

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

16/01548/F

Case Officer: Linda Griffiths

Recommendation: Approval

Ward: Deddington

Ward Members: Cllrs Brown,
Kerford-Byrnes and Williams

Committee Date: 24th November
2016

Referral Reason - Major

Applicant: David Wilson Homes (Mercia)

Application Description: Full planning application for residential development of 99 dwellings (Use Class C3) together with parking, public open space, landscaping and associated infrastructure

1. Site Description and Proposed Development

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

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notices and a notice in the local press.

29 letters of objection have been received, the comments are summarised below:

- Increased traffic causing more congestion and frustration on the roads, our attractive Market Place has become a large, ugly car park
- Another lovely Oxfordshire Village ruined with totally unsuitable and unsustainable development
- Land already has permission for 85 dwellings and this re-submission ignores

the previous rejection

- Concerned that the roads will not be built to OCC standards, becoming a liability for residents and issues with refuse collection
- Density is too high at 26dph and significantly higher than Gaveston Gardens and nearby new developments, therefore not in accordance with saved policy C30(i)
- Existing housing is 2 storey rather than 2.5 as proposed, is too cramped and not appropriate to the village
- Many of the houses have garages and car barns that are too small for standard cars raising further issues with car parking
- Concerns regarding parking in Gaveston Gardens with the footpath connection remains an issue
- Little different from previous refusal
- No indication that grey water recycling has been considered which can reduce water consumption by up to 40%
- Insufficient parking provision
- Due to the inadequate access to the site, the proposal will adversely affect the character and amenity of the area
- Banbury Road is already heavily congested at peak times and therefore traffic will have difficulty leaving this site
- Sewers were laid more than 80 years ago and from the centre of the village carry combined foul and surface water. There have been instances where these sewers have surcharged and also when the pumping station in Chapman's Lane has been unable to cope. The addition of 15% more houses, without a significant upgrade to the system can only create problems for the future
- Increased impact on services such as the school and doctor's surgery
- The Toucan crossing will add to traffic delays on the Banbury Road
- What has changed in the provision of services that led Thames Water to drop their objections, do they now support 99
- Who will be responsible for the upkeep of the open space and play area, burden will be on residents
- The SHLAA suggested a yield of 50 for this site due to its sensitive location and relationship with the wider countryside at the entrance into the village and proximity to the conservation area which includes a number of listed buildings and therefore careful design would be needed
- Incompatible with neighbouring developments which are all two stories, detached and the majority have two garages and parking for two cars on a driveway
- Appears that the estate roads will not be built to OCC standards and they will therefore be un-adopted. CDC is not obliged to send refuse vehicles over private roads if there are access or liability issues
- Support comments of the Parish council
- Appreciate the increased use of local stone but this will do nothing to mitigate the developments high density unsympathetic design and the lack of chimneys which are a feature of the villages existing housing stock
- Views of sensitive receptors have been ignored
- Affordable housing provision has been rounded down rather than up

The above representations can be read in full on the application documentation.

Deddington Development Watch comment as follows:

- Adjacent development is at a far lower density and is only 2 storey in height. SHLAA 2013 suggested a yield of only 50 dwellings due to the sensitive nature of the site. Contrary to BSC2 and Saved Policy C30(i)
- Proposed 2.5 storey dwellings with their prominent rooflines, far from replicating the listed buildings in High Street will draw attention to the

existence of modern high density development intruding into the countryside and inadequately screened, especially during the winter months and giving a hard edge to the settlement boundary and detract from the local environment

- The inclusion of a significant proportion of ironstone is welcomed, but even these 'traditional' designs lack any chimneys to reflect local character and vernacular architecture and will therefore appear incongruous
- Garages substandard sizes
- Concern that roads will not be adopted and burden of maintenance on future occupiers
- Drainage has not yet been approved
- Affordable housing figure should be rounded up rather than down and units in northern part of the site are less well integrated
- Concerns about link to Gaveston Gardens which should be a pedestrian link only
- Landscape and visual impacts appraisal does not properly and fully address the impacts of the current proposal
- Increased traffic
- Transport assessment is flawed and it is questionable whether the data uploaded into the LinSig for existing volumes gives a realistic picture of the existing situation in Deddington and no account is given of the additional traffic generated by new housing developments in Banbury
- This is good quality agricultural land
- Refuse collection

