

Heatherstone Lodge
Banbury Road
Finmere
MK18 4AJ

16/01209/OUT

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

Applicant: Siteplan UK LLP

Proposal: Residential development and associated infrastructure

Expiry Date: 13th December 2016 **Extension of Time:** N/A

Ward: Fringfords and Heyfords **Committee Date:** 24th November 2016

Ward Councillors: Cllrs Corkin, Macnamara and Wood

Reason for Referral: Major development

Recommendation: Refusal

1. APPLICATION SITE AND LOCALITY

- 1.1 The application site lies at the western extent of the village of Finmere and an old section of the Banbury Road, which has been stopped up, runs along the southern boundary of the site. Further to the south of the site is the A421 and then open countryside. The north edge of the site lies adjacent to existing residential properties including 1 Top Gardens and Flower Patch, whilst the north west of the site lies adjacent to Heatherstone Lodge. The garden of Westbury runs along the north east boundary of the site. To the south east and south west of the site is open countryside.
- 1.2 The site, which is approximately 2.3 hectares, comprises agricultural grass land, which currently appears to be used for grazing and there are no buildings or structures on the site. The site does not constitute part of the built form of the village. There is a pond on the western boundary of the site. The site is relatively flat, but it does fall away to the North West corner. There are a number of public footpaths which cross the site including 213/10/10, 213/10/20, 213/1/30 and 213/1/40
- 1.3 Finmere village does not have a Conservation Area and there are no listed buildings within close proximity to the site. The site is in an area of medium archaeological interest. The site is within a Minerals Consultation Area. The site has some ecological potential as the protected species of the Wall butterfly has been recorded within the vicinity of the site. The site is within 250 metres of a landfill site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 Outline planning permission is sought for residential development on the site and all matters are reserved. Whilst the description of development does not specify a number, the application documentation suggests that up to 47 dwellings could be accommodated on the

site. A Planning Support Statement and Design and Access Statement have been submitted alongside the application as well as various supporting technical documentation and an indicative site layout plan.

- 3.2 A screening opinion issued by Cherwell Council in September 2016 (15/00077/SO refers) concluded that an EIA (Environmental Impact Assessment) was not required for the proposed development.

3. RELEVANT PLANNING HISTORY

- 3.1 11/00503/F – Erection of 3 no. 4 and 5 bedroom detached houses with associated garages and new access – REFUSED on 7th June 2011. The dwellings were not proposed in the current site area and were proposed to the north west of the site, but the access track to the proposed dwellings ran through the site. The proposal was determined by the Local Planning Authority before the adoption of the Cherwell Local Plan Part 1. It was considered that the proposal would not represent minor development in the built-up limits of the village, but rather sporadic development extending beyond the built up limits of the village. The proposed development, including the access arrangement, was considered to represent an incremental erosion of the open countryside to the significant detriment of the rural character and visual amenities of the area. The decision by the Local Planning Authority was appealed, but this was DISMISSED by the Planning Inspectorate on 1st November 2011. The Planning Inspector noted that the site does not lie within the built up area of Finmere and that the proposal would therefore be an encroachment into the countryside. The Planning Inspector went on to note that the proposed access track across the agricultural field would represent a further encroachment of development into the open countryside. The Planning Inspector concluded that by extending the built up area of the village into the countryside the proposal would detract from its character and appearance.
- 3.2 15/00552/OUT - Residential development together with access and associated infrastructure and public open space – WITHDRAWN. All matters apart from access were reserved. The application site was on a parcel of agricultural land adjacent to the western boundary of the site under this current application and the proposal was for up to 50 dwellings. Officers were minded to recommend the application for refusal therefore the application was later withdrawn. The reasons why the application was to be recommended for refusal included:
- The addition of 50 dwellings would amount to an undesirable over-concentration of new housing development in Finmere that would prejudice a more even planned and sustainable distribution of housing development across the District's Category A villages;
 - The proposed development of the site would encroach into the open countryside and significantly harm the open rural character of the area as well as the rural setting of the village;
 - The proposed development form would be detached from the main village structure and would poorly integrate with the existing built development.

4. PRE-APPLICATION DISCUSSIONS

- 4.1 No formal pre-application discussions have taken place with regard to this application.

5. RESPONSE TO PUBLICITY

5.1 This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, 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 Local Planning Authority has received letters of objection in respect of the proposed development from 46 members of the public. Furthermore, the Local Planning Authority has received a petition with 210 signatures objecting to the planning application. The concerns raised by third parties are summarised as follows:

- Similar concerns to a planning application which was withdrawn in 2015 (15/00552/OUT);
- Outside the built up limits of the village and an appeal for three houses near this site was dismissed at appeal in 2011 for this reason (APP/C3105/A/11/2158351/NWF);
- Reference to appeals at Kirtlington in relation to the number of dwellings proposed in proportion to the size of the village;
- A sizeable amount of the 750 houses referred to in Category A villages have already been permitted;
- Too large for the village to accommodate/disproportionate addition to the village;
- Out of keeping with the village;
- Lack of public transport serving Finmere and the development would be car reliant;
- Lack of services (pubs, shops), infrastructure and jobs to facilitate such a development;
- Lack of school places;
- It is unnecessary development;
- The development would result in more amenities and would therefore destroy the village's atmosphere;
- The Cherwell Local Plan has an urban focus;
- Cherwell District Council can demonstrate a 5 year housing land supply;
- The approval would set a precedent for further development in the village;
- Would increase the village by nearly 1/3rd;
- It is not be sustainable development;
- The proposal does not constitute 'minor development';
- Contrary to Policy Villages 1 and Villages 2 of the Cherwell Local Plan Part 1;
- Would cause detrimental harm the character and appearance of the landscape;
- Would cause detrimental harm to the overall character and setting of the village;
- The proposal would conflict with the settlement pattern and would fail to sympathetically integrate with the existing built development;
- Housing density too high;
- Housing density too low and could accommodate 82 houses comfortably;
- Contrary to Policy ESD15 of the Cherwell Local Plan Part 1;
- Would harm the village's historical heritage;
- Would cause archaeological damage;
- Harm the enjoyment of the footpaths and views from the footpaths;
- Loss of outlook;
- Overlooking and loss of privacy;
- Overshadowing;

