a category A village by Policy Villages 1. The current proposal does not however comply with the type of development identified as being appropriate within the built up limits of category A villages due to the site being outside the village and not representing minor development, being over 10 dwellings.
- 7.6 In this circumstance, it is appropriate to consider this proposal against Policy Villages 2. Of the 750 dwellings identified to be delivered at Category A villages across the plan period until 2031, planning permissions have been granted for 535 dwellings and there are resolutions to grant a further 94 leaving a residual figure of 121 dwellings to be provided over the plan period. Recent appeal decisions received by the Council confirm that an overprovision of the rural housing allocation at an early stage in the plan period would prejudice the sustainable growth strategy set out in the Local Plan and leave limited ability to respond to later changes in housing need in individual settlements without fundamentally compromising the overall sustainable strategy contained within the Local Plan.
- 7.7 In order to categorise villages through the Local Plan process, a number of areas were considered including the provision of services and facilities, the distance to urban areas having regard to the availability of bus services, population size and the availability of potential sources of employment as well as taking into account the Cherwell Rural Areas Integrated Transport and Land Use Study (CRAITLUS), which assessed the transport sustainability of villages amongst other considerations. This process identifies that there are differences between the Category A settlements in terms of their relative sustainability in comparison to each other.

## **National Policy**

- 7.8 The National Planning Policy Framework confirms that there is a presumption in favour of sustainable development. For decision making this means approving proposals that accord with the development plan without delay. The Framework advises that there are three dimensions to Sustainable Development; economic, social and environmental. With regard to housing, the Framework supports the need to boost significantly the supply of housing to meet the full, objectively assessed need for housing and requires Local Planning Authorities to identify and update annually a supply of specific, deliverable sites sufficient to provide five years' worth of housing against the housing requirements, with an additional buffer of 5% to ensure choice and competition in the market for land.

### **Five Year Land Supply**

- 7.9 The Council's 2015 Annual Monitoring Report (AMR) concludes that for the 5 year period 2016-2021, the District has a 5.6 year supply of housing based upon the housing requirement of 22,840 homes for the period 2011-2031 (1142 homes a year), which is the objectively assessed need for the District contained in the 2014 SHMA. This includes a 5% buffer. The five year supply position was confirmed by the Planning Inspectorate in a decision issued in May 2016 relating to an appeal at Kirtlington. As the District can demonstrate a five year housing land supply, the various housing supply policies in the Local Plan are thus up to date and accord with National Policy.

### **Principle of residential development in Cropredy**

- 7.10 Cropredy is a category A village and has not taken any of the dwellings identified by Policy Villages 2 to date. The village has a range of services including GP provision, a school, community facilities, a shop and recreation facilities although has recently lost its regular bus service therefore it does not score as highly in terms of sustainability as other Category A Villages. The site itself is relatively well located to the services that the village offers albeit to access higher order settlements which offer a greater range of facilities, new residents would be reliant on the private car. The site is not previously developed land and an agricultural land classification study has found that the majority of the land is subgrade 3b quality due to soil wetness with a small area of subgrade 3a. This means that overall best and most versatile agricultural land is mostly avoided as part of this proposal. In the view of Officers the village has the ability to accommodate some new development that could be considered to be sustainable and further, this site has some potential for development.
- 7.11 The current proposal for 60 homes is a relatively large number for a settlement the size of Cropredy and there is therefore some conflict with the overarching intention of the Local Plan, which seeks to steer new housing towards the main towns whilst limiting development within villages. However, other than the fact that the settlement has lost its regular bus service, it does still retain a good range of services and facilities and the site is well located to access these. It is further important to note that the village is approximately 4 miles from Banbury where the higher order services and facilities are found, albeit accessible predominantly by the private car.
- 7.12 The site proposed for development here has been considered through the Council's SHLAA process and is identified as a site with future potential, with the assessment concluding that 66 dwellings could be accommodated subject to site constraints. The status of the SHLAA is that it forms an evidence base to inform plan making but that it does not determine whether

development is acceptable on a site or that it should be allocated for development. The SHLAA assessment identifies a number of site constraints and confirms that any proposal would need to address these, integrate with the village and provide an acceptable living environment given the proximity to the railway.

