

**OS Parcel 4846 South East Of Launton Road And
North East Of Sewage Works
Blackthorn Road
Launton**

17/01173/OUT

Applicant: Manor Oak Homes

Proposal: OUTLINE - Development of up to 72 dwellings with associated large area of public open space. All matters reserved except for access.

Ward: Launton And Otmoor

Councillors: Cllr Tim Hallchurch
Cllr Simon Holland
Cllr David Hughes

Reason for Referral: Major

Expiry Date: 29 August 2017

Committee Date: 3 August 2017

Recommendation: Refuse

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located immediately to the north of Blackthorn Road and extends to 5.3 hectares. Part of the site is within Flood Zones 2 and 3. The site is bounded to the north and east by open fields, to the south by Blackthorn Road and to the west by the existing development along Station Road. The site wraps around the former sewerage works which is accessed from Blackthorn Road. The site currently comprises fields used for pasture enclosed by established mixed native hedgerows and vegetation that divides the site into three individual sections and establishes the site's external boundaries.. There is a watercourse located along the site's north-eastern and south-western boundary and a main river along the south eastern boundary.
- 1.2. The site is not within a conservation area but there are a number of Grade 2 Listed buildings within the vicinity of the site. The site lies partially within the Ray Conservation Target Area. There are a number of old buildings within the south western corner of the site accessed via a narrow track from Blackthorn Road. There are a number of public rights of way within the vicinity of the site, but none pass through it.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application is in outline with all matters reserved, except means of access which is for consideration as part of this outline proposal. Vehicular access is proposed to Blackthorn Road. Consent is sought for up to 72 dwellings and associated infrastructure, including open space and landscaping. A large area of open space and attenuation is proposed to the eastern part of the site within Flood Zones 2 and 3.

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

| <u>Application Ref.</u> | <u>Proposal</u> | <u>Decision</u> |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| 09/01814/CLUE | Certificate of Lawful Use Existing - Retention of mobile home | Application Permitted |
| 17/00051/SO | Screening Opinion to 17/01173/OUT - Development of up to 72 dwellings with associated large area of public open space. All matters reserved except for access. | Screening Opinion not requesting EIA |

4. PRE-APPLICATION DISCUSSIONS

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

| <u>Application Ref.</u> | <u>Proposal</u> |
|-------------------------|-------------------------|
| 16/00216/PREAPP | Residential development |

4.2. The applicant's agent was advised by e-mail that the proposal would be likely to be resisted.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a number of site notices displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records.

5.2. The comments raised by third parties (175 letters, although some have written more than once) are summarised as follows:

- Increased traffic in an already congested village which already suffers as a rat-run. The application significantly underestimates the volume and speed of traffic currently using Blackthorn Road. This will be made worse by the Wretchwick Green and Graven Hill developments and new A41 roundabout.
- Cross roads with Station Road is dangerous. The junction of Station Road and West End is almost impossible to drive out on in the mornings as it crosses Blackthorn Road and therefore if more traffic is using the Blackthorn Road this will make it increasingly dangerous
- Rejected for inclusion in the SHLAA and nothing has changed since then
- Outside built up limits of the village and is not in keeping with the character and linear form of the village nor its landscape setting
- Too large, 72 homes represents a 14.7% increase and 25.7% cumulative increase since 2011

- Existing right of way for cars and pedestrians from the site over the green onto Station Road is not shown and would not be acceptable for use by the proposed residents
- Who will be responsible for the open space
- Number of listed buildings in the village
- Cause significant harm to the rural character of the area, contrary to Policies ESD15 and Villages 1 of the Cherwell Local Plan 2011-2031 and saved policies C28, C30 and C33 of the Cherwell Local Plan 1996 and NPPF
- Proposal is not infilling or minor development
- The application suggests that there are 3 retail establishments and a medical practice in Launton. In fact there is no medical practice and one of the retail establishments is closing permanently in August
- Insufficient capacity at Launton Primary School
- Increased flood risk and drainage issues, gardens on the south side of Blackthorn Road regularly flood in times of high rainfall. Additional water flows into Launton Brook
- CDC has in excess of 5 years housing land supply with planning permission, no pressing housing need in Launton or surrounding area
- Impact on ecology, the area is rich in wildlife
- The church yard is nearly full
- Urbanisation of the village and development of this scale is unsustainable, while Launton has a basic core of services, daily travel from the village is essential for other basic facilities primarily by private car
- Thames Water make interesting reading, the development may lead to sewerage flooding and the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development
- The land floods and there is photographic evidence to support this, Gladman property developers were originally interested in the site, however, backed away due to risk of flood

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

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. Launton Parish Council: strongly objects as follows

- The development is outside the built up limits of the settlement of Launton and thereby violates saved Policy H18 of the adopted Cherwell Local Plan 1996
- A development of 72 houses in a village which is about 560 houses is a massive increase (approximately 15%) and surely this cannot fit in with Policy Villages 1 of the adopted Cherwell Local Plan 2011-2031, which specifies that types of developments permitted in Category A villages will be minor development, infilling and conversions. This is not minor development. This view is supported by the Environment Agency, who describes this as a large/major development in their objection to the proposal.
- The developers claim that there is no flooding issue because most of the site where they plan on putting the housing is in Flood Zone 3, which is supposedly a less than 1 in 1000 year risk of flooding. Villagers know otherwise, the area has flooded many times. There is even photographic evidence of this on the wall of the Bull Inn, showing the road outside the pub completely submerged, which would have included the proposed development. It is also interesting to note that the environment Agency have objected on the grounds that their Flood Risk Assessment is inadequate; claims that the site will not flood appear to be without merit.
- The developers seem to have grossly underestimated the level of traffic flow that will be caused by this development, as illustrated by the inadequate parking provisions they have allowed. They have also not taken into consideration the knock-on effects on traffic through Launton of other new developments in the vicinity (the Wretchwick development and the Albion Land development on Skimmingdish Lane, which will be providing a large number of jobs with a lot of traffic flowing through the village). Launton's roads could not cope with the level of traffic should this application go ahead.
- The scale and character of the proposed development are entirely at odds with the existing village and a development of this size near the heart of the village will inevitably change and harm the character of the village. One of the things the Cherwell Local Plan 2011-2031 aimed to promote was protecting the character of the villages. This land was excluded from the 2014 Strategic Housing Land Availability Assessment on the grounds that it would be out of character with the linear forms of the adjoining roads (Blackthorn Road and Station Road); this proposed development is completely out of character with the linear form of those two roads.
- The level of development that is being proposed for Launton at the moment is unsustainable and ridiculously high when you consider the total level of development that the rural areas are supposed to be taking in the entire period 2011-2031. We are six years into a 20-year plan; Launton has already had over 50 new houses since 2011, and the proposals for a further 70-140 new houses (from this development and the proposed one at Grange Farm on Station Road) in one village seem quite at odds with the target set out for the rural areas of Cherwell in the adopted Cherwell Local Plan. It is unfair to subject Launton to this level of development; there is a demand for houses, but it is in the whole district and not just Launton.
- It is far from clear whether the village sewerage and drainage systems would be able to cope with a development of this size. At this point, there is no mention of how they would fix this problem.