- Loss of light from development and landscaping;
- Loss of light to solar panels;
- Nuisance;
- Concerns from the level of vehicular activity as a result of the development therefore increasing traffic on Banbury Road and through the village and a greater risk to pedestrians, cyclists and horse riders;
- No pavements on Banbury Road or lighting to link the development to the village;
- Additional transport will cause damage to highway network;
- The submitted travel plan and transport statement are of low quality;
- Would harm cause significant ecological harm;
- Would cause harm to bats and newts;
- Drainage and flooding concerns;
- Concerns with sewage and sewerage treatment;
- Electricity supply concerns;
- Lack of fresh water supply;
- Concerns as a result of the construction process (i.e. noise, traffic, dust);
- A security gate would have to be relocated as a result of the development and this would cause safety/security issues;
- Water pressure concerns;
- Air pollution;
- The site is located within close proximity to the landfill site;
- The application should not be considered;
- Too much development in Finmere already in relation to a landfill site and HS2;
- Would cause harm to the foundations of existing buildings;
- The plans do not accurately reflect the existing development in the locality;
- Only for profit.

5.3 1 letter of support in respect of the proposed development was received by the Local Planning Authority. The points raised are summarised as follows:

- Would lead to an improvement in amenities;
- The school will be unviable if the number of families living in Finmere does not increase;
- Would help the viability of the public house;
- Finmere Church would benefit from it.

5.4 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 FINMERE PARISH COUNCIL: **Object** to the application for the following reasons:

- The scale of the development is not compatible with the number and density of existing dwellings, nor the form and layout of the village, and will significantly and detrimentally change the intimate, rural character of Finmere. The number of dwellings proposed is too great to enable residents to be integrated easily into the village;
- The location of the proposed development is beyond the built-up limits of the village (as determined in a 2011 planning appeal, which concluded that development of land at Heatherstone Lodge was in conflict with the settlement pattern and that it would result in the encroachment of development into the countryside);
- Concerns with sewage and sewerage treatment;
- The application gives inadequate consideration to the increased risk of flooding of existing properties as a result of surface water drainage from the site;
- Cherwell District Council has a 5 year house land supply, therefore there is no undue pressure to accept this proposal;
- It is hard to believe that local housing needs are not being addressed and met due to other development within the area;
- The proposal would not constitute sustainable development: Finmere has few services, little or no public transport, and there are very limited employment opportunities;
- The proposed site is not appropriate for residential development due to its close proximity to the busy A421, the proposed route of HS2 and to the Finmere Quarry and Landfill site;
- The proposed developed will have a detrimental impact on the paths which cross and border the site by reducing the visual experience of the user due to the immediate proximity of the built form;
- Loss of privacy and overlooking in relation to existing properties.

STATUTORY CONSULTEES

- 6.3 ENVIRONMENT AGENCY: **No comments received.**
- 6.4 HIGHWAYS AGENCY: **No comments received.**
- 6.5 NATURAL ENGLAND: **No objections.**
- 6.6 OCC HIGHWAYS AUTHORITY: **No comments received.**
- 6.7 OCC MINERALS AND WASTE: **No comments received.**
- 6.8 ANGLIAN WATER: **No comments received.**
- 6.9 THAMES WATER: With regard to sewerage and sewage treatment, this comes within the area covered by Anglian Water PLC. In relation to water supply, the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. A condition stating that development should not be commenced until impact studies of the water supply infrastructure have been approved by the Local Planning Authority should be imposed.

NON-STATUTORY CONSULTEES

- 6.10 AYLESBURY VALE DISTRICT COUNCIL: **No comments received.**

- 6.11 OCC ARCHAEOLOGY: **Object** to the application. The site is within an area of high archaeological potential and there is insufficient information regarding the potential impact of this development on any surviving archaeological deposits for an informed decision to be made. In accordance with the National Planning Policy Framework (NPPF, Paragraph 128), it is therefore recommended that, prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation. This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. The report from this evaluation should be submitted along with any planning application for the site. Such information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.
- 6.12 CDC ANTI-SOCIAL BEHAVIOUR: **No comments received.**
- 6.13 CDC ARBORICULTURAL OFFICER: **No objections** in principle. The survey documents are considered acceptable.
- 6.14 BBO WILDLIFE TRUST: **No comments received.**
- 6.15 CDC BUSINESS SUPPORT UNIT: It is estimated that this development has the potential to attract New Homes Bonus of £366,523.30 over 6 years under current arrangements for the Council including an additional sum paid per affordable home.
- 6.16 CDC ENVIRONMENTAL PROTECTION: **No objections**, but recommends a condition requiring a Construction Environmental Management Plan.
- 6.17 CDC ECOLOGY OFFICER: In summary, **no objections** in principle, but more information is required from an ecological perspective to inform potential layouts and allow comment on the overall impacts. The recommendations in the submitted ecological appraisal should be adhered to. However, a number of further surveys are required before appropriate layouts or site clearance can be determined. A survey for reptiles is needed and accompanying mitigation is required. A survey of the trees on site for bats is required to ensure they are accounted for during any tree works and within the scheme. A mitigation scheme for great crested newts for the construction phases with a check of local ponds is required. In addition, consideration of the management of the proposed landscaping, the boundary pond and hedgerows are required. It should be outlined how the pond will function. A full biodiversity enhancement scheme which makes it clear that an overall gain for biodiversity can be achieved from the proposals is also needed. This should include areas of species rich grassland, bat and bird boxes both within green spaces and integrated into the design of buildings, green walls and roofs, access for hedgehogs and other wildlife through fences, SUDS, native hedgerows, green spaces which encourage engagement with nature – these are in addition to any mitigation required for species found or likely to be present on site.
- 6.18 CDC LANDSCAPE SERVICES: **Object** to the application. There is broad agreement with the Landscape and Visual Impact Assessment submitted alongside the application that the proposal would have major/adverse effects. However, there is disagreement with the assertion that this could be appropriately mitigated. Furthermore, if permission is granted, a LAP and a LEAP are required, along with a commuted sum for the Council to maintain this

