

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

Applicant: Hayfield Homes Ltd and Mr and Mrs Townsend

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

Proposal: Erection of 43 No dwellings, a new community hall, associated infrastructure and two vehicular accesses from Main Street on land west of Garners House, Main Street, Great Bourton

Committee Date: 16.02.2017 **Recommendation:** Approval

Committee Referral: Major application

1. Application Site and Locality

- 1.1 The site is a 1.9ha grassed field situated to the western edge of Great Bourton. The A423 Southam Road runs to the western boundary of the site and to the south are Main Street, leading into the village and a caravan site beyond this. To the north are agricultural fields and to the east is Garners House, with some buildings and various uses; beyond which the rest of the village lies. There are a number of public rights of way within the site, one of which runs within the site boundary. The site is enclosed by field hedgerows along the north, south and west and to the east, by a mixture of hedgerow and low post and rail fences.
- 1.2 In terms of recorded site constraints, as mentioned, the site has a public right of way running through it and the site has some potential to be contaminated. Swifts have been recorded within the vicinity and beyond this; there are no other site constraints.

2. Description of Proposed Development

- 2.1 The application seeks full planning permission of a residential development on the site to include 43 dwellings and associated infrastructure including road infrastructure, open space and a play area. The application also proposes a new community hall. Two vehicular accesses are proposed, one providing access to the residential part of the site and one providing access to the community hall.

3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
----------------	--------------------	---------------

13/01318/OUT	OUTLINE - Development of 35 dwellings and a Refused community hall, public open space and associated infrastructure, car-parking and landscaping
14/01843/OUT	OUTLINE - Development of 33 dwellings and a Permitted community hall, public open space and associated infrastructure, car-parking and landscaping (resubmission 13/01318/OUT).

4. Response to Publicity

4.1 The application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper and by neighbour letter. 10 representations have been received. The following comments are raised:

- The Cherwell Local Plan 2011-2031 identifies the need for 750 homes in the villages, mainly in the Category A villages of which Great Bourton is not one. It does recognise that small windfall sites will come forward during the plan period but a development of 43 dwellings is not 'small'.
- The Local Plan makes reference to only permitting small scale growth of villages. The application must be assessed against the local plan.
- There has been a material change in circumstances since the approval of the outline application and as it is a new application it must be determined on its own merits.
- The development offends the policies of the local plan and should be refused.
- Reference is made to the refused planning application 16/1468/OUT at Cropredy and the relevance to the current application.
- CDC has a 5 year housing land supply therefore it remains that there is no pressing housing need for additional land release.
- The site is not previously developed, would not contribute to enhancing the built environment and it is not well located to services and facilities.
- The development is disproportionately large increasing the number of houses in the village by 25%.
- The proposed development would extend the village envelope and would adversely affect the character of the village and the surrounding landscape.
- The proposal would alter the appearance of the village and of the approach south along the Southam Road and would destroy local farming environments.
- The design does not fit in well with the existing village character.
- The design and layout fails to show an understanding of the way villages evolve. The development is on the fringe of the village adjoining a rural landscape. The proposed development is closer to the highway than adjacent properties with higher density and massing appearing distinct and different and would sit at odds with the properties around it.
- The proposal appears to reflect an urban housing estate rather than the rural location. The character of the village should be protected.
- The presence of terraced housing is particularly out of character. Most historic terraces have evolved by adjoining houses rather than in a modern town house form. Their inclusion in a development at the perimeter of the village seems wrong.
- The proposal would form an isolated modern estate at odds with the rest of the village.
- The development should respect its rural village location and be in proportion and sympathetic.
- There would be no connection to the existing community.

- The affordable housing is desirable and the smaller properties would be of benefit to a range of people (not just building executive homes).
- No evidence of need within the village for a development of this scale, which must have a detrimental effect on the character of the village.
- The entry to the village will feel far more suburban.
- The proposed village hall is not needed and will be expensive to run. The existing hall is appropriate to the size of population and well used.
- The developer suggests that more houses are required to enable delivery of a community hall.
- The majority of villagers are not happy about the prospect of trying to run larger premises. To meet the costs would involve more hiring out, reducing availability for the local population.
- The increase in number of homes cannot be linked to the delivery of the Community hall.
- Increased traffic at the exit onto the Southam Road and increased congestion and the associated implications is also a concern.
- The position of the accesses to the housing development and the hall are close to the busy junction with the A423. There is likely to be increasing congestion from more housing in the area.
- Traffic calming measures would be unnecessary if the new houses were not to be built. It is not clear that they would improve the situation anyway.
- The development would not be sustainable – all facilities, with the exception of the pub and hall will involve car journeys as Great Bourton has no other services.
- There is now no public transport serving the village apart from one bus per week.
- Previous applications sought to improve bus services therefore helping to address the sustainability issue. The bus services withdrawal means there is a sustainability issue and even more car traffic being generated.
- The offered transport initiatives including cycle vouchers are negligible in value in terms of being a realistic sustainable transport option. The offer of cycle vouchers could undermine the Local Plan's sustainability credentials.
- Concern over light pollution from development on this site.
- The local sewage system, school and surgery are at capacity. The Council should not be countenancing growth in population in areas where it knows there is no service provision for such growth.
- The increased scale on this site will create a greater burden on the local community and infrastructure.
- There is no need for another play area to upkeep and maintain when both villages have expensively equipped newly upgraded ones. The short lease does not mean it could not be renewed.
- It would add light pollution.
- A management company is to be used for maintenance but it appears likely this matter will fall back onto the Parish Council in the future.
- Concern raised over the public consultation undertaken and over the history of the applicant.

A further letter has been received in response to the Case Officer's letter to the applicant's agent in respect to the application raising the following points:

- It is clear that the Officer intends to recommend approval. The advice given indicates a fundamental error and misunderstanding of the legal position. The Officer appears to have assumed that the existence of the previous extant outline permission justifies the grant of permission subject only to design and other details. Permission on that basis would be entirely irrational, unreasonable and open to legal challenge.
- This is a new application and CDC finds itself in a fresh decision making situation.

- The starting point for the consideration of the application is the applicable Local Plan. The Cherwell Local Plan points towards a refusal of this application.
- The Officer is clearly aware of the Local Plan but her error lies in relation to the law governing the application of material considerations and how they apply in this case. The Courts have given guidance on this matter. Applying the local plan, it is plain that the application should be refused. That must be the outcome of this application unless there are material considerations that require a departure from the plan.
- The Courts have considered what is or might be a material consideration and a number of principles have emerged.
- Giving overwhelming weight to the extant outline permission, allowing it to outweigh the local development plan and other material considerations is wrong and indicates a misunderstanding of the law. The outline permission is relevant or material only to the question of whether, absent the current application succeeding, the alternative lawful use for the land would be more harmful or contrary to policy.
- It is wrong to treat the existence of planning consent for the same site as the starting point for a new application.
- The previous decision has relevance; however it is not material in the way it has been regarded.
- The law is clear that where planning circumstances have changed since the original grant of permission, the Planning Authority is in a fresh decision making situation.
- There have been a number of changes in planning circumstances since outline permission was granted for the site. These changes justify and require the rejection of this application, contrary to the previous outline permission. These include: the fact the Council now has a five year housing land supply, that there is limited change of a successful appeal and that there is now no local support for the scheme. For these reasons, the outline permission granted in 2015 would not be granted now.
- It has been open for a reserved matters application to be made before the expiry of permission in April 2017. They have chosen not to do so and the reason given is financial. It is not the function of the planning authority to allow incremental increases in development size and therefore harm to allow developers to make a bigger profit.
- There must be an assessment as to the relative harm from a larger scale of development. The current application is 30% larger and so the harm is commensurately increased.
- There are other material considerations, including the NPPF, which identifies a 'presumption in favour of sustainable development'. It is clear that the proposed development is not sustainable and statutory consultees have expressed this view.
- It is also material that the site is in an Area of High Landscape Value and situated between the main centre of Great Bourton and the Southam Road. This should be given more weight given the substantial developments under construction along the Southam Road, which put the preservation of Great Bourton as a separate settlement under greater pressure.
- Inconsistent decision making can lead to unwelcome outcomes, including other unsuitable developments which would become more difficult to refuse.
- There is no indication of any discussion or negotiation of any S106 obligations for this application. There should be a larger S106 obligation given the greater burden this proposal would have on the locality.

