

Case Officer: Matthew Chadwick

Applicant: Greystoke Land Limited

Proposal: Residential development of up to 18 dwellings with associated access, internal roads, car parking, public open space, landscaping, drainage and other associated infrastructure.

Ward: Launton And Othmoor

Councillors: Cllr Tim Hallchurch
Cllr Simon Holland
Cllr David Hughes

Reason for Referral: Major development

Expiry Date: 2 July 2019

Committee Date: 20 June 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION

Proposal

Outline planning consent with all matters reserved is sought for the erection of up to 18 dwellings on the site

Consultations

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

- OCC Drainage, OCC Highways, CDC Planning Policy, Weston on the Green Parish Council

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

- OCC Archaeology, CDC Building Control, OCC Education, CDC Landscape Services, CDC Strategic Housing, Thames Valley Police Design Advisor, Thames Water

16 letters of objection have been received and 0 letters of support have been received.

Planning Policy and Constraints

The application site sites approximately 50m to the north of the Weston on the Green Conservation Area and there are a number of listed buildings on North Lane to the south of the site. Two public footpaths run away from the site to the east and west.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of Development

- Landscape and visual impact
- Site layout and design principles
- Highways
- Residential amenity
- Affordable housing
- Flood Risk and drainage
- Ecology
- Infrastructure
- Other matters

The report looks into the key planning issues in detail, and Officers conclude that the proposal is unacceptable for the following reasons:

1. Unnecessary housing development beyond the built up area contrary to the development plan
2. Unsustainable form of development poorly related to the services and facilities within the existing village
3. Insufficient drainage scheme
4. Lack of a Section 106 agreement

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 application site lies on the northern edge of the village of Weston on the Green and to the western side of the B430 that runs north from the A34. The site is an area of land of 1.65 hectares which sits to the north of an existing gated access off the B430. The land is currently used as open paddock land for the grazing of horses; there are no buildings currently on the site. Immediately to the south of the site there is currently an equestrian use with an existing vehicle access, two L-shaped stable buildings and grazing land. This area is within the applicant's ownership. Beyond the equestrian use to the south there are residential properties which front onto North Lane. The site and the surrounding landscape are relatively flat.

2. CONSTRAINTS

- 2.1. The Weston on the Green Conservation Area lies approximately 50 metres to the south of the site and there are three listed buildings and two locally listed buildings to the south of the site on North Lane. There are public footpaths in the vicinity of the site, one running from North Lane to the west of the site and one which joins the B430 to the east of the site. There are no footpaths which run through the site. A number of protected species have been found in close proximity of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks outline planning permission for up to 18 dwellings on the site. All matters are reserved for future consideration. An indicative layout has been submitted with the application. The development is shown to take access from the development to the south, which ultimately would lead onto the B430 to the east.

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>
13/01796/OUT	OUTLINE - Residential development of up to 20 dwellings	Application Permitted
15/01953/OUT	Erection of up to 26 dwellings including creation of a new access, associated landscaping, open space and drainage infrastructure	Application Refused
16/00574/REM	Reserved matters to 13/01796/OUT - Residential development of up to 20 dwellings	Application Permitted

4.2. Application 15/01953/OUT relates to the current application site. This application was taken to planning committee in February 2016 with a recommendation of approval by officers. This recommendation was overturned by members and was refused for three reasons. These reasons were that the development would constitute unnecessary housing development beyond the built up area contrary to the development plan, unsustainable form of development poorly related to the services and facilities within the existing village and there was a lack of a Section 106 agreement.

4.3. This decision was appealed and this appeal was dismissed by the Planning Inspectorate (APP/C3105/W/16/3158925). The Inspector found that the principle of development was unacceptable given the unsustainability of the site and that the development would unacceptably harm the character and setting of Weston on the Green.

4.4. Application references 13/01796/OUT and 16/00574/REM relate to land immediately to the south of the application site. These dwellings have yet to be constructed but the consent has been implemented through the demolition of a building on the site.