provision. Commuted sums will also be required for the maintenance of retained hedgerows, ditches, trees, ponds and proposed informal open space

- 6.19 CDC PLANNING POLICY: **Object** to the application. There is no objection to the principle of residential development in Finmere as it is a Category A village and development on the site would help contribute towards the Policy Villages 2 requirements and fulfil planning policy requirements for affordable housing. However, the scale of development in relation to the existing village is significant and its impact therefore requires careful consideration. Development on this site would represent an encroachment into the countryside. The site is largely detached from the village and its development would have an urbanising effect in this locality which is rural in nature. There are also likely to be difficulties with the integration and creation of connections with the existing village.
- 6.20 CDC RECREATION & LEISURE: **No comments received.**
- 6.21 RAMBLERS ASSOCIATION: **No comments received.**
- 6.22 OCC RIGHTS OF WAY OFFICER: **No comments received.**
- 6.23 THAMES VALLEY POLICE DESIGN ADVISOR: **No comments received.**
- 6.24 CDC URBAN DESIGN: **Object** to the application due to a number of key concerns with the layout and design of the development and concurs with many of the findings made in the previous appeal at the site. It has been noted that the development would form a significant extension to the village which would be out of character with the overall morphology of the settlement, and that the proposal is disconnected from the settlement. It is considered that these fundamental objections cannot be overcome.
- 6.25 CDC WASTE & RECYCLING: The developer will have to satisfy the local authority that they have adequate provision for waste and recycling storage, before the application is agreed. A Section 106 contribution of £106.00 per property will also be required.
- 6.26 OCC EDUCATION: **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
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land – Brownfield land and Housing Density

- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC9 – Public Services and Utilities
- 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
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDs)
- 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
- ESD17 – Green Infrastructure
- Villages 1 – Village Categorisation
- Villages 2 – Distribution Growth Across the Rural Areas
- INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18 – New dwellings in the countryside
- TR1 – Transportation funding
- C8 – Sporadic development in the open countryside
- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development
- ENV1 – Environmental pollution
- ENV12 – Potentially contaminated land

7.3 Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Annual Monitoring Report (AMR) 2015
- Strategic Housing Land Availability Assessment (SHLAA) Update 2014
- Oxfordshire Wildlife & Landscape Study 2004
- Home Extensions and Alterations Design Guide (2007)

8 APPRAISAL

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

- Principle of the Development;
- Landscape and Visual Impact and Local Character;
- Design;
- Impact upon Historic Environment;
- Accessibility, Highway Safety and Parking;
- Effect on Neighbouring Amenity;
- Ecology and Trees;
- Contaminated Land;
- Flooding Risk and Drainage;
- Sustainability and Energy Efficiency;

- Effect on Infrastructure/Public Open Space/Affordable Housing;
- 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 therefore need to be applied in this context.
- 8.5 Policy Villages 2 of the Cherwell Local Plan Part 1 states that: *“A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site ‘windfalls’ and planning permissions for 10 or more dwellings as at 31 March 2014”*. Finmere is identified as a Category A village, and so is considered suitable in principle to accommodate some additional housing under Policy Villages 2. 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.
- 8.6 The site is clearly not within the built up limits of the village of Finmere being two fields which are separated from the existing residential development to the north of the site, but it has been recognised at a recent appeal decision that ‘at Category A villages’ could mean adjacent to the settlement boundary. As the proposal is for over 10 dwellings on land outside, but immediately adjacent to the built up limits of the village, it can be considered under Policy Villages 2 of the Cherwell Local Plan Part 1.
- 8.7 Policy Villages 2 states that sites will 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. An Issues and Options paper for the preparation of Local Plan Part 2 is currently scheduled to be presented to the Council’s Executive at its meeting in January 2017. In identifying and considering sites, particular regard will be given to the following criteria:
- *“Whether the land has been previously developed land or is of less environmental value;*
 - *Whether significant adverse impact on heritage and wildlife assets could be avoided;*
 - *Whether development would contribute in enhancing the built environment;*
 - *Whether best and most versatile agricultural land could be avoided;*
 - *Whether significant adverse landscape impacts could be avoided;*
 - *Whether satisfactory vehicular and pedestrian access/egress could be provided;*
 - *Whether the site is well located to services and facilities;*
 - *Whether necessary infrastructure could be provided;*
 - *Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period;*

- *Whether land the subject of an application for planning permission could be delivered within the next five years; and*
- *Whether development would have an adverse impact on flood risk.”*