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

3. Consultations

3.1 Deddington Parish Council: object as summarised below

- No detailed access arrangement and welcome OCC request that the agreed junction layout and footpath provision from the previous reserve matters application should be applied to this application
- Link to the traffic signals at the new Toucan Crossing and existing traffic lights should be noted on the access drawings
- Cycle parking provision below OCC standards
- Refuse tracking vehicle size is inadequate
- Roads, play areas and open space should be adopted rather than maintained through a management company
- Welcome the request for an up-dated traffic count
- Public transport section is out of date
- Original approval for 85 given when CDC did not have a 5 year housing land supply. Previous application for 99 has been refused
- No obligation for CDC to collect refuse bins from private access roads, adoptable road infrastructure should be a requirement of planning
- Concerned that developer may request amendments to approved footpath connections. A condition should require compliance with the entire original design including the extension and widening of the footpath from the north west corner of the A4260/B4031 junction to the site pedestrian entrance along the west side of A4260.
- Must ensure that 35% affordable housing provision can be delivered
- Density is too high as is significantly higher than adjacent developments
- Acknowledge improved design, use of stone and tenure blind nature of affordable housing
- Deddington Neighbourhood Plan is close to being submitted to CDC. One of the policies requires roads to be built to adoptable standard, privately

maintained roads will conflict with this policy

- Whilst we can understand the reasoning in the officer's report regarding the benefits of the Cherwell housing supply situation of delivering an additional 14 units on an existing site, request that it is refused, thereby limiting development on the site to 85 with 35% affordable housing giving Deddington a less dense and more acceptable development.

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

Cherwell District Council Consultees

- 3.2 Planning Policy Officer: no policy objection raised in principle. Although this is a sizeable development in the village, 85 dwellings have been previously approved on this site and this proposal would create 14 additional dwellings which will contribute to the Council's five year housing land supply. No additional land release would be required. Deddington is one of the most sustainable villages in the district and has had a modest record of housing completions since 2006 in comparison to other Category A Villages such as Adderbury, Ambrosden, Arncott, Bloxham and Yarnton.

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

- 3.3 Business Support Unit: It is estimated that this development has the potential to attract New Homes Bonus of approximately £817,425.31 over 6 years under current arrangements for the Council including an additional sum paid per affordable home.

- 3.4 Housing Officer: Ordinarily the Council in agreement with the applicant would round up the affordable housing provision to 35 units, in this case the applicant has requested that a commuted sum will be paid in lieu of the 0.65 unit. This is permitted under current local plan policy and as such is agreeable in this circumstance. The commuted sum amount of £67,000 will need to be detailed and prescribed within S106

The applicant has detailed the correct tenure split and unit mix but the 3 bed property on plot 45 should be semi-detached as detached properties are too expensive in this location.

The clustering arrangement is acceptable, but all of the 2 and 3 bed properties should have 2 parking spaces, some only have one space.

- 3.5 Environmental Protection Officer: No comments received

- 3.6 Landscape Officer: No comments received

Ecology Officer: No comments received

Oxfordshire County Council Consultees

- 3.7 Highways Liaison Officer: does not raise objections but comments on a number of issues relating to the access arrangements, Transport assessment, refuse collection and travel plan. These comments can be read in full on the application file and are discussed further in the report under transport and access. A number of conditions are recommended should planning permission be granted.

- 3.8 Drainage Officer: Objection. These comments can be read in full on the application file and are discussed in the report in respect of drainage and flooding.

Other Consultees

3.9 Environment Agency: No comments received

3.10 Thames Water: No objection

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Part 1) 2011-2031

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

BSC1: District wide housing distribution
BSC2: Effective and efficient use of land
BSC3: Affordable housing
BSC4: Housing mix
BSC7: Meeting education needs
BSC8: securing health and well-being
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
ESD5: Renewable energy
ESD7: Sustainable drainage systems
ESD10: Protection and enhancement of biodiversity and the natural environment
ESD15: Character of the built environment
Policy Villages 1: Village categorisation
Policy Villages 2: Distributing growth across rural areas
Policy INF1: Infrastructure

Adopted Cherwell Local Plan 1996 (Saved Policies)