With regard to the amended plans, the following comments are made:

- How can you cram 43 houses and a community hall in a small field in a village with no amenities.
- Vehicles would be exiting onto Main Street at a dangerous place.
- 43 houses means around 86 people coming and going onto Main Street.
- The amendments do not change the view expressed earlier. Previous objections remain.

- The application is contrary to Policy Villages 1. The outline permission for 33 homes would not now be granted as it is contrary to the Local Plan.
- The AMR shows how Cherwell will meet its 5 year housing supply requirement. There are 28 developments in Cherwell villages with planning permission for 10 or more units. The outline permission for this site is the only one in a Category B village.
- The new application is 10% larger than the outline permission. If this were a new application for 10 houses in total, it would still be contrary to the Local Plan because it is both outside the built up limit of the village and not for fewer than 10 homes. If 10 homes cannot be approved in isolation because the development is too large, then an increase of that size should also be rejected.
- Provision of affordable housing can be a significant way of balancing the harm of development by provision of public benefit. In this case, it seems that the amount of affordable homes is adding to the harm of the development by increasing the density. There is no evidence that the need for affordable housing in Great Bourton has been assessed or that there is a current need for 15 units in the village. It is not a benefit to the village and does not therefore mitigate the harm of the development, to provide a concentration of affordable housing in excess of the local need. This is particularly so in an unsustainable location with limited local services and no public transport. This view was expressed by the Planning Inspector in relation to an appeal in Kirtlington.
- There is no sign that the demand for affordable homes, for local qualifying families with a connection to Great Bourton has been assessed, or whether the mix of size and tenure provided here is appropriate for that local need.
- Local residents have a legitimate expectation that Planning Committee makes decisions on planning applications in accordance with the Council's published plans and policies.
- Concern is raised over the amended response from the Parish Council.

Stagecoach makes the following points:

- Stagecoach service 66 has been operated with financial support from Warwickshire County Council (WCC). Service 77/277 was previously jointly funded by WCC and Oxfordshire. Oxfordshire withdrew their funding from July 2016.
- Stagecoach Midlands has notified its intention to withdraw from the service 66 contract from December 2016 due to the cost of the service despite subsidies from WCC. WCC is looking to re-procure a limited service to Banbury via Great Bourton.
- Whilst a commitment exists for 33 dwellings, based on the facts pertaining at the time, the change in public transport represents a material change in circumstances, that all stakeholders would want to be aware of as they consider if a further 10 dwellings is justifiable in a locality, which essentially, can only be car dependent for a large number of journeys.
- Given progress on delivering allocated sites at Banbury and in villages where a reasonable mode choice exists, to the extent any further supply might need to be identified to meet Cherwell's housing needs, it is considered this should be directed towards more sustainable locations.
- The current consent is considered to be ample to meet immediate locally arising housing needs, including that for affordable housing, given the size of the settlement.

5. **Response to Consultation**

The Bourtons Parish Council:

- The Parish Council has been involved in steps leading to this latest application and had supported the previous application for 33 dwellings for a number of reasons including new residents to support the community, the provision of affordable homes, the provision of play, the potential for improved traffic calming measures and the creation of a bus layby to enable public transport running along the A423 Southam

Road to be able to stop at Great Bourton (it is hoped that this bus layby could still be provided to accommodate future bus service provision).

- The Parish Council have worked with Hayfield Homes to work towards achieving a development that would be acceptable to the village and bring certain benefits. Their first proposal was generally supported by the Parish, however many changes were introduced after discussions with the Planning Department including the increase in the number of homes.
- A further village survey has been undertaken. This has elicited a low response rate, however the comments, alongside those expressed at the Developers consultation, indicate that the majority of responders are against the new development and the Parish much reflect these opinions.
- The Parish Council is therefore unable to support the application for the following reasons:
 - The increase in the number of homes would make the development too large, dominant and imposing at the entrance to the village.
 - The extended length of terraced houses at the entrance to the development creates the impression of an urban estate which is out of place in a rural village. The presence of terraces in the centre of the village was created over time in an evolutionary way and this is not represented in this modern terrace.
 - The provision of the affordable housing in a single area is not acceptable and could lead to problems in the future. The development should be tenure blind.
 - The introduction of parking courts is seen as a typically urban design feature and could encourage on street parking as well as potential anti-social issues. These should be avoided.
 - The terraced housing is positioned very close to the existing boundary hedge and will create a dominating presence. Maintenance of the hedge would be difficult. These houses should be set back to make them more visually acceptable – other houses at this end of Main Street have front gardens and drives.
 - Anxiety is raised by residents that the development would cause light pollution.
 - Occurrences of flash flooding in Cropredy from run off of surface water down the Bourton Hill has given rise to some opposition for fear of aggravating that circumstance. Preference would be to see the previous swales returned to the scheme with the permeable paving roadways.
 - Some concerns expressed by residents about the increased traffic flow and dangers at the Southam Road junction could be partly ameliorated by changes to the road layout (for example an increase in the width of the splay at the entrance to the site, a left filter lane at the Main Road/ Southam Road junction, the movement of the 30mph zone to the interchange with the 50mph limit).
 - With regard to the community hall; the Parish Council has always supported the provision of a new hall as it considers the existing hall to be restricted in many ways. However it accepts that the latest village survey does not support that view.
 - The Parish Council cannot support the application in its current form. Some new housing would be of benefit but it is considered that substantial and significant changes to the current application must be made in terms of number of houses, site layout, design and style, if villagers are to feel that their views have been heard and reflected.

In response to the amended plans, the Parish Council have resubmitted their comments as summarised above with additional comments highlighted. The additional comments are as follows:

- It is noted that there are fewer large houses and there is an increase in smaller inexpensive houses.

- The Parish Council recognises that to build a bus layby in the current circumstances of zero service would be a misapplication of funds, and would prefer that to be spent on a left turn filter lane, utilising some of the grass verge at the south bound exit from the village road onto the A423, if that could be agreed with OCC Highways.
- From the feedback received, the overriding concern is the number of dwellings and the increase from the original proposal. The Parish Council concurs with this view.
- In discussions with the Planning Officer, we understand that terraced houses are seen as a desirable feature in modern local development and that this terrace is seen to reflect some of the local housing stock. Now that the terrace has been reduced to 6 rather than 10 houses and the repositioning with two detached houses on the frontage, the impact is diminished. The modifications to the design, layout and housing style have reduced the effect of the dominant nature of the entrance to the village and setting back the properties from the frontage, more sympathetically reflects the existing housing nearby.
- The concern regarding the location of the affordable housing has been addressed and it is now more widely dispersed.
- The problem identified of parking courts has been addressed and some visitor parking laybys have been created throughout the site.
- The change in layout has addressed the issue of proximity to the boundary hedge. The houses facing Main Street are now set back from the boundary and the PC are pleased to see that all the properties visible from Main Street, including the properties overlooking the open space are now built of stone. The detailed landscaping and planting schemes, which are included in this application, with widespread addition of a rich variety of native trees will greatly improve the present biodiversity of the site and enhance its appearance.
- The problem of flash flooding has been addressed by paving all the major roads within the site with porous block pavers underlain with retentive SUDs. There will be soakaways in rear gardens and storm water storage crates below permeable driveways.
- The current traffic calming measures are seen as ineffective, and sometimes dangerous, can be re-examined and improvements made within the scope of this development. The PC acknowledge that none of the traffic calming schemes approved by the Highways department will relieve all traffic problems currently experienced, it will provide an opportunity to agree a new design to reduce the speed of vehicles through the village.
- Although the latest village survey does not support that view, the first survey which had a higher response demonstrated that more residents were in favour of a new community hall than against it.
- The Parish Council believes that some new housing development would benefit the village and bring advantages to the local community and are pleased to see that substantial and significant changes to the application have been made to the site layout, design and style.
- The Parish Council deeply regret that there is no change to the number of houses but it is recognised that the new scheme now achieves a broader housing choice.
- The current version of the proposal has addressed many of the concerns raised by residents. This has partly been achieved by the applicant's willingness to communicate with a view to achieving the best possible outcome.
- The Parish Council, with independent professional advice is of the opinion that ultimately in the future, there will be housing development of some substance on this site since its availability is now in the public domain. At another time, there may not be the opportunity to be involved and to achieve as good a result. It is believed that if this development is approved, it will not necessarily lead to further development on other potential sites in the village and absorbing a new development now, may defend the village from further development.