- 7.13 Given the above assessment, it is concluded that the principle of some residential development within the village of Cropredy would be acceptable and that this would contribute to the Policy Villages 2 requirements as well as to the supply of housing within the District. It is therefore necessary for an assessment to be made as to the suitability of this particular site in terms of its ability to accommodate development and whether it meets the Policy Villages 2 criteria which refer to assessing the suitability of development at Category A settlements.

#### Landscape/ Visual Impact/ Local Character

- 7.14 Policy ESD13 of the Cherwell Local Plan advises that development will be expected to respect and enhance local landscape character and a number of criteria are highlighted including that development is expected not to cause visual intrusion into the open countryside, must be consistent with local character and must not harm the setting of settlements, buildings or structures. Policy Villages 2 requires that consideration be given to whether significant landscape impacts could be avoided and whether development would contribute in enhancing the built environment. The Framework highlights that the protection and enhancement of the natural, built and historic environment is part of the environmental role of sustainable development and one of the core planning principles also refers to recognising the intrinsic character and beauty of the countryside. The Framework also emphasises the importance of development responding to character and history with good design being a key aspect of sustainable development.
- 7.15 A Landscape and Visual Assessment accompanies the application. The document finds that the site is within the Oxfordshire Wildlife and Landscape Study 2004 landscape type 'Clay Vale' which is described as a low lying vale landscape, associated with small pasture fields, many watercourses and hedgerow trees and well defined nucleated villages. The overall strategy is to safeguard and enhance the tranquil, small scale pastoral character of the area. In terms of this site, the LVA concludes that the site relates well in landscape and visual terms to the existing built and undeveloped landscape and that the site represents a logical and easily assimilated development in this context. The site is well contained albeit with some views available, which it is considered can be mitigated for by careful design.
- 7.16 The Council's Landscape Team have confirmed that the assessment is an acceptable interpretation of the landscape and visual effects. Officers would agree that taking into account the railway line on embankment and the established trees along the length of the site other than the break in trackside vegetation, the site is well contained from the wider landscape and that there would be a minimal impact upon the wider landscape character if development were to be accommodated on the site therefore avoiding significant landscape impacts as required by Policy Villages 2.
- 7.17 The report does note there would be some visual impacts at a localised level for residential properties within proximity to the site and receptors traveling along Station Road. In these terms, it is necessary to consider the impact of accommodating development on the site in terms of its impact upon the village. Policy ESD15 of the Local Plan requires new

development to complement and enhance the character of its context through sensitive siting, layout and high quality design.

- 7.18 The character of Station Road is formed by a linear arrangement of dwellings to its eastern side extending south all fronting the road and set back by some distance. The western side retains a largely rural character, with vegetation along the roadside and a small number of dwellings until Spring Lane when development of the village extends north and then west. The development of this site as a whole would change the character of this area, urbanising the approach to the village and in the view of Officers causing an unacceptable impact upon the character of the built environment and the context of the village. Specifically, the southern parcel is a detached parcel of land that appears particularly rural due to the extent of planting along Station Road giving it an enclosed appearance when viewed from the south. If developed, this area would appear isolated from the rest of the site, poorly related to the village and urbanised with the removal of vegetation to facilitate the proposed access and other associated infrastructure. This southern parcel is open to the northern aspect with no landscaping therefore allowing views into the site when views are taken from the north along the Network Rail access track. The middle section of the site is also contained by roadside vegetation but is open to its southern boundary allowing views through. Development extending to this southern boundary would therefore be viewed and again would be urbanising in this area. This is also considered to be harmful in terms of its relationship with the character of the context of the site and impact upon the rural setting of the village in this area.
- 7.19 The northern element of the site both to the north of Spring Lane and the northern portion of the middle field are more contained and development there would have a better relationship with the existing built environment and be less harmful to the rural setting of the village.
- 7.20 In the view of Officers, development of this site would have a limited overall impact on the wider landscape and setting of the village from the wider countryside due to the contained nature of the site. However, Officers consider that the localised landscape impact and relationship of the proposal to the village would be harmful at the scale proposed in relation to the rural setting, quality and character of the village. Development in this area would not enhance the built environment and the proposal is contrary to Policy Villages 2 and ESD15 in this regard.

