

Applicant: Waterloo Housing Group Ltd

Proposal: Erection of 13 new affordable dwellings together with associated external works, car parking and landscaping

Ward: Fringford And Heyfords

Councillors: Cllr Ian Corkin
Cllr James Macnamara
Cllr Barry Wood

Reason for Referral: Major development

Expiry Date: 29 January 2019

Committee Date: 17 January 2018

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT

Proposal

Planning permission is sought for the erection of 13 'affordable' dwellings. The buildings are proposed to front Station Road and would be constructed from Cotswold Limestone under a concrete plain tile roof. A single access is proposed off Station Road to serve the dwellings

Consultations

The following consultees have **supported** the application:

- Ardley with Fewcott Parish Council and CDC Strategic Housing

The following consultees have raised **no objections** to the application:

- Thames Water, Anglian Water, OCC Highways, Historic England, CDC Building Control, CDC Landscape Services, CDC Recreation and Leisure,

The following consultees have raised **objections** to the application:

- OCC Archaeology, CDC Arboriculture

2 Letters of **objection** has been received

Planning Policy and Constraints

The site is outside the built up area of Ardley. The site abuts but lies outside the Ardley Conservation Area, which is to the west of the site. The site is within relatively close proximity to the Church of St Mary which is a Grade II* listed building, and it contains a Grade II listed headstone within its graveyard. There are locally listed buildings within close proximity to the site too including Jersey Cottages and the Old Rectory. The site has ecological potential being within 2KM of two SSSIs and legally protected species have been recorded within the vicinity of the site.

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the amended application details are:

- Principle of the Development;
- Impact upon the Character and Appearance of the Area;
- Impact upon the Heritage Assets;
- Residential Amenities;
- Accessibility, Highway Safety and Parking;
- Ecological Impact;
- Flooding Risk & Drainage;
- Planning Obligations.

The report looks into the key planning issues in detail, and officers conclude on balance that the proposal is acceptable subject to conditions. The scheme meets the requirements of relevant CDC policies.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The site is to the east of the village of Ardley, on the east side of Station Road. The site comprises a rectangular section of arable land. To the south and east of the site is open countryside. To the west of the site, on the other side of the Station Road is housing. To the north of the site is a piece of land which appears to be used for storage purposes. A footpath runs adjacent to the northern boundary of the site (109/22/10) and heads off in an easterly direction. Hedging sits on the Western boundary of the site screening views of the site from Station Road.

2. CONSTRAINTS

2.1. The site abuts but lies outside the Ardley Conservation Area, which is to the west of the site. The site is within relatively close proximity to the Church of St Mary which is a Grade II* listed building, which contains a Grade II listed headstone within its graveyard. There are locally listed buildings within close proximity to the site too including Jersey Cottages and the Old Rectory. The site is within a Minerals Consultation Area. The site has ecological potential being within 2KM of the Ardley Cutting and Quarry SSSI and Ardley Trackways SSSI, and legally protected species have been recorded within the vicinity of the site including the polecat.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. Planning permission is sought for the erection of 13 'affordable' dwellings. This would comprise of a detached bungalow, 10 semi-detached two storey dwellings and 2 apartments within a two storey building. The buildings are proposed to front

Station Road and would be constructed from Cotswold Limestone under a concrete plain tile roof.

- 3.2. A single access is proposed off Station Road to serve the dwellings with an access road within the site leading to the dwellings, and parking is proposed to the side of the dwellings. 6 visitor parking spaces are proposed on the site as well, with 3 at the northern extremity and 3 at the southern extremity.
- 3.3. The hedge to the front of the site is proposed to be reduced in height to 1.5 metres.
- 3.4. Private gardens are proposed to the rear of the dwellings whilst the apartments would share a garden. Each dwelling would be served by a timber shed which would act as cycle storage whilst the apartments would share a shed.
- 3.5. A signalised pedestrian crossing across Station Road is proposed as part of the development to the north of the site so that the proposed occupiers of the site can access the amenities within the village.
- 3.6. The development proposed is a Rural Exception scheme which is subject to Oxfordshire Growth Deal funding.

4. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
18/00087/SO	Screening Opinion to 18/01881/F - Construction of 13 new affordable dwellings together with associated external works, car parking and landscaping	Screening Opinion not requesting EIA

5. PRE-APPLICATION DISCUSSIONS

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

<u>Application Ref.</u>	<u>Proposal</u>
18/00121/PREAPP	New development incorporating 4 no. 1 Bedroom 2 Person Flats, 1 no. 2 Bedroom 3 Person Bungalow, 5 no. 2 Bedroom 4 Person Houses, 3 no. 3 bedroom 5 person Houses

- 5.2. This related to a relatively similar development to what is proposed in this application before members. It was noted that the development could be considered against Policy Villages 3 of the Cherwell Local Plan (2011-2031) Part 1 and the proposal would have significant benefits by meeting a need within the locality for affordable housing.
- 5.3. However, it was considered that there would be harm to the landscape as a consequence of development on this agricultural land. Furthermore, it was considered that the development would appear as a detached stand-a-lone development therefore causing environmental harm. There was also considered to be less than substantial harm to the Ardley Conservation Area and the locally listed building of Jersey Cottages. Thus, there was considered to be conflict with Policies ESD13 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1. There were also

concerns raised about the general sustainability of the site, and therefore there was considered to be conflict with Policies SLE4 and ESD1 of the Cherwell Local Plan (2011-2031) Part 1.

- 5.4 It was concluded that benefits of the scheme (affordable dwellings, Growth Deal site) could outweigh the harm if the scheme were to be well designed. Estate type workers' cottages were encouraged and it was noted that the materials should respond to local vernacular. The reduction in the height of the hedge to the front of the site was also recommended so that the dwellings are more connected with the village. Concerns were expressed re highway safety.

6. RESPONSE TO PUBLICITY

- 6.1. 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 28.12.2018, although comments received after this date and before finalising this report have also been taken into account.

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

- Overlooking properties on Station Road;
- Additional dwellings will cause further traffic and a highway safety hazard for other motorists;
- The access would be dangerous for vehicle users and pedestrians;
- The proposed parking is inadequate.