- In principle the Parish Council supports the application but with some reduction in the number of dwellings.

Cherwell District Council:

Planning Policy:

Objection for the following reasons:

Great Bourton is a Category B, satellite village, (Policy Villages 1). Category B settlements are considered suitable for minor residential development (typically but not exclusively for less than 10 dwellings) within the built up limits of the village, in addition to infilling and conversions.

As at March 2016, the Parish had extant permission for one dwelling. For the period 2011-2016 there are six recorded housing completions

Policy Villages 2 provides that a total of 750 homes will be delivered at the Category A villages on new sites of 10 or more dwellings (in addition to the rural allowance for small site 'windfalls' and planning permissions as at 31 March 2014). This proposal does not fall to be considered under Policy Villages 2 and there is no provision in Policy Villages 1 for development outside built up limits of Great Bourton.

On 12 May 2016, an appeal decision (ref: APP/C3105/W/15/3134944/14/02139/OUT) was received which confirmed that the District had a five year housing land supply (subject to detailed comments on the Council's specific position). The Local Plan's policies for the supply of housing should therefore be considered to be up-to-date. There is no pressing housing need for additional land release at this time.

The site lies outside the built-up limits of the village and would extend development in to the countryside and is contrary to adopted Development Plan policies. The scale of the proposed development, in this less sustainable location, also causes concern regarding the impact it will have on the character of the village and the capacity of its services and facilities. However, there would be benefits from the provision of new houses (including affordable housing), the site has permission for 33 dwellings and it is noted that a community hall is proposed.

The original approved 33 dwellings were considered by the Council's Planning Committee in February 2015 when the district had a published 5 year land supply position of 3.4 years (as at June 2014). These 33 dwellings are now contrary to up to date planning policy in the Local Plan. However, they have permission and presently contribute to the district's five year housing land supply (above five years). Were permission for the current proposal not to be granted, the existing permission would remain extant and would continue to do so with the submission of an application for reserved matters approval by April 2017. There is merit in retaining this supply of homes (with or without a community hall) but the expiry of the permission would mean that development would not occur in a location that falls outside the local plan strategy.

The overall scheme now proposed, including the additional homes, is in conflict with local plan policies. It is understood that the additional homes are proposed for viability reasons in the interest of providing a community hall proposed by the applicant in the original application (not a requirement). The community hall is a proposal associated with a proposed development that falls outside of planning policy. The potential benefits to the local community from a new hall are acknowledged. However, those and the wider benefits of the proposal (including meeting wider housing need) must be considered in the context of the scheme being contrary to the local plan strategy, thereby leading to growth in less sustainable locations in the rural area. The potential loss to the housing land supply if the original scheme is not implemented must be considered in the context that there is an existing permission that could be delivered as originally envisaged by the applicant and the opportunity there has been to submit an

application for reserved matters approval. Furthermore, since that scheme was submitted it is understood that there have been improvements to the health of the housing market in Cherwell and the original scheme would have been considered to be viable in February 2015 to contribute to the five year housing land supply (NPPF, para. 47, footnote 11).

Strategic Housing:

- The increase in the total number of dwellings on the site has increased the number of affordable housing required to 15 to reflect the 35% ratio required in Great Bourton.
- The support of the RP is noted but there are still concerns with the tenure mix and the affordable rent/ shared ownership split requires revision in line with the mix suggested.
- The affordable units should be split up and not clustered together.
- The car parking for the affordable units appears dense and it is suggested this be re-planned.
- Requirements for the standard of build are provided.
- In relation to the amended plans, the following points are made:
- The amendment to the layout still provides the required number of affordable housing units, and the size and tenures of the affordable also remains acceptable.
- The previously clustered units have now been separated over the site in a more appropriate way.
- In addition, the car parking layout is also considered to be an improvement, and provides enough spaces for all the affordable units.
- 50% of the affordable rented units must meet requirement M4(2) Accessible and Adaptable Dwellings requirement. 100% of the affordable housing units are to be to the Governments Nationally Described Space Standard (Technical Housing Standards).
- The Registered Provider to take on the affordable housing needs to be agreed with the Council.

Urban Design:

- It is important that development on this main route through the District is not let down by poor design or detailing.
- Buildings generally address and align with roads, why does the Village Hall have to be set at an angle to the road?
- Query over the angle of the terraces and the roof junctions that may result.
- Query over the materials to be used.
- Query over street scenes including the positioning of windows, chimneys.
- Advice provided in relation to the quality of materials, window and other detailing.
- The off centre porch to the village hall does not positively contribute to the form of the building.

Landscape Planning Officer:

- Some concerns with the proposed planting plans including the species chosen.
- Suggestions are made with regard to the community hall landscaping.
- Concerns raised with regard to the Local Area of Plan
- Comments made with regard to the submitted management plans to require additional information.

In relation to the amended plans the following comments are made:

- The planting is mostly fine (subject to a few amendments).
- There is concern regarding the pedestrian access to the hall from the car park.

- Concern regarding the position of the local area of play, it would be better located tucked away, there are a few detailed amendments required to the detailed LAP scheme.

Arboricultural Officer:

- The retained trees show suitable protection which should be a condition with professional supervision to ensure compliance at each stage.
- The tree landscaping is appropriate and the pit detail needs to have a root barrier installed when used adjacent to hard surfaces.

Environmental Protection:

- No objection to the scheme from a noise and nuisance point but the CEMP required in the previous outline permission should be provided and agreed prior to the commencement of development.
- No comments received regarding contaminated land.

Ecology:

- An updated walkover of the site was undertaken by the ecological consultant in September 2016 and no evidence of badgers were present on site. Should the site clearance works be delayed beyond 6 months from the date of the survey, then an updated badger check will be required.
- The report provides suitable timing of works to remove the sections of hedgerow to create site access to avoid the nesting bird season.
- Regarding biodiversity enhancements within the proposed layout, it is noted that the SUDS features which were included on the outline plans do not appear in the detailed plans. We would recommend these are included as the provision of swales and attenuation features are often very beneficial to biodiversity. It also appears that the proposed open space and SUDS feature on the western boundary is much smaller in area compared to the outline plans. The outline plans are preferred due to the provision of these features which provide a wildlife corridor along the western boundary of the site and provide connectivity in the local area and we strongly encourage the inclusion of SUDS as shown on the outline plans as biodiversity enhancement and due to the loss of semi-improved grassland as a result of the proposed development.
- The provision and locations of 5 x Schwegler sparrow terrace boxes and 5 x Schwegler 1FR bat tubes within the proposed development (as shown in Appendix 1 of the LEMP) are welcomed. The provision of 5 x swift boxes to be placed in suitable locations, at least 5m from the ground under eaves due to known records of nesting swifts in the village are strongly recommended.
- The timing of the wildflower grass cutting appears to be different in the LEMP and in the Landscape Management and Maintenance Plan. The grass should be cut twice annually as a maximum and after the wildflowers have set seed to maximise the biodiversity value. The timing of the hedgerow cuts should also avoid the nesting bird season, or include a check by a suitably qualified ecologist prior to cutting. We welcome that one third of hedgerows will be cut each year, but seek clarification on this as the LEMP states that one third will be left uncut (whereas this should be two thirds left uncut). I would also recommend that annual monitoring and review of the habitat management prescriptions should be built into the LEMP to identify the requirement of additional management measures.
- Finally I would recommend that the lighting scheme should avoid light spill onto the existing and proposed hedgerow planting along the site boundaries.

Recreation and Leisure Team:

- There is no requirement for the hall based on the application scale. If the developer is seeking to transfer the centre to the Parish Council upon completion, together with the appropriate commuted sum, there is no further community requirement.
- Public Art requirement of £7525 to secure suitable public art as part of the development process. This could be functional artworks, standalone sculptural work or a community arts activity with temporary elements to celebrate the new Hall and extended community.
- In response to the amended plans, the Recreation and Leisure Team have confirmed that their comments remain as set out above.

Business Support Unit:

- It is estimated that this development has the potential to attract New Homes Bonus of approximately £352,059.33 over 6 years under current arrangements for the Council including an additional sum paid per affordable home. The community hall has the potential to secure business rates of approximately £4,356 under current arrangements for the Council.