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

4.2 Other Material Policy and Guidance

National Planning Policy Framework

National Planning Policy Guidance

CDC Planning Guidance/Documents

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

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of development
- Design and layout
- Housing mix
- Transport and highway safety
- Ecology
- Flood risk
- Impact on heritage assets
- Contaminated land
- Landscape impact, open space and play provision
- Planning obligation

Relevant Planning History

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

5.3 In July 2016 Planning Committee considered a new detailed application by the applicant, David Wilson Homes, for the erection of 99 dwellings on the site (16/00053/F) refers. The Committee refused planning permission, (contrary to Officer recommendation) for the following reasons:

1. The development proposed by reason of its scale, layout and design, taking into account Cherwell's ability to demonstrate an up to date housing land supply is considered to be an overdevelopment of the site which would be out of keeping with the existing adjacent development and the character of Deddington Village as a whole, and cause harm to the rural setting and approach into the village. The proposal is therefore considered unacceptable and contrary to Policies ESD13 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and saved Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and the advice within the National Planning Policy Framework.
2. In the absence of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required as a result of this development, including affordable housing will be delivered. This would be contrary to INF1 of the adopted Cherwell Local Plan 2011-2031

and the advice within the National Planning Policy Framework.

- 5.4 There have been no pre-application discussions in respect of the submission of this current application which is a re-submission of the previously refused application. The only changes appear to relate to the revised Flood Risk Assessment which is considered below.

Principle of Development

- 5.5 The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan 2011-2031. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan so far as is material to the application and to any material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 also requires that regard is to be had to the development plan for the purpose of any determination to be had under the plan, unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 11 which makes it clear that the starting point for decision making is the development plan.
- 5.6 The application site is outside the current built up limits of Deddington Village on the western side of the Banbury Road, in open countryside, and the proposal is for large scale residential development of 99 new dwellings with associated infrastructure, including open space. The site is not allocated for development in any of the adopted Local Plans comprising the Development Plan. The site however does benefit from an extant planning permission for the erection of 85 dwellings on the site which has been implemented and the development is now under construction. This has established the principle of residential development on the site and is a material consideration.

Adopted Cherwell Local Plan 2011-2031

- 5.7 The Cherwell Local Plan Part 1 has been through Examination, has been considered by Full Council, is now adopted and is consistent with the NPPF. Policy Villages 1 and 2 are both relevant to this application and were considered by the Examination Inspector to be sound. Policy Villages 1 of the Plan relates to proposals for residential development within the built up limits of villages and designates Deddington as a Category A village and therefore one of the more sustainable based on criteria such as population, size, range of services and facilities and access to public transport. Deddington Village centre includes a range of services and facilities and has both a primary school and doctor's surgery. This policy allows for minor development, infilling and conversions. In assessing whether proposals constitute acceptable minor development, certain criteria are used as follows:
- The size of the village and level of service provision
 - Site's context within existing built development
 - Whether it is in keeping with the character and form of the village
 - Careful consideration of the appropriate scale of the development
- 5.8 The application proposal is not 'minor' development, nor is it within the built up limits of the village of Deddington in relation to the western side of the A4260 Banbury Road. The proposal in principle therefore is not in accordance with Policy Villages 1. It should be noted however, that, this does not mean that development outside villages cannot take place, but regard must be had to Policy Villages 2 in that respect.
- 5.9 Policy Villages 2 of the Plan seeks to distribute the amount of growth that can be expected in villages, although how the numbers will be distributed is not specified, as precise allocations within each village will be set out in Local Plan part 2.