- The parking provision on site is inadequate, with one space for the one bedroom properties and two spaces for all other properties. You only have to look at the number of cars parked outside other houses in the village to see how laughable this is. The lack of provision would cause serious parking problems both within the development and on the surrounding roads; taking into consideration that there are already parking problems on both Station Road and Blackthorn Road, this will further undermine the village's capacity to deal with the level of traffic
- The inadequacy of school places in the village will be a problem, as the village primary school is already full and they are not expanding (permission recently refused for a planned expansion of the school); the new development may well be in walking distance of the school, but if pupils cannot get into school and have to go elsewhere, this further undermines the developer's claims of sustainability through walking rather than using cars.

STATUTORY CONSULTEES

- 6.3. **Environment Agency:** Objection and recommendation that the application be refused. The application has failed to meet the requirements of the second part of the flood risk Exception Test as required by paragraph 103 of the NPPF because of the inadequate consideration of future flood risk.
- 6.4. **Thames Water:** has identified an inability of the existing waste water infrastructure to accommodate the needs of this application and therefore recommend the imposition of a Grampian style condition relating to a detailed drainage strategy. The existing water supply has insufficient capacity to meet the additional demands for the proposed development and a condition requiring an impact study to be carried out is recommended. Where development is being proposed within 15m of a pumping station liaison with Thames Water should be made to consider whether odour, noise or vibration impact assessments are required as part of the potential promotion of the site and planning submission. Any impact assessment would determine whether the proposed development would result in adverse amenity impact for the new occupiers as those new occupiers would be located in close proximity to a pumping station.

NON-STATUTORY CONSULTEES

- 6.5. **Planning Policy:** This is a green field site on the edge of Launton and extends to some 5.3 hectares. A significant portion of the land lies within Flood Zone 2/3. Part of the site is within the river Ray Conservation Target Area. The site may be partially contaminated.

Launton is a Category A village, one of the more sustainable villages in the District. Policy Villages 2 of the adopted Cherwell Local Plan Part 1 states 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 allowances for small site 'windfalls' and planning permissions as at 31 March 2014).

Policy Villages 2 states that sites will be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission.

The 2016 AMR (March 2017) shows that there are 179 dwellings, out of the 750 allocated for the rural areas, remaining to be identified. The AMR also demonstrates that the District presently has a 5.4 year housing supply for the period 2017-2022 (commencing 1 April 2017).

For the period 2011 to 2016 there have been 55 housing completions in Launton. At 31 March 2016 the number of dwellings with permission but not built was 12. Residential completions and commitments at Launton are higher than many other Category A villages of the adopted Cherwell Local Plan, including Cropredy, Finmere, Kirtlington and Wroxton.

The site is large in relation to the built-up area of Launton village. It was considered and rejected as part of the 2014 SHLAA (site reference LA029) on the grounds that development in this location would be out of character with the linear form of development on Blackthorn Road and on the south side of Station Road. A much smaller site, which includes the sewage works, is considered in the SHLAA as LA018. The SHLAA considered it to be *'a potentially developable site providing for about 25 dwellings in the second five year period. Parts of the former sewage works area are not suitable as they are within flood zone 3. The site has been promoted and subject to further consideration of constraints such as flooding the site is to be considered developable within the plan period'*.

The Local Plan provides for some additional development, however, there is no pressing housing need for additional land release at this time. Development of this site, notwithstanding the benefit of providing housing (including affordable housing) to meet overall Local Plan housing requirements will result in the loss of open countryside contrary to the adopted Local Plan. Furthermore (based on the previous SHLAA assessment) development of the site would be out of character with the linear form of development on Blackthorn Road and on the south side of Station Road.

The site wide housing density proposed is just 13.5 dwellings per hectare therefore the acceptability of the proposal will also need to be considered in the context of Policy BSC2 which states that new housing should be provided on net developable areas at a density of at least 30 dph unless there are justifiable reasons for lower density development.

Policy recommendation: Objection

- 6.6. **Ecology:** Whereas I have no significant objections to the development on ecological grounds, there is missing information in terms of lack of protected species surveys which have been submitted. The applicant's ecologist recommends further surveys for badger, bats, nesting birds, great crested newts and reptiles and I agree with this assessment, in order to inform appropriate mitigation measures for protected species on site. Overall I agree with the conclusions of the survey report that subject to appropriate mitigation measures, no significant impact on wildlife is likely. However, further surveys for protected species will be required prior to submission of any reserved matters application to inform appropriate detailed mitigation plans for protected species.

There are a number of records of protected species in the local area of the site including bat, hedgehog, swift, common frog, smooth newt, great crested newt and badger. The south-eastern part of the site is within the Ray Conservation Target Area (CTA). The CTA comprises the alluvial floodplain of the River Ray, with key habitats comprising lowland meadow, wet grassland/floodplain grazing marsh, hedgerows and ponds. In line with the Local Plan Policy ESD11, where development is proposed within or adjacent to a CTA biodiversity surveys and a report will be required to identify constraints and opportunities for biodiversity enhancement. As such I would recommend this is fully addressed within the plans to include biodiversity enhancements to contribute towards the targets of the CTA in line with the local plan policy.

Further comments relating to specific species and the use of a biodiversity impact assessment are discussed in the body of the report, but can be read in full on the application documentation.

- 6.7. **Landscape Officer:** Aspect Landscape Planning's LVIA is generally acceptable in its methodology and conclusions, except in respect of Viewpoint 4. The viewpoint locations are acceptable in that they are a good representation of the visual receptor experience. A plan showing the Zone of Theoretical Visibility appears to have been omitted: useful information in respect of the proposed visual mitigation/amenity with tree and woodland planting in the informal open space east of the dwellings – refer to item 7.

In respect of viewpoints 7, 8 and 9

- Concerned about the retention of the north boundary hedgerow as visual mitigation that will demarcate gardens, the cutting back of which by residents would be visually harmful to users of the land to the north and PRoW 272/2/10
- Viewpoint 4. It is therefore considered that the proposals will result in an effect of major/moderate significance. However, the highway access and vis splay in the vicinity of this view will present more visual harm than considered in the LVIA, when combined with the rather prominent dwelling proposed east of the access. The 15m landscape buffer to the west of the access should be replicated on the eastern side of the access.
- A combined LAP/LEAP located outside the 1:1000 year flood plain is appropriate to ensure that the play area is adequately drained. The design and layout should comply with CDC requirements
- Western buffer should be widened to allow for visual mitigation for adjacent residents, however, the viewing corridor should be encouraged
- The significant area of adoptable open space will require a plan of management aims and objectives, with a schedule of maintenance
- Details of the attenuation basin and pond in relation to gradients, cross-sections, water levels, vegetation, headwall inlet and outlet
- Street trees are essential
- Hard and soft tree pits to ensure a minimum of 15m³ tree pit growing medium for the successful establishment of trees

- 6.8. **Arboricultural Officer:** The accompanying tree survey was difficult to interpret and following a site visit there are several areas of concern;

