

**Land Adj To Cotwold Country Club And South Of  
Properties On Bunkers Hill  
Shipton On Cherwell**

**17/02148/OUT**

**Applicant:** Keble Homes Limited

**Proposal:** OUTLINE - Demolition of existing club house, bowling club pavilion and ancillary store. Erection of 10 no. dwellings and access improvements

**Ward:** Launton And Otmoor

**Councillors:** Cllr Tim Hallchurch  
Cllr Simon Holland  
Cllr David Hughes

**Reason for Referral:** Major development (10 units or over)

**Expiry Date:** 8 February 2018      **Committee Date:** 28 May 2018

**Recommendation:** Refuse

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**1. APPLICATION SITE AND LOCALITY**

- 1.1 The site is located to the rear of a row of dwellings which front onto the A4095 and comprises an area of hardstanding, former Club building and a disused bowling green and associated changing rooms and maintenance shed. Access to the highway is via a narrow track onto the A4095 at the western end of the site. The site is bounded to the north and west by countryside and to the east by an established nursery/garden centre.

**2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. Outline consent is sought for the demolition of the Club building and those associated with the bowling green and the erection of ten dwellings. Improvements to the access are also proposed.
- 2.2. The only matters to be considered under this application are the principle, means of access and scale. Appearance, landscaping and layout are reserved for subsequent approval.
- 2.3. The application was deferred from the Planning Committee Meeting on 15 March 2018 for the applicants to discuss the development with Bunkers Hill Management Company and the provision on –site of a community building.

**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>
04/02441/F	Demolition of an existing clubhouse and the erection of a new clubhouse	Application Permitted
14/01565/OUT	Outline - Development of eight houses and access improvements	Application Refused
14/02132/OUT	Outline - Development of eight houses and access improvements.	Application Permitted
17/00079/SO	Screening opinion to 17/02148/OUT - OUTLINE - Demolition of existing club house, bowling club pavilion and ancillary store. Erection of 10no. dwellings and access improvements (further to outline planning permission 14/02132/OUT, dated 8th April 2016) and having a lesser proposed cumulative floor area than that permission.	Screening Opinion not requesting EIA

3.2. Planning permission was refused in December 2014 under application 14/01565/OUT for the development of eight houses and access improvements. The application was refused as the development was considered to represent development within the countryside which could not be justified on the basis of an identified need. It was considered to constitute unsustainable, new build residential development in a rural location which is divorced from established centres of population, not well served by public transport and is reliant on the use of the private car. The development was considered to be prejudicial to the aims of both national and local policy to focus development in areas that will contribute to the general aims of reducing the need to travel by private car.

3.3. In addition planning permission was refused under application 12/01271/F in 2012 and dismissed at appeal in September 2013 on a neighbouring site for the demolition of existing car repair buildings and construction of 3 dwellings. The Planning Inspector considered that the development comprised unsustainable development in open countryside contrary to national and local policy.

#### **4. PRE-APPLICATION DISCUSSIONS**

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

#### **5. RESPONSE TO PUBLICITY**

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 26.02.2018, although comments received after this date and before finalising this report have also been taken into account.

5.2. The comments raised by third parties are summarised as follows:

- Development uses land collectively owned by shareholders
- Ignores benefits for residents previously agreed

- Detrimental to residents of Bunkers Hill
- Parking and visitor parking inadequate
- Concerns about opportunities for further development in the future
- Unsustainable location
- Additional dwellings and impact on services
- Ecological impacts
- Private water supply sustainable for existing dwellings but not for an additional 10
- Traffic issues and highway safety
- Under flight path for Oxford Airport
- In open countryside
- Contrary to Policy H18 of the Cherwell Local Plan 1996
- Noise arising from increase in number of units

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. SHIPTON ON CHERWELL AND THRUPP PARISH COUNCIL: **Objects** as they consider it to be an overdevelopment of the site with inadequate infrastructure and amenities to support it in terms of potential traffic generation, provision for separated pedestrian access etc.

### STATUTORY CONSULTEES

6.3. LOCAL HIGHWAY AUTHORITY: **Objects** for the following reasons:

The proposed access road is not of sufficient width to allow a refuse vehicle to pass a car safely. No passing bays have been proposed by the applicant.