- 8.8 The acceptability of the proposal when tested against these criteria, and other material planning considerations, is discussed below. In particular, consideration in respect to the relationship to the existing built and natural environment will be discussed later in the report. However it is first important to consider the matter of scale and quantity of development, and in particular whether the proposal is in accordance with the overarching housing strategy of the Cherwell Local Plan 2011-2031 Part 1.
- 8.9 Paragraph 212 of the Inspector’s report in the examination in to the Cherwell Local Plan notes that the plan’s overall strategy sustainably focusses most new development in the two towns of Bicester and Banbury and that it properly seeks to alter the local pattern of recent housing growth, as a disproportionate percentage (almost half) has taken place in the smaller settlements. This is reinforced by the Council’s Annual Monitoring Report (published 31st March 2015) which identifies that significant progress has already been made to meeting the allocation of 750 homes to be delivered at Category A villages as over 500 of these have already been identified.
- 8.10 Whilst there may not be a strict limit of 750 houses in total to be delivered at Category A villages, as noted by the Inspector for a scheme at Land off Lince Lane, Kirtlington (ref: 14/01531/OUT), any significant increase over and above 750 could lead to unconstrained growth which would result in non-compliance with the strategy for rebalancing housing growth away from the villages and rural areas.
- 8.11 Finmere is one of 23 Category A villages and has the smallest population of all Category A villages (a population of approximately 466), and a pro rata share of the Policy Villages 2 allocation based on parish population size would be less than 10 dwellings. This does not represent a limit on the amount of housing that could be accommodated at Finmere, but the size of the village in relation to others is a factor to take into account in the distribution of development under Policy Villages 2, and in particular determining the amount of development that is appropriate and sustainable in any one village location.
- 8.12 As noted by Planning Inspectors in relation to appeals at Lane off Lince Lane, Kirtlington (ref: 14/01531/OUT) and Land north of Green Lane, Chesterton (15/00454/OUT), if disproportionate numbers of housing are provided in one single Category A settlement early within the plan period, it would leave other Category A settlements unable to meet their housing needs (including for affordable housing) later on in the plan period without being in conflict with Policy Villages 2. In this case, it is considered that the provision of 47 homes in this one location would leave little scope for development in other Category A villages in terms of numbers or timing and would thus not be in accordance with the housing strategy for villages as set out in the Cherwell Local Plan.
- 8.13 In addition, the provision of 47 dwellings at Finmere would result in a significant increase in the population which would raise further sustainability concerns. Finmere has limited opportunities for employment and only has a small number of services and facilities, including a Public House, Village Hall, Church and a Primary School. Finmere also has an extremely limited bus service. Other strategies in the Local Plan with regard to such matters as

employment, transport and public services and utilities would be undermined by such unconstrained and unplanned growth.

- 8.14 Overall, the provision of 47 homes at Finmere is not considered to be in compliance with the overall housing strategy in the Cherwell Local Plan Part 1. It is considered that allowing 47 homes to be developed would amount to an undesirable over-concentration of new housing development in Finmere that would prejudice a more even planned and sustainable distribution of housing development across the District's Category A villages. Thus, and in the context of the Council being able to demonstrate an up-to-date 5 year housing land supply, the proposal is considered to be undesirable, unnecessary and so unsustainable additional development in this rural location. The proposal is therefore contrary to the Policies within the Cherwell Local Plan Part 1, Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

Landscape and Visual Impact and Local Character

- 8.15 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.
- 8.16 Paragraph 61 of the NPPF states that: *"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."*
- 8.17 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *"New development proposals should:*
- *Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.*
 - *Respect the traditional pattern routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages."*
- 8.18 Policy ESD13 of the Cherwell Local Plan Part 1 states that: *"Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:*
- *Cause undue visual intrusion into the open countryside;*
 - *Cause undue harm to important natural landscape features and topography;*
 - *Be inconsistent with local character;*
 - *Harm the setting of settlements, buildings, structures or other landmark features;*
 - *Harm the historic value of the landscape."*
- 8.19 Saved Policy C28 of the Cherwell Local Plan 1996 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.

- 8.20 Finmere is a traditionally linear settlement with development following the historic main roads through the village (Fullwell Road, Valley Road and Mere Road) with relatively modern development behind this on the small lanes branching off this main route, such as Chinalls Close and Stable Close. There is also a relatively small development at the rear of Valley Road served by the Old Banbury Road.
- 8.21 The landscape around the site and village is located within the Wooded Estate Land character type within the Oxfordshire Landscape Study 2004, and this notes the area is characterised by rolling topography, arable farming and small villages with a vernacular style. The application site is typical of this landscape character and positively contributes to the rural landscape setting of this village.
- 8.22 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which has considered the potential impacts on the landscape character and amenity of the site and surrounding area. In terms of the visual assessment carried out by AAH Planning Consultants, fieldwork was undertaken to identify a number of viewpoints in the immediate and wider setting of the site. The LVIA states that longer distance views of the site are prevented due to the topography of the area and prevalence of hedgerows and hedgerow tree cover. The document notes that the nearest viewpoints to the site (i.e. along the old Banbury Road to the south of the site, along the access track to Hill Leys Farm to the west of the site and the neighbouring public footpaths) provide the highest degree of visibility and the views at these close distances would be materially altered through the addition of residential development. From certain viewpoints adjacent to the site, the LVIA notes that the significance of the effect of the proposal would be major/adverse. However, the LVIA states that the addition of improved boundary planting along the eastern boundary and the supplementation of the planting along the western boundary would serve to limit the impact towards moderate levels.
- 8.23 The Council's Landscape Team and officers agree that the views of the site will be localised and hold the view that the most significant visual effect of the development will be experienced by visual receptors on the Public Rights of Way on the site, the field to the east of the site and adjacent to the western boundary of the site, as well as along the Old Banbury Road. Furthermore, the Council's Landscape Team and officers broadly agree with the LVIA in that the proposal would have major/adverse effects from viewpoints near the site.
- 8.24 However, the Council's Landscape Team and officers disagree with the assertion in the LVIA that these effects could be appropriately mitigated. Officers concur with the advice of the Council's Landscape Team that when assessed against the site's landscape sensitivity, which is determined by its hedgerows of various structural diversity, its mature characterful trees and the picturesque pastoral scene, the proposed development on this large site is inappropriate. Whilst landscaping can be used to mitigate harm by screening development to some extent, landscaping should primarily be used to integrate and enhance development; it is not a means to hide otherwise harmful and unacceptable development.
- 8.25 Furthermore, the northern limit of the site, which sits on the built up limits of the village, has a rural and edge of village feel and there is currently a clear distinction between the village and countryside and this is an important element of its character and reinforces the distinctive linear form of the village. However, the proposed development would expand considerably beyond the boundary formed by the rear gardens of properties on Fulwell Road and Stable Close. The introduction of housing, access roads and associated domestic paraphernalia would have an urbanising effect on this part of the open countryside and would therefore cause significant harm to the rural landscape setting of this village.
- 8.26 Also of concern is the works that would likely be required to upgrade the access to the site. Whilst no formal comments have yet been received from OCC Highways, the Old Banbury