- 5.10 Policy Villages 2 provides for sites to be identified, both in the plan making process, that is, through the preparation of the Local Plan Part 2, including Neighbourhood Plans where applicable and through the determination of applications for planning permission. In identifying and considering sites, it states that regard should be had to various criteria, including whether land has been previously developed or is of lesser environmental value, and, whether the development would contribute in enhancing the built environment. This policy states that a total of 750 homes will be delivered in Category A Villages. This is in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings at March 2014.
- 5.11 Considerable progress has been made to meeting the rural allocation, the 2015 AMR (January 2016) shows that there are 280 dwellings to be identified of the 750 homes for the remaining plan period (up to 2031). As such there is a clear realistic prospect of the rural areas allocation being met in full, through approved developments and through allocations within Local Plan Part 2. In the interest of proper planning and to ensure the most sustainable distribution of the remaining 280, there should not be a concentration of new buildings in just a few Category A villages. It is also considered that not all the allocation should be used so early on in the Plan Period as this would leave the Plan unable to respond to future needs. There were 20 housing completions in Deddington between 2006 and 2011 and another 21 completions between 2011 and 2015.
- 5.12 It should also be noted that the Examination Inspector commented in respect of the adopted Cherwell Local Plan 2011-2031 that it *'properly seeks to alter the local pattern of recent housing growth, as a disproportionate percentage (almost half) has taken place in smaller settlements, adding to commuting by car and congestion on the road network at peak hours'*. He also commented that there is a *'significant level of housing land supply already available in the rural areas'*.
- 5.13 The principle of development on this site would conflict with Policy Villages 2 in that it would result in the loss of open agricultural land beyond the existing built up limits of the village along the western side of A4260 Banbury Road and was not previously developed land or of a lesser environmental value. The site however benefits from an extant planning permission for 85 dwellings, and the construction of these dwellings has now begun on site. The principle of residential development is therefore clearly established and is an important material consideration in considering whether an additional 14 units across the site causes demonstrable harm to the character of the area contrary to the policies contained within the Development Plan and Government advice within the NPPF. The proposal would assist further in meeting the overall Policy Villages 2 requirements.

National Planning Policy Framework

- 5.14 The purpose of the planning system is to contribute to the achievement of sustainable development. The National Planning Policy Framework (NPPF) sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development; contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 70). It also provides (paragraph 17) a set of core planning principles which, amongst other things require planning to:
- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
 - Always seek to secure a high quality design and good standard of amenity for all existing and future occupants of land and buildings
 - Proactively drive and support sustainable economic development

- Support the transition to a low carbon future in a changing climate
- Encourage the effective use of land by re-using land that has been previously developed
- Promote mixed use developments
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant developments in locations which are, or can be made sustainable
- Deliver sufficient community and cultural facilities and services to meet local needs

5.15 The NPPF at paragraph 14 states ‘at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both planning and decision taking....for decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where a development plan is absent, silent or relevant policies are out of date, granting permission unless;
- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific [policies in this framework indicate development should be restricted

Five Year Housing Land Supply

5.16 From 1st April 2016 the Council’s AMR 2015 (January 2016) identifies that the Council has a 5.6 year Housing Land Supply for the current five year period 2016-2021. The permitted 85 dwellings are already included in the five year housing land supply. The additional 14 dwellings proposed by this application would also contribute to that housing land supply.

5.17 The Councils Housing land Supply position has been upheld by the Planning Inspectorate in respect of a number of recent appeals, the most recent in respect to an appeal relating to the erection of 75 dwellings at Kirtlington (14/01239/OUT refers).

Design and Layout

5.18 Section 7 of the NPPF – ‘requiring good design’ attaches great importance to the design of the built environment and advises at paragraph 56 that ‘good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute for making places better for people’.

5.19 The NPPF also advises at paragraph 60 that developments should seek to achieve a strong sense of place and whilst particular tastes or styles should not be discouraged, it is proper to promote or reinforce local distinctiveness.

5.20 Paragraph 61 also states ‘although visual appearance and the architecture of individual buildings are very important factors, securing high quality design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment’. This site is located on the edge of the village of Deddington close to the historic core and the Deddington Conservation Area. The development must also have regard to the adjacent development in terms of integration, with appropriate connections between, a footpath connection is therefore shown between this development and Gaveston Gardens adjacent. This link will also be provided as part of the extant planning consent as it was required by the Planning Inspector as part of the appeal

consideration. A footpath/cycle link is also shown from the south eastern corner of the development onto the Banbury Road. In terms of its proximity to the Deddington Conservation Area and the historic core of the village, the Planning Inspector in determining the appeal also encouraged that the development should respond to the historic character of Deddington rather than the more 21st Century development. This is one of the key entry points into the village and it is therefore important that the proposed development provides an appropriate 'gateway setting', both in terms of the design, positioning of dwellings and choice of materials.

