

Application 10/00547/OUT	No:	Ward: Ambrosden and Chesterton	Date Valid: 12/04/10
Applicant:	Hill Residential		
Site Address:	Land to the West and South of Numbers 7 to 26 The Green, Chesterton		

Proposal: Outline - Erection of 63 dwellings, new village hall/sports pavilion and associated car parking, enlarged playing pitches, new children's play area, access and landscaping.

Context

The application has been submitted principally on the basis that the Council cannot demonstrate a 5 year rolling supply of deliverable (available, suitable and achievable) housing land. The current shortage in terms of housing numbers equates to 215 dwellings. At the time of writing there are a total of six housing supply related applications with the Council with the potential to generate some 391 homes. The applications are in Adderbury, Arncott x2, Bicester, Bodicote, and Chesterton (the subject of this application). On 20 May 2010 Members refused an application for a development of 65 houses on land South of Milton Road Adderbury. Schemes at Milton Road Bloxham and Orchard Way Banbury totalling 81 units (net) received resolutions to approve subject to legal agreements.

On 27 May 2010 Communities and Local Government secretary Eric Pickles wrote to every local planning authority and the Planning Inspectorate highlighting the coalition Government's plans to abolish regional spatial strategies and stressing that decisions on housing supply "*will rest with LPAs without the framework of regional numbers and plans*". The Secretary of State said councils and the Inspectorate should "have regard to this letter as a material consideration in any decisions they are currently taking". This issue is considered throughout the report and is been afforded the appropriate weight in reaching the recommendation. There has been no further information on the timing of the revocation of the RSSs.

1. Site Description and Proposal

- 1.1 This application is for outline consent for 63 dwellings and associated development as set out in the proposal above. The dwellings are proposed to be located to the western section of the site whilst the sports pitches, village hall/pavilion and majority of the play space is proposed to the eastern section of the site. The site for housing is currently agricultural land whilst the area for recreation is currently used as such. 30% of the dwellings are proposed to be affordable units.
- 1.2 The northern boundary of the site is bounded by the rear enclosures of residential properties, the eastern boundary runs parallel with the road whilst the other boundaries are onto open agricultural land. The site is relatively flat in its topography.
- 1.3 With the exception of the access and layout all other matters are reserved for consideration through the submission of a reserved matters application should this one be approved.
- 1.4 Whilst this application is in outline only a plan has been submitted showing the proposed layout, as this is to be considered. Also submitted for consideration is a Design and Access Statement (and a revised version), Supporting Statement, Consultation Statement, Transport Statement, Flood Risk Assessment (and a revised version), Archaeological Evaluation, Extended Phase 1 Habitat survey and

a Code for Sustainable Homes Ecological Assessment.

1.5 Planning History

There is no planning history that relates to the whole of this site but there have been four applications relating to sections of the site. These are set out below;

10/00377/F – Replacement pavilion - Permitted

CHS.79/00008 – Outline – Erection of detached house – Refused/Appeal dismissed

CHS.76/00094 – Cricket Pavilion - Approved

CHS.75/00428 – Retention of wooden building and continued use as pavilion - Approved

2. Application Publicity

2.1 The application was advertised by way of a site notice, press notice and neighbour notification letters. The final date for comment was 13 April 2010. However any letters received after this date but prior to the date of Committee will be reported to Members at the Committee meeting.

2.2 18 letters have been received from neighbouring residents in relation to this application. The majority of which objected to the proposal. The main reasons for objecting are set out below;

- The site is outside the scope of the current Local Plan and the LDF has not been approved therefore this application is premature
- The villages category 2 status means only infill is allowed
- Increase in traffic movements, already too high as a result of traffic avoiding Bicester Village
- No need to improve the sporting facilities as most of the participants live outside of the village
- More houses will lead to increase in crime
- The village will lose its identity and will begin to merge with Bicester
- The access will cause an inconvenience for existing residents of Green Lane, it would be better placed at the bend in the road to the south east and a round about introduced at the junction
- There are already enough houses being built at South West Bicester and North West Bicester
- People visiting the sports ground and pavilion will not drive through the estate to access them, they will park next to the field and on the grass verges
- There are insufficient spaces provided for the proposed uses
- Noise and disturbance from the village hall
- Loss of view, night-time darkness lost from existing properties
- Too much landscaping will block light from the rear of properties and result in leaf fall in the garden
- Village already has village hall and school hall for functions and they are adequate. A new hall would deprive the school of income and be an additional burden on the village
- Chesterton Football Club could use pitches run by Bicester Sports

Association

- The location of the new facilities is not good as the existing facilities are central to the village
- The layout seems to suggest there will be further developments
- The school is currently oversubscribed
- Power supplies will be overloaded further as a result of the development
- The sports hall is akin to a bribe
- Approval of this scheme will set a precedent
- The Parish Council vote was split 50/50 and there has not been another vote since submission of this application

One letter did not object to the proposal for housing or improved facilities but did object to the access. A further letter objects to the proposal as it stands but recognises the benefit of the recreational facilities and suggests that the location of the two elements of development are swapped to reduce its impact on residential properties.