- The proposed removal of trees and groups of trees and hedges are unnecessary, the tree survey tree quality classifications are in many cases inaccurate in terms of age class and appear to downgrade the lifespan of the trees as well as substantially undervalue their importance in the landscape
- I wholly disagree with the report in terms of proposed removals and in no way support its accuracy or proposed removals of valuable trees, groups of trees and hedges

- Access routes need to be reconsidered as they require the removal of trees and hedges which due to their landscape value are worthy of retention
 - The extent of the proposed removals is not justified and the assessment of tree health and quality is substantially underestimated
- 6.9. **Strategic Housing:** the site will need to provide 35% affordable housing which equates to 25 units (not 24 as the application suggests). Of these 70% should be for affordable rent and 30% shared ownership. The affordable housing should be dispersed across the site. The maximum cluster of mixed rent and shared ownership units would be 15, but on a smaller site such as this we would expect the housing to be situated in at least two different clusters. We would expect 50% of the affordable rented units meet the building Regulations Requirement M4 (2) Category 2: Accessible and Adaptable Dwellings requirement and 100% of the affordable rented units be built to Nationally Described Space Standards. We would also expect that the 1 bed units to have a minimum of 1 parking space per unit, larger units should have a minimum of 2 parking spaces per unit for both affordable rent and shared ownership units. The Registered Provider taking on the affordable housing units would need to be agreed with the Council.
- 6.10. **Environmental Protection:** a number of conditions are recommended regarding contaminated land, CEMP, air quality and as the site is next to the sewage works there is a chance that the residents could be affected by odour on occasion from the works.
- 6.11. **Business Support Unit:** It is estimated that this development has the potential to attract New Homes Bonus of £366,817 over 4 years under current arrangements for the Council. This estimate includes a sum payable per affordable home.
- 6.12. **OCC Transport – No objection subject to conditions**
- The site is within reasonable walking and cycling distance of the local shops and services such as shop, school, post office and pub. Bus stops with hourly services to Bicester and Oxford are close by on Bicester Road
 - Traffic impact of the development in the future has been satisfactorily predicted and agree that it is unlikely to have an unacceptably negative road safety or congestion effect on the local network
 - The new site access is satisfactorily designed according to the relevant standards informed by specially collected traffic speed data on Blackthorn Road
 - £1,000 contribution per dwelling (total £72,000) is required towards improving the S5 bus service to include evenings and Sundays, making non-car travel more attractive to future residents in line with the NPPF
 - A Travel Plan Statement and travel information packs for first residents will need to be submitted to CDC for approval
- The comments of OCC can be read in full on the application documentation and are also discussed in more detail in the report below.
- 6.13. **OCC Drainage – Objection.** The County Council does not believe that the proposals for surface water drainage are adequate in line within the NPPF. The attenuation pond is sited partly within Flood Zone 2 and the pond outfall is sited in Flood Zone 3.

- 6.14. OCC Archaeology – The site is in an area of archaeological interest and a programme of archaeological investigation will need to be undertaken ahead of any development which can be secured through an appropriately worded condition.
- 6.15. OCC Education – This proposed development has been estimated to generate 5.54 Nursery Pupils, 21.95 primary pupils, 15.42 Secondary Pupils (including 2.03 sixth formers) and 0.45 pupils requiring education at a SEN school.

Primary and Early Years - £377,987 Section 106 required for the necessary expansion of permanent primary and early years capacity serving the area at Launton CE Primary School

Secondary Education – OCC is not seeking Education contributions to mitigate the impact of this development on secondary school infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) and the need to reserve our ability to seek contributions from larger developments than this in the area in the future

Special Education Needs – OCC is not seeking Education contributions to mitigate the impact of this development on SEN school infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) and the need to reserve our ability to seek contributions from larger developments than this in the area in future.

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1 – Presumption in favour of sustainable development
- BSC1 – District wide housing distribution
- BSC2 – 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
- BSC 12 – Indoor sport, recreation and community facilities
- ESD1 Mitigating and adapting to climate change
- ESD2 – Energy hierarchy and allowable solutions
- ESD3 – Sustainable construction
- ESD6 – Sustainable flood risk management
- ESD7 – Sustainable drainage systems
- ESD10 – Protection and enhancement of biodiversity and natural environment
- ESD11 – Conservation target areas

- ESD13 – Local landscape protection and enhancement
- ESD15 – 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 (CLP 1996)

- H18 – New dwellings in the open countryside
- C8 – Sporadic development in the open countryside
- C28 – Layout, design and external appearance of new development
- C30 – Design control

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Non-Statutory Cherwell Local Plan 2011 – Policies H19, EN15, EN30 and D4

8. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Highways and Access
- Landscape and Visual Impact and Trees
- Ecology
- Flood Risk and Drainage
- Affordable Housing and General Housing Mix
- Sustainability and Energy Efficiency
- Impact on Heritage Assets
- Planning Obligation

8.2. Principle of Development

8.3. The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell local Plan 1996 and the adopted Cherwell Local Plan Part 1 2011-2031. Section 70(2) of the town and country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regard to the provisions of the development plan so far as is material to the application and to any material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 11 which makes it clear that the starting point for decision making is the development plan.

8.4. The site is outside the existing built up limits of Launton on the northern side of Blackthorn Road and the development is for a large scale development exceeding 5 hectares in size and up to 72 new dwellings and associated infrastructure. The site is not allocated for development in any of the adopted Cherwell Local Plans comprising the Development Plan. As the site is not within the built up limits of the village, saved Policy H18 of the adopted Cherwell Local Plan 1996 restricts new dwellings beyond the built up limits of settlements, in open countryside to those

which are essential for agriculture, or other existing undertakings, or where dwellings meet a specific and identified local housing need that cannot be met elsewhere. The proposal is therefore not in accordance with the adopted Cherwell Local Plan 1996 in this respect.