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>
15/00175/PREAPP	Pre-App enquiry - Erection of up to 25 dwellings together with public open space and play space
17/00362/PREAPP	Development of either 10, 24, 32 houses

5.2. Both of these pre-application enquiries were negative in their response with regard to the principle of development.

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 23.05.2019, 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:

- The access to the site would be unsafe.
- There would be no footpath link to the village.
- The development would cause harm to the setting of the conservation area.
- The development would cause harm to the rural character of the countryside.
- The development is under the flight path of the Weston on the Green airfield to the north of the site.
- Safeguarding of the airfield may impose restrictions on the proposed pond to ensure that the risk of bird strike is minimised at a critical point in aircraft flights.
- The use of cranes for the construction phase may also be restricted due to safeguarding issues being within the vicinity of an airfield
- The development would cause noise and light pollution.
- There is no public transport serving the village.
- The site is in an unsustainable location.
- The construction traffic would cause harm to the existing village.
- Nothing has changed since the previous appeal on the site.
- The development is not in accordance with the neighbourhood plan.
- The development constitutes piecemeal development.
- There is no need for development under Villages 2.
- Weston on the Green is not a sustainable village.

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 COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. WESTON ON THE GREEN PARISH COUNCIL: **Objects** on the grounds of the scale of the development with regards to the development plan and the location of the site in relation to services and facilities, the effect of the proposal on the

character and setting of the village and the scheme constitutes an unsustainable form of development.

CONSULTEES

- 7.3. OCC ARCHAEOLOGY: **No objections**, subject to conditions relating to a written scheme of investigation and staged programme of evaluation.
- 7.4. CDC BUILDING CONTROL: Fire brigade access to be in accordance with Approved Document B Volume 1 Section B5.
- 7.5. OCC DRAINAGE: **Objects**. The drainage proposals are not in line with local and national standards. The site is based upon pipe to pond design and is lacking a significant amount of information.
- 7.6. CDC ECOLOGY: No comments received.
- 7.7. OCC EDUCATION: **No objections**, subject to a primary school contribution of £102,141 towards the expansion of primary capacity at Chesterton Primary School.
- 7.8. CDC FINANCE (NEW HOMES BONUS): Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.
- In this particular instance, the above financial payments are not considered to be material to the decision as they would not make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority and hence the above response from the Council's Finance department is therefore provided on an information basis only.
- 7.9. OCC HIGHWAYS: **Objects**. The site is considered to be unsustainable. It has very limited opportunity for sustainable travel, and due to the lack of a bus service, it fails to provide safe and suitable access for all people, contrary to the NPPF.
- 7.10. CDC HOUSING STANDARDS: No comments received.
- 7.11. CDC LANDSCAPE SERVICES: **No objections**. There would be a negligible level of harm (combining the approved development with the proposed development) from visual receptors. The roadside hedgerow (B430) should be retained and maintained at its mature height to ensure a degree of visual containment.
- 7.12. CDC PLANNING POLICY: **Objects**. The reasons the inspector cited for refusing the earlier appeal on this site remain valid. The draft policies in the Weston on the Green Neighbourhood Plan do not materially change this planning policy context. Furthermore, the reduction in housing numbers proposed would result in a very low density development contrary to Policy BSC2.
- 7.13. CDC PUBLIC ART: No comments received.
- 7.14. CDC RECREATION AND LEISURE: No comments received.