If permission is proposed to be granted then OCC requires prior to the issuing of planning permission a S106 agreement including an obligation to enter into a S278 agreement, and depending on whether the applicant intends to offer some or all of the proposed access road to the development for adoption, a S38 agreement to mitigate the impact of the development plus planning conditions and informatives relating to access details, visibility splays, road construction, vehicle tracking and drainage.

6.4. OCC DRAINAGE: **No comment to date**

6.5. OXFORDSHIRE COUNTY COUNCIL:

Education - **No objection**

Archaeology – **No objection** subject to conditions relating to the preparation of an Archaeological Written Scheme of Investigation and the carrying out of a staged programme of archaeological evaluation and mitigation.

Minerals and Waste – **Comments** that the application site is in close proximity to an operational quarry (Shipton-on-Cherwell quarry). This should be taken into

consideration in the siting and design of the proposed dwellings and any appropriate mitigation measures put in place, in particular regarding noise, to ensure that the operation of the quarry is not prejudiced by the proposed development.

- 6.6. ENVIRONMENT AGENCY: **Comments** that whilst they are unable to make a detail assessment the environmental risks in this area relate to foul drainage/wastewater. New development should be connected to the public mains where possible. Proliferation of individual treatment plants can cause deterioration in local water quality contrary to the principles of the EU Water Framework Directive<sup>1</sup>.
- 6.7. THAMES WATER: **Comments** that with regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

The developer is expected to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

With regard to water infrastructure capacity there are no objections to the planning application.

- 6.8. NATURAL ENGLAND: **No comment to date:**
- 6.9. THAMES VALLEY POLICE: **No comment to date**

#### NON-STATUTORY CONSULTTEES

- 6.10. CDC PLANNING POLICY: **No comment to date**
- 6.11. CDC BUSINESS SUPPORT: **No comment to date**
- 6.12. CDC ECOLOGY: **Comments** that the Preliminary Ecological Appraisal submitted was undertaken at a sub-optimal time of year to assess grassland habitat, however despite this and given that the area is a former bowling green the assessment is considered to be appropriate. The habitats on site comprised of hard standing, short ephemeral vegetation and poor semi-improved grassland with hedgerows present on the boundaries of the site. The main building in the south of the site was found to have low bat roosting potential, and no evidence of bats were found. However there were several gaps and crevices present which could provide roosting locations for crevice-dwelling species in the future, in particular given the good quality bat foraging habitat nearby. Therefore although the roosting potential is low, an updated inspection of the potential roosting features within the building by a suitably qualified ecologist should be undertaken immediately prior to demolition work as a precaution.

There is some suitable habitat comprising the grassland and scrub around the boundaries of the site, and storage materials on site which could provide refuges for reptiles such as grass snake and slow worm. Given records of reptiles within the local area and habitats present, ground clearance works should be undertaken with

care and in line with an ecological method statement, as a precautionary measure. The usual methods include strimming of the grassland in two stages, and careful removal of refugia, to avoid killing/injury of reptiles.

In line with previous comments on the previous application 14/02132/OUT, it is also recommended that in line with the NPPF to achieve a net gain for biodiversity on site, the new dwellings should, where possible, include provision for swift nesting within the buildings fabric using swift bricks. The applicant should liaise with the Cherwell Swift Project Co-ordinator to gain advice on appropriate locations and clustering of nest provisions etc. The existing hedgerows should be retained on site, buffered from development and enhanced through native species planting. The existing buildings and any removal of suitable vegetation should also be undertaken outside of the nesting bird season (generally March to August inclusive).

Conditions are recommended relating to the submission of a protected species method statement for bats, reptiles and nesting birds; timing of works for nesting birds; provision of habitat boxes; and use of native species.

6.13. CDC ENVIRONMENTAL PROTECTION: **No objections** with regard to noise, air quality, odour, light but the land may be contaminated as a result of its former use. Standard contaminated land conditions are recommended.