Road has a Vehicle Prohibition Order along it so this would need to be changed and there would likely be resultant loss of trees/hedgerows. It may also be difficult to achieve a satisfactory access for this development without urbanising the rural character of Old Banbury Road, including the addition of footpaths and improvements to the surfacing. This would add to the harm to the rural setting of the village and would draw attention to the detached nature of the development in relation to the existing settlement.

8.27 The site was considered as part of Cherwell Council's Strategic Housing Land Availability Assessment (August 2014) and was rejected for the following reasons:

- FI001 (northern field of the site): *'The site is not considered suitable for residential development as it is constrained by access issues and would impact on the character, appearance and pattern of Finmere'.*
- FI006 (southern field of the site): *'The site is not considered suitable for residential development due to access difficulties, scale and the detached nature of the site'.*

8.28 All in all, the proposed development of the site is considered to be inappropriate. As noted above, Finmere is linear in form with a number of small lanes extending off the main route through the village. As the proposed scheme would be accessed from the Old Banbury Road to the south of the village, and would not directly connect or have a relationship with this main route through, and given the location of the site to the south east of the village, the proposed development would be disconnected from the main village structure. The proposed scheme would also turn its back on the existing development within the village. Given the relatively large quantity of dwellings proposed and the large area of the site, the proposal would also form a significant extension to the village of Finmere that would be out of character with the urban morphology of this settlement.

8.29 Thus, and whilst it is accepted that there would not be a wider landscape harm, it is considered there would be significant and demonstrable harm to the immediate locality and the enjoyment of users of the existing public right of way across the site as a consequence of the development on this currently open agricultural land, as well as the rural setting of the village and this is sufficient to justify refusal, contrary to Policies Villages 2, 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 NPPF.

Design

8.30 Policy ESD15 of the Cherwell Local Plan Part 1 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.

8.31 The application is in outline form with all matters 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 on the site, and a Design and Access Statement, which should set acceptable design principles so that future acceptable detailed proposals for the site can be achieved.

8.32 The illustrative layout submitted indicates that up to 47 dwellings can be accommodated on the site, indicating open space in the middle of the site with the residential development roughly arranged in two main sections with the Public Rights of Way retained through the centre of the site.

- 8.33 Officers consider that the indicative layout further emphasises that the proposed development would fail to integrate sympathetically with the existing built development in the area as it would be detached from the village, due to the fact that it would be accessed from the village itself and because it would turn its back on the existing development within the village. Due to ownership constraints and the layout of existing development, it is unlikely that any other layout could be achieved that would better integrate with the village or provide meaningful connections through to the main routes in the village.
- 8.34 Whilst at outline stage, officers are of the opinion the indicative layout lacks cohesiveness and fails to reinforce local character or create a strong sense of place. It is understood that the indicative layout is, to some extent, influenced by the Public Rights of Way which run through the site, but there appears to be no clear or logical approach to the layout of the site as the siting of dwellings and access lanes and the choice of housing type appears arbitrary. Given the constraints of the site and the lack of opportunities to better integrate the development with the village, officers consider an acceptable layout could not be achieved at reserved matters stage and this further weighs against the proposal.

Impact upon Historic Environment

- 8.35 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority gives special regard to the desirability of preserving a listed building or its setting.
- 8.36 Section 12 of the NPPF (Conserving and Enhancing the Historic Environment) states that in determining planning applications, 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. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Proposals that preserve those elements should be treated favourably.
- 8.37 Paragraph 132 of the NPPF states that: *"Significance can be harmed through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."*
- 8.38 Policy ESD15 of the Cherwell Local Plan Part 1 states that development should: *"Conserve, sustain and enhance designated and non-designated 'heritage assets' including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and PPG."*
- 8.39 Finmere does not have a designated conservation area, and the nearest listed building to the site, this being Stone House, is approximately 200 metres away to the east of the site. Given the separation distance between the site and the Grade II listed buildings within Finmere, and the intervening landscaping and development between the site and these designated heritage assets, it is considered that the proposal could be developed so as not to cause harm to the significance of any Grade II listed buildings or their setting.
- 8.40 The County Council Archaeologist has however raised an objection to the proposal. The Archaeologist has noted that the site is located in an area of archaeological interest to the north of an area of Iron Age settlement recorded during the construction of the B4031 diversion. The excavation recorded a series of linear features, pits, and a circular gully thought to relate to an Iron Age roundhouse and a hearth. The Archaeologist notes that these features

extend beyond the northern limit of the road diversion and may continue into the application site. The Archaeologist has also noted that the site is located 500 metres north west of the projected route of the Roman Road from Alchester to Towcester. This leads the Archaeologist to conclude that it is possible that archaeological features related to the Iron Age and Roman settlement of the area could survive within this proposed site. The Archaeologist notes that little formal archaeological investigation has been undertaken in the area and so, knowledge of the extent of further archaeological features in the vicinity of the proposed development is limited.