### Design

- 7.21 Policy ESD15 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high quality design meeting high design standards and complementing any nearby heritage assets. The National Planning Policy Framework is clear that good design is a key aspect of sustainable development.
- 7.22 The application is in outline with matters relating to layout, scale and appearance reserved for later consideration. The application is however accompanied by an indicative layout, which it is expected will demonstrate that the development proposed can be accommodated and a design and access statement, which should set acceptable design principles in order that future acceptable detailed proposals for the site can be achieved.

7.23 The indicative layout demonstrates 57 units therefore it is not clear how the proposed 60 could be accommodated. This layout does however demonstrate that taking into account the site constraints, including its narrow shape and the established vegetation that a development of the scale proposed would result in a tight arrangement of dwellings with little relief between them due to open space being contained to run alongside the trackside vegetation as well as access roadways provided there. This layout also has a rather suburban character with predominantly detached and semidetached units rather than more traditionally vernacular style properties, which tend to be linked creating a strong frontage. Despite this, it is considered that the site has little flexibility in terms of how the layout could be arranged any differently to that shown due to its constrained nature. The layout further emphasises the disconnect between the two parts of the site which occurs due to the fact that there is an access between the two parts of the site owned by Network Rail, where there would be no ability for a right of access between. Taking into account the play provision to the south, it is clear that the site is poorly related together resulting in the lack of a cohesive form of development.

7.24 Despite the concerns highlighted, the layout is indicative only and it is thus critical that the Design and Access Statement sets appropriate design principles. In this regard, Officers have a number of detailed concerns, particularly in relation to the form of development that is proposed and how this reflects the existing village or otherwise, how parking would be accommodated, and the types of housing, detailing of them and the materials to be used. It is therefore unclear whether the development proposed could be satisfactorily accommodated on the site in a manner that would enhance the built environment; properly respond to local distinctiveness and its constrained nature whilst also complementing the character of the village. The design and access statement does not therefore set an appropriate basis for the future consideration of the site and Officers are not convinced that a locally distinctive form of development can be achieved. The proposal is therefore contrary to Policy ESD15 and Policy Villages 2 of the Cherwell Local Plan 2011 -2031 Part 1, Policy C28 of the Cherwell Local Plan 1996 and the NPPF in this regard.

#### Housing Mix/ Affordable Housing

7.25 The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need. Policy BSC4 of the Local Plan requires new residential development to provide a mix of homes in the interests of meeting housing need and creating socially mixed and inclusive communities. Policy BSC3 requires development within locations such as Cropredy to provide 35% affordable housing on site and provides detail on the mix that should be sought between affordable/ social rent and shared ownership.

7.26 The Planning Statement accompanying the application confirms that the development is capable of accommodating a mix of house types and identifies how the mix could be split based on the table accompanying Policy BSC4, which is based upon the findings of the Oxfordshire SHMA. Should the application have been recommended for approval, Officers would have given consideration to controlling the housing mix via condition. The proposal also has the ability to provide 35% affordable housing, which is a benefit of the scheme and this would be secured through the S106 agreement to secure an appropriate mix.