Waste:

- Adequate provision for waste and recycling storage is required. A S106 contribution is required.

Oxfordshire County Council:

Transport: Objection with the key issues being:

- Detailed plans of both accesses need to be submitted to justify the visibility splays used and to show how they can be accommodated. Traffic surveys should be conducted to ascertain speeds along the road.
- Refuse tracking for the appropriately sized vehicle is required.
- Great Bourton must now be considered to be an unsustainable location for residential development due to the inadequate public transport provision.
- There are some layout issues that must be addressed.
- The proposed drainage design is of discharging gullies directly into a drainage layer beneath the roads and this is not acceptable to OCC. The design should be based on SUDs principles using porous block paving, swales or dry attenuation ponds.

Other comments include:

- S106 requirement is for a contribution towards sustaining and improving bus services to and from the village, S278 works to construct the accesses and a change to the speed limit via the alteration of the existing Traffic Regulation Order. Conditions are also required.
- The kissing gates to be installed at either end of the footpath are acceptable and the details submitted are suitable.
- There would no overall concern if the development site were not lit on road safety grounds.
- It would not be justifiable to provide lay-bys on the Southam Road given the bus service has been removed. The Bourtons Parish Council is aware of the contribution sought towards public transport enhancement and has been involved in considering how this could be spent with OCC. As such, the public transport services contribution can still be sought to be used towards improving bus service provision to the village.
- The applicant has offered a number of measures to promote sustainable transport in response to the change in public transport service provision, which include cycle vouchers and the installation of electric charging points. The proposals sound reasonable and mean the development would be catering for emerging markets and

new greener technologies. Whilst electric cars do not remove journeys from the road network or alleviate congestion, they do assist in cutting down on emissions and encouraging users to think more carefully about journeys they make. It is realistic to believe that some residents would cycle to Banbury so the cycle voucher will encourage individuals to consider more sustainable methods of travel.

- Trip generation from the additional number of dwellings are unlikely to place a strain on the highway network from a traffic and safety point of view.
- Cycle parking is required on plot and for the community centre.
- A travel information will be required to be developed and provided to every household.

Education and Property:

- A deed of variation to the existing agreement attached to the outline permission is required to incorporate this application and take account of the additional dwellings. This relates to education contributions only.

Ecology:

- The District Council should seek advice from their in house ecologist.

In relation to the amendments, the following additional comments are made:

Transport:

- Objection. The key issues remaining are:
- The access construction and layout needs finalising with the Road Agreements Team.
- Refuse tracking for an 11.4m vehicle should be revised and drag distances addressed.
- The developer will need to show service crossings and a segregation concrete barrier on the adoption plans.
- We require some safety mitigation measures along the primary access road, to reduce vehicle speeds.
- Traffic Regulation Order (TRO) consultation is needed for the relocation of the 30mph limit.
- A Road Safety Audit will have to be done for the relocation of the build out and implementation of speed cushion on the road narrowing.
- We require the Sheffield Stand to be used for cycle parking, as opposed to cycle hoops.
- The proposed development's drainage design of discharging gullies directly into a drainage layer beneath the roads is not acceptable to Oxfordshire County Council in this location.
- There are a number of outstanding detailed queries including the road surfacing and the position of a visitor space.

Other External Consultees:

Thames Water:

- No objection with regard to sewerage infrastructure capacity. A note is provided with regard to surface water drainage and a planning note is further recommended in relation to water pressure.

6. Relevant National and Local Planning Policy and Guidance

6.1 Development Plan Policies:

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

Cherwell Local Plan 2011 - 2031 Part 1

PSD1 – Presumption in favour of Sustainable Development
SLE4 – Improved Transport and Connections
BSC1 – District Wide Housing Distribution
BSC2 – The Effective and Efficient use of Land
BSC3 – Affordable Housing
BSC4 – Housing Mix
BSC10 – Open Space, Outdoor Sport and Recreation Provision
BSC11 – Local Standards of Provision – Outdoor Recreation
BSC12 – Indoor Sport, Recreation and Community Facilities
ESD1 – Mitigating and Adapting to Climate Change
ESD2 – Energy Hierarchy and Allowable Solutions
ESD3 – Sustainable Construction
ESD5 – Renewable Energy
ESD6 – Sustainable Flood Risk Management
ESD7 – Sustainable Drainage Systems
ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
ESD13 – Local Landscape Protection and Enhancement
ESD15 - The Character of the Built and Historic Environment
Policy Villages 1 – Village Categorisation
Policy Villages 2 – Distributing Growth Across the Rural Areas
INF1 - Infrastructure

Cherwell Local Plan 1996 (Saved Policies)

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

6.2 Other Material Planning Considerations:

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

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

7. Appraisal

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

- Principle of Development;
- Scale of the development;
- Landscape and Visual Impact;
- Design and layout;
- Housing Mix/Affordable Housing;
- Transport
- Trees, Landscaping and open space;
- Effect on Neighbouring Amenity;
- Ecological Implications;
- Flood Risk and drainage;
- Sustainability and Energy Efficiency;
- Planning Obligations;
- Local Finance Considerations;
- Planning Balance

Principle of the Development

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

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

Adopted Cherwell Local Plan

7.4 The Cherwell Local Plan 2011-2031 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. With regard to the villages, the Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and the natural and historic built environments of the villages and rural areas. It does however advise that there is a need within the rural areas to meet local and Cherwell wide needs. Policy BSC1 seeks to distribute the required housing for the District, including the allocations at Banbury and Bicester. In relation to the villages and rural areas, 2,350 homes are allocated for the 'Rest of the District'. Of these 2,350 homes, 1,600 are allocated by Policy Villages 5 at Former RAF Upper Heyford. This leaves 750 homes identified for development elsewhere. Policy Villages 2 provides for these 750 homes to be delivered at Category A villages. The Policy advises that these sites would be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable and through the determination of applications for planning permission. A number of criteria are listed and these must be considered through the determination of a planning application.

7.5 The Local Plan seeks to identify a sustainable hierarchy of villages to set a framework for considering how proposals within villages will be determined. Policy Villages 1 provides a categorisation of the District's villages to ensure that unplanned, small scale development within villages is directed towards those villages that are best able to accommodate limited

growth, ensuring that unanticipated development within the built up limits of a village is of an appropriate scale for that village, is supported by services and facilities and does not unnecessarily exacerbate travel patterns that are overly reliant on the private car and which incrementally have environmental consequences. Category A and B villages are those identified as being the most sustainable in the hierarchy of villages in the District with development restricted by Policy Villages 1 to conversions, infilling and minor development.

- 7.6 The Local Plan also considers the issue of village clustering. It identifies that some villages, which may not necessarily have many services and facilities of their own, are geographically close to villages which do have services and facilities. Larger Villages, known as 'service centre' villages, in combination with the smaller 'satellite' villages can be considered to form a 'functional cluster'. Clustering allows for the support of community facilities, the possibility for small sites to come forward for development in satellite villages where sites in service centres may be limited, the reduction in length of car journeys and where appropriate, the use of developer contributions to support the delivery of infrastructure to needs in any village in a cluster. It is explained that clustering is not intended to form part of the development strategy in Policy Villages 2 as the services and facilities in most satellite villages are too limited to sustainably accommodate the development of larger allocated sites.
- 7.7 Policy Villages 1 identifies that in assessing whether proposals constitute acceptable 'minor development', regard will be had to the following criteria:
- The size of the village and the level of service provision;
 - The sites context within the existing built environment;
 - Whether it is in keeping with the character and form of the village;
 - Its local landscape setting; and
 - Careful consideration of the appropriate scale of development, particularly in Category B (Satellite) villages.

National Policy

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

Five Year Land Supply

- 7.9 The Council's 2015 Annual Monitoring Report (AMR) concludes that for the 5 year period 2016-2021, the District has a 5.6 year supply of housing based upon the housing requirement of 22,840 homes for the period 2011-2031 (1142 homes a year), which is the objectively assessed need for the District contained in the 2014 SHMA. This includes a 5% buffer. The

five year supply position was confirmed by the Planning Inspectorate in a decision issued in May 2016 relating to an appeal at Kirtlington. As the District can demonstrate a five year housing land supply, the various housing supply policies in the Local Plan are thus up to date and accord with National Policy.