- 8.41 The Archaeologist states that there is currently insufficient information regarding the potential impact of this development on any surviving archaeological deposits for an informed decision to be made. The Archaeologist notes that this information is required prior to the determination of the planning application, through the implementation of an archaeological field evaluation, which should be undertaken by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application, and thus indicate the weight which should be attached to their preservation.
- 8.42 The application is accompanied by an Archaeological Desk Based Assessment and whilst it is noted in the document that this included a site visit, this did not include an archaeological field evaluation. The Archaeologist notes that this document is more of a gazetteer of the data that was provided to applicants by the County Council themselves. Thus, for the reasons above, officers are in agreement with the County Council's Archaeologist that the application should be accompanied and informed by an archaeological field evaluation and the application is contrary to Paragraph 128 of the NPPF.

Accessibility, Highway Safety and Parking

- 8.43 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. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions."* Policy SLE4 states that: *"All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported."*
- 8.44 Access to the site will be from the Old A421 Road. This will be provided by a new access point onto the Old Banbury Road which will need to be improved in order to serve the development; further details of the improvements are set out within the accompanying Transport Assessment. The Transport Statement considers the proposed improvements to the access/egress would ensure that requirements for highway safety, including recommended visibility splays, are met and are in line with Policy.
- 8.45 To date, no comments have been received from the Local Highways Authority although these are expected prior to the Committee meeting and, if received, will be included in the written updates. Nevertheless, as already noted, the site is not well connected to the village and existing transport network, and there are limited public transport options available to future residents of the development, who would most likely be reliant on the private car.
- 8.46 It is notable that whilst not objecting to the previous application on the neighbouring site that was withdrawn (15/00552/OUT), the Local Highways Authority did express reservations about

the relative sustainability of Finmere in transport terms. The current application proposes a similar quantum of development and so this concern further weighs against the proposal.

Effect on Neighbouring Amenity

- 8.47 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.
- 8.48 Properties adjacent to the northern boundary of the site and to the east of the site are the ones which are most likely to be affected by the proposed development and these require consideration. There are two properties which are directly adjacent to the north part of the site, these being 1 Top Gardens and Flower Patch. The side gable elevation of 1 Top Gardens faces the site, but this side elevation has windows on it including a habitable room at first floor level and this elevation is very close to the site boundary. The rear elevation of Flower Patch faces towards the site and the rear garden serving this property separates the dwelling from the site. Officers have concerns with the indicative layout plan that has been submitted as two of the dwellings to the north of the site would be approximately 10 metres away from the side wall of 1 Top Gardens. Such a relationship is likely to unduly impact upon the amenities of 1 Top Gardens in terms of loss of privacy as well as loss of outlook. Furthermore, it is considered that the proposed dwellings to the north of the site are likely to achieve clear and new views of the private amenity space belonging to Top Gardens and this would unduly effect this property in terms of overlooking. In addition, the separation distance between one of the proposed dwellings to the north of the site and the rear elevation of Flower Patch would be approximately 20 metres, which is less than the advised 22 metres in the Cherwell District Council Householder Guidance in order to prevent a significant loss of privacy.
- 8.49 To the east of the site is the residential property of Westbury End, and the rear garden of this property runs adjacent to the eastern boundary of the site for approximately 90 metres. Officers have concerns in relation to overlooking as a result of the indicative layout given the amount of dwellings to the west of this neighbouring garden with their rear elevations facing towards this property. Officers consider that the proposed dwellings would be sited a sufficient distance away from the dwellings further to the east on Stable Close so as to prevent undue harm to these properties in terms of loss of light, overlooking or loss of privacy, or the creation of an overbearing effect.
- 8.50 The proposed dwellings in the indicative layout plan are considered to be sited a sufficient distance away from Foxley to the south of the site so as to prevent undue harm to these properties in terms of loss of light, overlooking or loss of privacy, or the creation of an overbearing effect. Care will need to be taken in relation to the residential amenity of Heatherstone Lodge to the north west of the site.
- 8.51 Despite the concerns raised above, it is considered that there is adequate space available on the site to accommodate up to 47 dwellings so as to prevent undue harm to the amenities of

neighbouring properties as well as the amenities of the proposed properties. If this outline application were to be approved, the matter of residential amenity requires great consideration at the reserved matters stage so as not to unduly affect the amenities of neighbouring residents, in particular those properties immediately adjacent to the site.

- 8.52 Concerns have been raised from third parties in relation to nuisance as a result of the proposed development, but the Council's Environmental Protection Officer has raised no objections to the proposal. Whilst it is likely that there is going to be an increase in noise from the site, for example from vehicular traffic, it is considered that a layout could be composed so that noise as a result of the proposal would not unduly affect any neighbouring properties. In addition, concerns have been raised by Finmere Parish Council in relation to nuisance for the future occupiers of the proposed housing due to the location of the site near the HS2 rail line and a landfill site as well as the A421. However, no objections have been raised by the Council's Environmental Protection Officer and in the absence of clear evidence to suggest otherwise, it is considered that these local factors are unlikely to result in detrimental levels of nuisance in terms of noise and odour for the future occupiers of the proposed dwellings.