The Chairman of Chesterton Junior Football Club has written in to express concern that the supply of parking will be at the cost of playing field space. Moving the pitches to accommodate the parking has resulting in destroying the current cricket square, this is a real issue for the village clubs and loss of sporting facilities cannot be acceptable.

3. Consultations

3.1 **Chesterton Parish Council** raises no objections but makes the following comments;

- Chesterton has suffered from several problems namely the parking of vehicles on the road next to the playing field, no village shop, insufficient affordable housing and a village hall that is too small.
- The current application gives us the opportunity to solve these issues with a new village hall, adequate parking, 21 affordable homes and the opportunity to turn the existing village hall into a shop.
- The new village hall would also open up recreational and social facilities that would appeal to all age groups including youth activities which are sadly lacking at the present time.
- Pavilion facilities for outdoor sports would be provided by the existing building which is about to be re-built following an arson attack.
- The new facilities will make the area a real village activity centre
- The new housing will generate children for the village school which in turn will help secure its future
- Priority for affordable housing should be offered to existing Chesterton residents needing such accommodation
- Any increase in traffic should be offset by future traffic calming/re-routing measures and possible public transport improvements
- The existing road narrowing/part hump on Green Lane will need to be moved nearer the cross roads with the hump extended across the width of the road.

The above comments were reiterated in a further letter received on 15 June 2010. In addition to the above comments they have also made the following points;

- Unanimous support of the Parish Council for this development

- Would not support any application unless it resulted in very positive planning gain for the village
- This has been achieved with widespread assent across the local residents, however small vociferous group are campaigning for refusal despite not having attended meetings prior to and during the consultation period
- New play area next to community centre will benefit local toddlers group and those hiring out the hall
- Affordable housing will be of benefit. The parish Plan identifies a need amongst young local couples and parents with older children
- However do see that there are drawbacks to the scheme eg. Additional traffic along Green Lane in the short term, impact on views from the existing properties, loss of green field agricultural land

3.2 The **Council's Head of Planning Policy and Economic Development** has made the following comments;

The site comprises approximately 3.1 hectares of agricultural land and a playing field of about 1.6 hectares. The site is not allocated for development in either the South East Plan 2009 or the saved (adopted) Cherwell Local Plan 2011; nor is it allocated in the Non-Statutory Cherwell Local Plan 2011. I consider the main planning policy considerations below.

South East Plan 2009

Policy SP3 of the South East Plan states that the prime focus for development should be urban areas in order to foster accessibility to employment, housing, retail and other services and avoid unnecessary travel. LPAs are required to formulate policies which, amongst other things, concentrate development within or adjacent to urban areas and seek to achieve at least 60% of all new development on previously developed land.

Chesterton is not considered to be an urban area and as the application site comprises greenfield land it would not contribute to achieving this 'brownfield' target.

Policy BE5 states that in preparing Local Development Documents (LDDs), LPAs should plan positively to meet the defined local needs of their rural communities for small scale affordable housing, business and services. LDDs should define the approach to development in villages based on their functions performed, their accessibility, the need to protect or extend key local services and the capacity of the built form and the landscape setting of the village. All new development should be subject to rigorous design and sustainability criteria so that the distinctive character of the village is not damaged.

I consider Chesterton to be one of the district's more sustainable villages in terms of the presence of local services and facilities, including a primary school, playgroup, pubs, and recreation and community facilities which are proposed to be improved as a result of this application. It is a Category 1 village in the saved (adopted) local plan and although it is one of 51 Category 2 villages in the non-statutory Local Plan, it is proposed to be one of 20 Category B villages in the Council's Draft Core Strategy (proposed policy RA1) and one of 37 Category A and Category B villages (there are about 90 villages and hamlets in the district). It is therefore considered to be reasonable location in which to consider accommodating limited development in the interests of meeting the needs of rural

communities, particularly the need for affordable housing, in the context of policy BE2. The impact of the proposal on village character will of course need detailed consideration.

Policy H2 of the South East Plan states that Local Planning Authorities (LPAs) will work in partnership to allocate and manage a land supply to deliver both the district housing provision [13,400 dwellings from 2006 to 2026] and sub-regional/regional provision. In doing so, LPAs are required to take account of a number of considerations including:

- the scope to identify additional sources of supply elsewhere by encouraging opportunities on suitable previously developed sites;
- providing a sufficient quantity and mix of housing including affordable housing in rural areas to ensure the long-term sustainability of rural communities;
- the need to address any backlog of unmet housing needs within the housing market area in the first 10 years of the plan.

The policy requires LPAs to plan for an increase in housing completions to help meet anticipated need and demand. Housing land supply is considered later in these comments.