Principle of residential development in Great Bourton

- 7.10 Great Bourton is a Category B village, as classified by Policy Villages 1 of the Cherwell Local Plan. As such, the Local Plan allows for development within the built up limit of the village in the form of minor development, infilling and conversions. The proposed development sits outside the built up limits of the village and the proposal does not represent minor development, infill development or a conversion scheme therefore does not comply with Policy Villages 1.
- 7.11 The proposal also does not comply with Policy Villages 2 given that the village is not a category A village where larger scale development within the rural areas is directed.
- 7.12 Notwithstanding the above, it is important to note that outline planning permission has been granted for development on the current application site. This application was submitted in 2014, with outline permission sought for a residential development of 33 dwellings, a community hall, public open space and associated infrastructure. At the time that this application was submitted, the Council's Local Plan 2011-2031 had not been adopted, albeit, the policies of that plan, as a Submission document were considered in detail, including those relating to village categorisation and the housing strategy for the District. The Officer assessment at that time referred to the conflict with policies for the supply of housing, however given that at that time, the Council was not able to demonstrate a five year housing land supply, which, in accordance with Paragraph 49 of the NPPF meant that policies for the supply of housing could not be considered up to date, it identified and assessed other factors in the overall planning balance. On balance, it was considered that the benefits of the scheme would outweigh the adverse impacts caused. Upon the completion of a S106 legal agreement, the application was subsequently approved and a decision issued on the 07 April 2016. This has established the principle of a residential development for 33 dwellings on this site. The other identified factors will be discussed through this report.
- 7.13 In the view of Officers, given that there is an extant permission for 33 dwellings in outline (subject to the submission of reserved matters by 07 April 2017); this must set the context for the consideration of a proposal for 43 dwellings and it is a material consideration. It is however necessary to highlight the changes in circumstances since the previous approval. Firstly, the Council's Local Plan 2011-2031 is now a fully adopted document forming part of the Development Plan. In addition, as the Authority can demonstrate a five year housing land supply as referred to above, all policies for the supply of housing can be considered to be up to date. Given the conflict with the policies in the Plan and the Council's housing strategy this carries weight against this proposal.
- 7.14 Additionally, with regard to the number of rural homes allowed for by Policy Villages 2 - 750 (at Category A Villages), a significant number have already been delivered or are committed, leaving a relatively small number to be provided over the rest of the plan period. Recent appeal decisions received by the Council confirm that an overprovision of the rural housing allocation at an early stage in the plan period would prejudice the sustainable growth strategy

set out in the Local Plan and leave limited ability to respond to later changes in housing need in individual settlements without fundamentally compromising the overall sustainable strategy contained within the Local Plan. It is however important to note that the approved 33 dwellings are included within the Council's five year housing land supply.

- 7.15 Lastly, whilst the village continues to have the same limited level of facilities as considered in 2015, and its relationship with Cropredy which provides a greater level of services and facilities remains, the sustainability of the village has reduced given that it is no longer served by a regular bus service. This, and other transport sustainability matters, will be discussed in more detail later in this report.
- 7.16 It is also important to highlight other relevant policies. Policy BSC2 of the Cherwell Local Plan 2011-2031 confirms that housing development in Cherwell will be expected to make effective and efficient use of land. This is relevant given that the site has an extant permission for residential development. If it can be shown that a higher density development could be physically accommodated on the site without causing additional harm, either to matters of sustainability or the wider landscape, then it could be concluded that additional dwellings on such a site would mean land is being used more efficiently. Additionally, the delivery of a mix of housing, including affordable housing (in accordance with Policies BSC3 and BSC4) remains a high priority in order that a five year supply of housing can be maintained.
- 7.17 To conclude this section of the report, it is considered that the proposal would conflict with Policy Villages 1 and Villages 2 of the Cherwell Local Plan 2011-2031 and would propose development on the edge of a village that cannot be considered highly sustainable. The application site does however benefit from an extant outline planning permission (until April 2017), granted on the basis of the circumstances at that time, and thus it is likely that residential development will occur on this site. As such, it is necessary to consider the other impacts of the development so that the planning balance can be undertaken.

Scale of the development

- 7.18 The committee report for the extant permission identified that The Bourtons Parish (Great and Little Bourton), have a combined total of 310 properties. On the basis for a scheme of 33 dwellings, this was identified as approximately a 10% increase in the number of properties in the Parish. A scheme for 43 dwellings would represent approximately a 14% increase in the number of properties in the Parish. Third party objections have indicated around a 25% increase in the number of properties in Great Bourton when considered alone. The scheme for 33 dwellings was concluded to be acceptable in terms of the scale of development proposed. A scheme for 43 dwellings is large for the village, given its categorisation, and reliance upon other settlements to fulfil its need for services and facilities; however it is necessary to consider the overall additional level of harm that these additional 10 dwellings would cause.

Landscape and Visual Impact

- 7.19 Policy ESD13 of the Cherwell Local Plan advises that development will be expected to respect and enhance local landscape character and a number of criteria are highlighted including that development is expected not to cause visual intrusion into the open countryside, must be consistent with local character and must not harm the setting of settlements, buildings or structures. The Framework highlights that the protection and enhancement of the natural, built and historic environment is part of the environmental role of sustainable development and one

of the core planning principles also refers to recognising the intrinsic character and beauty of the countryside. The Framework also emphasises the importance of development responding to character and history with good design being a key aspect of sustainable development.

- 7.20 The approved outline application was supported by an LVIA, which concluded that residential development could be accommodated on the site without significant harm to the character and visual environment of the localised and wider area. The Officer report noted the impact of development on the character of the village in terms of bringing development closer to the Southam Road and therefore making the village more prominent and changing the rural nature of the village. However, overall taking into account the conclusions reached, along with the mitigation measures proposed, the limited identified overall harm further led to the conclusion that 33 dwellings could be accommodated without causing serious harm to the landscape and wider visual amenities of the area providing care was taken at the reserved matters stage.
- 7.21 The current application is not accompanied by an LVIA, however given that there is an extant permission for residential development on the site, where a landscape and visual assessment has been made and accepted, Officers consider that the assessment must concentrate upon the impact of this particular development upon the landscape and visual amenities of the area rather than the principle of development on the site.
- 7.22 In these terms, given the number of dwellings has increased, there is likely to be some greater impacts. The dwellings are positioned back from the site boundary, which allows for the boundary hedgerows to be retained and the dwellings positioned around the edge of the site are detached, giving a less formal character. The height of the dwellings does not exceed 9.1m, which is not excessively high albeit this is likely to exceed the height of the boundary hedgerows (which is likely in any event from a housing development on this site). The proposal also indicates landscaping around the edge of the site, which will further aid in reducing the impact of the development. In the view of Officers, the proposed development of 43 dwellings would be unlikely to have a significantly worse impact upon the landscape and visual amenities of the area than the impact that would be caused by a development of 33 dwellings and that the scheme currently proposed, including the position of the dwellings on the site and the landscaping proposals, mean that development can be acceptably accommodated on this site. Officers therefore consider that there would be limited overall conflict with Policy ESD13 and the Framework in respect to the landscape and visual harm from this scheme.

Design and Layout

- 7.23 Policy ESD15 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high quality design meeting high design standards and complementing any nearby heritage assets. The National Planning Policy Framework is clear that good design is a key aspect of sustainable development.
- 7.24 As discussed above, the development of the site would extend the village towards the Southam Road, and would result in a relatively large cul-de-sac, which would contrast with the existing settlement pattern, which is characterised by a central core, with development having

dispersed along the main street and north and southwards. As concluded under the original application, this would carry some weight against the proposal. That said, the approved outline scheme would result in this same impact, therefore it would be unreasonable for this scheme to be resisted on this basis. It is therefore important that the proposal itself, in terms of the design and layout provides for an acceptable locally distinctive scheme for this site.