Ecology and Trees

- 8.53 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"*.
- 8.54 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."*
- 8.55 Policy ESD10 of the Cherwell Local Plan Part 1 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."*
- 8.56 The application is accompanied by a Phase 1 Ecological Survey which includes a walk over of the site. The assessment establishes that the proposed development would not impact upon any protected species and that no harm would result from the proposal. The survey found that there are no field signs indicating the presence of protected species, but the site has been assessed as having suitability to support bats and bat roosts, great crested newts and reptiles. Recommendations are therefore made within the report for further survey work for bats, great crested newts and reptiles. The report also recommends best practice guidance for avoiding harm to wildlife during the construction phase. Furthermore, the survey makes recommendations in order to enhance biodiversity on the site, including the addition of bird and bat boxes, the use of native wildflower seed mixes and flowering lawns in green spaces and green walls and roofs.

- 8.57 The Council's Ecology Officer has not objected to the proposal and is of the opinion that the submitted ecological appraisal is acceptable and notes that the recommendations set out in this should be adhered to. However, the Ecology Officer has stated that a number of surveys are required before the determination of the appropriate layout or site clearance, including a survey for reptiles and accompanying mitigation, and a survey of the trees on site for bats to ensure they are accounted for during any tree works and within the scheme. A mitigation scheme for great crested newts for the construction phase has also been advised by the Ecology Officer. The Ecology Officer has also noted that a full biodiversity enhancement scheme will be required. These matters could all be conditioned if the application were to be approved.
- 8.58 The Ecology Officer has noted that the management of the proposed landscaping, boundary pond and hedgerows requires consideration as well. However, given that landscaping is a reserved matter, it would not be considered necessary to recommend this as a condition at this outline stage if the proposal were to be approved.
- 8.59 Officers see no reason to disagree with the Ecology Officer's assessment and if the proposal is to be approved, then conditions should be attached to ensure that the development does not cause harm to any protected species or their habitats and to provide net gains in biodiversity.
- 8.60 On the matter of trees, Policy ESD10 of the Cherwell Local Plan part 1 requires the protection of trees amongst other ecological requirements. Policy ESD13 of the Cherwell Local Plan part 1 also encourages the protection of trees and retention of landscape features.
- 8.61 There are a number of established trees on the site, which are mainly focussed around the perimeter of the site. These are considered in the submitted Arboricultural Survey and Report, and this recommends a layout where a number of these trees can be adequately protected to ensure their long term contribution. The Council's Arboricultural Officer holds the view that the submitted document is acceptable, and officers are of the opinion that there is sufficient space available on site so to prevent a layout from unduly impacting upon the important trees within the site. Further information, particularly in relation to tree protection, could be sought via a planning condition. Notwithstanding this, a section of the hedge line to the south of the site, adjacent to the old Banbury Road, would require removal in order to facilitate the access and associated vision plays. This would be harmful and would contribute in urbanising this area.

Potentially Contaminated Land

- 8.62 The site is located within 250 metres of a landfill site, but the site is not recognised as being potentially contaminated and the Council's Environmental Protection Officer has raised no objections to the proposal. It is therefore considered that the proposal is unlikely to cause public health risks to future users, workers, neighbours and other site receptors.

Flooding Risk and Drainage.

- 8.63 A Flood Risk Assessment (FRA) 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. Land within Flood Zone 1 is land which has a less than 1 in 1,000 annual probability of river flooding.

- 8.64 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.
- 8.65 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, but that the layout of the development should consider that the site is potentially at risk from an extreme event and as such the implementation of flood resilience and resistance methods should be considered. The Environment Agency has been consulted but to date has not commented on the proposals. As such, and in the absence of any objection from the Environment Agency, officers consider that flood risk can be adequately addressed by the use of appropriate conditions, in particular conditions requiring the approval of a detailed surface and foul water drainage scheme.
- 8.66 Anglian Water, the Water Authority for the site, have been consulted on this application, but comments have not been received from Anglian Water within the consultation period. That said, Thames Water have stated that existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development, but that this matter can be overcome by a condition. As no evidence has been provided to contradict this, officers consider that an acceptable drainage scheme can be agreed by condition.

Sustainability and Energy Efficiency

- 8.67 Policy ESD1 of the Cherwell Local Plan Part 1 states that measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the Cherwell Local Plan Part 1 seeks to achieve carbon emission reductions. Policy ESD3 of the Cherwell Local Plan Part 1 encourages sustainable construction and states that all non-residential development will be expected to meet at least BREEAM 'Very Good' with immediate effect.
- 8.68 The application has not been accompanied by a Sustainability and Energy Statement and sustainability should be built into the proposal and it should be demonstrated how the proposal complies with Policies ESD1-3 of the Cherwell Local Plan Part 1. This is a matter that would be addressed by condition if the application were to be recommended for approval.

Effect on Infrastructure/Public Open Space/Affordable Housing

- 8.69 Policy INF1 of the Local Plan states that: *development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.*
- 8.70 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 BSC3 requires development within locations such as Finmere to provide 35% affordable housing on site and provides detail on the mix that should be sought between affordable/social rent and shared ownership.
- 8.71 Policy BSC11 of the Cherwell Local Plan Part 1 states that: *"Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of*

open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in 'Local Standards of Provision – Outdoor Recreation'. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement."

8.72 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 infrastructure impact of the development both on and off site, and to secure provision of affordable housing and public open space to meet the needs of the future residents of the development. This would ensure that the requirements of Policies BSC3, BSC11 and INF1 of the Cherwell Local Plan can be met. 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.

8.73 With regard to Policy BSC11, this highlights that schemes for over 10 residential units triggers the requirement for a Local Area for Play (LAP) of a minimum size of 100 square metres to be provided. The Landscape Team have also requested a Local Equipped Area for Play (LEAP) as well, but Policy BSC11 only requests this for proposals over 49 dwellings. The proposal would require 200m² of general green open space as well, in accordance with Policy BSC11, and it is considered that there is adequate space available on the site to achieve this required open space, as well as the LAP.