6.14. CDC WASTE AND RECYCLING: **No comment to date**

6.15. CDC RECREATION AND LEISURE: **Comments** as follows -

Sports Facilities Provision:

Off-site contribution towards enhancing the outdoor sports facilities at Stratfield Brake Sports Ground (more specific information to be provided as the new district sports studies emerge). Based on 10 residential dwellings x 2.39 persons x £476.75 per person = £11,394.33

Off-site contribution towards enhancing the indoor sports facilities at Kidlington Leisure Centre (more specific information to be provided as the new district sports studies emerge). Based on 10 dwellings x 2.39 persons x £321.49 = £7,683.61

Community Halls Provision:

A contribution towards helping the local community hall accommodate an increase in capacity will be based on a sum per dwelling. These are:

Unit	Contribution
1 bed	£107.14
2 bed	£154.69
3 bed	£240.80
4+ bed	£331.15

Public Art:

For residential development of less than 25 units and non-residential development of less than 100m<sup>2</sup> developers are expected to explore artistic additions to the development by seeking to employ local artists and crafts people in the construction of features within the site such as signage, gates and door furniture which contribute to the public realm. No financial contribution will be required.

6.16. CDC LANDSCAPE SERVICES: **Comments** that an unequipped LAP of 400m<sup>2</sup> and informal play space is required.

## 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)

- BSC1: District wide housing distribution
- BSC2: Effective and efficient use of land
- BSC3: Affordable housing
- BSC4: Housing mix
- BSC10: Protection of open space outdoor sport and recreation uses
- ESD1: Mitigating and adapting to climate change
- 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

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C8: Sporadic development

#### 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

### **8. APPRAISAL**

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

- Planning policy and principle of the development
- Impact on the visual amenities of the area
- Highway safety
- Impact on neighbouring properties amenity
- Ecology
- Other issues

#### Planning policy and principle of the development

- 8.2. The Development Plan for Cherwell District comprises the Cherwell Local Plan 2011-2031 and saved policies in the Cherwell Local Plan 1996. 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 other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for

the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.

- 8.3. With specific regard to housing proposals the NPPF, in paragraph 49, further advises that 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.' To achieve sustainable development, the NPPF sets out the economic, social and environmental roles of planning including 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 (para 7). It also provides (para 17) a set of core planning principles.
- 8.4. The NPPF does not change the statutory status of the development as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise. (para 12)
- 8.5. The site in question is not allocated for development in any adopted or draft plan currently forming or proposed to form part of the Development Plan.
- 8.6. The site is located to the north of a single row of 24 dwellings isolated from any settlement. It is considered to represent sporadic development in the countryside and this opinion is supported by the Inspector for the appeal on the adjacent site (12/01271/F).
- 8.7. Saved Policy H18 of the 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 an identified and specific housing need that cannot be met elsewhere. Quite clearly the development proposed fails to comply with this policy and in doing so also potentially conflicts with Policy C8 which seeks to prevent sporadic development in the open countryside, which includes new housing development, in the interests of sustainability and to protect the character and amenity of the countryside.
- 8.8. The NPPF is a material consideration in respect of the assessment of this proposal. The NPPF at paragraph 14 states 'At the heart of the National planning policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking'.....For decision taking this means:
  - Approve development proposals that accord with the development plan without delay; and
  - Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
  - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole, or
  - Specific policies in this framework indicate development should be restricted
- 8.9 The Cherwell Local Plan 2011-2031 and the saved policies within the Cherwell Local Plan 1996 are considered up-to-date. The NPPF advises that proposed

development that conflicts with the Development Plan should be refused unless other material considerations indicate otherwise.