- 7.15. CDC STRATEGIC HOUSING: **No objections**. The development would provide 6 affordable units in line with Policy BSC3 of the Cherwell Local Plan 2011 – 2031 Part 1. The mix should be 2 x 2b4pH 2 x 3b5pH for the rented units and 2 x 2b4pH for the shared ownership units. Each affordable unit should have a minimum of 2 parking spaces.
- 7.16. THAMES VALLEY POLICE DESIGN ADVISER: **No objections**. However, there are some elements of the indicative layout that may be problematic in crime prevention terms.
- 7.17. THAMES WATER: **No objections**, subject to conditions.
- 7.18. 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
- BSC4 – Housing Mix
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD6 – Sustainable Flood Risk Management
- 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
- Villages 1 – Village Categorisation
- Villages 2 – Distribution Growth Across the Rural Areas
- INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18 – New dwellings in the countryside
- C8 – Sporadic development in the open countryside

- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development
- ENV1 – Environmental pollution

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the , and the following Policies of the Neighbourhood Plan are considered relevant:

Other Material Planning Considerations

8.4. Weston on the Green Neighbourhood Plan is currently being developed. Consultation on the draft (submission) plan ended on the 11th January 2019 and the plan has now been submitted to the independent examiner to consider. This plan and its policies therefore hold limited weight in decision making at the current time as it will need to be subject to examination by the independent inspector and then subject to a referendum. The most relevant policies are:

- E1 – Development providing a positive contribution to the character of the village
- E2 – Green infrastructure and the natural environment
- E3 – Previously developed land
- H2 – New residential development
- H3 – Housing mix
- H4 – Housing design
- H5 – Design code
- H6 – Safe access to village facilities
- H8 – Developer contributions
- C5 – Protection of the character of the village and heritage assets
- T2 – Sustainable transport connectivity
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Annual Monitoring Report (AMR) 2018
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

8.5. Council Corporate Priorities

Cherwell District Council's Business Plan for 2019-20 sets out the Council's three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2019–20. 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 district.

The three corporate priorities are to ensure the District is “Clean, Green and Safe”, that it supports “Thriving Communities & Wellbeing”, and is a District 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 Plan; (2) increase tourism and increase employment at strategic sites; (3) develop our town centres; (4) protect our built heritage; (5) protect our natural environment; (6) promote environmental sustainability; (7) promote healthy place shaping; (8) deliver

the Growth Deal; (9) delivery innovative and effective housing schemes; and (10) deliver affordable housing.

The remaining key actions may also be of significance to the determination of planning applications and appeals depending on the issues raised.

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 development
- Landscape and visual impact
- Site layout and design principles
- Affordable housing
- Flood Risk and drainage
- Highways
- Residential amenity
- Ecology
- Infrastructure
- Other matters

Principle of Development

Policy Context

- 9.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996.
- 9.2. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 7 of the NPPF sets out the Government's view of what sustainable development means in practice for the planning system – the three strands being the economic, social and environmental roles. It is clear from this that as well as proximity to facilities, sustainability also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.
- 9.3. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise (Para. 12). Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015 and can demonstrate a 5 year housing land supply.
- 9.4. The Written Ministerial Statement of 12 September 2018 now considers important policies for determining the application to be out of date only where a 3 year supply of deliverable sites cannot be demonstrated.

- 9.5. The Cherwell Local Plan 2011-2031 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. With regards to villages, the Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does, however, advise that there is a need within the rural areas to meet local and Cherwell-wide needs.
- 9.6. Policy Villages 1 of the CLP 2031 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C), with Category A villages being considered the most sustainable settlements in the District's rural areas which have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Weston on the Green is a Category A village.
- 9.7. In order to meet the areas housing needs Policy Villages 2 of the CLP 2015 states that: *"A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014"*. This Policy notes that sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission.
- 9.8. Policy Villages 2 then sets out that when identifying and considering sites, particular regard will be given to the following criteria:
- *"Whether the land has been previously developed land or is of less environmental value;*
 - *Whether significant adverse impact on heritage and wildlife assets could be avoided;*
 - *Whether development would contribute in enhancing the built environment;*
 - *Whether best and most versatile agricultural land could be avoided;*
 - *Whether significant adverse landscape impacts could be avoided;*
 - *Whether satisfactory vehicular and pedestrian access/egress could be provided;*
 - *Whether the site is well located to services and facilities;*
 - *Whether necessary infrastructure could be provided;*
 - *Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period;*
 - *Whether land the subject of an application for planning permission could be delivered within the next five years; and*
 - *Whether development would have an adverse impact on flood risk."*
- 9.9. The Weston on the Green Neighbourhood Plan has been submitted for examination so is only considered to carry limited weight in decision making at the current time. However, there are a number of policies relevant to the principle of the development. The calculated housing need in the emerging Neighbourhood Plan states that there should be an objective of 15% growth in new housing in the period 2017-2031 which equates to 38 new houses. The supporting text states that any new residential development should be well connected with the village.