- 7.25 The outline application for 33 dwellings was accompanied by an indicative layout, which identified a large number of detached dwellings and Officers expressed a number of concerns. However, as that plan was indicative, Officers considered it appropriate to secure an acceptable design and access statement, setting suitable design standards to guide future reserved matters on the basis that it had been demonstrated that 33 dwellings could be accommodated on the site. The design and access statement was duly amended and contained a greater analysis of the village in order to inform future proposals and also proposed that the open space and community hall be repositioned such that the open space sat on the corner between Main Street and the Southam Road. Officers considered this had some advantages in softening the impact from the west, however it did illicit some concern from the Parish Council in terms of the interrelationship of the open space and community hall with the rest of the village.
- 7.26 Initial discussions between the applicant and Officers, indicated that their proposal to accommodate 33 dwellings would involve the provision of predominantly detached market homes, of a large scale and with a cluster of affordable housing, which would be very clearly distinguishable from the market units. On this basis, Officers raised concern with the design, layout and the mix of units and identified the need for a locally distinctive development required by policy. Suggestions were made to secure a strong frontage to the development, with a continuous stretch of houses to be reflective of the form of development within the core of the village and to frame the open space. The applicant considered the advice provided and determined that additional units could be accommodated on the site hence the submission of a full application for 43 units.
- 7.27 The original submission raised a number of concerns in relation to the layout and detailed house types and these were raised with the applicant's agent. Following discussions between the applicant, their Urban Designer and the Case Officer, an amended scheme has been submitted and these are the plans for consideration now. Generally, Officers are now content with the scheme considering that the layout represents an acceptable scheme that will show local distinctiveness and provide a high quality development. The scheme number remains at 43 units and Officers consider that the proposals demonstrate appropriately that this number can be accommodated on the site.
- 7.28 The scheme includes a largely continuous frontage at the entrance to the site and framing the public open space. These terraces would be formed from units of different sizes and types, creating a varied street scene of both market and affordable units. This arrangement of units has attracted objection from third parties and the Parish Council, with the view expressed that this form of development is out of character and more reflective of an urban housing estate, pointing out that continuous frontage within the village core would have evolved over time. Officers would disagree that the continuous frontage proposed is urban; the alternative being many detached houses with adjacent garaging, which is notoriously 'suburban'. Whilst it is accepted that the historic core would have evolved over time, the character that has resulted is a strong arrangement of dwellings creating local distinctiveness. In the view of Officers, and

as required by Policy, it is very important that new development, particularly in a village location, reinforces local distinctiveness and the form of development proposed is considered to achieve this. These frontages would be wholly constructed of stone and thus would create a strong building line, framing the open space and respecting the historic pattern of buildings in the village. Officers would further note that this design approach has been very successfully adopted elsewhere, including at Adderbury (Aynho Road and Milton Road).

- 7.29 The original scheme sought to cluster all the affordable units in one place. The amended scheme has dispersed the location of the affordable housing, with the four shared ownership units relocated away from the 11 affordable rented units. This, in itself is acceptable in terms of the resulting clusters of housing in layout terms and the design of the units is now generally indistinguishable from the market units.
- 7.30 Beyond the linked frontage and the arrangement of the affordable units, the layout represents a largely regular arrangement of units, including detached and semidetached units. All units generally benefit from a road frontage, with a small courtyard also provided in one area, albeit this has been designed to provide space for landscaping such that it can form a well-designed space. Parking provision is provided generally to the side of the units and is provided in the form of garaging, uncovered spaces or in small rear courtyards where a continuous frontage is achieved. Parking is conveniently located and visitor spaces are also provided, both within parking courts and on street. The units are generally spaced to meet the Council's space standards and this is acceptable, albeit some garden spaces are smaller and more awkwardly shaped than might be expected. Nevertheless, the layout is now considered to be acceptable in nature.
- 7.31 The house types proposed have also been amended through the consideration of the application. The house types have all been simplified and are generally now considered to be appropriate for this sensitive site. The house types are generally balanced, with acceptable detailing and fenestration which would be suitably provided and details such as the position of chimneys has been considered. A number of porch types are proposed and details of these can be secured via condition. As referred to above, the design of the affordable units are generally indistinguishable from the market units. The detailing of the dwellings can be sought via planning condition.
- 7.32 The plans propose 22 units to be constructed from stone, which represents 51% stone across the site. This is a higher level of stone than is normally achieved on development sites but is appropriate in a village setting, where stone forms the historic building material. The stone units would form the frontage of the site and others positioned in key locations. Otherwise, brick is proposed and this is considered acceptable. Materials samples are to be sought via planning condition.
- 7.33 The proposed community hall is positioned fronting the village road, which is considered to be acceptable in terms of this community building's presence to the village. The design of the village hall is also considered to be acceptable and it will be constructed from stone which is appropriate.
- 7.34 The proposed plans include details of the boundary treatments proposed, which generally includes stone walls in prominent areas and close boarded fencing between gardens. There are a small number of areas where Officers have picked up where amendments may be

required to the boundary treatment proposals as well as the need for details of the elevations of the boundary treatments to be provided. A condition is therefore recommended in relation to this matter.

- 7.35 Overall, Officers consider that the layout and design of the proposal now represents an acceptable scheme that demonstrates local distinctiveness, will be constructed from an appropriate palette of materials and proposes acceptable house types in design terms. The proposal is therefore considered to represent good design and comply with Policy ESD15 of the Cherwell Local Plan and the Framework.

Housing Mix/ Affordable Housing

- 7.36 The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need. Policy BSC4 of the Local Plan requires new residential development to provide a mix of homes in the interests of meeting housing need and creating socially mixed and inclusive communities. Policy BSC3 requires development within locations such as Great Bourton to provide 35% affordable housing on site and provides detail on the mix that should be sought between affordable/ social rent and shared ownership.
- 7.37 The proposal provides 35% affordable housing on the site, in the mix requested by the Council's Investment and Growth Team. The proposal also provides for a range of market units, with a mix of predominantly 3, 4 and 5 bed units (and one 2 bed unit). The mix proposed is considered to be acceptable generally, particularly as a high proportion of 3 bed units are proposed, which provides the opportunity for smaller units and helps to meet the requirements of Policy BSC4 as a mix of homes to meet current and future requirements in the interests of meeting housing need is met. The housing mix achieved by this scheme for 43 dwellings includes the provision of smaller house types that are likely to more closely meet the requirements of Policy BSC4 than a scheme formed predominantly of detached units.

Transport

- 7.38 The National Planning Policy Framework is clear that transport policies have an important role to play in facilitating sustainable development with encouragement provided to sustainable modes of transport to reduce reliance on the private car. It is also clear that applications should be accompanied by a Transport statement if it would generate significant amounts of movement. This is reflected in Policy SLE4 of the Local Plan. Policy SLE4 and Villages 2, both emphasise the need for consideration to be given to whether safe and suitable access can be achieved.
- 7.39 The original planning application 14/01843/OUT gave permission for 33 dwellings and trip generations given at that time were considered to be acceptable. The applicant has made a comparison between this and the revised proposals for 43 dwellings. The conclusions reached indicate that there would be approximately 5-6 extra trips on the network during the peak hours, which equates to an extra 50-55 trips per day. This is not an insignificant number, but nevertheless the Highway Authority has confirmed that these extra trips would not have an adverse impact upon the highway network from a traffic and safety point of view.
- 7.40 The proposal seeks permission for two accesses from the Main Street through the village. One to serve the main area of the development and a second to serve the community hall. At

the moment, the 30mph speed limit in the village begins close to the existing traffic calming feature which is adjacent to the proposed entrance to the community hall. A Traffic Regulation Order is therefore required to change the speed limit along the site frontage and to change the existing traffic calming features (and a contribution is sought towards this process). Due to the fact that this TRO must progress through a formal consultation process, the advice has been that visibility splays of 43m cannot be assumed to be safe. The amended plans confirm that visibility splays of 71m and 60m can be provided and it has been confirmed that the Highway Authority are satisfied that as this is a straight stretch of road, suitable visibility splays can be achieved and it is likely that both accesses will be within a 30mph stretch of road. The accesses themselves are considered to be acceptable; however an amendment to the roadway material has been requested. The creation of the accesses will require approval under S278 as will changes to the current position of the traffic calming features.