- 8.10 Paragraph 49 of the NPPF states 'housing applications should be considered in the context of a presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. The Council can currently demonstrate a five year housing land supply and the enhanced presumption in favour of sustainable development set out in the NPPF does not apply. Therefore the test in this case is whether there is conflict with the Development Plan, and if so, whether there are other material considerations that outweigh that conflict such that the proposal can be considered sustainable development.
- 8.11 Paragraph 55 of the NPPF states that to promote sustainable development housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. While the proposed development will lead to an increase in the number of dwellings and residents at Bunkers Hill the lack of local services is such that, while there is a bus service nearby, residents would be mainly reliant on cars for trips to day-to-day services and facilities, including employment, education, medical services and shopping. It is unlikely that 10 additional dwellings would generate additional services in Bunkers Hill. It is therefore considered to be an unsustainable location contrary to paragraph 55.
- 8.12 Another material consideration is the extant outline planning permission for 8 dwellings on the site granted, under application 14/02132/OUT, in April 2016. Officers recommended refusal of the scheme as it was considered to represent development within the countryside and constituted unsustainable, new build residential development in a rural location divorced from established centres of population, not well served by public transport and reliant on the use of the private car. It was considered to be contrary to saved Policies H18 and C8, of the Cherwell Local Plan 1996, Policy Villages 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained in the National Planning Policy Framework. Members, however, considered that the public benefits put forward as part of the application outweighed the adverse impacts of the development and the application was approved.
- 8.13 The benefits put forward in the legal agreement were as follows:
- Contribution towards off-site provision of affordable housing - £40,000
  - LAP and commuted sum towards maintenance
  - Sewage treatment facility and 20 yr service contract
  - New mains fed water supply
  - Provision of a community building and £10,000 towards maintenance
  - Demolition of the obsolete water tower
- 8.14 At the time Members considered the proposal the Cherwell Local Plan 2011-2031 had not been adopted. Prior to the issuing of the decision, caused by a delay in completing the legal agreement, the Cherwell Local Plan 2011-2031 was adopted. It was not considered necessary to report the application back to Members following the policy change as they considered that the benefits offered significantly and demonstrably outweighed the harm the development would cause. However, it is now necessary to consider the proposed development in the light of the adopted Cherwell Local Plan and the proposal as now submitted.



8.15 The development now proposed comprises the demolition of the existing buildings on the site and the erection of 10 dwellings on the site. The benefits put forward by the applicant to support the current proposal are as follows:

- Provision of a LAP on the site without commuted sum for maintenance as a Management Company will be set up to look after open space on the site
- Contribution towards Shipton-on-Cherwell Millennium Hall
- Contribution to OCC towards increasing frequency of buses on A4260
- New bus stop flag and timetable signage on the A4260
- Contribution towards the cost of administering a Traffic Regulation Order to enable the relocation of the existing 40mph/de-restricted speed limit on the A4095 Bunkers Hill from its current location immediately south of the proposed access to a point 50m southwards.
- Sewage treatment facility and 20 yr service contract
- New mains fed water supply
- Demolition of water tower
- Contributions towards off-site indoor and outdoor sports facilities
- In lieu of the provision of a community building on the site to be managed by BHMC, the applicant is offering to give BHMC £70,000 to be spent by them on local improvements

8.16 The indicative drawings and the applicant's planning statement suggest that the dwellings are to be considerably smaller than the eight approved under application 14/02132/OUT. However, it is considered that whilst there is a reduction in floor area with the current scheme additional dwellings could result in more residents and more vehicle movements in an unsustainable location.

8.17 The applicant has offered to meet most of the benefits of the previous scheme set out in the legal agreement but without the contributions towards off-site affordable dwellings or maintenance of the LAP, or the provision of a community building on the site. However, they have advised that they are willing to contribute towards increasing frequency of buses on A4260, a new bus stop flag and timetable signage on the A4260 and towards the cost of administering a Traffic Regulation Order to enable the relocation of the existing 40mph/de-restricted speed limit on the A4095 Bunkers Hill from its current location immediately south of the proposed access to a point 50m southwards. They have advised that a Management Company would be set up to maintain the open space within the site and have agreed to contribute towards off-site sports facilities and towards Shipton on Cherwell Millennium Hall.

8.18 The previously proposed community building on the site was offered by the applicant to serve, "multiple purposes encouraging the residents of the existing and proposed dwellings to reduce the amount of vehicular movements and to increase the sustainability of the community". The proposal was that the building would be used as a home office/business centre with desks and IT facilities and during the evenings and at weekends the building would be used for meetings/parties/youth club/local events. The applicant's agent has now stated that a facility such as this is not needed, not wanted by the residents of Bunkers Hill and is not justified for c. 30 houses, nor viable going forwards. Officers consider that this view is reasonable particularly with the agreement to provide a contribution towards the nearby Shipton on Cherwell Millennium Hall. The payment of £70,000 to BHMC towards local improvements is not considered to be necessary to make the development acceptable in planning terms.