Assessment

- 9.10. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan and the site sits outside the built up limits of the village given its physical and visual relationship to the existing built form.
- 9.11. Of the 750 dwellings identified under Policy Villages 2 to be delivered at Category A Villages across the plan period until 2031, only 4 dwellings remain to be identified according to the Council's Annual Monitoring Report 2018. However, an outline application for up to 21 dwellings in Deddington (18/02147/OUT) has a resolution to approve from the May 2019 planning committee, which would take the number of dwellings identified to 767. Recent appeal decisions received by the Council, including the previous appeal on this site (15/01953/OUT) and one at Finmere (16/01209/OUT), confirm that an overprovision of the rural housing allocation at an early stage in the plan period could prejudice the sustainable growth strategy set out in the Development Plan and leave limited ability to respond to later changes in housing need in individual settlements without fundamentally compromising the overall sustainability strategy contained in the Local Plan. Furthermore, whilst 750 dwellings is not to be regarded as an upper limit, significant deviation from this may result in unconstrained growth in less sustainable locations which against would conflict with the Development Plans housing strategy. Therefore, significant progress has already been made on the housing allocation under Policy Villages 2 and there is no pressing need for housing.
- 9.12. Weston on the Green is identified in Policy Villages 1 as a Category A village. However, there is significant variation in the size of the villages covered by this policy, from Kidlington as the largest at one end (population 13,720 from the Census 2011) to Finmere as the smallest at the other (population 466 from the Census 2011). Weston-on-the Green is the second smallest of the Category A settlements set out in Policy Villages 1 with a population of 523 based on the Census 2011. The scale of the villages affects their overall ability to accommodate additional growth. It is therefore considered that not all Category A villages will be suitable for additional growth under Policy Villages 2. It is noted that the village has a general store and Post Office, village hall, church and two public houses. However, it does not have a school (Chesterton Primacy School being located 3 miles away), library or any healthcare facilities (the nearest GP's surgery is located in Islip 4 miles away) and employment opportunities are very limited in the village.
- 9.13. Furthermore, since the 2015 Local Plan was adopted the regular bus service which used to run through the village connecting the village to Bicester and Kidlington has been withdrawn (July 2016). Planning Inspectors for new residential development in Fringford, (18/00249/OUT), Finmere (16/01209/OUT) and the previous appeal on this site (15/01953/OUT refers) have all given weight to the fact that the reduced bus service has impacted on the relative sustainability of some Category A villages. In addition the site is remote from any other villages which contain further services or bus links which residents might access by cycle or on foot. Thus residents have no realistic choice of transport to access these services other than private car. The Inspector agreed with this view in the appeal decision on the site and there has been no material change in circumstances since this time. The Local Highways Authority has objected to the proposals based on the unsustainable nature of the village.
- 9.14. The applicant argues that the site does have sustainable transport options. The Oxfordshire Comet bus service is provided by Oxfordshire County Council and it is stated that this offers transport from home to and from any destination in Oxfordshire and is fully wheelchair and pushchair accessible. This is an off-peak service which operates from 10:15 – 14:30 Monday to Friday. This is a very limited service and does not substitute for a regular daily bus service that would provide access to vital facilities and services.