- 5.21 Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 advises that design standards for new development, whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of the built development and to ensure that we achieve locally distinctive design which reflects and respects the urban or rural context within which it sits. The Cherwell local Plan 1996 contains saved Policies C28 and C30. Policy C28 states that 'control will be exercised over all new development to ensure that the standard of layout, design and external appearance, including choice of materials are sympathetic to the character, layout, scale and density of existing dwellings in the locality and to ensure appropriate standards of amenity. Policy ESD15 also advises that the design of all new developments will need to be informed by an analysis of the context, together with an explanation and justification of the design principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement.
- 5.22 The appearance of new development and its relationship with its surroundings and its natural and built environment can have a significant effect on the character and appearance of an area. Securing new development that can positively contribute to the character of its local environment is therefore of key importance.
- 5.23 Cherwell district is divided into four distinct character areas, each one exhibiting its own specific characteristics. Deddington is located within the 'Ironstone Downs Character Area' where typically two storey terraced and detached houses constructed of ironstone dominate the historic core, although larger scale buildings and dwellings are found along High Street and within Market Square. Dwellings of traditional vernacular in North Oxfordshire have narrow gable spans and steeply pitched roofs. A major contributor to the historic core of Deddington and the conservation Area is the predominance of vernacular buildings constructed in local stone. Due to the relative softness of ironstone, traditional vernacular also tends to be in the form of simple wide fronted units with minimal detailing. Natural slate is also a predominant roof material and ironstone boundary walls are also an important and prominent feature within the Conservation Area.
- 5.24 The submitted application seeks to replicate the existing approved road and infrastructure layout already established for the site and is unchanged from the scheme previously considered and refused by Members in July 2016. The Banbury Road frontage has been designed to create a strong built form, constructed in natural ironstone, similar to the existing development found along High Street with parking provided at the rear, again, in a similar manner to parking provision along High Street. The dwellings along this frontage are a mix of 2 and 2.5 storey dwellings. The area around the central open space has also been designed to create a strong frontage overlooking it and built predominantly in natural ironstone. This submission following previous negotiations in respect of the refused application proposes that 45 properties (45.5%) will be constructed in natural ironstone, this compares with 33% on the approved reserve matters scheme.
- 5.25 In terms of legibility through the site, this submission, in line with the approved reserve matters consent seeks to establish a 'Landmark Building' at the head of the main access route into the development. The Design and Access Statement advises that this building has taken its cue from 'The Hermitage' in Market Square, it was

originally proposed to be constructed in render but was amended to natural stone to help frame the central open space and continue the rhythm of materials around it which are shown in natural stone.

5.26 In terms of neighbour impact, a number of objections have been received from residents in Gaveston Gardens who have expressed concerns about potential overlooking from properties which front the landscape belt which was provided in conjunction with the Gaveston Gardens development to mitigate the impact of the development on the approach into Deddington from the north. Dwellings fronting towards Gaveston Gardens are set back approximately 15m from this boundary. This together with the overall depth of the landscape buffer of 15m gives a total distance of approximately 30m from the front of these properties to the rear garden boundaries of the properties in Gaveston Gardens. It is considered therefore that due to the distances involved that overlooking and loss of privacy is not sufficiently harmful to justify refusal of this application. Furthermore this exceeds the distance between the properties as approved under the reserve matters consent.

5.27 In terms of the design of the dwellings, these remain unchanged from the application which was previously refused at the Planning Committee meeting in July (16/00053/F refers). A variety of open canopies are proposed for the front of each dwelling, and occasional bays are proposed at ground floor level. Roofing materials will be a mix of natural slate for the ironstone properties with plain clay tiles elsewhere. Many of the house type designs are based on the house types used at Adderbury fields which is also a development by David Wilson Homes.

Housing Mix

5.28 This application for 99 dwellings proposes 65 market houses and 34 affordable housing units with a mix as follows:

Open Market	Affordable
1x2 bed flat over garage	8x1 bed house (rent)
6x2 bed house	13x2 bed (rent)
19x3 bed house	3x3 bed house (rent)
29x4 bed house	9x2 bed house (shared ownership)
10x5 bed house	1x3 bed house (shared ownership)

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

5.30 The increase number of units to 99 dwellings has sought to address Policy BSC4 by providing a mix of market dwellings across the site in response to the desire by local residents to address the need for smaller units for first time buyers and those wishing to downsize but remain in the village. It is considered that whilst the number of units across the site has been increased, this has provided a greater mix of housing sizes to the benefit of the village in accordance with Policy BSC4. It should be noted that the approved reserve matters scheme does not include any 2 bedroom market dwellings.