8.19 The Council's Recreation and Leisure Team are now seeking contributions towards off-site sports and recreation facilities at Stratfield Brake and Kidlington Leisure Centre. These were not sought under the previous application. Justification for the

contributions sought for enhancing the outdoor sport facilities at Stratfield Brake (in the region of £11,394.33) and for enhancing the indoor sports facilities at Kidlington Leisure Centre (in the region of £7,683.60) is set out in the emerging Sports Studies that the Council is currently preparing, supported by the Council's policies on health and well-being. The adopted Developer Contributions Supplementary Planning Document sets out at paragraphs 4.108 and 4.126 that where the development falls below the threshold, financial contributions will be sought for either off-site provision or the improvement/upgrading of existing facilities where appropriate schemes have been identified. However, it is not clear whether the requirement for the contributions is compliant with the Community Infrastructure Levy Regulations 2010 and in particular paragraph 123 which restricts the seeking of planning obligations where there have already been five or more planning obligations entered into with the authority providing for the provision or funding of the same infrastructure project or type of infrastructure.

8.20 The contribution towards affordable housing was not required previously as the development fell below the threshold of 11 units or more. However, the applicant offered this sum to give more weight to the public benefits of the development to try to outweigh the harm that the development would cause. Members took this public benefit into consideration when determining the application. The current proposal, with 10 units, still falls below the threshold where the Council could seek any affordable dwellings on the site or off-site contributions towards their provision. Members took this public benefit into consideration when weighing up the benefits of the previous application for 8 dwellings and judged that along with the other benefits offered as a package the harm caused was outweighed by those benefits and granted planning permission.

8.21 The applicant's agent has written the following points in support of the application:

- a. The Council has approved a scheme for 8 houses here. This is extant, and a significant material consideration of considerable weight
- b. The contributions highlighted above are also a material consideration of significant weight, to be examined in the planning balance
- c. We have brought more clarity to various items across the application compared to the extant permission, particularly on deliverability and land required to achieve that
- d. At present the Council has a significantly higher housing target than in 2016 due to Oxford's Unmet Housing Need's impact on Cherwell. The supply and delivery of 10 no. units here is a small, but vital contribution to that wider target, much of which is predicated on large sites, some in the Green belt.
- e. At the time of the last decision by planning committee, Oxford Parkway Station had not opened. That is now open and is located conveniently from the site, and can be accessed directly via public transport close by on the A4260. Plus Tackley Station is only 8mins/2.8 miles away. The opening of Parkway is a considerable benefit to this site in terms of wider accessibility, notwithstanding the excellent public transport services already available on the A4260

8.22 The additional requirements from OCC for public transport improvements would mitigate to a limited extent the fact that the development is in an unsustainable location. The contributions towards off-site sports (indoor and outdoor) along with the contribution towards off-site community facilities (rather than an on-site community building potentially used by fewer people) also offer wider public benefits. However, the application includes two additional dwellings and is therefore

a different proposal to that approved under 14/02132/OUT. In your officers opinion, while a contribution towards affordable housing is not required, due to the number of units proposed, for the package of benefits to be comparable to 14/02132/OUT some provision for affordable housing should be made. It has been suggested to the applicant that this could be either by way of an off-site contribution or by providing two of the units as 'starter homes'.

8.23 In response to this the applicant's agent has commented that a contribution towards or provision of affordable housing on the site is not required and that:

- Across the contributions from CDC Leisure (Stratfield Brake, Kidlington Leisure Centre and Shipton Hall); the County (Public transport, new bus stop and legal costs) we are looking at just over £36,000 new contributions NOT sought in 2014/2016.
- The extant permission is for 8 no very large properties – cumulatively larger than the 10 we propose today. Under the CIL regime the scheme for 10 on the table would attract a much smaller CIL bill than the extant permission for 8, yet under the s106 we show an increase in overall spend since 2016. Plus, as a builder/developer my client has been more realistic with costs for on-site works, which have all gone up, not just due to inflation but increased requirements (inc the 20year service plan for the Klargestor).
- A comparable or even enhanced package of infrastructure and financial contributions is proposed to that the subject of 14/02430/OUT.