#### Impact upon Heritage Assets

- 7.27 Section 12 of the NPPF sets out Planning Guidance relating to the historic environment including archaeology. The development would be expected to preserve the significance of designated heritage assets within proximity. It is also provided at paragraph 131 that Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. The NPPF sets out the tests to be applied where harm to heritage assets is identified. As set out above Policy ESD15 of the Cherwell Local Plan 2011-2031 also refers to heritage assets expecting development to conserve, sustain and enhance designated and non-designated heritage assets. S66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have regard to the desirability of preserving the building or its setting. S72 of the same Act requires that within a conservation area, the development of land or buildings shall preserve or enhance the character and appearance of that area.
- 7.28 The application is accompanied by an Archaeological and Heritage Statement, which in the view of Officers generally presents a fair assessment of the impacts of the development. The Statement concludes that the impact upon the setting of the Conservation Area would generally be negligible and that with regard to the character of Spring Lane, some of which falls within the Conservation Area this could be sensibly dealt with in order to preserve the character of the conservation area. It also concludes that there would be limited impact upon the setting of the listed building Springfields as a result of the development.
- 7.29 It is clear from the consultation response received that the Council's Conservation Officer has concerns in relation to the proposal and its impact upon heritage assets. The main concerns are in relation to the character of Spring Lane and the impact that upgrading it would have upon its rural character as well as the fact that the development of the site would result in the change of the rural setting to the listed building therefore harming its setting and removing the ability to understand its link to the countryside. In both cases, the harm is identified as less than substantial. The NPPF test is therefore the need to balance such harm against the public benefits of the proposal.
- 7.30 With regard to the impact of the proposal upon Spring Lane, Officers would agree that the proposal would result in its character changing in order to meet highway requirements and that this would therefore have a less rural feel and appearance. The concern therefore is understood, however Officers are not convinced that this would be sufficiently harmful such that it would render the proposal unacceptable. Control over the design and materials could, as far as possible be, held with the requirement that these are agreed such that it is possible that the harm would be very limited.
- 7.31 The impact of the development upon the setting of the listed building is similarly appreciated in that it currently has a predominantly rural aspect and setting and that would change such that the building would be wholly surrounded by a modern housing estate. Officers agree that there would be some harm therefore to the setting of the listed building from a development of the scale proposed. Again, this is less than substantial harm which must be weighed against public benefits. In this case, Officers recognise that the provision of housing is likely to be considered to be a public benefit. However, given the Council's current five year housing land supply position, there is no urgent requirement for the release of land for housing and therefore the public benefits arising do not outweigh the less than substantial harm identified

to the setting of the listed building. The proposal therefore conflicts with policies ESD15 and Policy Villages 2 in this regard.

- 7.32 The site has also been subject to archaeological assessment which has identified a number of archaeological features. As set out above, the County Archaeologist advises that these are not of national importance and therefore do not pose a constraint. Further archaeological investigations are required but these could be the subject of a planning condition.

#### Transport

- 7.33 The National Planning Policy Framework is clear that transport policies have an important role to play in facilitating sustainable development with encouragement provided to sustainable modes of transport to reduce reliance on the private car. It is also clear that applications should be accompanied by a Transport statement if it would generate significant amounts of movement. This is reflected in Policy SLE4 of the Local Plan. Policy SLE4 and Villages 2, both emphasise the need for consideration to be given to whether safe and suitable access can be achieved.
- 7.34 The Transport Statement to support the application identifies a relatively low number of trips from the development, indicating that the impact upon the Highway Network will be low. The Highway Authority accept the conclusions in this regard.
- 7.35 As mentioned previously, the village has lost its regular bus service other than a one per week service that runs to Banbury. There would also be no basis on which to seek improvements to public service to the village given this is unlikely to be sustained in the long term. It is therefore anticipated that to access facilities wider than those available in the village, individuals would be reliant on the private car.
- 7.36 The Highway Authority are also content with the position of both accesses to the site subject to the provision of further information to overcome some detailed concerns raised which includes the requirement for a footpath to be extended from the southern portion of the site north. There are also comments raised in relation to parking arrangements for properties which sit along Spring Lane and third party concerns have raised concerns in relation to the position of the proposed footpath. The applicant has provided information to demonstrate that the position of the proposed footpath is wholly within land that would be controlled by them. The applicant has provided additional information in this regard and this is with the Highway Authority for comment and an update will be provided at committee.
- 7.37 Whilst there is a current objection in relation to Transport issues, these matters are of detail and Officers expect that these are capable of being overcome. Other matters, including the need for an update to the Travel Plan could be the subject of a planning condition. Whilst third party comments have raised concerns in relation to transport matters, it is considered unlikely that a refusal reason in relation to this matter could be sustained at appeal subject to the receipt of further comments from the Highway Authority.
- 7.38 A public right of way runs through the site. The indicative layout indicates this being retained on its current position and to then run through an area to become public open space. The Highway Authority raises no objections to this subject to it being retained and unobstructed and considers there are improvements possible. This would be important given this links to wider countryside footpaths and the wider village and services.