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

7. RESPONSE TO CONSULTATION

- 7.1. 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

- 7.2. ARDLEY WITH FEWCOTT PARISH COUNCIL: The application has been developed with the full **support** of the Parish Council

- 7.3. MID CHERWELL NEIGHBOURHOOD PLAN FORUM: **Objects** to the application:

- Moderate weight must be attached to the Draft Neighbourhood Plan;
- There is conflict with Policy PD5 – the proposal would not provide new or improve existing footpaths and cycle ways to ensure new residents of all ages and mobility have safe access to village amenities;
- Concerns in relation to noise pollution;
- Concerns with lack of comments from CDC Conservation

CONSULTEES

- 7.4. ANGLIAN WATER: **No comments received.**

- 7.5. HISTORIC ENGLAND: **Does not wish to offer any comments.** We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.
- 7.6. OCC DRAINAGE: **No objection.** Originally objected on the basis of the proposal to connect the surface water drainage to an existing adopted foul sewer, but this has now been addressed through confirmation from the sewerage undertaker that they are content with the proposals.
- 7.7. OCC HIGHWAYS: **No objections** subject to the provision of a safe crossing over Station Road being incorporated within the application and conditions being attached.
- 7.8. THAMES WATER: **No objections.**
- 7.9. OCC MINERALS AND WASTE: **No objections.**

NON-STATUTORY CONSULTEES

- 7.10. OCC ARCHAEOLOGY: **Objects.** The submitted desk based assessment contains a number of serious omissions and as such is not an appropriate assessment of the historic environment potential of the site. An appropriate desk based assessment will need to be submitted in line with the National Planning Policy Framework (2018) paragraph 189.
- 7.11. CDC ARBORICULTURE: **Objects.** With several omissions of required detail preventing assessment of the scheme, I have no option but to object due to insufficient detail given with regard to trees on, or adjacent to the site. An arboricultural impact assessment and method statement are required before detailed assessment can be made of the proposal's acceptability.
- 7.12. CDC BUILDING CONTROL: A full Building Regulations application will be required.
- 7.13. CLINICAL COMMISSIONING GROUP: **No comments received**
- 7.14. CDC CONSERVATION: **No comments received to date**
- 7.15. CDC ECOLOGY: **No comments received**
- 7.16. OCC EDUCATION: **No objection**, there is currently sufficient capacity at early years, primary, secondary and special needs education in the area to accommodate the predicted pupil generation from this proposed development.
- 7.17. CDC ENVIRONMENTAL HEALTH: **No objections.**

Noise: The Noise Risk Assessment & Acoustic Design Statement has been submitted and reviewed. Due to the potential for noise nuisance from Station Road, the recommendations made in this report should be implemented to ensure that internal noise levels meet the criteria for residential dwellings specified in British Standard BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings.

Contaminated Land: As this is a change of use from agricultural to residential, I would recommend that the full contaminated land conditions J12 – J16 are placed on any permission granted.

- 7.18. CDC HOUSING STANDARDS: **No comments received**

- 7.19. CDC LANDSCAPE SERVICES: concerns with the landscaping proposed and the rear boundary should be hedging.
- 7.20. CDC PLANNING POLICY: **No comments received**
- 7.21. CDC RECREATION AND LEISURE: Seek contributions towards off-site sports facilities and community hall facilities.
- 7.22. CDC STRATEGIC HOUSING: The Rural Exception scheme is fully **supported** by the Strategic Housing Team and is subject to Oxfordshire Growth Deal funding
- 7.23. THAMES VALLEY POLICE DESIGN ADVISER: No objections, but provides advice so as to assist the authority and applicants in creating a safer and more sustainable development.
- 7.24. CDC WASTE AND RECYCLING: **No comments received**

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land - Brownfield Land and Housing Density
- BSC3: Affordable Housing
- BSC4: Housing Mix
- BSC7: Meeting Education Needs
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor provision
- ESD1: Mitigation and Adapting to Climate Change
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- Policy Villages 1: Village Categorisation
- Policy Villages 3: Rural Exception Sites
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside

- C28: Layout, design and external appearance of new development
- ENV1: Environmental pollution
- ENV12: Contaminated land

SUBMISSION MID-CHERWELL NEIGHBOURHOOD PLAN (2017-2031)

The submission neighbourhood plan has been subject to independent examination which concluded that the plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). Given the relatively advanced stage in the preparation of the plan, increased weight should be given to this neighbourhood plan. However, the plan needs to be put to public referendum and has yet to be adopted, so the neighbourhood plan cannot be afforded full development plan weight in decision making.

- PD4: Protection of Important Views and Vistas
- PD5: Building and Site Design
- PD6: Control of Light Pollution
- PH2: Affordable Housing on Rural Exception Sites
- PH3: Adaptable Housing
- PH5: Parking, Garaging and Waste Storage Provision
- PT1: Travel Plans
- PC1: Developer Contributions

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Local Transport Plan 4 (2015-2031)
- Ardley Conservation Area Appraisal (2005)
- Cherwell Residential Design Guide Supplementary Planning Document (SPD) (July 2018)
- Noise Policy Statement for England (NPSE)

8.4. Council Corporate Priorities

Cherwell District Council and South Northamptonshire District Council's Joint Corporate Strategy for 2018-19 sets out the councils three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2018–19. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the districts.

The three corporate priorities are to ensure the Districts are “Protected, Green & Clean”, are places which support “Thriving Communities & Wellbeing”, and are Districts of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plans for CDC & SNC; (2) increase tourism; (3) protect the built heritage; (4) reduce our carbon footprint & protect the natural environment; (5) mitigate the impact of High Speed 2; and (6) deliver affordable housing.

The remaining key actions are also of significance to the determination of planning applications and appeals in particular delivering the Bicester, Banbury, Kidlington, Brackley, Towcester and Silverstone Masterplans.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

9. APPRAISAL

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

- Principle of the Development;
- Impact upon the Character and Appearance of the Area;
- Impact upon the Heritage Assets;
- Residential Amenities;
- Accessibility, Highway Safety and Parking;
- Ecological Impact;
- Flooding Risk & Drainage;
- Planning Obligations;
- Other Matters.