- 8.5.** The NPPF seeks to significantly boost the supply of housing and deliver a wide choice of high quality homes. The Cherwell Local Plan 2011-2031, which seeks to allocate sufficient land to meet the District Wide Housing Needs, has been prepared in accordance with the NPPF. The overall housing strategy is to focus strategic housing growth in the County towns of Bicester and Banbury. Policy BSC1 seeks to distribute this growth accordingly and identifies a total of 2,350 homes outside of Bicester and Banbury within the remainder of the district, of which 1,600 are allocated under Policy Villages 5 at the former RAF base at Upper Heyford. This leaves a total of 750 dwellings identified to be provided elsewhere within the District. Policy Villages 2 provides for these 750 homes to be delivered at the Category A Villages. Policy ESD1 seeks to secure a sustainable distribution of growth, reducing the need to travel more generally and the dependency on the private car.
- 8.6.** Policy Villages 1 and 2 are both relevant to this application. Policy Villages 1 relates to proposals for residential development within the built up limits of villages and designates Launton as a Category A village and therefore one of the more sustainable based on criteria such as population, size, range of services and facilities and access to public transport, taking into account the Cherwell Rural Areas Integrated Transport and Land Use Study (CRAITLUS). This process identifies that there are differences between Category A settlements in terms of their relative sustainability in comparison to each other. Policy Villages 1 allows for minor development, infilling and conversions. In assessing whether proposals constitute acceptable minor development, certain criteria are used, these being
- The size of the village and the level of service provision
 - Site's context within the existing built environment
 - Whether it is in keeping with the character and form of the village
 - Careful consideration of the appropriate scale of development
- 8.7.** The application proposal is not minor development, nor is it within the built up limits of the village of Launton. The proposal therefore is not in accordance with Policy Villages 1. It should be noted however that, this does not mean that development outside villages cannot take place, but regard must then be had to Policy Villages 2 in that respect. Policy Villages 2 of the Plan seeks to distribute the amount of growth that can be expected within villages, although how the numbers will be distributed is not specified, as precise allocations within each village will be set out in the Local Plan Part 2.
- 8.8.** Policy Villages 2 states that a total of 750 homes will be delivered in Category A Villages on new sites of 10 or more dwellings, in addition to the rural allowances for small site 'windfalls' and planning permissions as at March 2014. Policy Villages 2 provides for sites to be identified, both in the plan making process, that is, through the preparation of Local Plan Part 2, including Neighbourhood Plans where applicable, and through the determination of applications for planning permission. In identifying and considering sites, it states that regard should be had to the various criteria, including whether the land has been previously developed or is of lesser environmental value, and whether the development would contribute to enhancing the built environment.

- 8.9.** Of the 750 dwellings identified to be delivered at Category A villages across the plan period until 2031, 179 dwellings remain to be identified over the plan period. Recent appeal decisions for similar developments within the District confirm that an overprovision of 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.
- 8.10.** The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF confirms this. For decision making this means approving proposals that accord with the development plan without delay. The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development; contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities and contributing to protecting and enhancing our natural, built and historic environment. With regard to housing, the NPPF 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 a five year supply of housing against housing requirements, with an additional buffer of 5% to ensure choice and competition in the market for land.
- 8.11.** The 2016 Annual Monitoring Report (AMR) March 2017 shows that there are 179 dwellings out of the 750 allocated for the rural areas remaining to be identified over the plan period. The AMR also demonstrates that the District presently has a 5.4 year housing land supply for the period 2016-2021 and 5.6 year housing supply for the period 2017-2022 (commencing 1 April 2017).
- 8.12.** The application site is large in relation to the built-up area of Launton village. It was considered and rejected as part of the 2014 SHLAA (site reference LA029) on the grounds that development in this location would be out of character with the linear form of development on Blackthorn Road and on the south side of Station Road. A smaller site which included the sewage works is also considered in the SHLAA (site reference LA018) which considered it to be *'a potentially developable site providing for about 25 dwellings in the second five year period. Parts of the former sewerage works are not suitable as they are within flood zone 3. The site has been promoted and subject to further consideration of constraints such as flooding, the site is considered developable within the plan period'*.
- 8.13.** For the period 2011-2016 there have been 55 housing completions in Launton. At 31 March 2016 the number of dwellings with permission but not built was 12. No sites of 10 or more dwellings have been granted planning permission in Launton since March 2014, although residential completions and commitments at Launton are higher than many other Category A villages of the adopted Local Plan, including Cropredy, Finmere, Kirtlington and Wroxton.
- 8.14.** Launton is a Category A village but the application site is large in relation to the built-up area of Launton village. The Local Plan provides for some additional development, however, there is no pressing need for additional land release at this time. Development of this site, notwithstanding the benefit of providing additional housing, including affordable housing, to meet overall Local Plan housing requirements will result in the loss of open countryside contrary to the adopted Cherwell Local Plan. Furthermore, based on the previous SHLAA assessment, development of the site as proposed would be out of character with the linear form of development on Blackthorn Road and on the south side of Station Road.

8.15. Design and Impact on the Character of the Area

- 8.16.** Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment and advises at paragraph 56 that ‘good design is a key aspect of sustainable development, is indivisible from good planning and should contribute to making places better for people’. The NPPF also advises at paragraph 60 that developments should seek to achieve a strong sense of place and whilst particular tastes or styles should not be discouraged, it is proper to promote or reinforce local distinctiveness.
- 8.17.** Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 advises that design standards for new development, whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of the built development and to ensure we achieve locally distinctive design which reflects and respects the urban or rural context within which it sits. The adopted Cherwell Local Plan 1996 contains saved Policies C28 and C30. Policy C28 states that ‘control will be exercised over all new development to ensure the standard of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of the development’. Policy C30 requires new housing development to be compatible with the appearance, character, layout, scale and density of existing dwellings in the locality and to ensure appropriate standards of amenity. Policy ESD15 also advises that the design of all new developments will need to be informed by an analysis of the context, together with an explanation and justification of the design principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement.
- 8.18.** Cherwell District is divided into four distinct character areas each one exhibiting its own specific characteristics. Launton is located in the ‘Clay Vale of Otmoor’ character area which is a generally flat low-lying area crossed by the meandering Rivers Ray and Cherwell which drain into the Thames at Oxford. One of the more important characteristics of the area are hedgerows, loss of hedgerows should be avoided where possible to maintain the character of the area. Many of the villages within this area also tend to be linear in form. Traditionally buildings were constructed in natural limestone and this remains evident in the more historic parts of the village along High street, Station Road and West End although more modern developments have been constructed in a variety of materials.
- 8.19.** The application is in outline with matters relating to layout, scale, landscaping and appearance reserved for later consideration. The application however is accompanied by an indicative layout which seeks to demonstrate that the quantum of development proposed can be accommodated. The Design and Access Statement submitted with the application is relatively brief and fails to demonstrate how the layout has been designed having regard to an analysis of the site and its context in relation to the village of Launton and the Clay Vale of Otmoor within which it sits.
- 8.20.** The indicative layout seeks to demonstrate that 72 dwellings can be accommodated together with the provision of an area of open space and landscaping within the area of the site which falls within Flood Zones 2 and 3. The layout however, has a rather suburban character with predominantly detached and semi-detached units rather than more traditional vernacular style dwellings which tend to be linked creating a strong built frontage. The layout also fails to achieve connectivity through to Station Road and other parts of the village thereby failing to fully integrate the new development, as only a single point of vehicular/pedestrian access is shown to Blackthorn Road.

8.21. It is accepted that the layout is indicative only, and so it is critical therefore that the Design and Access Statement sets appropriate design principles. In this regard, Officers have a number of detailed concerns, particularly in terms of the form of development that is proposed and how it reflects the character of the existing village, how parking would be accommodated, types and appearance of the housing and the materials to be used. The submitted design and access statement fails to adequately address all of these issues and it is therefore unclear whether the proposed development could be satisfactorily accommodated on site in a manner that would enhance the built environment; properly respond to local distinctiveness and complement the character of the village. The design and access statement does not therefore set an appropriate basis for the future consideration of the site and Officers are not convinced that a locally distinctive form of development can be achieved.