8.24 Officers consider that with the material change in policy, the increased number of units and the reduction in public benefits offered by the scheme (with the omission of the affordable housing contribution), planning permission should not be granted. Given the previous approval on the site, which could still be taken forward with the submission of a Reserved Matters Application until April 2019, Members will need to consider whether the benefits set out above at paragraph 8.15, along with the comments made by the applicant's agent regarding Oxford Parkway Station and the increased need for housing, are sufficient to outweigh the harm that the development would cause to the aims of both national and local policy to focus development in areas that will contribute to the general aims of reducing the need to travel by private car.

#### Impact on visual amenities of area

8.25 The proposed development would not have a significant impact on the visual amenities of the area. It is well screened in public views due to the location of the existing dwellings and the vegetation in the surrounding vicinity. There is a footpath to the north west of the site but this is some distance from the application site and views into the site would not be significant.

#### Highway safety

8.26 The Local Highway Authority (LHA) has recommended refusal of the application on the grounds that the access road into the development is proposed to be a 4.1m wide access lane with no footways or passing bays for motorists or refuges for pedestrians. The LHA has advised that the road is not wide enough to allow a car to pass a refuse vehicle safely and the narrow carriageway could lead to motorists that are exiting the development having to reverse long distances to allow oncoming motor traffic to pass.

- 8.27 The applicant has carried out a speed survey and submitted a Transport Statement along with revised plans showing the land in their control (outlined in blue on drawing No. 392/17/PL1002A) and the LHA is satisfied that subject to planning conditions being adhered to and a Traffic Regulation Order (TRO) being implemented, adequate visibility splays can be provided in both directions.
- 8.28 Notwithstanding the objection, there is an extant consent on the site for the erection of 8 dwellings which utilised the existing access road and an improved access similar to that now proposed. This is a material consideration in assessing the impact of the development on highway safety.
- 8.29 The applicant's agent has advised that a passing place can be provided along the access drive, at the entrance to the sewage treatment plant/water pumping station. Commenting on this amendment, the LHA considers that this location would be sufficient to provide safe passage along the access road. A turning area within the site for an 11.6m refuse vehicle would still be required due to the length of the access road. It is possible for this to be provided within the red line area.

#### Impact on the living amenities of neighbouring dwellings

- 8.30 The proposed development is in outline with appearance, landscaping and layout reserved for consideration at a later date. However, it is considered that if permission were to be granted a layout could be produced that did not result in any unacceptable overlooking of private amenity space or habitable room windows, loss of light or overshadowing of the existing properties. The location of the proposed access into the site and the use for up to 10 dwellings will not result in a significant level of disturbance to the neighbouring properties adjoining the access.

#### Ecology

- 8.31 Paragraph 99 of Circular 06/05 states that: "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision". Likewise Section 40 of the Natural Environment and Rural 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".
- 8.32 The Council's Ecologist has advised that the Preliminary Ecological Appraisal survey was undertaken at a sub-optimal time of year to assess grassland habitat, however despite this and given that the area is a former bowling green the assessment is considered to be appropriate. The habitats on site comprised of hard standing, short ephemeral vegetation and poor semi-improved grassland with hedgerows present on the boundaries of the site. The main building in the south of the site was found to have low bat roosting potential, and no evidence of bats was found. However there were several gaps and crevices present which could provide roosting locations for crevice-dwelling species in the future. Therefore although the roosting potential is low, it is recommended that an updated inspection of the potential roosting features within the building, by a suitably qualified ecologist, is undertaken immediately prior to demolition work as a precaution.
- 8.33 There is some suitable habitat comprising the grassland and scrub around the boundaries of the site, and storage materials on site which could provide refuges for reptiles such as grass snake and slow worm. Given records of reptiles within the local area and habitats present, it is recommended that the ground clearance works are undertaken in line with an ecological method statement.

- 8.34 In line with previous comments on the previous application (14/02132/OUT), it is also recommended that to achieve a net gain for biodiversity on site, the new dwellings should, where possible, include provision for swift nesting within the buildings fabric using swift bricks. The retention of the existing hedgerows on site, buffered from development and enhanced through native species planting is recommended. This is indicated on drawing No. 392/17/PL1002 accompanying the application. It is further recommended that the existing buildings and any removal of suitable vegetation should also be undertaken outside of the nesting bird season.