Principle of Development

Policy Context

- 9.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that the decision maker should apply a presumption in favour of sustainable development. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 9.3. Paragraph 12 of the NPPF notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council (“CDC”) has an up-to-date Local Plan which was adopted on 20th July 2015.
- 9.4. In addition, CDC can demonstrate a five-year supply of deliverable housing sites and therefore the tilted balance set out in the presumption in favour of sustainable development (see ref. to para 11 above) will not need to be applied in this context.
- 9.5. Policy ESD1 of the Cherwell Local Plan (2011-2031) Part 1 states that to mitigate the impact of development on climate change, growth will be delivered in the most sustainable locations (as defined in the local plan) and reducing the need to travel.
- 9.6. Policy Villages 1 of the Cherwell Local Plan (2011-2031) Part 1 groups villages into three separate categories (A, B and C). Policy Villages 1 classifies Ardley as a Category C village, which restricts new residential development to infilling and conversions. Infilling refers to the development of a small gap in an otherwise continuous built-up frontage. Category C settlements are considered the least sustainable settlements in the District’s rural areas and are inherently poor in terms of services and facilities.
- 9.7. Saved Policy H18 of the Cherwell Local Plan 1996 therefore applies. This policy states that permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements when they are essential for agriculture or other existing undertakings or if it is a rural exception site (i.e. providing affordable rural housing). This policy is in line with Paragraphs 78 and 79 of the NPPF which state that, to promote sustainable development in rural areas, housing should be

located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

- 9.8. Policy Villages 3 of the Cherwell Local (2011-2031) Plan Part 1 states that: *“The Council will support the identification of suitable opportunities for small scale affordable housing schemes within or immediately adjacent to villages to meet specific, identified local housing needs that cannot be met through the development of site allocated for housing development.*

Arrangement will be secured to restrict occupancy of the housing to ensure that it continues to meet local needs in perpetuity.

Market Housing for private rent or sale will only be considered on rural exception sites in the following circumstances:

- The number of market homes should not exceed 25% of the total number of homes proposed*
- The market housing must be shown to be required to secure the viability of the proposal and development costs must be justified*
- No alternative, suitable site is available to provide a rural exception site and a robust site search can be demonstrated*
- The market housing ensures that no additional subsidy for the scheme is required*
- The development has the support of the local community*
- The total number of dwellings and the scale of development is in keeping with the categorisation, character and form of the village and its local landscape setting.”*

- 9.9. Policy PH2 of the Submission Mid-Cherwell Neighbourhood Plan (2017-2031) echoes what is stated within Policy Villages 3 of the Cherwell Local Plan (2011-2031) Part 1.

- 9.10. Paragraph 77 of the NPPF also states that: *“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning Authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.”*

Assessment

- 9.11. This site is an agricultural field on the other side of the road from the core of the settlement and thus is not within the built up limits of Ardley. In any case the number of dwellings proposed constitutes major development, which is not supported within Category C settlements under Policy Villages 1.

- 9.12. The proposal is for affordable housing on behalf of a registered provider and therefore could be considered under Policy Villages 3 of the Cherwell Local Plan (2011-2031) Part 1 and Policy PH2 of the Submission Mid-Cherwell Neighbourhood Plan (2017-2031). Furthermore, given that the proposal is not for market housing the

bullet points set out in Policy Villages 3 are not relevant, but they do provide a useful basis on which to assess proposals more generally.

- 9.13. In identifying whether a rural exception site is suitable, consideration has to be given to whether demand for affordable housing can be met through existing allocated sites for housing development. There are a number of allocated sites at Upper Heyford and Bicester and all provide a significant amount of affordable housing. This affordable housing, whilst meeting the local and wider-District housing need, is not considered to meet the specific affordable housing need identified in Ardley, hence the consideration of the proposed site.
- 9.14. The Council's Strategic Housing Department comments that the unit type provision proposed is consistent with the Housing Needs Survey which was carried out in January 2017 and also more recent consultation carried out by the Parish Council. The Strategic Housing Department also comments that the mix has been discussed and agreed with the Registered Provider that is scheduled to deliver the affordable housing units on this proposed scheme. Thus, the proposal would meet a specific affordable housing need in Ardley. The above should be afforded substantial weight in the assessment of this proposal.

Conclusion

- 9.15. Thus, the principle of the development could be acceptable. However, the text supporting Policy Villages 3 states that in identifying suitable sites, it will be necessary to balance the advantages of providing affordable housing with the degree of harm that would be caused, for example to the appearance of the village, the surrounding landscape or to the historic environment. Thus, the principle of the development is also dependent on other material planning considerations, which Officers will now go on to discuss.

Impact upon the Character and Appearance of the Area

Policy Context

- 9.16. Government guidance contained within the NPPF towards achieving well-designed places states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPG goes on to note that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Further, Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 9.17. Policy ESD13 of the Cherwell Local Plan Part 1 states that: *“Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:*
- *Cause undue visual intrusion into the open countryside;*
 - *Cause undue harm to important natural landscape features and topography;*
 - *Be inconsistent with local character;*
 - *Harm the setting of settlements, buildings, structures or other landmark features;*

- *Harm the historic value of the landscape.”*

- 9.18. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.”*
- 9.19. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with existing buildings.
- 9.20. Policy PD5 of the Submission Mid-Cherwell Neighbourhood Plan (2017-2031) sets out that new development should be designed to a high standard which responds to the distinctive character of the settlement and reflects the guidelines and principles set out within the Heritage and Character Assessment. Policy PD5 goes on to state that proposals involving alterations and additions to the existing highway network and associated infrastructure should seek to prevent damage to the rural character of the roads affected, preserving instead the identified characteristics of the area unless addressing acknowledged areas of highway danger.
- 9.21. Policy PD6 of the Submission Mid-Cherwell Neighbourhood Plan (2017-2031) states that the design of external and street lighting in all new development should minimise the risk of light spillage beyond the development site boundary. Additional street lighting associated with new development will however not be supported in Ardley.

Assessment

- 9.22. Ardley is predominantly focused on the west side of Station Road (B430), and has a dispersed settlement form, with more traditional development towards the south, and more modern development towards the north. The southern half of the village includes a dispersed collection of dwellings loosely grouped around the historic church.
- 9.23. The proposed development would be clearly visible from Station Road, especially with the reduction in the hedge height to the front of the site. The development would also be clearly visible from the public footpath to the north and north east of the site. However, the views gained would be localised ones.
- 9.24. The proposed development would appear detached from the main core of the village. Whilst the reduction in the height of the hedge to the front of the site would prevent the development from being dislocated from the village, residential development on this site would create a new layer of development that differs from the current dispersed pattern of development in Ardley. Despite the harm, the design approach taken here, which appears as an estate type workers' cottage style, is considered to be an appropriate design solution within this rural context. The materials proposed would also respond to local vernacular, but further details of these materials would need to be conditioned. In addition, a linear form of development here, parallel to the road, is sympathetic to the limited development on the eastern side of Station Road.
- 9.25. Whilst further paving to a new crossing on the east side of Station Road is required, Station Road is not considered to be a rural lane and the addition of the would have limited visual impact on the area. However, further street-lighting is probably required too so that pedestrians can access this cross. Therefore there is likely to be some conflict with Policy PD6 of the Submission Mid-Cherwell Neighbourhood

Plan (2017-2031). However there is already street lighting elsewhere on the main road through the village and the additional street lighting will be seen in context of the main road rather than the more rural and minor roads through the village which does not have street lighting currently.