- 7.39 The proposal includes a proposal for car parking for the school. A number of concerns have been raised in relation to this from third parties, however Oxfordshire County Council do see the benefit in such a proposal in order to help alleviate the current problems. Officers would agree that the car park has some benefits, however agree that in order to be of optimum use, the ability to safely cross the road would need consideration. The provision of the car park would carry only limited beneficial weight given that it is not required to make the development acceptable and is positioned on an area of the site that Officers do not consider to be suitable for development.

#### Trees, landscaping, open space

- 7.40 Policy ESD10 of the Local Plan refers to the protection and enhancement of ecology and the natural environment. It requires the protection of trees amongst other ecological requirements. Policy ESD13 also encourages the protection of trees and retention of landscape features. Policy BSC11 sets out the Council's requirements for local outdoor space provision and play space.
- 7.41 There are a number of established trees on the site. These are considered in the submitted Arboricultural report, which is considered acceptable due to the majority of the significant tree cover being retained. Further information, particularly in relation to tree protection, could be sought via a planning condition. Notwithstanding this conclusion, a stretch of the vegetation along Station Road would require removal in order to facilitate the access to the southern parcel and associated vision splays. This would be harmful, as previously identified and would contribute in urbanising this area.
- 7.42 The Council's Arboricultural Officer does however note that shadow plans demonstrate that one plot in particular has the potential to be affected by shading such that it is requested this plot be deleted/ repositioned. This further emphasises the constrained nature of the site.
- 7.43 The proposal would require 0.39ha of general green space. Taking into account the two areas of open space which contain play areas, areas of open space alongside the railway embankment and other small areas of open space, it is possible to achieve the required area of open space on site.
- 7.44 With regard to play areas, there is a requirement for a combined LEAP/ LAP and a LAP. These are currently identified as being accommodated, however the play area in the southern extent of the site falls within flood zone 2/3 therefore objections have been raised to the provision of the play area in this location by the Council's Landscape team. This further contributes to the view of Officers that the site cannot acceptably accommodate the development proposed, albeit this location is not fixed at this stage due to the outline nature of the proposal.

#### Effect on neighbouring amenity

- 7.45 Policy ESD15 advises of the need for new development to consider the amenity of both existing and future development and this reflects the Core Principle of the Framework, which confirms the need for a good standard of amenity for all existing and future occupants of land and buildings to be secured.

- 7.46 Due to the position of the site, there are a small number of properties that would be directly affected by the proposed development and these require consideration. There are two properties positioned adjacent to the southern parcel – 38 Station Road and Jalna. These properties currently have an open aspect to this field and their outlook would be markedly changed albeit the change of a view is not in itself a reason to resist development. It would appear that a distance of at least 20m could be achieved and it would only be at a reserved matters stage that a full assessment as to the impact could be made, however the supporting information identifies a strong landscape buffer around the edge of these properties and Officers are concerned that this, in itself would be harmful to the amenity of these residential properties in terms of the sense of enclosure that would result and the subsequent impact on their amenity.
- 7.47 Manor Farm Barns is a further concern. This property is single storey and has a number of ground floor windows facing onto the site. The indicative layout identifies buildings in close proximity and with an unacceptable relationship such that this neighbouring property is likely to experience oppressiveness, as well as an unacceptable impact upon their residential amenity if a property were to be positioned so close.
- 7.48 Other properties along Spring Lane have raised concern in relation to their amenity, particularly linked to passing traffic. As described, the traffic movements are predicted to be low and whilst this concern is noted, it is not considered that the impact upon these properties would not be sufficiently harmful to warrant the resisting of any development in this location.
- 7.49 The impacts described above have the potential to be reduced at a more detailed stage with careful design and layout however as previously described, a proposal for 60 dwellings is likely to be accommodated in a similar form to that identified due to their being limited flexibility for an alternative taking into account site constraints. It is therefore considered that this further emphasises the unsuitable nature of this site for the level of development proposed.