8.74 Comments are still awaited from Oxfordshire County Council, but it is likely that contributions will be sought toward mitigating the additional demand placed by the development on local education services, highway improvements, and the protection and improvement of the existing public rights of way network. Therefore, insofar as they meet the tests set out at Regulation 122, the following would be sought if this application were to be approved:

- 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 LAP, along with a commuted sum for the Council to maintain this provision;
- The maintenance of retained hedgerows, ditch, trees, pond and proposed informal open space;
- Contribution towards the improvement of public rights of way; and
- Contribution towards primary and pre-school education.

Local Finance Considerations

8.75 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 £366,523.30 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 only limited 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.

Other Matters

- 8.76 Concerns have been raised from third parties in relation to water and electricity supply. In relation to water infrastructure capacity, Thames Water has noted that the existing water supply infrastructure has insufficient capacity to meet additional demands for the proposed development. Thus, Thames Water has requested impact studies of the water supply infrastructure as a pre-commencement condition and this would be attached if the application were to be recommended for approval. In relation to electricity supply, this is a matter for the utilities provider.
- 8.77 Concerns have been raised in relation to an increase of air pollution as a result of the proposed development. Whilst an increase in houses within this rural location will undoubtedly increase air pollution omissions, it is considered that the proposal is not likely to cause materially detrimental levels of air pollution in the locality. Furthermore, no objections have been raised from the Council Environmental Protection Officer.
- 8.78 Concerns have been raised in relation to nuisance and disturbance at the construction phase, and if the application were to be approved, a Construction Environmental Management Plan would be recommended as a condition to ensure that works do not adversely affect residential properties adjacent to or surrounding the site.
- 8.79 Whilst a number of issues have been raised by third parties, the following are not material planning considerations in this case:
- The development is only for profit; and
 - The proposal would undermine the foundations of existing building.

9. CONCLUSION

- 9.1 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.
- 9.2 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.
- 9.3 Allowing 47 homes to be developed would amount to an undesirable overconcentration of new housing development in Finmere that would prejudice a more even planned and sustainable distribution of housing development across the District's Category A villages. In addition, Finmere is the smallest Category A village in terms of population, which offers limited facilities

and services and is not as sustainable as other Category A villages in terms of transport accessibility due to the lack of a regular bus service.

- 9.4 Furthermore, this proposed development on this site would cause significant harm to the rural landscape character and quality of the area, as well as the rural setting of the village. The proposed development would also fail to integrate with the existing built environment.
- 9.5 In addition, it has not been adequately demonstrated that the proposal would not result in unacceptable and unavoidable harm to archaeological assets, despite the location of the site being in an area of known archaeological interest with high potential for significant archaeological deposits to survive.
- 9.6 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 in general spatial terms the site is well located to the village and its services and facilities which would be accessible by walking and cycling. New development also commonly brings economic benefits including providing some construction opportunities.
- 9.7 However, it is considered that the economic and social benefits would be significantly and demonstrably outweighed by the adverse environmental and social impacts identified above. Thus, and in the context of the Council being able to demonstrate an up-to-date 5 year housing land supply, the proposal is considered to be undesirable, unnecessary and unsustainable additional development in this rural location.
- 9.8 It is therefore concluded that the proposal does not therefore constitute sustainable development and the application is therefore recommended for refusal.

9. RECOMMENDATION

That permission is **refused**, for the following reasons:

1. The development proposed, by reason of its excessive scale in relation to the size and relative sustainability of Finmere, and taking into account Cherwell District Council's ability to demonstrate an up-to-date five year housing land supply, is considered to be unnecessary, undesirable and unsustainable development that would prejudice a more balanced distribution of rural housing growth planned for in the Cherwell Local Plan (2011-2031) Part 1 and would undermine the housing strategy in the Cherwell Local Plan which seeks to distribute new housing to the most sustainable locations having regard to such matters as public services and facilities, transport and employment. Consequently the proposal is unacceptable in principle and contrary to Policies ESD1 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.
2. The development proposed, by reason of its detached siting, excessive scale and poorly integrated relationship with existing built development, would cause significant and unacceptable harm to the historic linear form of the village, rural landscape character and quality of the area and the traditional setting of the village as experienced by local residents, visitors and users of old Banbury Road and the existing Public Rights of Way which run through and within close proximity to the site. The development would detract from the area's

established character and would fail to reinforce local distinctiveness. The proposal is therefore contrary to Policies ESD13, ESD15 and Policy Villages 2 of the Cherwell local Plan (2011-2031) Part 1, saved Policies C8 and C28 of the Cherwell local Plan 1996 and Government advice within the National Planning Policy Framework.

3. By reason of the site's location in an area of known archaeological interest with high potential for significant archaeological deposits to survive on site, and in the absence of a detailed and adequate archaeological field evaluation, the Local Planning Authority cannot be satisfied that the proposal would not result in unacceptable and unavoidable harm to archaeological assets. Thus, the proposal conflicts with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

For the avoidance of doubt, the plans and documents considered by the Local Planning Authority in reaching its decision on this application are:

- Application Form;
- Planning Support Statement by AAH Planning Consultants dated June 2016;
- Design and Access Statement by AAH Planning Consultants dated May 2016;
- Landscape and Visual Impact Assessment by AAH Planning Consultants dated June 2016;
- Preliminary Ecological Appraisal by Bernwood ECS Ltd dated 26th July 2016;
- Flood Risk Assessment by AAH Planning Consultants dated June 2016;
- Archaeological Desk Based Assessment by OSA Ltd dated July 2016;
- Transport Statement by Via Solutions dated 30th August 2016;
- Interim Travel Plan by AAH Planning Consultants dated June 2016;
- Drawing Numbers: CAL010316 01 Revision A; CAL010316 02 Revision A; and
- Arboricultural Survey & Report by MWA Arboriculture dated 18th July 2016.