- 9.26. Concerns have been raised by the Council's Landscape Officer about the details within the landscape plan about the planting proposed and how this is to be managed. The landscaping plan has been amended and officers consider the planting and hedging as well as its management is acceptable. The Landscape Officer has also raised issue with the close boarded fence on the rear boundary. Officers agree as this would create a harsh urban edge in this sensitive location and would be clearly visible from the footpath to the north east. A softer edge is desired and amended details can be conditioned.
- 9.27. Further details of the sheds are also required and this matter can be conditioned.

Conclusion

- 9.28. Whilst officers consider that the proposal would cause an element of harm to the rural setting of the village and result in an urban form of development into the open countryside, which weighs against the proposed development and is contrary in part to the aims of Policies ESD13 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of the Cherwell Local Plan (1996) and Policies PD5 and PD6 of the Submission Mid-Cherwell Local Plan (2017-2031) it is considered that this harm is outweighed by the benefits the scheme would bring by delivering affordable housing to the village to meet an identified need.

Impact upon the Heritage Assets

Policy Context

- 9.29. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard to the desirability of preserving a listed building or its setting should be taken. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 9.30. Paragraph 193 of the NPPF states that: *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."* Paragraph 194 of the NPPF goes on to state that: *"Any harm to, or loss of, significance of a designated heritage asset, should require clear and convincing justification."*
- 9.31. Policy ESD15 of the Cherwell Local Plan states that new development proposals should: *"Conserve, sustain and enhance designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG."*
- 9.32. Paragraph 197 of the NPPF states that: *"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly*

non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

- 9.33. Paragraph 196 of the NPPF states that: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

Assessment

- 9.34. The site is outside of but adjacent to Ardley Conservation Area, which is located to the west. Furthermore, the site is within relatively close proximity to the Grade II* listed St Mary’s Church and a Grade II listed headstone within the graveyard (NW of the site), as well as close proximity to a number of locally listed buildings to the west including ‘Jersey Cottages’ (at approx. 12 metres) and ‘The Old Rectory’ (at approx. 50m).
- 9.35. A heritage statement has been submitted alongside the application which makes an assessment of the significance of the nearby heritage assets as well the impact of the proposal upon these assets.

Ardley Conservation Area

- 9.36. Ardley Conservation Area Appraisal (ACAA) (2005) describes that the settlement of Ardley is located to the west of the B430, the main Oxford to Brackley Road. The village has a dispersed settlement form. In essence, Ardley is a village of two halves, separated by an area of open land to the west of Ardley Road that is currently in agricultural use.
- 9.37. As discussed and noted in the ACAA, the southern half of the village includes a dispersed collection of dwellings loosely grouped around the historic church. This area is characterised by open spaces, narrow lanes, hedges and stone walls which all contribute to the special character of this part of Ardley.
- 9.38. The cottages and houses within the conservation area are all of two storeys and predominantly built in a rural vernacular style of coursed rubble limestone with brick quoins and window/door surrounds and tile or slate roofs.
- 9.39. Officers consider that whilst there is harm to the setting of the conservation area by developing an area to the east of Station Road that has not previously been developed, the development would add to the already dispersed settlement pattern, and repeat the linear approach of development on the western side of Station Road within the conservation area and the loose grouping of historic properties. In addition the workers cottage style of development would complement the nearby historic properties and be appropriate in this rural location. The proposal is therefore considered to cause *less than substantial* harm to the significance of the Ardley Conservation Area.
- 9.40. Policy PD4 of the Submission Mid-Cherwell Local Plan (2017-2031) notes that development proposals must demonstrate sensitivity to the important views as listed in the ACAA. However, the views referred to are localised ones within the village and the proposed development would not impinge significantly upon these views.

St Mary’s Church and Headstone

- 9.41. The Church of St Mary dates from the 13th or 14th Centuries with some 18th Century alterations. The Heritage Statement notes that the following key elements of

the setting of the church are considered to contribute to its significance are: its historical associations with the village, its verdant enclosed churchyard; its roadside frontage to Station Road, whence it is perhaps typically (but not best) experienced; and views afforded towards it from certain locations on Church Road and Somerton Road. In addition the open and rural setting to the east of the church gives the church a pleasant setting and contributes to its significance.

- 9.42. The Church sits within an open graveyard, and the field directly to the east of the site provides an open and rural setting, which makes a positive contribution towards the significance of this church, and views of this can be gained from the footpaths to the east of the church and north of the site.
- 9.43. Given that the site is located further to the south than the church and site, it is considered that this site has a limited contribution towards the setting of these structures and that the development could be constructed on this site without causing harm to the setting and significance of these buildings.

Locally Listed Buildings

- 9.44. The Old Rectory is a locally listed building, which sits across Station Road from the site. As the name suggests, it is the former rectory for St Mary's Church. The Old Rectory appears to be of late-18th or early 19th Century origin. It is a relatively grand and notable historic building within the village. Given the set back of this building from the Station Road and how enclosed the building is on its eastern boundary, it is considered that the proposed development would not materially alter how this locally listed building is experienced. It is thus considered that the proposal would not cause harm to the significance of the Old Rectory, or its setting.
- 9.45. Jersey Cottages, which is a locally listed building, is situated on the other side of Station Road to the site, and comprises estate style cottages built by Blenheim Estates in 1870. It is a distinctive building that illustrates Ardley's historical association with the Blenheim Estate.
- 9.46. Due to the proposed location of the access road to the new development and because the development would transform the previous rural setting of this building it is considered that the proposal would cause some harm (less than substantial) to the significance of this locally listed building.

Archaeology

- 9.47. The OCC Archaeologist has stated that the site is located in an area of archaeological interest 66m south east of the C14th, Grade II* listed, St Mary's Church. The earthwork remains of a shrunken medieval village survive to the north and west of this medieval church. The Archaeologist has noted that the extent of these earthworks is clearly seen on Environment Agency Lidar images. The site is also located 320m east of the scheduled monument of Ardley Wood moated ringwork (SM 28166). This is believed to be the remains of a Norman ringwork later reused as a moated settlement site.
- 9.48. The Archaeologist goes on to state that Roman pottery has been recorded 170m north of the proposed site and two Iron Age Banjo enclosures identified from aerial photographs. Further Roman activity has been identified from a findspot of a Roman Brooch 220m east of the proposed site.
- 9.49. A desk based assessment from Cotswold Archaeology has been submitted with this application.