8.22. Having regard to the above comments, it is considered that the proposal is therefore contrary to Policy ESD15 and Policy Villages 2 of the adopted Cherwell Local Plan Part 1 2011-2031, Saved Policy C28 of the adopted Cherwell Local Plan 1996 and the NPPF in this regard.

8.23. Highways and Access

8.24. The application site is on the eastern side of Launton village on Blackthorn Road but is a short walking distance, less than 1km, to the facilities and services that it offers, that is, convenience store, butchers/deli, pubs and primary school. Inevitably employment opportunities are limited within the village and there is no secondary school. There is an hourly daily bus service (S5 from Bicester to Oxford) and the bus stops are less than 400m walk from the site.

8.25. The site access is proposed to be taken from Blackthorn Road just to the south east of the edge of the built up limit of the village. The access is for consideration as part of this application. The access position indicated is within the current 30mph speed limit through the village. The position and form of the new site access as shown has been assessed by the highway authority who considers it to be acceptable. The dimensions for the visibility splays have been accurately calculated at 55m to the south and 45m to the north according to Manual for Streets standards using the results of speed surveys carried out in the vicinity on Blackthorn Road.

8.26. These visibility splays will need to be kept clear of roadside vegetation. The existing verge and hedgerow currently sits within the vision splay, but it is not clear whether some or all of this vegetation sits on or behind the front edge of the roadside ditch. As the highway can only ever be assumed to extend as far back as the front edge of any roadside ditch, the applicant needs to clarify that it is in control of the land in question so that it can keep the vegetation clear to ensure safe access and egress at the proposed site entrance. As such, OCC would require visibility splays to be dedicated as highway if they currently fall out of the existing highway boundary.

8.27. Where the proposed site access emerges onto Blackthorn Road, there is currently no footway, a new length of footway is therefore proposed either side of the access. To the north west of the access this would connect to the end of the existing footway on the north side of the road. Uncontrolled crossing points are proposed for each section of the new footway (both well within the 30mph speed limit). This will ensure that pedestrians are well catered for whichever route they are taking to and from the site. The footways would be delivered through a S278 Agreement.

8.28. The NPPF 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 adopted Cherwell Local Plan. Policies SLE4 and Villages 2 emphasise the need for consideration to be given to whether safe and suitable access can be achieved.

- 8.29.** A Transport Assessment (TA) has been submitted and assessed by the highway authority. The TA uses industry standard methodology to quantify the level of traffic that the development will generate using 85th percentile trip rate information from the TRICS database. This has resulted in a very high vehicular trip rate of 87 and 62 two way vehicular movements at the site entrance in the morning and evening peak periods respectively, although OCC consider that in reality it is unlikely that this many vehicular movements will actually take place.
- 8.30.** The TA seeks to predict the impact that these vehicle movements will have on the local transport network in the future from the proposed development. It has chosen to test the site access, Blackthorn Road/Bicester Road/Station Road and Bicester Road/A4421(N)/A4421(S) junctions. It has tested the junctions in a base year of 2016 and a future year of 2021. The latter has been chosen as being 5 years after the submission of a detailed planning application. OCC further advise that a test year for when the development was fully in use would be preferable, this would be until 2022. The TA has also used TEMPRO to estimate the amount of background traffic growth, but it has not used the latest version of TEMPRO which was released in summer 2016.
- 8.31.** Having regard to the above, whilst it is likely that the TA was prepared at least 12 months ago, based on the very robust assessment of the amount of traffic the development will generate together with the very small impact that this traffic is predicted to have on the operation of the local highway network, OCC do not consider it necessary to re-run the testing of the junctions listed above and are satisfied that the development will have no more than a small and acceptable impact on the local highway network.
- 8.32.** The Parish Council and local residents have raised a number of concerns regarding the likely traffic that would be generated by the development and therefore the impact upon Launton which also suffers from rat-running and the poor visibility at the Station Road/Blackthorn Road junction when emerging from Station Road. OCC as highway authority have assessed the TA and application submission and do not consider that the additional traffic generated would be so significant to be unacceptable. Furthermore the NPPF advises at paragraph 32 that *'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*. In this case therefore, having regard to the above, a refusal on highway grounds and increased traffic generation cannot be substantiated.
- 8.33. Landscape and Visual Impact and Trees**
- 8.34.** Policy ESD13 of the adopted Cherwell local Plan 2011-2031 relates to local landscape protection and enhancement and therefore seeks to conserve and enhance the distinctive and highly valued local character of the entire District and states that *'development will be expected to respect and enhance local landscape character..... and proposals will not be permitted if they would....cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character...harm the setting of settlements, buildings, structures or other landmark features, or, harm the historic value of the landscape'*.

- 8.35.** Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 states that new development proposals, amongst other things should: *Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within Cherwell Valley and within conservation areas and their setting; conserve, sustain and enhance designated and non-designated heritage assets (as defined by the NPPF) including buildings, features, archaeology, conservation areas and their setting and ensure new development is sensitively sited and integrated in accordance with the advice within the NPPF and NPPG.*
- 8.36.** Paragraph 113 of the NPPF states that Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. The NPPF also advises that the open countryside should be protected for its own sake. There are no tree preservation orders on or adjacent to the site although there are a number of significant trees and hedgerows, both within it and along the boundaries of the site, and therefore the application is accompanied by an Arboricultural Method Statement. The site survey was conducted in February 2016 during a period of no leaf in the growth cycle of deciduous broadleaved trees. Existing tree cover pertinent to the development has been surveyed in accordance with BS 5837:2012 'Trees in Relation to Design, Demolition and Construction'. This type of survey is designed to identify those trees which are likely to be affected by development of the site and assign them to appropriate categories. This has been assessed by the Council's Arboricultural Officer who considers that the tree quality classifications are in many cases inaccurate in terms of age class and appear to downgrade the lifespan of the trees and also undervalue their importance in the landscape. Discussions between the applicant and CDC Arboricultural Officer are ongoing in this respect and a verbal update will be given at the meeting.
- 8.37.** The application is also accompanied by a Landscape and Visual Impact Assessment which has considered the potential impacts of the development on the landscape character and amenity of the site and surrounding area. In reviewing effects upon landscape character, it states that 'whilst some harm is acknowledged to the immediate landscape character of the application site itself, the harm is restricted to the site only and reduces within the immediate setting and further more in the wider setting'. The Council's Landscape Officer has assessed the submission and whilst he agrees that the assessment is generally acceptable in its methodology and conclusions, concern has been expressed regarding the viewpoints from the public right of way to the north if the hedgerow is reduced in height by residents. Further it should be noted, that no photomontages with the proposed development shown have been submitted for consideration and to demonstrate any potential visual impact of the development from the surrounding area during the summer and winter periods.
- 8.38.** Policy BSC11 of the adopted Cherwell Local Plan Part 1 2011-2031 sets out the Council's requirements for local outdoor space provision and play space. The development of 72 dwellings will trigger the requirement for on-site provision of general green space, outdoor sports provision and play provision. With regard to play areas, there is a requirement for a combined LEAP and LAP, but these are not currently accommodated within the layout. Whilst the application includes a large area for wildlife and recreation purposes, no provision appears to be made for children's play space or outdoor sport as required by policy. Furthermore, the open space is located within Flood Zones 2 and 3 and therefore is likely to be underwater in times of high and sustained rainfall. The proposed development is therefore considered to be contrary to Policy BSC11 of the Cherwell Local Plan Part 1 2011-2031 in this respect.