#### Other matters

- 8.35 As set out above the applicant for the current application has advised that they would improve the access to the site (and to the rear of the dwellings in Bunkers Hill), provide an improved water supply, sewerage system and LAP, make a contribution towards the Millennium Hall at Shipton-on-Cherwell, demolish an obsolete water tower as well as make a contribution towards public transport improvements and off-site sports facilities if planning permission is granted. These proposed benefits will now be considered in turn:

- Improvements to the junction with the highway and access road

The improvements to the access, as indicated on drawing no. 392/17/PL1002A, would undoubtedly improve the existing situation. The access is currently well below the required standards with poor visibility to the north east and the width of the existing track is very narrow with no passing places. However, as part of any new development this would need to be upgraded to ensure that the scheme met the necessary highway safety standards resulting from increased traffic generation. It would therefore make the development acceptable, rather than constitute a net benefit. The permission for the replacement of the clubhouse in 2005 (04/02551/F) did not, however, require works to the access and junction with the highway.

- Public transport improvements

The s106 agreement for the previous outline consent did not seek contributions towards public transport improvements. Contributions towards increase in frequency of the bus service, provision of a bus stop flag sign and timetable information as well as a contribution towards relocating the 30mph sign 50m to the south have been requested following the consultation response from Oxfordshire County Council.

The contributions are directly related to the development because the bus stops on the A4260 are one of the few amenities that residents would be able to access on foot without walking on the mainline carriageway of two strategic distributor roads. The development is located in an area with no other amenities or services. Therefore, this bus service would be the only means that residents who did not have the use of a car would be able to get to and from the development safely. In addition the timetable information and flagpole will make the bus stop on the north bound side of the A4260 more easily identifiable and make the information more accessible. It is in accordance with the policy set out in paragraph 23 of Oxfordshire County Council's bus strategy for connector transit routes, which is to "protect and improve the commercial viability (of connector transit services) through infrastructure and service enhancements such as improving bus stops and hubs." The relocation of the speed limit sign would reduce traffic speeds on this road in the vicinity of the proposed development, thereby reducing the likelihood of collisions brought about by excessive vehicle speeds. Therefore, this

TRO, if applied successfully, would help provide safe and suitable access to the development in accordance with the National Planning Policy Framework.

- Improvements to the water supply

The existing dwellings and clubhouse at Bunkers Hill are served by a private distribution system which at the time of the previous consent involved mains water being piped to a holding tank at the northern end of the site and then pumped to the individual properties. The site was originally served by a mains-fed water tower which is no longer used as it became contaminated. The overflow tank for the water tower was then used to hold the mains water prior to distribution to the individual properties. This also became contaminated and the Management Company approached Thames Water about the individual properties being directly connected to the mains. A temporary tank was fitted and a Bunkers Hill resident has advised that this is no longer used as contamination was found in the tank whenever Thames water had a problem with the main at Shipton. The 27 properties are now supplied by a direct connection to a 50 mm pipe from Shipton-on-Cherwell that runs through the old Shipton quarry connected to booster pumps at Bunkers Hill. It is not known whether the existing piped supply is sufficient to serve a further 10 dwellings but it is likely that the supply will need to be upgraded.

In my opinion it is not necessary to allow development in an unsustainable location to pay for the connection of the existing dwellings directly to mains water but it is desirable for the residents of those properties. The Council's Environmental Health Department has not been informed of any contamination issues with the existing supply. The proposed works should therefore carry no weight in the determination of this application.

- Sewage disposal facilities

The existing on-site sewage treatment plans and facility is relatively old and the applicant is offering that if permission is granted a new treatment plant will be funded and installed to serve all of the Bunkers Hill properties. Whilst the existing residents may welcome the replacement of the facility it is not a matter that will be of wider public benefit and the existing residents occupy the dwellings in the knowledge that they have a private treatment facility to maintain. The proposed works should therefore carry no weight in the determination of this application.

- Demolition of the water tower

The water tower is in a state of disrepair and it will require attention in the future to either demolish or make safe. However, it is not prominent in public views as it is surrounded by mature trees which screen it and it does not significantly detract from the visual amenities of the area. Its demolition is not considered to be of great benefit to the wider public. The proposed demolition should therefore carry no weight in the determination of this application.