- 7.41 Overall, the Highway Authority is generally content with the layout of the site, subject to a number of amendments, which have been sought. The right of way is maintained running along the northern boundary of the site, albeit a number of trees are proposed to be planted near the path and so confirmation has been sought that these will not be planted on the definitive route. The current stiles are proposed to be replaced with kissing gates, details of which have been provided. Some queries have been raised in relation to the tracking plans provided and additional information has been sought in relation to these matters given that amendments could affect the site layout. In respect to the site layout, amendments have been sought in relation to the position of a visitor space, which is provided too close to the main site junction, the provision of safety mitigation measures along the primary access road to reduce vehicle speeds and relating to the cycle parking to be provided for the community hall. Officers are content that it is likely that these matters can be resolved by the provision of additional information or through the technical approvals process to ensure that safe and suitable access to the site can be achieved for all people.
- 7.42 As referred to above, the bus services serving Great Bourton have recently been withdrawn due to the removal of subsidies. At the time that the outline permission for the site was approved, both services were available and contributions were sought to enhance bus services as well as to provide new bus infrastructure along the A423 Southam Road. This along with the location of Great Bourton (approximately 3 miles from Banbury) and the lack of a technical highway objection allowed the conclusion to be reached that although the site could not be considered wholly sustainable, there were factors that would increase the sustainability of the site and this was then taken into account in the overall planning balance.
- 7.43 The removal of the bus services has reduced the sustainability of the village further than that considered as part of the outline permission, and given this position, the ability to seek the provision of enhanced bus infrastructure on the Southam Road would not now be justified. The village remains relatively closely related to Cropredy and the services and facilities there. It is however expected that occupiers of the site will be reliant on the private car and this attracts weight against the proposal.
- 7.44 Taking into account the current position on public transport, the applicant has offered to implement a number of measures to promote sustainable transport in the form of cycle vouchers for each home and the provision of electric charging points for each dwelling (either in the garage or a charging point mounted adjacent to the front door). The Highway Authority have considered these requests and advised that they are reasonable proposals giving the

opportunity for the development to cater for emerging markets and new greener technologies of the future. Furthermore, it is considered that Banbury, as the main employment hub, is conveniently located, so it is realistic to believe that residents would cycle to it, so the cycle voucher would encourage people to consider more sustainable methods of travel. It is considered that these additional sustainable transport measures should be secured through the planning permission and that this should attract a minor level of weight in favour of the proposal.

- 7.45 The Parish Council have sought to suggest that the provision of a left turn filter lane, utilising some of the grass verge at the south bound exit from the village road onto the A423. This has not been requested by the County Council as Highway Authority and does not form part of the proposals. Officers have however raised this matter with Highway Authority Officers and Members will be updated at Committee.

Trees, Landscaping and Open Space

- 7.46 Policy ESD10 of the Local Plan refers to the protection and enhancement of ecology and the natural environment. It requires the protection of trees amongst other ecological requirements. Policy ESD13 also encourages the protection of trees and retention of landscape features. Policy BSC11 sets out the Council's requirements for local outdoor space provision and play space.
- 7.47 The proposal provides an area of open space adjacent to the entrance to the site and the community hall. The area of open space extends to approximately 0.14ha which is sufficient in terms of area for the number of dwellings proposed on the site to meet the requirements of Policy BSC11. The Local Area for Play sits within this area of open space and whilst this sits somewhat awkwardly leaving limited open land for general use and the Landscape Officer has raised some concern in relation to the position proposed, this is not considered to be unacceptable on balance. The edge of the site also incorporates a green verge between the houses and the hedgerow, which would again aid in softening the edge of the site.
- 7.48 The applicant has submitted a landscaping scheme, which has been assessed by the Council's Landscape Officer. The amended scheme, responding to the comments received has been assessed and a number of detailed points remain outstanding. These are likely to be resolvable and have been raised with the applicant's agent. These matters can be addressed by way of the imposition of a 'notwithstanding' planning condition or by being resolved in advance of a permission being issued, should the proposal achieve a resolution to approve.
- 7.49 The proposal is accompanied by an Arboricultural Impact Assessment and Method Statement which has been updated to refer to the amended layout which itself has set the housing back from the hedgerow in order to provide more space for the existing trees/ hedgerow. The document seeks to propose tree protection measures for the existing trees and hedgerows that form the current site boundaries (other than where hedgerows will be removed to facilitate the provision of site accesses and the appropriate vision splays) and sets guidelines for site construction practices and where specific construction techniques are required (such as no dig surfaces). No comments have been received from the Council's Arboricultural Officer to this amended document, albeit in relation to the originally submitted version, no objections were received subject to the use of planning conditions to secure the tree protection

provisions and the appropriate level of supervision. It is advised that the tree pits would need to provide root barriers when used adjacent to hard surfaces. In the view of Officers the protection of the existing trees and hedgerows can be acceptably achieved with the imposition of planning conditions.

Effect on Neighbouring Amenity

- 7.50 Policy ESD15 advises of the need for new development to consider the amenity of both existing and future development and this reflects the Core Principle of the Framework, which confirms the need for a good standard of amenity for all existing and future occupants of land and buildings to be secured.
- 7.51 As discussed above, the Council's guidance in respect to space standards sought between residential units to protect living amenity is generally met therefore protecting the amenity of residential units on the site. Garners House is the only residential unit off site that is likely to experience any impact in terms of residential amenity (due to the distance between any other existing residential property). This property sits close to the site boundary and is unlikely to be affected by loss of light, loss of privacy or over dominance given the relationship and distances between the house and the new development proposed. The car park for the community hall does sit adjacent to the boundary with this property and this may have the result that some noise and disturbance could be experienced. A new mixed native hedgerow is proposed along the site boundary with Garners House and this will provide some mitigation and on balance it is not considered that there would be such harm caused to the amenity of Garners House so as to warrant the layout being considered unacceptable.
- 7.52 The land to the east of the site, to the north of Garners House contains some commercial uses. This includes land for the storage of touring caravans, part of the site for use by a stone mason and the storage of materials. The development proposes 7 dwellings backing onto the land and one dwelling side on (plot 25). In the view of Officers, given the relationship, the impacts are unlikely to be so significant that this proposal could be resisted on these grounds, particularly as the principle of residential development on this site has previously been accepted.

Ecological Implications

- 7.53 The Framework sets out that Planning should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and provide net gains in biodiversity where possible. Policy ESD10 reflects the requirements of the Framework to ensure protection and enhancement of biodiversity. The Authority also has a legal duty set out at the Natural Environment and Rural Communities Act 2006 (NERC 2006) which states that "every public authority must in exercising its functions, have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity"
- 7.54 The 2015 application was accompanied by a Phase 1 Habitat Survey, which concluded that the site was of low ecological value and that biodiversity enhancements would be required. The current proposal is not accompanied by such a survey and as the previous survey is now dated, an updated walkover survey, specifically to record potential badger setts and other evidence of badger activity was undertaken. This did not find any evidence of badgers. The submitted ecological management plan makes a number of recommendations including proposed biodiversity enhancement measures (including bat and bird boxes), the timing for

hedgerow removal (outside the bird nesting season), the use of native species in the landscaping scheme and suggested hedgerow and landscape management.

7.55 The Council's Ecologist has considered the proposals and advises that an updated badger walkover will be required if site clearance works are delayed beyond 6 months from the date of the survey and that the statements relating to the timing of the removal of hedgerows and the provision of bird and bat boxes are appropriate (albeit that Swift boxes are also requested). Concern has also been raised in relation to the fact that there are no SUDs features now proposed, which have benefits to biodiversity and given the drainage concerns still raised (discussed below), this matter will require additional work by the applicant. The provision of a LEMP accompanies the application and the Ecologist has noted some discrepancies in what is said compared to other documents. These would need to be corrected in order to be agreed.

7.56 Overall, based on the proposed biodiversity enhancements, and the low ecological value of the site, it is considered that there is unlikely to be harm caused to the biodiversity value of the site and that the enhancement measures are generally positive to secure net gains. There are a number of matters required to be updated in respect to landscape management and secured and these matters have been raised with the applicant's agent.

Flood Risk and drainage

7.57 A flood risk assessment is submitted with the application in line with the requirements of Policy ESD6 of the Local Plan and the Framework, given the site extends to over 1ha in area and is within Flood Zone 1. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the District.

7.58 The application is supported by a flood risk assessment which concludes that the site sits within flood zone 1 and thus could accommodate development in principle without being at risk of flooding. The outline permission reached the same conclusion, finding that based on the information provided, a suitable drainage scheme could be achieved, based on SUDs principles and that further information was required to inform the reserved matters layout. The indicative layout proposed at the outline stage showed a balancing pond feature and swales.