#### Noise and living conditions

- 7.50 The Framework at paragraph 109 advises that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution.
- 7.51 The application is accompanied by a noise assessment which follows the guidance provided in BS8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings' and British Standards relating to vibration. This assessment finds that there are areas of the site where the proposed dwellings would be subject to elevated noise levels, particularly resulting from the railway, however to mitigate for this, enhanced façade treatments can be used including an alternative method of ventilation such that an acceptable acoustic environment within the homes can be met. With regard to external areas, taking into account the presence of dwellings as well as other local screening, such as garden fences, the conclusion is that external sound levels would be unlikely to exceed guidance levels such that this would not be harmful to the amenity of future residents. The vibration assessment concludes that vibration levels would not exceed a level at which adverse impacts would be expected.

- 7.52 The Council's Environmental Protection Officer advises that providing the mitigation measures proposed are employed and agreed with the Council, no objections are raised. Following the receipt and consideration of comments from Network Rail, Officers further queried the response to ensure that increased usage of the railway/ potentially noisy maintenance works had been addressed. Officers were further advised that the noise assessment is carried out based on a typical usage and that the mitigation proposed would allow for noise reduction at all times even if there is an increase in usage. Engineering works cannot be taken into account as these are ad hoc and Network Rail are obliged to reduce the noise to a minimum, albeit there may be some. On this basis and the fact that the Council's Environmental Protection Team are content with the submission, it is considered that the development could be accommodated and that an acceptable acoustic environment could be provided.
- 7.53 The application is also accompanied by a lighting assessment which finds that the overall impact of lighting to the site will be minor adverse. It advises that a carefully designed lighting scheme would be required so that a safe and secure environment can be provided for residents whilst being sympathetic to local surroundings, local residential properties and without being distracting to train drivers. The Council's Environmental Protection Officer raises no concerns with the conclusions of the lighting report, however suggests a final scheme should be agreed.
- 7.54 The application is also accompanied by a Site Investigation and an Air Quality Assessment. No technical comments have been received in respect of these documents. The Site Investigation concludes that there is unlikely to be a risk to human health and controlled waters from contamination. Conditions are commonly recommended to deal with this matter where further site investigation is considered necessary and to ensure unexpected contamination can be dealt with. The Air Quality Assessment finds that the proposed development would not conflict with national or local policy and as such there are no air quality constraints to the development. Mitigation measures are recommended in relation to controlling dust during the construction phase.
- 7.55 Overall, Officers are content that the proposal is acceptable in respect to environmental/ living condition considerations such that development of the site could be accommodated in this regard.

#### Ecological implications

- 7.56 The Framework sets out that Planning should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and provide net gains in biodiversity where possible. Policy ESD10 reflects the requirements of the Framework to ensure protection and enhancement of biodiversity. The Authority also has a legal duty set out at the Natural Environment and Rural Communities Act 2006 (NERC 2006) which states that "every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity"
- 7.57 The application is accompanied by an Ecological Appraisal, which finds that there are no international or national sites of nature conservation interest within proximity. Two types of S41 NERC Habitats of Principal Importance for Oxfordshire are present within the site – the plantation woodland along the western boundary, which is lowland mixed deciduous woodland and a traditional orchard in the central section of the site, both of which are proposed to be

retained as part of the application. With regard to habitats, the main hedgerows, woodland and mature trees are proposed to be retained and protected. The main habitat to be lost therefore is found to be species poor semi improved grassland, which is not considered to be a constraint to the development. A number of suggested mitigation measures to improve and result in a net gain for biodiversity in relation to habitat creation are provided. With regard to protected and notable species, the assessment found an active badger sett on the site, which is proposed to be retained, albeit due to the proximity of works to the sett, a licence to disturb would be required from Natural England. With regard to bats, the hedgerow and woodland areas were found to be potentially suitable for foraging and commuting and these would be retained. Mitigation in the form of buffers to habitats and a carefully considered lighting scheme, as well as the provision of bat boxes are proposed. Enhancement opportunities are also identified for birds as well as recommending that works are not carried out during the bird nesting season. The Council's Ecologist raises no overall objections subject to a range of conditions being imposed to protect features of habitat importance, protected and notable species and to secure biodiversity enhancements should permission be granted. Following the submission of information demonstrating a grass snake on the site, further conditions would also be required relating to reptiles to ensure their protection.