Transport and Highway Safety

5.31 A Transport Assessment (TA) has been submitted as part of this application and has been prepared by PFA Consulting on behalf of the applicant. A new vehicular access will be created to the A4260 Banbury Road in the form of a ghost island priority junction as agreed in respect of the extant planning permission. An objection has however been received from OCC as highway authority who advise that the current submission does not include a detailed design of the access arrangement for both

vehicles and pedestrians/cyclists and that details agreed from the previous reserved matters application (14/02111/REM) should be applied. The previously agreed new Toucan crossing should also be linked to the existing traffic lights and this should also be noted on the access drawings. The proposed access is currently being provided as part of the existing permission, just north of the existing 30mph speed limit into the village. The intention is to extend the 30mph limit northwards following development.

- 5.32 OCC as highway authority has assessed the submitted TA. They comment that the TA quotes the Third Oxfordshire Local Transport Plan 2011:2030 which has been superseded by Connecting Oxfordshire 2015-2031: Fourth Transport Plan and should therefore be updated accordingly. The Automatic Traffic Counts were carried out in May 2010, with a supplementary ATC conducted in June 2012, but traffic flows have increased since that time and this is not reflected in the TA. OCC also note that the public transport section also requires updating as a number of subsidised services have been cut and some services are no longer operational. OCC advise that the travel plan should be amended/updated but this element can be conditioned. The applicant is aware of these comments, but has not updated the submission accordingly to date.
- 5.33 In terms of cycle storage, whilst the Travel Plan states that all dwellings without garages will be provided with a shed and Sheffield stand which is acceptable, the garages indicated have internal dimensions which are inferior to OCC standards which requires garages to be 3mx6m to allow space for a car plus cycle storage. Cycle parking around the play area is desirable as it would encourage cycling.
- 5.34 In terms of pedestrian movement, OCC as highway authority advise that the development has been well designed, incorporating a well-connected movement framework which encourages walking and cycling. It is suggested that a rear gate should be incorporated into the rear boundary of plot 50 to allow easy access to the parking court. All visitor parking spaces in lay-by locations must be hard surfaced and have minimum dimensions of 2.4m x 6m with a further hard-standing of 0.8m wide to enable visitors to step out of parked vehicles onto a suitable surface. These matters can be conditioned.
- 5.35 A refuse tracking plan has been submitted which demonstrates that a 10.22m refuse vehicle can access the areas safely. OCC however, advise that tracking should show an 11.3m vehicle, but this is larger than currently required within the CDC Planning and Waste management Design Advice which shows 3 vehicle sizes, 9.62m, 10.22m and 10.52m. Further clarification is also requested by OCC for refuse collection to plots 7-9 but this is not dissimilar to the approved reserve matters.

Ecology

- 5.36 The application is accompanied by a preliminary ecological assessment dated October 2015 and revised December 2015, prepared by Middlemarch Environmental on behalf of the applicant. To fulfil this brief, an ecological desk study and a walkover survey (in accordance with Phase 1 habitat Survey methodology) were undertaken. The desk study exercise identified no European statutory sites within 5km of the survey area, no UK statutory sites within 2km and one non-statutory site, Deddington Mill within 1km. The site is not located within 10km of a statutory site designated for bats. The desk study also provides records of protected and notable species including badger, hedgehog, harvest mouse and birds.
- 5.37 The walkover survey was undertaken on 22nd September 2015 and a number of recommendations were made in the report in respect of the key ecological features found. A biodiversity enhancement strategy and reptile method statement has been approved following the discharge of conditions in respect of the outline consent. Development on site has begun.