8.39. Ecology

- 8.40. The application is accompanied by a preliminary Ecological Appraisal dated March 2017 undertaken by First Environmental Consultants Limited in order to update a previous survey carried out in October 2015. A desk study was carried out to ascertain the presence of any important habitats or species which might be impacted on by the proposed development and to ascertain the presence of nature conservation designations and important habitats within a 2.0km radius of the site. The report states in summary that there are no statutory sites within 2.0km of the site and that the development is unlikely to impact significantly on wildlife if the appropriate further surveys and mitigation measures are carried out, and will not lead to a significant loss of habitat in the area. This report has been assessed by the council's Ecologist who advises that there is missing information in respect of protected species surveys. The comments of the Ecologist are discussed further below.
- 8.41. The NPPF conserving and enhancing the natural environment at paragraph 109 states that 'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures'.
- 8.42. Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 reflects the NPPF to ensure protection and enhancement of biodiversity. It should be noted that it is not just designated sites that are of importance to biodiversity resource, but landscape features such as hedgerows trees, rivers and floodplains, and often form wildlife corridors. It is important that any features of value are identified early in the planning process so that adequate measures can be taken to secure their protection and mitigate against any potential loss or harm.
- 8.43. Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that 'every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity' and;
- 8.44. Local Planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that a 'competent authority in exercising any of their functions, must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions'.
- 8.45. Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 8.46. Under Regulation 41 of the Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licences from Natural England for certain purposes can be granted to allow unlawful activities to proceed when offences are likely to be committed, but only if the necessary derogation tests are met.
- 8.47. Therefore where planning permission is required and protected species are likely to be found present at the site or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive as far as they may

be affected by the exercise of those functions and also the derogation requirements might be met.

- 8.48. In respect of this application proposal, whilst a biodiversity impact assessment has not been undertaken, the proposed layout includes an area of open space which is proposed as a wildlife area in the southern half of the site and there is therefore potential to provide biodiversity gain within the development in line with local plan policies and the NPPF. A biodiversity impact assessment would be required at reserved matters stage to ensure that a gain has been achieved. Whilst it would appear that there would be a biodiversity gain in terms of habitats as a result of the proposed wildlife and open space in the southern part of the site, there is however, expected to be a loss of biodiversity in terms of impacts on linear features such as hedgerows as the outline plans show the removal of a large section of the central hedgerow H1 and sections of the hedgerow along Blackthorn Road for access. The Council's Ecologist has expressed concern about the loss of these hedgerows as they are potential commuting features for bats. There will also be loss of suitable bat foraging habitat including the marshy grassland and areas of trees in the southern part of the site. There is however scope overall to mitigate for the potential impact which could include tree and scrub planting to enhance and buffer the north-eastern site boundary hedgerow leading to the brook which is likely to be a key commuting feature for bats. There may also be scope within the layout to retain the hedgerow through the development H1 and by planting either side of the access road. It is important that the design and layout of the development is informed by site bat activity surveys. To ensure net biodiversity gain however, the public open space will require careful design and management to ensure that areas are left undisturbed for wildlife and ensure suitable habitat is created for reptiles, amphibians and invertebrates with details encompassed within a Habitat Management Plan.
- 8.49. The ecological survey is lacking information regarding the bat roost potential of the existing buildings. It is understood that none of the existing buildings have roosting potential, however, this should be confirmed as there is little information in the report to back this up, such as a description of the construction types of the buildings. The report states that 'all of the cowsheds were deemed unsuitable for bat roosting and most were checked for signs of presence or for bats themselves with negative results', however, it is not clear which of the buildings were actually inspected and therefore updated information will be required to include a preliminary roost assessment of all buildings (including recommendations for mitigation measures or activity surveys if required). A number of trees have been identified with some bat roosting potential including a group of willows in the south of the site near to the brook, in the north-eastern boundary hedgerow and along the brook. These are all proposed to be retained with the exception of possibly T9, a mature ash.
- 8.50. There are a high number of great crested newt records within the local area, including just to the east and north of the site recorded in respect of 17/00803/OUT. Due to the suitable terrestrial habitat for newts within the application site, great crested newt surveys will be required of ponds within 500m of the application site boundary in line with Natural England guidance. It is usual to request great crested newt surveys prior to determination of an application, however, due to the amount of open space proposed, the Council's Ecologist considers in this case that it could be conditioned.
- 8.51. The site contains suitable reptile habitat and it is considered likely to support reptile populations due to its location adjacent to a watercourse and mosaic of habitats including scrub, tussocky grassland, marshy grassland and hedgerows and in the light of records of grass snake and common lizard within the local area. As highlighted in the report, the southern field in particular is good reptile habitat, whereas the other areas are currently less suitable due to sheep grazing. Although

the southern area is to be retained, the works have the potential to kill/injure reptiles during construction through clearance of suitable habitat, creation of earthworks and movement of materials around the site. A reptile survey would therefore be required and there is scope to provide good reptile habitat within this area, however, it will need to be sensitively designed with areas that are not easily accessible to the public as well as providing areas for recreation purposes.

- 8.52. There is an active badger sett present on site and it would appear from the proposals that this is to be retained within the development, this requires confirmation, as should the sett require closure, further badger surveys and suitable mitigation will be required. The type of sett has not been identified and it is possible it is a main sett.
- 8.53. There are a number of red and amber bird species within the local area and potential for such species including yellowhammer and house sparrow to be nesting within the trees, scrub and hedgerows on site. There are also records of UK BAP/NERC Act Section 41 priority species brown hairstreak approximately 840m to the south west of the site. This species primarily laval food-plant is blackthorn and therefore it is recommended that some blackthorn scrub planting is maintained and managed within the habitat management plan for the site.

8.54. Flood Risk and Drainage

- 8.55. A flood risk assessment has been submitted in line with the requirements of Policy ESD6 of the adopted Cherwell Local Plan and the NPPF, given that the site extends to over 1 hectare and is partly within Flood Zones 2 and 3. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems to manage surface water drainage with the aim of controlling and reducing flood risk within the District.
- 8.56. The FRA states that the residential development will be located wholly within Flood Zone 1 and that the only development within Flood Zones 2 and 3 will be open space. Having assessed the flood maps available, it would appear that part of the residential development may be located within Flood Zone 2. Policy ESD6 of the Local Plan advises that the council will manage and reduce flood risk in the district through using a sequential approach to development, locating vulnerable developments such as housing in areas at lower risk of flooding. It further advises that development proposals will be assessed according to the sequential approach and where necessary the exceptions test as set out in the NPPF and NPPG and development will only be permitted in areas of flood risk when there are no reasonably available sites in areas of lower flood risk and the benefits of the development outweigh the risks from flooding. This policy reflects the advice within the NPPF.
- 8.57. The submitted FRA states that *'all residential dwellings will be located within Flood Zone 1, the lowest risk categories. The higher risk categories, Flood Zones 2 and 3, will only comprise public open space. As such, it is considered to pass the Sequential Test. More vulnerable developments located within Flood Zone 3 require an Exception Test. However, as detailed above, the proposed residential dwellings are located entirely within Flood Zone 1. As such, we consider that the site does not require an Exception Test'*.
- 8.58. As stated above, it is not entirely clear whether the statement above is entirely correct as part of the residential area appears to fall into Flood Zone 2 and therefore would be subject to an Exceptions Test. Letters from local residents submitted in respect of this application state that the application site does flood in times of heavy and prolonged rain.