- 9.50. The OCC Archaeologist notes that OCC were not asked to agree a written specification for this assessment or to agree the scope of as set out in the Chartered Institute for Archaeologists standards and guidance for desk based assessments. OCC were however sent a copy of this assessment on the 19th October 2018 where they advised that the assessment was not acceptable.
- 9.51. The OCC Archaeologist advises that, given the presence of medieval earthworks so close to the site, the Environment Agency Lidar holdings would need to be assessed and included in the desk based report. In addition, as the two banjo enclosures were identified from aerial photographs they would expect that an assessment of the aerial photographic collection held by Historic England at Swindon should also be consulted and any archaeological features identified as cropmarks would need to be plotted.
- 9.52. Cotswold Archaeology did confirm that these issues would be addressed in a final version of the desk based assessment on the 20th October 2018 but this version was not submitted alongside the application. The OCC Archaeologist has stated that as a result of these omissions, this desk based assessment does not adequately assess the potential impact of this development on previously unidentified archaeological deposits that may survive on the site.
- 9.53. However, an updated report has been submitted during the course of the application. The documentation and Lidar imagery has been included in the reports as has an assessment of the aerial photographic collection held by Historic England.
- 9.54. In response to this, the OCC Archaeologist has stated that they still have reservations over the desk based assessment and would normally request additional survey in the form of a geophysical survey and archaeological evaluation and therefore objected to the proposal. The OCC Archaeologist has noted that if the Council are minded to grant planning permission, they recommend that conditions be attached requiring, before development commences, the submission of an archaeological written scheme of investigation and the carrying out of that approved scheme of investigation.
- 9.55. Given OCC Archaeology has stated that they would wish to see a more robust desk-based study before supporting the application. Thus, Officers cannot be satisfied that the proposal would not result in harm to archaeological assets.

Conclusion and Paragraph 196 of the NPPF

- 9.56. Less than substantial harm has been identified to the significance of the Ardley Conservation Area and its setting, as well as the significance of the locally listed Jersey Cottages and their setting. Furthermore, Officers cannot be satisfied that the proposal would not result in harm to archaeological assets. As a result of this, there would be conflict with the aims of Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1. However, Policy ESD15 refers the decision maker to the NPPF, and consideration of public benefits of the proposal should be given.
- 9.57. In this case, the public benefits of the scheme would be the provision of much needed rural affordable housing in the locality. Furthermore, a site appraisal has been carried out by the Local Planning Authority within the local area to identify the least harmful location for this development and this site was identified as the preferred option. This should therefore be afforded weight and will be discussed further in the planning balance section of the report below (see section 9).

Residential Amenities

Policy Context

- 9.58. Policy ESD15 of the Cherwell Local Plan Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Paragraph B.42 in the Cherwell Local Plan Part 1 states that: “In all cases very careful consideration should be given to locating employment and housing in close proximity and unacceptable adverse effects on the amenity of residential property will not be permitted.”
- 9.59. Saved Policy ENV1 of the Cherwell Local Plan 1996 states that: “*Development which is likely to cause detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.*”

Assessment

- 9.60. It is considered that the dwellings would be sited so as to prevent significant harm to neighbouring residential properties in terms of loss of light, overlooking or loss of privacy, or the creation of an overbearing effect. Whilst the occupier of Jersey Cottages, across the road from the site, has raised concerns in relation to overlooking, this would be a front to front relationship and this is considered acceptable.
- 9.61. Given the proximity of the site to Station Road, there is potential for noise disturbance to the potential occupiers of the dwellings and a Noise Report has been submitted alongside the application.
- 9.62. Fixed position monitoring took place at one position to account for the likely dominant noise sources. The monitoring equipment was located 1.5m from the ground and at least 3m from the next nearest reflecting surface. Unattended monitoring was carried out between 20th August 2018 and 21st August 2018. The external measurement results displayed an average of 71.9dB for the daytime and an average of 65.8dB for the night. However, the report sets out that with the recommended glazing and ventilator specification within the report, the impacts of noise will be mitigated and minimised so that internal noise levels are compliant with the guideline values. The report also sets out that modelling predicts that every garden will have access to a large area that meets the criteria within the British Standard if 1.8m close boarded fences are installed.
- 9.63. The Council’s Environmental Protection Officer advises that, due to potential for noise nuisance from Station Road, the recommendations within the report should be implemented to ensure that internal noise levels meet the criteria for residential dwellings specified in BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. Officers see no reason to disagree with this assessment and the mitigation proposed in the report shall be conditioned.
- 9.64. The Council’s Environmental Protection Officer has raised no objections in relation to air quality, and it is worth noting that there are other dwellings within the vicinity of the site with no complaints received.

Conclusion

- 9.65. Overall, it is considered that the proposal would not cause demonstrable harm to the amenities of neighbouring residents and would also result in an adequate standard of amenity for future occupiers of the development.

Accessibility, Highway Safety and Parking

Policy Context

- 9.66. Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 states, amongst other matters, that new development proposals should: *“Be designed to deliver high quality safe...places to live and work in.”* Policy SLE4 of the Cherwell Local Plan (2011-2031) Part 1 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling.”*
- 9.67. This is consistent with Paragraph 110 of the NPPF which states that: *“Developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.”*
- 9.68. Policy PH5 of the Submission Mid-Cherwell Neighbourhood Plan (2017-2031) states that: *“Unless it is clearly impractical, garages, covered or open parking areas must be built in direct association with the houses whose inhabitants may be expected to use them. They must be spacious enough to accommodate modern cars and bicycles... All dwellings should have well-designed and adequate facilities for the storage of waste bins to avoid less able residents having to haul heavy bins from unsuitable locations to the front of properties.”*
- 9.69. Policy PD5 of the Submission Mid-Cherwell Neighbourhood Plan (2017-2031) states that proposals for minor development schemes of new housing will be required to provide new or improve existing footpaths and cycle ways to ensure that new residents of all ages and mobility have safe access to village amenities. Whilst, this application is for a major development, connectivity with village amenities is still considered highly desirable.