Flood Risk and Drainage

- 5.38 The application is accompanied by a Flood Risk assessment dated July 2016 and produced by PFA Consulting on behalf of the applicant and includes a surface water drainage strategy for the site. This is an updated FRA to that which was considered in respect of the previously refused application. It is proposed to attenuate discharge from the site to greenfield run-off rates utilising an attenuation basin from which discharge is then to drain to the north west of the site. The attenuation basin which is intended to serve the whole development is located at the south east corner of the development site which is the lowest point of the development site.
- 5.39 Oxfordshire County Council has reviewed the Flood Risk Assessment. They comment that this revised submission is updated with geotechnical results which demonstrate that infiltration techniques are no longer viable at the site.
- 5.40 OCC have submitted an objection to the revised submission as follows:
1. No revised detailed drainage plans have been provided to accompany the new application
 2. Paragraph 4.23 of the revised FRA notes that for exceedance events further consideration of flow paths as part of the detailed design layout is required and therefore clarification/details are required in respect of how the flows have been incorporated into the final design layout and a flood route plan showing the proposed development flow paths back to the pond as suggested
 3. Require confirmation that the proposed basin will provide a permanent wet treatment volume which will provide pollution treatment and amenity value
 4. The micro-drainage calculation sheets provided with the FRA latest up-date do not represent detailed simulation modelling of the piped drainage system and pond. More detailed modelling should be carried out to confirm the pond operates satisfactorily with the revised proposed restricted discharge rate constraint.
 5. Need to confirm whether an easement is required for maintenance access to the Public Open Space. A SUDS management and maintenance plan should be provided. The plan should include a maintenance schedule, site plan showing location of SUDS features and details, maintenance areas and outfalls. Responsibility for the management and maintenance of each element of the SUDS scheme will be detailed within the Management Plan and a health and safety plan where risks are involved in the maintenance activity will be required.
- 5.41 The applicant has been advised of the above objections, but to date have not been addressed by them.

Impact on Heritage Assets

- 5.42 The application site is not within the Deddington Conservation Area, although the boundary lies just to the south of the site. There are no listed buildings on or immediately adjacent to the site. The application is not accompanied by a Heritage Statement although the submission does include an archaeological desk based assessment, produced on behalf of the applicant by CGMS Consulting. The assessment has established that the site has a low potential for significant archaeological remains to be present. No concerns or issues have been raised by OCC Archaeologist in this respect.
- 5.43 The site already has planning consent for residential development, which has now been implemented, and having regard to the above, it is not considered that the development proposed would have a detrimental impact on the setting of the conservation Area or its listed buildings and is unlikely to have any detrimental impact on archaeology and is therefore acceptable and in accordance with Policies ESd13 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and advice within the

NPPF in this respect.

5.44 Contaminated Land

The application is accompanied by a report which has been produced by Georisk Management on behalf of the applicant dated January 2016. The report presents the findings of the desk study research together with initial conceptual model and assessment of potential geoenvironmental constraints that would need consideration for the proposed future development on the site. The Council's constraints information revealed that there is potentially contaminated land within 50m of the site and there is naturally occurring Arsenic Chromium Nickel on the site.

- 5.45 The Council's Environmental Protection Officer commented in respect of the previous application stating that the previous study highlighted some uncertainties and that therefore he would like to see some intrusive investigation works to confirm the findings of the conceptual model. A number of conditions were therefore recommended in this respect. The revised report submitted with this application is dated July 2016. To date no comments have been received in respect of the updated report, Members will be updated verbally at the meeting in respect of whether this now addresses the previous issues adequately.

Landscape Impact, Open Space and Play Provision

- 5.46 Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 relates to the local landscape protection and enhancement and therefore seeks to conserve and enhance distinctive and highly valued local character of the entire district. The site in question was previously identified in the adopted Cherwell Local Plan 1996 as an Area of High Landscape Value, although formal designation relating to the Area of High Landscape Value has been removed, it does not mean that the quality of the landscape is any less important. Policy ESD13 states that: 'development will be expected to respect and enhance local landscape character....and proposals will not be permitted if they would.....cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character...harm the setting of settlements, buildings structures or other landmark features, or, harm the historic value of the landscape'.

- 5.47 Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 states that new development proposals, amongst other things should: 'contribute positively to an areas character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmark features or views, in particular within designated landscapes, within Cherwell Valley and within conservation areas and their setting; conserve, sustain and enhance designated and non-designated heritage assets (as defined by the NPPF), including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively designed and integrated in accordance with advice within the NPPF and NPPG. The NPPF also advises that the open countryside should be protected for its own sake.

- 5.48 The application is accompanied by an 'Appraisal of Landscape and Visual Effects' which has been produced by Pegasus on behalf of the applicant. This report was also submitted with the previously refused application (16/00053/F) and has been prepared by Chartered Members of the Landscape Institute and has been undertaken in accordance with best practice guidelines as set out in 'Guidelines for Landscape and Visual Impact Assessment' (third edition April 2013). The assessment has compared the approved scheme with this revised submission and uses viewpoints based on those previously agreed in respect of the appeal proposal and agreed with Cherwell District Council and considered the potential impacts on the landscape character and amenity of the site and surrounding area.