- 9.15. The planning statement states that school buses are available to secondary education. However, as the letter of objection from Stagecoach highlights, such links must be provided by law by the Local Education Authority to and from any residence which lies over 3 miles from the nearest state education provision. These links are also provided to isolated hamlets and therefore does not highlight the sustainability of the village.
- 9.16. The information put forward in the planning statement does not change officers' views on the unsustainability of the site. It is recognised that this scheme is for 18 dwellings, whereas the appeal scheme was for 26 dwellings. The number of dwellings has been reduced in order to attempt to satisfy the amount of the growth indicated in the Submission Neighbourhood Plan, but does not address the fact that, for the reasons set out above, the proposal would still constitute an unsustainable form of development.

Conclusion

- 9.17. There has been no material change in circumstances regarding the sustainability of the village since the dismissed appeal. Given the above in relation to the limited services available in the village and the lack of alternative means of transport future residents of the proposed housing are likely to be highly reliant on the private car to access day to day services. In light of the Council's ability to demonstrate a 5 year land supply, the advanced position regarding the progress of identifying sites under Policy Villages 2, the poor access the residents would have to services and facilities, and the limited opportunities for travel other than by private car, the proposed development is considered to be unsustainable in this regard and would not manage growth in a pattern which reduces the need to travel. The proposal would therefore conflict with the Council's rural housing strategy contained with Policy ESD1 and Policy Villages 1 and 2 of the Cherwell Local Plan Part 1 and Saved Policy H18 of the 1996 Local Plan in this respect.

Landscape and visual impact

Policy context

- 9.18. 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.
- 9.19. Paragraph 127 of the NPPF states that planning decisions should ensure that developments:
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;
 - Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

9.20. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development proposals should:*

- *Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.*
- *Respect the traditional pattern routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.”*

9.21. 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.”*

9.22. 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 and Saved Policy C8 seeks to limit sporadic development beyond the built limits of settlements.

9.23. Policy E1 of the emerging Neighbourhood Plan states that development should provide a positive contribution to the locally distinctive character of Weston-on-the-Green and conserve the setting of the village. Policy C5 states that all development should protect the character of the village centre, conserve and enhance its heritage assets and respect the importance of space, key street scenes and views.

Assessment

9.24. The application site is a greenfield site that has been in use as a paddock. It is part of the open countryside which contributes towards the rural character and setting of the village, particularly on the entrance to the village from the north via the B430. The historic settlement pattern of the village is fairly low density linear development along the Northampton Road, with further linear development on the roads that lead off to the west (Church Road and North Lane). The main modern development in the

village is Westlands Avenue which follows the linear form of the more historic roads leading to the west off Northampton Road, albeit in a more dense fashion.

- 9.25. The site is not previously developed land. The nature and use of the site as a paddock is in keeping with the wider arable farmland character of the surrounding landscape and supports the rural character of the village and therefore it cannot reasonably be considered to be of lesser environmental value.
- 9.26. The proposal seeks to erect modern housing on open agricultural countryside that contributes to the rural village character of Weston-on-the-Green. There is no evidence whatsoever that the final proposals would be of such architectural merit that they would enhance the built environment in a manner greater than the contribution that the existing site makes. The indicative masterplan shows a cul-de-sac development that would fail to relate well to the established character of the village. There is nothing within the proposals that therefore suggests that the proposals would enhance the character and quality of the built environment.
- 9.27. The proposal would result in a significant urbanisation of the application site and be very prominent in views from the public footpath to the west and south of the site. There would be high magnitude of visual effects to users of these rights of way as views of the site are relatively open particularly further to the south of the site. The submitted Landscape Visual Impact Assessment and Illustrative Masterplan include some mitigation planting to the boundaries of the site however this would merely attempt to screen the development, particularly when approaching from the north. The development would take access from the road leading through the estate to the south and would thus read as one single, large expansion to the village of 38 dwellings, the layout of which would not relate well to the historic pattern of development in the village. Furthermore, another application for four dwellings to the south of the 20 dwellings scheme is currently under consideration (18/02066/F) which, if approved, would increase the size of this single development to 42 dwellings.
- 9.28. The proposals would result in a clear northwards expansion of the village into open countryside. As a result of the relatively flat topography in the immediate area, it would be perceived as a direct linear encroachment into the surrounding natural landscape of the village both from the public realm as well as in sweeping open views from the landscape to the north. Whilst there are hedgerows to the western and eastern boundaries, the houses would inevitably be visible both above and through them, particularly in winter time. This would enable views of the village expansion both from Northampton Road and public footpath 404/22 that runs in a northwest direction from North Lane along Gallos Brook.