Assessment

- 9.70. OCC ('the LHA') has provided a formal response to the application, removing its previous objection to the application which related to pedestrian access and access for refuse vehicles.
- 9.71. With regards pedestrian access, the LHA has advised that good pedestrian connectivity is essential to maximise the sustainability of the development, and that it is necessary for pedestrians to be able to leave the site safely. For instance, this may include getting to the stop for a school bus.
- 9.72. The proposals initially displayed an informal crossing point to the existing footway on the west side of the B430, Station Road. However, given the busy nature of this road, with a high proportion of HGVs, and because it will become busier in the near future due to the extra traffic generated by the developments at Heyford, the LHA considers this was an unsuitable solution.
- 9.73. The applicant has subsequently submitted an indicative drawing for a signalised crossing across Station Road. Following a review of this drawing, the LHA advises it is confident that a signalised crossing can be successfully installed close to the site. Given this, the LHA states that a speed limit reduction to 30mph is not considered necessary to make the development acceptable, if a signalised crossing is provided. OCC has noted that under a S278 agreement, commuted sums for maintenance of any new highway infrastructure will be payable and OCC will require the works to be secure via a S106 agreement. Full details of the works can be conditioned given the response from the LHA.
- 9.74. Lastly, the LHA has concerns that a swept path analysis for a southbound refuse vehicle has not been provided. The Site Plan (drawing no. 04B) illustrates the

northbound entrance and exit of a full-sized Refuse Collection Vehicle (RCV). It appears to be tight, but should the RCV approach from the north it would appear that it may not be able to make the manoeuvre into the development without either swinging out into the northbound lane or by over-running the footway. The provision of a swept path analysis can be secured by condition to ensure the access is designed to enable a refuse vehicle to enter/leave the site safely.

- 9.75. In relation to other matters, the application documents do not include a speed survey but, given the volume of traffic and site observations, the LHA considers it reasonable to assess the speed limit as the design speed, i.e. 40mph. The LHA advises that a visibility splay of 2.4m x 120m, as indicated on the Site Plan, would be adequate for this speed.
- 9.76. The Design and Access Statement states that the shared surfaces at the north and south ends of the development will be private. However, no mention is made of the central tarmac hammerhead area, but this would not be adopted by OCC as it serves only four dwellings. The LHA notes that shared surfaces are usually expected to be 6.0m wide, with a 0.8m wide maintenance margin all around.
- 9.77. Cycle parking and bin storage has been incorporated, and the LHA notes that adequate car parking is also included and this is built in direct associated with the houses, with spaces also reserved for visitors.

Conclusion

- 9.78. Thus, subject to a S106 agreement including an obligation to enter into a S278 agreement to mitigate the impact of the development, plus planning conditions and informative notes, it is considered that the proposal would not adversely affect highways safety.

Ecological Impact and Trees

Policy Context

- 9.79. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”*.
- 9.80. Paragraph 170 of the NPPF states that: *“The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity.”*
- 9.81. Policy ESD10 of the Cherwell Local Plan Part 1 reflects the requirements of the Framework to ensure protection and enhancement of biodiversity. The Authority also has a legal duty set out in the Natural Environment and Rural Communities Act 2006 (NERC 2006) which states that: *“Every public authority must in exercising its functions, must have regard... to the purpose of conserving (including restoring / enhancing) biodiversity.”*

Assessment

- 9.82. The site has some ecological potential, especially as the site is an undeveloped field and there is a hedge of the western boundary of the site. In addition, legally protected species have been recorded close to the site including the polecat.
- 9.83. Comments have not yet been received from the Council's Ecologist, but a preliminary Ecological Appraisal has been submitted alongside the application. This document concludes that the site is of 'low ecological value' consisting primarily of an arable field with a native hedgerow. It is noted in the report that the hedgerow is the only real feature of ecological value that could potentially be impacted by the proposal, but the trees have not been found to have potential to support roosting bats. Thus, the report recommends retaining as many trees as possible and providing a root protection zone to avoid damage during the construction phase, and where trees are to be lost they should be replaced with appropriate compensation planting. Details of how the trees are to be protected during construction have been provided and this matter can be conditioned.
- 9.84. The report also sets out recommendations for biodiversity gain, including bat and bird boxes incorporated within or on the new buildings, the introduction of wildflower seeding areas, hedgehog boxes and the planting of native nectar rich and berry bearing tree, shrub and plant species. Further details of the placement and type of bat and bird boxes as well as hedgehog boxes can be conditioned so as to ensure a net gain in biodiversity.
- 9.85. Officers see no reason to disagree with the recommendations and conclusions set out within the Ecological Appraisal. Subject to conditions it is considered that the proposal is unlikely to cause adverse harm to protected species.
- 9.86. On the matter of trees, Policy ESD10 of the Cherwell Local Plan (2011-2031) Part 1 requires the protection of trees amongst other ecological requirements. The Council's Arboricultural Officer has objected to the application stating that there is insufficient detail given with regard to trees on, or adjacent to the site. However, Officers are of the opinion that revised details (this being an Arboricultural Impact Assessment and Arboricultural Method Statement) can be conditioned.

Conclusion

- 9.87. It is considered that the proposal would not adversely affect protected species subject to conditions and that the appropriate protection of the trees can be achieved.

Flooding Risk

Policy Context

- 9.88. Policy ESD6 of the Cherwell Local Plan Part 1 states that site specific flood risk assessments (FRA) will be required to accompany development proposals of 1 hectare or more located in Flood Zone 1. The site is in Flood Zone 1 and is less than 1 hectare in area therefore an FRA is not required in this instance. It is worth noting that land within Flood Zone 1 is land which has a less than 1 in 1,000 annual probability of river flooding.
- 9.89. Policy ESD7 of the Cherwell Local Plan Part 1 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

Assessment

- 9.90. The proposal would result in hard standing on what is currently an arable field therefore a drainage strategy is required to demonstrate that drainage can be effectively dealt with. A drainage strategy has been submitted alongside and OCC Drainage has commented on this matter.
- 9.91. The SuDS proposals submitted with the application the use of oversized pipes and an underground cellular storage tank to manage flows up to the 100-year storm (plus allowance for Climate Change) on the site. The proposed allowable discharge rate from the site is 2 l/s. OCC Drainage states that two number soakage tests have been undertaken at the site and these exhibit generally poor results, therefore the applicant's strategy is to dispose of surface water to an existing sewer off site.
- 9.92. OCC Drainage notes that documentary evidence has now been provided to confirm Anglian Water have clarified that it is possible to connect to their foul water system. Given this, OCC Drainage has raised no objections.

Conclusion

- 9.93. Given the above, it is considered that the drainage could be effectively dealt with by condition.

Planning Obligations

Policy Context

- 9.94. Policy INF1 of the Local Plan states that: *“Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.”*
- 9.95. Policy PC1 of the Submission Mid-Cherwell Neighbourhood Plan states that: *“Developer contributions that are secured because of development within the neighbourhood plan boundary will be supported if spent on infrastructure within the designated neighbourhood plan area”*
- 9.96. The Authority is also required to ensure that any planning obligation sought meets the following tests, set out at Regulation 122 of the Community Infrastructure Regulations 2010 (as amended):
- Necessary to make the development acceptable in planning terms;
 - Directly relate to the development; an
 - Fairly and reasonable related in scale and kind to the development.
- 9.97. Policy BSC11 of the Cherwell Local Plan Part 1 states that: *“Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in ‘Local Standards of Provision – Outdoor Recreation’. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement.”*
- 9.98. Policy BSC11 sets out that schemes for 10 or more residential units trigger the requirement for a Local Area for Play (LAP) of a minimum size of 100 square metres of play activity with 300 metres of landscape buffer.