8.59. The Environment Agency has assessed the application and the submitted FRA and object. Paragraph 103 of the NPPF states that for the Exception Test to be passed a site-specific flood risk assessment must be undertaken and demonstrate that the development will be safe for its lifetime. As previously stated, the application site lies partially within Flood Zones 2 and 3 defined by the NPPF as having medium probability of flooding. Development classified as more vulnerable is only appropriate in these areas following the application of the Sequential Test and where the Exception Test has been applied in full and has been passed. In this instance the submitted flood risk assessment (FRA) fails to demonstrate that the development is 'safe' for its lifetime because different climate change allowances have been used to assess future flood risk than those advised in 'Flood risk assessments: climate change allowances' without justification. The upper and higher central allowances (70% and 35%) should be used along with local evidence to inform climate change allowances for flood risk. Additionally, as this development falls into the category of large-major development (30+ houses) it would be expected that the modelling carried out would be submitted to the Environment Agency for review as the probability and/or consequences of flooding may be more severe so a greater level of scrutiny may be required.

8.60. In terms of surface water drainage, OCC as drainage authority advise that the proposed allowable discharge rate for the site of 6 litres/second appears reasonable and reflects the greenfield response. However, the proposed attenuation pond is partly sited within the extent of flood Zone 2 which is an area of medium flood risk. This raises the possibility that fluvial flooding may fill/partially fill the attenuation pond if it is located within the extent of the flood zone, diminishing the effectiveness of its function of storing site surface water runoff. The outfall of the pond is located within the extent of flood zone 3, defined as an area of high risk probability of flooding. This raises the possibility of flood water in the ditch preventing the pond from discharging. If the pond is built with an embankment, which does not appear to be the case, then this raises the possibility of loss of flood plain storage and a requirement for flood plain compensation. OCC require clarification on this point.

8.61. Permeable paving is proposed for private areas which will assist in meeting SUDS water quality objectives. However, OCC have raised concerns about the treatment of run-off for the main site carriageway areas as there appears to be no treatment/SUDS proposal. This suggests that the attenuation pond will need to be designed with a treatment focus, such as, reed beds or wet pond. OCC is concerned that this treatment function is not entirely compatible with it being located in an area subject to flood risk.

8.62. Having regard to the above, OCC consider that suitable surface water drainage of this site is possible but only subject to the above concerns being addressed and therefore currently object to the proposal on drainage grounds.

8.63. The drainage information has been assessed by Thames Water who raises no objection to the proposal but request the imposition of conditions requiring the submission of a detailed drainage strategy and an impact study to be carried out in respect of the existing water supply.

8.64. Affordable Housing and General Housing Mix

8.65. 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 adopted Cherwell Local Plan part 1 2011-2031 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 villages to provide 35% affordable housing on site and provides details on the mix that should be sought between affordable/social rent and shared ownership. Policy BSC2 requires that to make efficient use of land that new residential development should be provided at a net density of at least 30 dwellings per hectare.

- 8.66.** The Planning statement accompanying the application confirms that the development will provide a mix of house types and sizes, including 1, 2 3 and 4+ bed types. It also sets out that it will deliver 35% affordable housing which equates to 25 units rather than 24 as set out in the application. The application however also sets out a net density of just 13.5 dph across the whole site which would not be in accordance with Policy BSC2 of the Local Plan. The affordable housing provision would need to be secured through a Section 106 Agreement.

8.67. Impact on Heritage Assets

- 8.68.** Section 12 of the NPPF sets out planning guidance concerning archaeological remains and the historic environment. Paragraph 126 emphasises the need for local planning authorities to set out a clear strategy for the conservation and enjoyment of the historic environment, where heritage assets are recognised as an irreplaceable resource which should be preserved in a manner appropriate to their significance. It is also provided at paragraph 131 that Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.

- 8.69.** Policy ESD15 of the Cherwell Local Plan Part 1 2011-2031 also refers to heritage assets, expecting development to conserve, sustain and enhance designated and non-designated heritage assets, including buildings, features, archaeology, conservation areas and their settings, and to ensure new development is sensitively sited and integrated, include information on heritage assets sufficient to assess the potential impact of the proposal on their significance.

- 8.70.** The site is located in an area where little formal archaeological investigation has been undertaken and therefore the site is of unknown archaeological interest. There are a number of known archaeological sites within the area, however, Iron Age and Roman pottery and features were recorded 820m to the NW (PRN 16540) during the construction of the Bicester Perimeter Road (PRN 16540). An archaeological excavation, undertaken 970m to the west of this proposal site, recorded a late Iron Age and Roman farmstead and field system including two stone lined wells but no buildings (PRN 26122). A fragment of Roman writing tablet, the first one found in Oxfordshire, was recovered from the lower fills of one of these wells, suggesting that the site was of some status.

- 8.71.** Further Roman and Saxon settlement has been recorded during evaluation immediately south of this excavation site (PRN 16071). In addition to the Roman settlement evidence there are a number of crop-marked ring ditches recorded approximately 1km north of this proposal site, which, although destroyed by housing development without recording, are likely to represent Bronze Age barrows.

- 8.72.** Environment Agency lidar images of the site show a ditch and bank to the south west of the proposed site, parallel to the main road. It is possible that this feature is part of a trackway recorded to the south west of the site which links a number of medieval settlements.

- 8.73.** A geophysical survey has been undertaken on the site which did not record any possible archaeological features. Such surveys have proved to be unsuccessful in

this part of the county however and it is therefore possible that archaeological features could survive on the site. A programme of archaeological investigation will need to be undertaken ahead of any development. A condition requiring this would therefore be necessary should planning permission be granted.

8.74. Sustainability and Energy Efficiency

8.75. The adopted Cherwell Local Plan includes a number of energy policies in order to seek development which mitigates and adapts to the future of 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. Policy ESD3 requires 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 NPPF.

8.76. No sustainability or energy statement has been submitted with the application and this matter is not considered in either the planning statement or the design and access statement except to state that the orientation of roofs had been considered to cater for future PV and solar thermal provision in places. The development is therefore not in accordance with local plan policies nor the NPPF in this respect.

8.77. Noise, Contamination and Air Quality

8.78. The NPPF at paragraph 109 advises that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution. The Council's Environmental Protection Officer has assessed the application and advises as follows.