Conclusion

- 9.29. Overall for a combination of the above reasons the proposal is considered to result in a poorly related form of development which would not respect the traditional pattern of development in the village and would be poorly integrated into the built and natural environment. It would result in a significant urbanisation of the site and would harm to the character and appearance of the locality and the setting of the village. Overall, therefore, the proposal would be contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan in this respect, Saved Policies C8 and C30 of the Cherwell Local Plan 1996 and advice in the NPPF.

Site layout and design principles

Policy context

- 9.30. Policy ESD15 of the Cherwell Local Plan Part 1 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high quality design meeting high design standards and complementing any nearby heritage assets. The National Planning Policy Framework is clear that good design is a fundamental to what the planning and development process should achieve. BSC2 of the Cherwell Local Plan Part 1 states that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density.
- 9.31. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principle routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

Assessment

- 9.32. The application is made in outline with all matters reserved. Therefore the final access, layout, scale, appearance and landscaping would be for subsequent applications to determine.
- 9.33. The indicative masterplan shows a small road leading off from the road through the development to the south, with four smaller roads leading off to access the dwellings. A significant amount of open space is proposed due to the low density of the dwellings on the site. As stated in the previous section of this report, the cul-de-sac layout of the development would not relate well to the historic and established character of the village. It is considered that the scheme would fail to reinforce local distinctiveness.
- 9.34. The application site has an area of 1.65 hectares and 18 dwellings are proposed, which equates to a density of 10.9 dwellings per hectare, which is significantly below the target density of 30 dwellings per hectare set out in Policy BSC2 of the Cherwell Local Plan Part 1. In certain circumstances, it is recognised that it may be acceptable for schemes in the rural areas to have a density below 30dp/h; however, the proposals are very significantly below this. The area of the application site is larger than the appeal scheme (15/01953/OUT) but has 8 fewer dwellings proposed, with the amount of dwellings based on the housing figures set out within the emerging Neighbourhood Plan. The proposals would constitute an inefficient use of land that would fail to relate well to the development to the south and the wider village.
- 9.35. It is recognised that the application is submitted in outline with all matters reserved; however, given the constraints of the site it is difficult to envisage how a scheme could be achieved on the site that would relate well to the pattern of development in the area and reinforce local distinctiveness.

Conclusion

- 9.36. Overall, it is considered that the development would fail to relate well to existing development in the village through the incongruously low density and cul-de-sac layout of development.

Affordable housing

- 9.37. Policy BSC3 of the Cherwell Local Plan (2011-2031) states that development on the site should make provision for 35% affordable housing with 70% of the affordable

housing to be affordable rent and 30% as intermediate homes such as shared ownership. Policy BSC4 states that new development will be expected to provide a mix of home to meet current and expected future demand creating socially mixed and inclusive communities.

- 9.38. The emerging Neighbourhood Plan identifies 38 dwellings needed across the plan period and identifies a housing mix of 1-2 bed = 11 houses (30%); 2-3 bed = 15 houses (40%); 3-4 bed = 5 houses (25%); 4 bed or larger houses = 1 (5%). Of the 38 dwellings to be approved, 23 of these should be affordable housing which equates to 60% of the total. This is covered by Policy H3.
- 9.39. The applicant has committed to providing 35% affordable housing on the site in line with Policy BSC3. The housing officer has raised no objection to this and has provided a suggested mix. If the scheme were considered acceptable in all other regards then full details of the mix of the market and affordable housing could be determined at reserved matters stage.