#### Flood risk and drainage

- 7.58 A flood risk assessment is submitted with the application in line with the requirements of Policy ESD6 of the Local Plan and the Framework, given the site extends to over 1ha in area and is predominantly in Flood Zone 1, with the southern part of the site, within flood zone 2/3. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the District.
- 7.59 The FRA finds that the residential elements of the scheme would be positioned within flood zone 1 and therefore outside the area at risk of flooding. The play area and car park would be positioned within/ close to flood zone 2/3 therefore being at some risk. The FRA concludes that the proposed development would not be affected by current or future flooding and that the development would not increase flood risk elsewhere, providing certain mitigation measures are employed. These include the level of the car park being set to be above the 1 in 1000 year flood level, consideration of the site topography and how flows are routed, as well as consideration of the drainage scheme and building in basic flood resistance and resilience measures. It is considered therefore that the proposal could be accommodated without risk of flooding or increasing flood risk elsewhere.
- 7.60 The FRA finds that due to the constraints of the site, including its dimensions, levels and lack of suitability to soakaway, it is not possible to incorporate above ground surface water attenuation areas, however that other forms of SuDs can be considered such as attenuation tanks. This will involve large pipes draining underground to the attenuation tank with surface water then being discharged to the existing watercourse. The OCC Drainage team advise that the proposal does not meet their guidelines on the use of sustainable drainage on all developments, therefore request a planning condition be used to require later agreement of the surface water drainage scheme. The applicant has submitted further information, which has been sent to OCC for further comment and Officers will need to update Members on this at Committee.

### Sustainability and energy efficiency

- 7.61 The Cherwell Local Plan includes a number of energy policies in order to seek development which mitigates and adapts to the future predicted climate change. This relates to locating development in sustainable locations as well as seeking to reduce energy use, making use of renewable energy and sustainable construction techniques. The policies are however now out of date taking into account more recent Government guidance. Energy efficiency of homes is now a matter for the Building Regulations. Policy ESD3 does however require all new homes to achieve a water efficiency standard of no greater than 110 litres/person/day. Mitigating and adapting to climate change in order to move to a low carbon economy is a key part of the environmental role of sustainable development set out in the Framework.
- 7.62 The application is accompanied by a Sustainability and Energy Statement which concludes that the development would be designed in accordance with the energy hierarchy and is expected to deliver low carbon homes through a range of fabric and energy efficiency measures. The information provided is noted and Officers would intend to condition that the proposal would be required to meet the higher Building Regulation standards for water consumption. The site does not meet the scale set out within Policy ESD5 for the provision of onsite renewables.

### Effect on infrastructure/ Planning Obligations

- 7.63 Notwithstanding Officer's recommendation of refusal, should Members resolve to approve the application, a S106 Legal agreement would be required to be entered into to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the Local Plan can be met, which seeks to ensure that the impacts of development upon infrastructure including transport, education, health, social and community facilities can be mitigated. This includes the provision of affordable housing. The Authority is also required to ensure that any contributions sought meet the following tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):
- Necessary to make the development acceptable in planning terms;
  - Directly relate to the development; and
  - Fairly and reasonable related in scale and kind to the development
- 7.64 The following are sought through this application:
- Affordable housing – 35% overall, with a split of 70% affordable/ social rent and 30% intermediate together with arrangements for its provision.
  - Play provision in the form of a LEAP/ LAP and LAP
  - Contribution towards primary and pre-school education
  - Contribution towards the improvement of public rights of way
  - Contribution towards community halls
  - Contribution towards community development

- Contribution towards public art
- Commuted sums for the future maintenance of woodland, informal open space, play areas and hedgerows.