- Millennium Hall at Shipton-on-Cherwell

Rather than providing a community building on the site, which in reality is only likely to be used by residents of Bunkers Hill, a contribution is sought towards enabling the existing hall in Shipton on Cherwell to accommodate the increase in capacity.

- Local Area of Play (LAP)

A LAP is required to be provided on site along with a contribution for maintenance by the Council/Parish Council. The applicant's agent has stated that whilst the LAP will be provided it will be maintained by a management company set up as part of the development. The Council would normally elect to manage such spaces and so this matter would require further discussion. This contribution is required to make the development acceptable, rather than constituting a net benefit.

- Off-site sports facilities

Contributions towards off-site sports facilities are sought to improve facilities at Stratfield Brake and Kidlington Leisure Centre in line with the emerging Sports Studies that the Council is currently preparing, supported by the Council's policies on health and well-being. This contribution is required to make the development acceptable, rather than constituting a net benefit.

- 8.36 Whilst the majority of the foregoing are benefits, and therefore material to the consideration of the application, others are not, and some of the benefits would in reality merely make the development acceptable rather than provide net benefit. Officers remain to be convinced that they outweigh the harm arising from the provision of housing isolated from any settlement. However given the extant consent on the site Members will need to consider whether the benefits set out above at paragraph 8.15, are sufficient to outweigh the harm.

## **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. Economic role – The NPPF states that the planning system should do everything it can to support sustainable economic growth. Whilst there will be an economic benefit provided by the construction of the proposed dwellings, sourcing materials through local building suppliers and future maintenance by local tradespeople along with the use of local services and facilities by future residents which will help to support services and shops etc. it should be noted that employment opportunities within the village and the immediate area are very limited. In sustainability terms therefore, the long term economic benefits of the development are tempered.
- 9.3 Social role – The social role to planning relating to sustainable development is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. Whilst the applicant is offering to provide benefits for the existing residents in Bunkers Hill (such as an improved sewerage system, water supply and access) and for those using Shipton on Cherwell Millennium Hall along with the sports facilities at Stratfield Brake and Kidlington Leisure Centre, it has been acknowledged in a previous appeal decision for housing on an adjacent site that it is a relatively unsustainable location to accommodate additional housing growth. This in your officers' view reduces the weight that can be afforded to the social benefits of the scheme.
- 9.4 Environmental role – for development to be acceptable it must contribute to the protection and enhancement of the natural and built environment. These issues have been covered in the sections above. The development is considered to result in development in the countryside which is prejudicial to the aims of both national and local policy to protect the countryside and focus development in areas that will contribute to the general aims of reducing the need to travel by private car.

## **10. CONCLUSION**

- 10.1 The proposal comprises development within the countryside in an unsustainable location, and therefore the presumption in favour set out in the NPPF does not apply. Notwithstanding the extant approval for 8 dwellings, in your officers' opinion the package of public benefits offered by the applicant does not outweigh the harm to the aims of established national and local policies to protect the countryside and focus development in areas that will contribute to the general aims of reducing the need to travel by private car. As such it is considered that the development is contrary to the Saved Policies within the Cherwell Local Plan 1996, the Cherwell Local Plan 2011-2031 and government guidance within the NPPF.

## **11. RECOMMENDATION**

That permission is refused, for the following reason:

1. The proposal represents development within the countryside where there is no proven need for agriculture or other existing undertaking and the application has not been made on the basis that it is a rural exceptions site. As the proposal cannot be justified on the basis of an identified need, it constitutes unsustainable, new build residential development in a rural location which is divorced from established centres of population, not well served by public transport where residents would be reliant on the use of the private car. The proposal therefore results in an environmentally and socially unsustainable form of development. The development is considered to be prejudicial to the aims of both national and local policy to focus development in areas that will contribute to the general aims of reducing the need to travel by private car. The proposal is therefore contrary to Saved Policies H18 and C8, of the Cherwell Local Plan 1996, Policy Villages 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained in the National Planning Policy Framework.

CASE OFFICER: Shona King

TEL: 01295 221643