7.59 Given that this is a full permission, the drainage scheme must be considered in detail in order that it can be taken into account in the site layout. The FRA indicates that infiltration is a viable method of dealing with surface water drainage from the site and the submitted scheme indicates the use of porous paving and soakaways. There are however no above ground drainage features (as mentioned this does not therefore bring any biodiversity enhancements) and Oxfordshire County Council Drainage Team have objected to the drainage scheme proposed in this location. Officers have sought to clarify the objection with the Drainage Team and have alerted the applicant to the continuing objection. It is understood that this matter is likely to be resolvable; however it is important that the matter is resolved in advance of a decision being issued given that it is possible that the drainage scheme change could affect the layout of the site. The proposed resolution seeks to ensure that this matter is resolved in advance of a decision being made; albeit, it is hoped that progress will be made in advance of committee so that an update can be provided to Members then.

Sustainability and Energy Efficiency

- 7.60 The Cherwell Local Plan includes a number of energy policies in order to seek development which mitigates and adapts to the future predicted climate change. This relates to locating development in sustainable locations as well as seeking to reduce energy use, making use of renewable energy and sustainable construction techniques. The policies are however now out of date taking into account more recent Government guidance. Energy efficiency of homes is now a matter for the Building Regulations. Policy ESD3 does however require all new homes to achieve a water efficiency standard of no greater than 110 litres/person/day. Mitigating and adapting to climate change in order to move to a low carbon economy is a key part of the environmental role of sustainable development set out in the Framework.
- 7.61 The proposal is not accompanied by information to demonstrate compliance with the energy policies of the local plan; however it is noteworthy that the site does not meet the scale of development set out within Policy ESD5 for the provision of onsite renewables. A condition is proposed to be recommended to meet the higher Building Regulations Standards for water consumption as set out within Policy ESD3 (110 litres/ person/ day).

Other Matters

- 7.62 The site has some records of naturally occurring contaminants and planning conditions were imposed as part of the outline permission to secure site assessments relating to contaminated land. As part of the current application, a site investigation report has been submitted, which has concluded that there would be no risk to future residential occupiers from recorded concentrations of contaminants on the site. It also concludes that radon gas protection measures are required but that there is limited other risk. Comments are awaited from the Council's Environmental Protection team in relation to this matter as to whether planning conditions are required.
- 7.63 As a detailed proposal, detailed finished floor levels have been submitted. Officers initially raised some queries with the levels proposed taking into account the differences between the levels proposed and the existing land levels. Having received amended plans, there are still some outstanding queries with levels, which appear, in some areas, to have increased still further. Officers have therefore queried the finished floor levels with the applicant's agent. This matter is however a detailed consideration that can be resolved through the re-consideration of the proposed levels.
- 7.64 A number of other detailed conditions; including securing a construction traffic management plan and refusing bins will be required.

Effect on Infrastructure and Planning Obligations

- 7.65 A S106 Legal agreement is required to be entered into to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the Local Plan can be met, which seeks to ensure that the impacts of development upon infrastructure including transport, education, health, social and community facilities can be mitigated. This includes the provision of affordable housing. The Authority is also required to ensure that any contributions sought meet the following tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):
- Necessary to make the development acceptable in planning terms;

- Directly relate to the development; and
- Fairly and reasonable related in scale and kind to the development

7.66 As a S106 exists for the site in relation to the outline proposal, Officers have sought to update this in respect to the current proposed development. The agreement will secure the following matters:

- Affordable Housing (35% with minimum 70% affordable/ social rent and 30% intermediate tenure together with arrangements for provision)
- The provision of the Local Area of Play and a commuted sum for maintenance with arrangements for transfer to the District Council
- Commuted sums for maintenance of open space matters including hedgerows, and informal open space with arrangements for transfer to the District Council
- Community hall (discussed below)
- A contribution of £33,000 towards sustaining and improving bus services to and from Great Bourton
- Transport matters to be secured through a S278 agreement
- Contributions towards primary and secondary education provision

7.67 Officers consider that these matters are CIL Regulation 122 compliant and can be secured through the legal agreement. Officers anticipate ongoing discussion with the applicant in respect to this matter. Progress has been made on drafting the required S106 by the Council's Solicitors and this will be progressed prior to and following committee to reach an executed agreement should the application receive a positive resolution at committee.

7.68 Like the extant planning permission, the proposal includes the provision of a new Community Hall for the village and this was supported by the Parish Council under the previous application. Officers advised Committee at that stage that the provision of the Hall should be given only very limited weight in the planning balance given this scale of development would not usually require the provision of a new Hall and therefore it could be not be considered to be 'fairly and reasonably related in scale and kind to the development'. It was however noted that there are some limitations to the existing hall, in terms of disabled access and parking thus the provision of a new hall would assist in overcoming these limitations and contributing to increased social sustainability. The provision of the Hall was nevertheless secured through the legal agreement. A number of third party comments have raised concern in relation to the provision of a new hall and the desire of the community for such a new facility. The Parish Council also highlight the local view that does not generally support the hall. Whilst the concerns raised are noted, the extant permission secures a Hall and therefore it would be unreasonable for this to be resisted now. The applicant has also offered £5000 towards the potential running costs of the new hall for a period of 3 years to cover an interim period prior to the new hall becoming established and a decision being taken on the existing village hall. The Hall will again be secured through the S106 agreement, however again, Officers would emphasise that this should not be given weight in the planning balance in respect to this proposal.

Local Finance Considerations

- 7.69 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 approximately £352,059.33 over 6 years for the Council under current arrangements once the homes are occupied together with additional payments for the affordable units. With a further small figure of £4,356 from Business Rates from the Community Hall for the Council under current arrangements. However, officers recommend that such funding is given no weight in decision making in this case given that the payments would have no direct relationship to making this scheme acceptable in planning terms and Government guidance in the PPG states that it is not appropriate to make a decision based on the potential for the development to raise money for a local authority or other Government body.

8. Planning Balance and Conclusion

- 8.1 The overall purpose of the Planning system is to seek to achieve sustainable development as set out within the Framework. The three dimensions of sustainable development must be considered, in order to balance the benefits against the harm in order to come to a decision on the acceptability of a scheme.
- 8.2 Based on the assessment above, it is clear that the principle of this development cannot be considered to be compliant with Planning Policy regarding the supply of housing and the Council's overall strategy for where development is sustainably accommodated. Furthermore, the village cannot be considered a wholly sustainable location in transport terms due to the loss of bus services and the fact that residents would be reliant on the private car. This impact would be worsened by the provision of additional residential dwellings on the site over and above those already committed. These matters carry weight against the proposed development.
- 8.3 Nevertheless, the site benefits from an outline planning permission for residential development and a community hall, granted based upon the circumstances at the time it was considered. This permission remains extant. The proposal now for consideration seeks permission for 10 additional dwellings. Based on the assessment above, Officers are content that these additional dwellings could be accommodated on the site without additional serious harm being caused in terms of landscape and visual impact, on transport grounds or in respect to any other detailed matter (and outstanding matters can be controlled via planning condition or by seeking additional information in advance of a permission being granted). Officers also consider that the scheme represents a well-designed proposal, that shows local distinctiveness in its character, form and the materials proposed (including a high proportion of stone) and that a range of dwelling types and sizes will be secured which helps to achieve the aims of Policy BSC4 in terms of housing mix. The proposal would also contribute to the Council's five year housing land supply and provide 15 affordable housing units. These matters would carry weight in favour of the proposal.
- 8.4 Overall, on balance, Officers consider that taking into account the extant outline planning permission for residential development on the site, the proposal for 43 dwellings can be satisfactorily accommodated without causing significant additional harm over and above that

accepted by the approval of outline permission. Officers therefore have concluded that this proposal is acceptable and in compliance with the policies outlined and assessed through this report. The application is thus recommended for approval.

9. Recommendation

Approval; subject to the following:

- a) The completion of a legal agreement in accordance with the Heads of Terms outlined at paragraph 7.66, including delegation provided to Officers to negotiate the agreement;
- b) The resolution of concerns raised by the Highway Authority and Drainage Team with regard to details of the proposal;
- c) The application being re-advertised as a Departure from the Development Plan;
- d) The following conditions:

TO FOLLOW

Planning notes

1. TO FOLLOW

CONTACT OFFICER: Caroline Ford

TELEPHONE NO: 01295 221823