8.79. Contaminated Land – the constraints have revealed that the site lies within a 50m buffer of potentially contaminated land and therefore contaminated land conditions will need to be included within any permission requiring contaminated land surveys to be carried out.

8.80. Noise – In order to protect existing residents, a Construction Environmental Management Plan will be required.

8.81. Air Quality – It is recommended that a detailed air quality assessment is required to identify any impact of the development on local air quality. Measures proposed which will help to improve air quality locally should also be included. The assessment should have regard to the Council's Air Quality Action Plan. Mitigation measures should also be incorporated into the development which facilitates the uptake of low emission vehicle usage. The required assessment and additional measures can be secured through condition.

8.82. Based on the comments of the Council's Environmental Protection team, the proposal is considered to be acceptable with regards to noise, air quality and contaminated land.

8.83. Planning Obligation

8.84. Due to the scale and residential nature of the proposed development, it is considered that the proposal is likely to place additional demand on existing facilities and services and local infrastructure, including schools, community halls, public transport, sports provision, play provision and public open space. Requests for

contributions in respect of these have been made as part of the consideration of this application and would need to be secured through a Section 106 Agreement, to mitigate the impacts of the development in this respect.

- 8.85.** Policy INF1 of the Cherwell Local Plan 2011-2031 states that; *development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities*. Contributions can be secured via a section 106 agreement provided they meet the tests of Regulation 122 of the Community Infrastructure Regulations 2010.
- 8.86.** OCC require a financial contribution towards improving the S5 bus service to help make the development compliant with the requirements of the NPPF – ensuring that opportunities for sustainable transport modes have been taken up. The S5 bus service that gives daytime (Monday to Saturday 7am to 7pm) hourly access to Bicester and Oxford stops less than 500m from the development site on Blackthorn Road. There is an aspiration for this service to be extended to operate in the evenings and on Sundays to allow people to use the bus for more journeys for work and leisure in particular. In line with what other developments nearby have contributed, the developer is required to make a S106 financial contribution of £1,000 per dwelling towards the improvement of the S5 to/from Launton.
- 8.87.** £377,987 Section 106 developer contributions towards the expansion of Launton CE Primary School. This is based on Department for Education advice weighted for Oxfordshire, including an allowance for ICT at £13,750 per pupil place and 21.95 primary pupils and 5.54 early years children being generated. This will need to be index linked from 3rd Quarter 2015 using PUBSEC Tender Price Index.
- 8.88.** £82,039.14 contribution towards outdoor sports facilities within the Launton/Bicester area.
- 8.89.** £55,321.99 contribution towards off-site indoor sports facilities within the Launton/Bicester area
- 8.90.** Contribution towards Community Hall provision within the locality based on size of dwellings
- 8.91.** Contribution towards public art either on or off site of £153.45 per dwelling or £204.60 per dwelling if it is to be delivered by CDC.
- 8.92.** 35% Affordable housing provision on site
- 8.93.** LEAP to be provided on site with £108,761.69 maintenance
- 8.94.** LAP to be provided on site with £27,501.52 maintenance
- 8.95.** Informal open space on site @ £9.32/m2
- 8.96.** Watercourse/ditch maintenance @ £32.56/LM
- 8.97.** Mature trees maintenance @ £334.82/tree
- 8.98.** Mature woodland maintenance @ £4.63/m2
- 8.99.** Proposed woodland @ £23.23/m2
- 8.100.** Hedgerow maintenance – existing and proposed @ £14.35m2
- 8.101.** Proposed pond @ £43.81/m2

8.102. Attenuation basin @ £11.63/m2

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The overall purpose of the planning system is to seek to achieve sustainable development as set out in the NPPF. The three dimensions of sustainable development must be considered in order to balance the benefits against the harm. Section 38(6) of the Planning and Compulsory Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise.
- 9.2. The application proposal seeks consent for a large scale residential development on the edge of a category A Village. The principle of development therefore falls to be considered against policy Villages 2 of the adopted Cherwell Local Plan as well as other relevant policies mentioned above. Policy Villages 2 sits alongside the wider strategy of the Local Plan which seeks to direct residential development to the most sustainable settlements within the District and it includes a number of criteria in order to assess this. Launton is a small village but has a number of facilities including a primary school, shop, post office, community hall, recreation facilities and public house as well as being in close proximity to higher order services, facilities and employment available at Bicester.
- 9.3. Launton is therefore considered to be a sufficiently sustainable settlement to accommodate some development, however, taking into account the character of the existing village and the Blackthorn/Station Road area, a development of this scale proposed on the edge of the settlement would be out of keeping with the context of the area and would be harmful to the character of the village.
- 9.4. The proposals would generate some economic benefits by providing construction employment and add new population to the local economy, and would also add to the supply of housing, including affordable housing and genuine weight should be attached to this. However, given the council's current five year housing land supply position, Officers consider that the significant harm caused by the development as discussed above would outweigh any benefits associated with the development such that the proposals cannot be considered to be sustainable. As a result, the presumption in favour of sustainable development inherent within the NPPF does not apply in relation to these proposals with the results that there is no justification for departing from the development plan. As a consequence, and in the absence of any other material considerations indicating to the contrary, planning permission should be refused.

10. RECOMMENDATION

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

1. Having regards to the District's strong housing land supply and delivery position the proposals by reason of its scale and siting would result in an unnecessary development of greenfield land forming part of the open countryside which would result in an unacceptable and unsustainable extension of the village to the detriment of the built, natural and historic environment. The proposal is therefore contrary to Policy Villages 2 and ESD15 of the adopted Cherwell Local Plan 2011-2031, Policy C28 of the adopted Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.
2. The Design and Access Statement and indicative site layout submitted as part of this application fails to provide sufficient acceptable detail in respect of the design principles set as a basis for the future detailed consideration of the

development proposed. This includes siting, form, appearance, materials and detailing of the proposed new dwellings. The Local Planning Authority is therefore unable to determine whether the development proposed would respect its context, properly respond to local distinctiveness and be properly integrated as part of Launton village in terms of footpath/cycle connections to the remainder of the village. The proposal therefore fails to accord with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031, Policies C28 and C30 of the adopted Cherwell Local Plan and Government advice within the National Planning Policy Framework.

3. The proposal fails to meet the requirements of the second part of the flood risk Exception Test due to inadequate consideration of future flood risk and as the site is partially within Flood Zones 2 and 3, the proposals relating to surface water drainage are inadequate. The proposal is therefore contrary to Policies ESD6 and ESD7 of the adopted Cherwell Local Plan 2011-2301 and Government guidance within the National Planning Policy Framework.
4. The application and accompanying indicative layout fail to adequately take account of the policy requirements relating to recreation, outdoor sports provision and children's play space. As such, the proposal is contrary to Policies BSC10, BSC11 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.
5. In the absence of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of safeguarding public infrastructure, mitigating highway concerns, delivering mixed and balanced communities by the provision of affordable housing and securing future site maintenance arrangements will be provided. This would be contrary to Policy INF1, BSC2, BSC9, BSC11 and ESD7 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the National Planning Policy Framework.