Assessment

- 9.99. As 13 dwellings are proposed, this triggers the requirement for a LAP. However, the design layout does not allow for the use of a LAP on site, and it is considered that an off-site contribution towards open space could be requested if there are identified shortfalls in the area (including facilities which require enhancement or improvement). The Developer Contributions SPD highlights that a commuted sum of £29,989.18 would be required for such development.
- 9.100. Policy BSC11 also sets out that for schemes for 10 or more urban dwellings, general green space of 200 square metres will need to be required. However, again, the design layout does not allow for this to be provided on the site. The Developer Contributions SPD highlights that a commuted sum of £18,541.51 will be required for such development. This would go towards addressing shortfalls in the locality or improving/enhancement of existing areas within the locality.
- 9.101. The Council has contacted Ardley Parish Council regarding the matters of play space and open space provision and whether improvements/enhancements are required. However, no required improvements or enhancements have been identified by the parish council therefore such contributions are not being sought in this instance.
- 9.102. Regarding recreation and sports facilities, the Council's Recreation Department have responded. The Recreation Department has requested an off-site contribution of £26,221.39 for outdoor sports towards the construction of a tennis court at Whitelands Farm Sports Ground (as per the new Sports Study recommendations). Furthermore, they have requested an off-site contribution of £10,854.31 for indoor sports, towards the improvement/expansion of the swimming pool provision at Bicester Leisure Centre (as per the new Sports Study recommendations). The contributions requested are in accordance with the Developer Contributions SPD.
- 9.103. The Recreation Department has also requested an off-site contribution of £13,854.36 towards to the enhancement/improvement to be made at Ardley with Fewcott Village Hall. However, Officers asked the Recreation Department whether this was something Ardley with Fewcott Parish Council requested and no need for this has been demonstrated. Thus, such a contribution is not being sought in this instance.
- 9.104. Regarding the matter of education, comments have been received from the OCC School Organisation Officer. The School Organisation Officer has raised no objections to the proposal and has noted that there is currently sufficient capacity at early years, primary, secondary and special needs education in the area to accommodate the predicted pupil generation from the proposed development.
- 9.105. In relation to healthcare, the Oxfordshire Clinical Commissioning Group (OCCG) has been consulted but comments have not been received from this body to date. The Developer Contributions SPD states that the Local Planning Authority will seek a financial contribution from developments of more than 10 dwellings towards the improvement and/or extension of existing primary medical care infrastructure where appropriate schemes are identified on a site by site basis. As no such information is available to Officers to date such a contribution is not going to be sought, unless the OCCG identify an appropriate scheme within the consultation period.
- 9.106. In relation to affordable housing, the proposal is offering 100% affordable housing (based on negotiations between the Council, Parish Council and the applicant/client), with 7 units for affordable rent and 6 units being in shared

ownership. The Strategic Housing Officer has stated that the proposed mix is considered to be acceptable.

Other Matters

9.107. The scheme has been included by Cherwell District Council in a bid for Oxfordshire Growth Funding.

9.108. The site is on potentially contaminated land and given that the proposed use is a sensitive one (i.e. residential), the Council's Environmental Protection Officer has requested that full contaminated land conditions are attached. Such conditions have therefore been recommended.

Human Rights and Equalities

9.109. The Human Rights Act 1998 ("HRA") sets out fundamental freedoms which have been laid out by the European Convention on Human Rights ("ECHR"). In making any decisions, Cherwell District Council ("the Council") should have due regard to and take into account any implications that may arise under the HRA. As a public authority, it is unlawful for the Council to act in a manner which is incompatible with the ECHR.

9.110. The rights under the ECHR which the Council views as being the most likely to affect planning matters are: Article 6 (the right to a fair trial); Article 8 (right to respect for private and family life); Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (protection of property).

Article 8 and Article 1 of the First Protocol

9.111. Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours' property.

Duty under The Equalities Act 2010

9.112. S149 of the Equalities Act 2010 ("EA") sets out what is known as the Public Sector Equality Duty ("PSED"). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.

9.113. Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

10. PLANNING BALANCE AND CONCLUSION

10.1. 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.

10.2. Paragraph 12 of the NPPF states that: "*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-*

to-date development plan, permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.” Furthermore, Section 38(6) of the Planning and Compulsory Purchase Act 2004 states 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 must be made in accordance with the plan unless material considerations indicate otherwise.”*

- 10.3. The proposal seeks planning permission for a rural exception site for 13 dwellings at Ardley. Thus, the principle of such development falls to be considered against Policy Villages 3 of the Cherwell Local Plan (2011-2031) Part 1 and a full range of other policies relating to detailed matters.
- 10.4. The site is a relatively unsustainable location where new housing is restricted and where future occupiers would be entirely reliant on the use of the private car to access key services. It is considered that there would be some harm to the landscape as a consequence of development on agricultural land, but this harm would be localised, and the potential provision of streetlights on Station Road would be contrary to Policy PD6 of the Submission Mid-Cherwell Neighbourhood Plan (2017-2031). There would also be less than substantial harm to the significance of the Ardley Conservation Area and the locally listed building of Jersey Cottages. Furthermore, the Officers cannot be satisfied that the proposal would not result in harm to archaeological assets. Thus, there is some conflict with Policies ESD1, ESD13 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of Cherwell Local Plan 1996 and Policies PD5 and PD6 of the Submission Mid-Cherwell Neighbourhood Plan (2017-2031). This weighs against the proposal.
- 10.5. However, the proposal would provide 13 affordable dwellings adjacent to Ardley, which are identified as needed within that locality and Policy Villages 3 of the Cherwell Local Plan (2011-2031) states that the Council is supportive of such proposals for affordable housing schemes within or immediately adjacent to villages to meet specific, identified local housing need. Thus, the provision of affordable housing to meet an identified need should be afforded substantial weight. Furthermore, the proposal would also contribute to the District’s on-going three / five year housing land supply and forms part of the Oxfordshire Growth Deal. New development also commonly brings economic benefits including some construction opportunities.
- 10.6. The Cherwell Local Plan (2011-2031) Part 1 acknowledges that there will be harm with such proposals, hence why they are called ‘rural exception sites’, and states it will be necessary to balance the advantages of providing affordable housing with the degree of harm that would be caused. In this case, a balancing exercise is required to weigh up the benefits of providing much needed affordable housing within this locality against the harm identified above.
- 10.7. The Council has conducted its own site appraisal to identify the least harmful location for such development, which would meet the identified local housing need. This site was considered the least harmful and the preferred option for such development. Furthermore, whilst the number of housing is relatively large for a category C village, there is a clear need for the affordable dwellings proposed.
- 10.8. Given the above, and whilst a balanced judgement, it is considered that the public benefits of the scheme would outweigh the conflict with Policies SLE4, ESD1, ESD13 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Policies PD5 and PD6 of the Submission Mid-Cherwell Neighbourhood Plan (2017-2031). Thus, it is considered that the

proposal constitutes sustainable development and that planning permission should be granted, subject to conditions.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION, SUBJECT TO:

1. **THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
2. **THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**
 - a) **Provision of 100% affordable housing on site (7 units for affordable rent and 6 units in shared ownership);**
 - b) **Payment of a financial contribution towards off-site outdoor sports and recreation provision in the locality of £26,221.39;**
 - c) **Payment of a financial contribution towards off-site indoor sports and recreation provision of £10,854.31;**
 - d) **Provision of highway works to mitigate the impact of the development**

CONDITIONS

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
 - Application form, including the supplementary information template submitted with the application;
 - Design and Access Statement by Oakley Architects dated October 2018 submitted with the application;
 - Drawing Numbers: 03; 12A; 13 submitted with the application;
 - Drawing Numbers 04C; 06A; 10B; 11A; 14B; 15B; 16B; 17B; 18B; and 19B received from the applicant's agent by e-mail on 27th November 2018.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Noise Mitigation

3. The development hereby approved shall be carried out in accordance with the recommendations set out in Section 10 (Mitigation) of Noise Risk Assessment &

Acoustic Design Statement carried out by Noise.co.uk Ltd and prepared on 24th August 2018.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Written Scheme of Investigation (Archaeology)

4. Prior to any demolition on the site, the commencement of the development hereby approved and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

Stage Programme of Archaeological Evaluation and Mitigation

5. Prior to any demolition on the site and the commencement of the development hereby approved, and following the approval of the Written Scheme of Investigation referred to in condition 5, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

Landscaping Plan

6. Notwithstanding the landscaping details within Drawing Number ADL246 Revision A received from the applicant's agent by e-mail on 28th November 2018, no development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
 - d) full design details of the sheds including elevations

Thereafter, the development shall be carried out in strict accordance with the approved soft landscaping scheme.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of the Cherwell Local Plan 1996, Policy PD5 of the Submission Mid-Cherwell Neighbourhood Plan (2017-2031) and Government guidance contained within the National Planning Policy Framework.

Highway Works

7. No development shall take place until full details of the works to the highway associated with this development has been submitted to and approved in writing by the local planning authority. This shall include details of the crossing and footway. Prior to the first occupation of the dwellings hereby approved, the highways works shall be completed in accordance with the approved details.

Reason: In the interests of highway safety, to provide connectivity to the amenities within the village and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1, Policy PD5 of the Submission Mid-Cherwell Neighbourhood Plan (2017-2031) and Government guidance contained within the National Planning Policy Framework.

Access Details

8. Prior to the commencement of the development hereby approved, and notwithstanding the details submitted, full details of the means of access between the land and the highway and the parking and manoeuvring areas (including, position, layout, construction, drainage and vision splays) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

Material Samples

9. Prior to the commencement of the development hereby approved above slab level, samples of the materials to be used in the construction of the external walls and roofs of the dwellings (including a stone sample panel), shall be submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details and shall be retained as such thereafter.

Reason: To preserve the significance of the Ardley Conservation Area, to ensure and retain the satisfactory appearance of the completed development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan (2011-2031)

Part 1, saved Policy C28 of the Cherwell Local Plan 1996, Policy PD5 of the Submission Mid-Cherwell Neighbourhood Plan (2017-2031) and Government guidance contained within the National Planning Policy Framework.

Window Details

10. Prior to the commencement of the development hereby approved above slab level, full details of the doors, windows and rooflights hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors, windows and rooflights shall be installed within the building in accordance with the approved details and shall be retained as such thereafter.

Reason: To preserve the significance of the Ardley Conservation Area, to ensure and retain the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of the Cherwell Local Plan 1996, Policy PD5 of the Submission Mid-Cherwell Neighbourhood Plan (2017-2031) and Government guidance contained within the National Planning Policy Framework.

Construction Traffic Management Plan

11. No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers in accordance with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

Bat, Bird and Hedgehogs Boxes

12. Prior to the commencement of the development hereby approved above slab level, full details of a scheme for the location and design of hedgehog, bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building, the hedgehog, bat and bird boxes shall be installed on the site in accordance with the approved details and shall be retained as such thereafter.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

Trees

13. Prior to the commencement of the development hereby approved, an Arboricultural Impact Assessment (AIA), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing built environment and to comply with Policy ESD15 of the Cherwell

Local Plan Part 1 (2011-2031) Part 1, saved Policy C28 of the Cherwell Local Plan 1996, Policy PD5 of the Submission Mid-Cherwell Neighbourhood Plan (2017-2031) and Government guidance contained within the National Planning Policy Framework.

14. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing built environment and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2011-2031) Part 1, saved Policy C28 of the Cherwell Local Plan 1996, Policy PD5 of the Submission Mid-Cherwell Neighbourhood Plan (2017-2031) and Government guidance contained within the National Planning Policy Framework.

Contaminated Land Conditions

15. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. If a potential risk from contamination is identified as a result of the work carried out under condition 15, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Framework. Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

17. If contamination is found by undertaking the work carried out under condition 16, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

18. If remedial works have been identified in condition 17, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 17. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

19. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
2. Where the developer proposes to discharge to a public sewer, prior approval from

Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

3. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a 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. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality
4. Regarding condition 13, the arboricultural impact assessment, which needs to be specific to the proposals, will need to include:
 - Tree removal plan, including number and meterage of hedge to be removed to allow access.
 - Tree pruning to enable vision splays, and symbiosis between plots/trees.
 - This plan needs to be dedicated to the impact assessment, and accurate.
 - Shading assessment.
 - Detailed plan showing RPAS
 - Detail given to ground protection, protective fencing etc.
 - Potential conflicts between required RPA/site access and construction. How these will be overcome
5. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.
6. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
7. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
8. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's

rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

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