Flood risk and drainage

Policy context

- 9.40. Policy ESD6 of the Cherwell Local Plan (2011-2031) essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding. Policy ESD7 of the Cherwell Local Plan (2011-2031) requires the use of Sustainable Urban Drainage Systems (SUDS) to manage surface water drainage. This is all with the aim to manage and reduce flood risk in the District.

Assessment

- 9.41. The current is situated wholly within Flood Zone 1 which is land which has a less than 1 in 1,000 annual probability of river flooding.
- 9.42. The County Drainage Engineer has objected to the drainage scheme submitted with the application, stating that the drainage proposals are not in line with local and national standards as the proposals are based upon a pipe to pond design. The Drainage Engineer states that the Oxfordshire Local Standards expects developments to move away from proposing a pipe and gully system to a site control solution, including a treatment and management train wherever possible. Runoff must be managed at source (i.e. close to where it falls) with residual flows then conveyed downstream to further storage or treatment components, where required, i.e. dispersed site storage to provide a treatment and management train and redundancy in the case of failure of an element of the system. The Drainage Engineer has listed a significant amount of further information that is required and factors that need to be addressed.

Conclusion

- 9.43. In the absence of an acceptable drainage scheme, it is considered that the development would fail to comply with the provisions of Policy ESD7 of the Cherwell Local Plan (2011-2031) and that the development is not acceptable in this regard.

Highways

Policy context

- 9.44. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.”* Policy SLE4 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.”* The NPPF advises that development should provide safe and suitable access for all and development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe.
- 9.45. Policy T2 of the emerging Neighbourhood Plan states that developments of 10 or more dwellings will be expected to promote and improve lowcarbon transport connectivity by contributing to improvements in the local footway/ cycleway network to facilitate safe and energy efficient means of transport around and beyond the village limits and enhance links with neighbouring parishes.

Assessment

- 9.46. The Local Highway Authority (LHA) has objected to the general geographical sustainability of the site on the basis that Weston on the Green lacks sufficient facilities or an adequate bus service to reduce reliance on the private motor car and these matters are discussed in the “principle” section of this report above and officers agree with this assessment.
- 9.47. Access is a reserved matter; however the indicative masterplan shows that the scheme would take access off the internal road of the scheme to the south, which then exits on the B430. The LHA has offered no objections to the development utilising this access and this is deemed to be acceptable. The LHA advises that the Transport Statement has used data that is not completely up to date. This comment is noted, however the access to the site was deemed to be acceptable in the appeal scheme and the proposed development is of a smaller scale.
- 9.48. The LHA states that, in the event of an approval, no dwellings shall be occupied until the footpath link to the village is constructed. If the scheme were considered to be acceptable in all other regards, this could be secured by legal agreement to ensure that the scheme had a safe, sustainable access to the village.

Conclusion

- 9.49. On balance, the development is considered to be acceptable in regard to technical highway matters; however, there are serious concerns regarding the sustainability of the site as set out earlier in this report.

Residential amenity

- 9.50. Policy ESD 15 of the Cherwell Local Plan (2011-2031) requires new development to consider the amenity of both existing and future occupants, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.
- 9.51. The proposed development would be located away from many of the surrounding residential properties. The properties which would be most impacted upon by the proposed development would be the approved dwellings to the south of the site or the existing dwelling to the east of the B430, Caerleon. Some of the separation distances between the proposed dwellings are insufficient; however, given the size of the site and that the application is made in outline with all matters reserved, it is

considered that a scheme could be achieved on the site that would not cause harm to the amenities of existing and future occupiers.

Ecology Impact

Legislative context

- 9.52. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.53. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.54. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.55. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.56. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.57. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.58. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.59. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.60. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.61. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.62. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.63. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all

- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')

9.64. The Council's Ecology Officer has not commented on the proposals. The application is supported by a detailed protected species survey which concluded that the development proposal would result in the loss of a component of semi-improved grassland of low ecological value within the south of the survey area. All other habitat features of value (hedgerows, ditch) would be retained where possible. The ecological appraisal states that the habitat loss would not be significant, subject to recommendations within the report. Officers agree with this conclusion and if the scheme were considered acceptable then these recommendations could be conditioned.