### Local Finance Considerations

7.65 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. This can include payments under the New Homes Bonus. The scheme has the potential to generate £467,902.08 for the Council under current arrangements once the homes are occupied together with additional payments for the affordable units. However, officers recommend that such funding is given no weight in decision making in this case given that the payments would have no direct relationship to making this scheme acceptable in planning terms and Government guidance in the PPG states that it is not appropriate to make a decision based on the potential for the development to raise money for a local authority or other Government body.

## **8. Conclusion**

- 8.1 The overall purpose of the Planning system is to seek to achieve sustainable development as set out within the Framework. The three dimensions of sustainable development must be considered, in order to balance the benefits against the harm in order to come to a decision on the acceptability of a scheme.
- 8.2 The proposal seeks permission for a large scale residential development on the edge of a Category A Village. The principle of the proposal therefore falls to be considered against Policy Villages 2 of the Cherwell Local Plan and a full range of other policies relating to detailed matters. Policy Villages 2 sits alongside the wider strategy of the Local Plan which seeks to direct residential development to the most sustainable settlements in the District and it includes a number of criteria in order to assess this. Cropredy is a small village but offers a primary school, GP practice, shop, community facilities, recreation facilities and public houses as well as being in close proximity to higher order services, facilities and employment available at Banbury. However due to the recent loss of a regular bus service, it is not as sustainable as other category A villages in terms of transport accessibility. On balance though, Officers are satisfied that if all other matters were to be found acceptable in planning terms, Cropredy is a sufficiently sustainable settlement to accommodate some development without having undue environmental impacts for such reasons as the effect on overall village character or development that is excessively reliant on private car travel.
- 8.3 This particular site is well contained from the wider landscape and could accommodate some development taking into account site constraints. The proposal would bring some social benefits including a contribution to the District's ongoing five year supply as well as the provision of affordable housing and the site is well located to the village and its services and facilities with good access to them by walking and cycling. New development also commonly brings economic benefits including providing some construction opportunities and supporting further the village facilities.
- 8.4 However, taking into account the character of the existing village, a development of the scale proposed on this particular site is considered to be out of keeping with the context of this area

of the village, which would be harmful to its character, rural setting and quality. The proposal would also harm the rural setting of the grade II listed building Springfields and in this case, there is no public benefit that would outweigh this harm. Officers also do not consider that sufficient acceptable detail is available to be confident that a proposal of this scale could be accommodated in the future that would respect local distinctiveness; take into account important site constraints and without causing harm to the residential amenity of nearby neighbouring properties.

- 8.5 On this basis, Officers consider that the localised harm caused to the village, which would result in there being adverse environmental impacts in terms of harm to the built, natural and historic environment of the village in this case outweighs the positive benefits of the proposal. It is concluded that the proposal does not therefore constitute sustainable development and the application is recommended for refusal.

## **9. Recommendation**

Refusal; for the following reasons:

1. The proposed development, by reason of its excessive scale, siting, lack of cohesive form, relationship with the adjacent development and resultant removal of the established vegetation to form the southern access would result in an unacceptable extension of the village that would harm the character, rural setting and quality of the village and the rural setting of the nearby listed building Springfields to the detriment of the built, natural and historic environment. The proposal is therefore contrary to Policies Villages 2 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policy C28 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.
2. The Design and Access Statement and indicative layout submitted as part of the application fails to provide sufficient acceptable detail in respect of the design principles set as a basis for the future detailed consideration of the development proposed. This includes the siting, form, appearance, materials and detailing of the proposed new dwellings. The Local Planning Authority is therefore unable to determine whether the development proposed could be satisfactorily accommodated on the site in a manner that would respond to its constrained nature, respect its context, properly respond to local distinctiveness and safeguard the standards of amenity enjoyed at neighbouring properties. The proposal therefore fails to accord with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.
3. Potential additional reason relating to drainage
4. In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of safeguarding public infrastructure, mitigating highway safety concerns, delivering mixed and balanced communities by the provision of affordable housing and securing on site future maintenance arrangements will be provided. This would be contrary to Policy INF1, BSC2, BSC9, BSC11 and ESD7 of the

adopted Cherwell Local Plan 2011-2031 and the advice within the National Planning Policy Framework.

**CONTACT OFFICER:** Caroline Ford

**TELEPHONE NO:** 01295 221823