- 5.49 The appraisal concludes that, in terms of visual impact on the wider landscape character or on visual amenity, the submission will have negligible additional impact and that the proposal could be successfully accommodated on site and assimilated into the surrounding landscape with only very localised landscape and visual effects. It is agreed that the revised development proposed would not have any additional impact in terms of landscape impact and impact upon the immediate locality.
- 5.50 The application proposal is therefore acceptable in terms of landscape and visual impact and is considered to accord with Policies ESD13 and ESD15 of the adopted Cherwell Local Plan (Part 1) 2011-2031 and Government advice within the NPPF.
- 5.51 The application also includes information regarding landscape proposals and open space within the site. It indicates the provision of a combined LAP/LEAP (children's play space) centrally within the site and adjacent to the main access route into the development. This accords with the reserve matters approval and is considered acceptable.
- 5.52 In terms of the landscaping proposals within the site itself, the Council's Landscape Officer has been critical of the layout, the number of trees proposed and the quality of landscaping that can be provided within the development having regard to the amount of space available. The submission however, is not dissimilar to that approved under the reserve matters and it is therefore considered to be difficult to resist on these grounds at this time.
- 5.53 The existing tree belt along the northern boundary of the site is protected by a Tree Preservation Order (TPO 17/2015). This tree belt will be retained as part of the development proposal. An Arboricultural Impact Assessment and Method Statement, produced by Pegasus on behalf of the applicant has been submitted with the application. This does not make specific reference to the TPO. This AMS however, has been approved as part of the reserve matters submission and it is therefore accepted.

Planning Obligation

- 5.54 Due to the scale and residential nature of the proposed development, it is considered that the proposal is likely to place additional demand on existing facilities and services and local infrastructure, including schools, community halls, public transport, sports provision, play provision and open space. Affordable housing will also need to be secured as part of the development. Requests for contributions in respect of these have been made as part of the consideration of this application and would need to be secured via a section 106 agreement, to mitigate the impacts of the development in this respect. The Council's legal team have been instructed and an agreement relating to CDC contributions has been drafted.
- 5.55 Policy INF1 of the adopted Cherwell Local Plan 2011-2031 states that 'development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities. Contributions can be secured via a Section 106 Agreement provided they meet the tests of Regulation 122 of the Community Infrastructure Regulations 2010.
- 5.56 The draft Heads of Terms are as follows:
CDC Obligations
- 35% affordable housing
 - Community halls – £23,261.20 to enhance the Windmill Centre
 - Community development – £23,287.64
 - Public open space maintenance at £12.54m2
 - Balancing pond maintenance at £12.43m2
 - Maintenance of existing hedgerows at £15.35m2
 - Combined LAP/LEAP on site with £129,913.97 maintenance

- Off-site sports provision £123,178.97 to increase capacity of sports pitches in Deddington

OCC Obligations

- £397,038 strategic transport contributions for improvements to signalised junction
- £2000 towards installation and maintenance of bus stop flag pole and information cases on Banbury Road
- £1000 per dwelling towards upgraded bus service Deddington to Oxford
- £1,240 Travel plan monitoring fee
- Section 278 agreement for off-site highway works
- No contribution to primary education sought as this development itself does not trigger a need for expansion of primary school capacity
- £510,531 Warriner School expansion
- SEN – no contribution sought due to Reg 123 of CIL Regulations
- £46,206 – Early Years education
- £27,752.35 – Deddington Library

Engagement

- 5.57 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.58 Although this is a sizeable development within Deddington, 85 dwellings have previously been approved on the site and this would allow an additional 14 dwellings which will contribute further towards the Council's five year housing land supply without the need to release any further green field land. Deddington is one of the most sustainable villages within the District and has only received a modest amount of development compared to other Category a settlements. It is considered that there is no additional significant harmful to the setting or character of this village from the additional 14 units. The proposal is therefore in accordance with the Development Plan policies and advice within the NPPF.

6. Recommendation

Approval, subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined above
- b) The receipt of revised information and detail to overcome the drainage objections
- c) Delegation to officers in conjunction with the Chairman to agree the final conditions, terms of the Section 106 agreement and the drainage issues
- d) the following conditions: TO BE PROVIDED IN FULL prior to the Committee meeting.

Planning Notes – will be provided in full prior to the Committee meeting