Conclusion

9.65. Officers are satisfied that, subject to conditions, the welfare of any European Protected Species found to be present at the site and surrounding land would continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Infrastructure

9.66. 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.*

9.67. 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."*

9.68. OCC Education has requested a contribution of £102,141 towards the expansion of Chesterton Primary School. The proposal would be required by the policy to provide general green space and a Local Area of Play, which would have a 100 sq m activity zone with a total area of 400 sq m. Given the low density of the development, it is considered that this could be accommodated on site; however, at the current time discussions with the applicant have not been advanced in this matter due to the principle objections that relate to the site. Therefore at the current time in the absence of a legal agreement that secure these matters the proposal conflicts with Policies, BSC7, BSC10 and BSC11 of the Cherwell Local as they do not make adequate provision for the education, open space and recreational demands imposed by the development.

Other matters

9.69. The site is located in an area of archaeological interest. The County Archaeologist has offered no objections to the scheme, subject to planning conditions and the development is considered to be acceptable in this regard.

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. The proposed development would be located in a Category A settlement however the village does not benefit from a wide range of services to meet the day to day needs of the residents and residents would have very limited opportunities to reach these apart from through the use of the private car given the distance to other settlements with facilities and a lack of any regular public transport. The proposal would therefore conflict with Policy ESD1, Policy Villages 1 and 2 and advice in the NPPF which seeks to guide rural housing development to locations which reduce the need to travel and reduce the impact on climate change.
- 10.3. The proposal would result in a poorly related form of development which would not respect the traditional pattern of development in the village and would be poorly integrated into the built and natural environment. It would result in a significant urbanisation of the site and would harm to the character and appearance of the locality and the setting of the village. In these respects the proposal is contrary to Policies ESD10, ESD13 and ESD15 and Saved Policies C8 and C28.
- 10.4. The proposed drainage scheme is not considered to be acceptable and there is no legal agreement in place.
- 10.5. Whilst the proposal would lead to some economic and social benefits which stem from the construction and provision of 10 dwellings, these benefits are not considered to outweigh the significant environmental harm which would be caused by the proposal particularly in light of the Council's ability to demonstrate a 5 year land supply and the significant progress that has already been made regarding the rural housing allocation under Policy Villages 2.
- 10.6. It is therefore recommended that planning permission be refused for the reasons outlined below.

11. RECOMMENDATION

RECOMMENDATION - REFUSAL FOR THE REASONS SET OUT BELOW

1. The development proposed, by reason of its scale and siting beyond the built up limits of the village, encroachment into the open countryside, and taking account of the Council's ability to demonstrate an up-to-date five year housing land supply, is considered to be unnecessary, undesirable and unsustainable new development that would harm the rural character and setting of the village. The proposal is therefore unacceptable in principle and contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
2. The development proposed, by reason of its poor connectivity and links to the existing village and position adjacent to the busy Northampton Road, and the relative lack of facilities within the village, would represent an unsustainable form of development, that would not give future occupiers a realistic choice of travel means. The proposed development would therefore be contrary to Policies SLE4, ESD1 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy

Framework which seeks to ensure that new development facilitates sustainable modes of transport and provides opportunities for the use of public transport, walking and cycling.

3. The submitted Drainage Strategy is inadequate and does not provide sufficient information to demonstrate that a drainage strategy based on Sustainable Urban Drainage Systems has been explored for the site. The proposal is therefore contrary to Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.
4. In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required as a result of this development, in the interests of supporting the sustainability of the village and the development, and in the interests of safeguarding public infrastructure and securing on site future maintenance arrangements, will be provided. The proposal therefore conflicts with Policies BSC3 and INF1 of the adopted Cherwell Local Plan 2011-2031 Part 1 and Government advice within the National Planning Policy Framework.

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