Policy H3 requires a substantial increase in the amount of affordable housing in the region to be delivered including by taking account of housing need and having regard to the overall regional target that 25% of all new housing should be social rented and 10% intermediate affordable housing. The application's proposal for 30% affordable housing meets the current requirement of the non-statutory local plan. The Council's Draft Core Strategy (para' A.142) states that local housing needs estimates (2009) suggest a need for some 390 affordable homes per year (288 on top of the current average supply of 102 per year). The 2009 Annual Monitoring Report notes however (para' 5.57) that the Council remains on track to meet the Housing Strategy target of at least 600 dwellings from 2005 to 2011.

Saved (Adopted) Local Plan 1996

Policy C8 of the saved Local Plan seeks to resist sporadic development in the open countryside whilst policy C7 seeks to prevent demonstrable harm to the topography and character of the landscape. Policy C30 requires the character of the built environment to be considered.

As the proposal entails the loss of greenfield land in open countryside there is a need to consider the district's housing land supply position (below) as well as whether there would be unacceptable harm to landscape and local character.

Non-statutory Cherwell Local Plan 2011

Policy H1a of the Non-Statutory Cherwell Local Plan 2011 sets out criteria for considering proposals for new housing development which include the availability and suitability of previously developed sites and empty or under-used buildings for housing and, in the case of category 1 and 2 villages such as Chesterton, whether it would meet an identified local housing need (not just affordable housing). These policies must now be considered in the context of Planning Policy Statement 3 (Housing) which provides current national policy on managing housing land supply (see below).

The Non-Statutory Plan contains similar restrictions on building beyond the built up limits of settlements and to achieve protection of the landscape and local character as the saved local plan (policies H19, EN30, EN34 and D3).

Policy R6 of the Non-Statutory Plan encourages the provision of new or extended sporting and recreation facilities (as is the case here). Policy R8 sets out standards for the provision of children's playspace and formal sports provision, and policy R9 seeks provision of amenity open space. I understand that comments on recreation / open space provision are to be provided separately from this response

Housing Land Supply

Planning Policy Statement 3 (PPS3) requires a flexible supply of land for housing by, amongst other things, maintaining a five-year rolling supply of deliverable (available, suitable and achievable) housing land. LPAs are required to monitor the supply of deliverable sites on an annual basis, linked to the Annual Monitoring Report review process.

The Council's 2008 Annual Monitoring Report (AMR) noted that the district had a 5.3 year rolling supply for the period 2009-2014. The 2009 AMR shows that for the same period the district now has a 4 year supply rising to 4.5 years for 2010-2015 and 5.1 for 2011-2016. However, on 18 February 2010, the Planning Committee resolved to grant permission, subject to legal agreement, for 33 social housing units (20 net additional homes) at the Orchard Way Shopping Parade, Banbury; and, on 11 March 2010 the Committee resolved to grant permission, subject to legal agreement, for a development of 61 homes on land south of Milton Road, Bloxham. Those developments are considered to be deliverable by 2015 and increase the rolling supply of deliverable housing land for 2010-15 (i.e. for the current monitoring year - 10/11) from 4.5 years to 4.6.

PPS3 requires scenario and contingency planning to identify different delivery options, in the event that actual housing delivery does not occur at the rate expected. Policies and proposed management actions are expected to reflect the degree to which actual performance varies from expected performance, as indicated in housing and previously developed land trajectories. Where actual performance, compared with the trajectories, is within acceptable ranges (for example within 10-20 per cent), and future performance is still expected to achieve the rates set out in the trajectories, PPS3 states that there may be no need for specific management actions at that time and that LPAs will wish to continue to monitor and review performance closely and consider the need to update the five year supply, of deliverable sites where appropriate.

In accordance with PPS3, the district's rolling supply of deliverable housing land takes no account of unidentified, small site windfalls. Planning permission does exist for some additional 500 homes which if 90% implemented would be more than enough to boost rolling supply over 5 years in 2010/11. However, small, unidentified windfalls cannot be considered until they are recorded as complete. New LDF sites will also emerge over the next couple of years, boosting both near and long-term supply. Once such sites are considered to be available, suitable and achievable as defined by PPS3 they could be considered as part of the rolling supply of deliverable sites.

At the present time, however, it is considered that there remains a need to increase the supply of housing that will be delivered over the period 2010/11 to 2014/15 so that the rolling supply of deliverable land increases back towards 5 years (from 4.6 years) for the year 2010/11. Recorded housing completions are expected to be low in 09/10 with a provisional figure of 444 compared to a South East Plan requirement of 670 per annum. Completions are expected to be lower in 10/11 as projected by the AMR (181 excluding unidentified 'windfalls' on small sites of less than 10 dwellings).

PPS3 states that where LPAs cannot demonstrate an up-to-date five-year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in PPS3 including the following considerations:

- achieving high quality housing
- ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- the suitability of a site for housing, including its environmental sustainability;
- using land effectively and efficiently;
- ensuring the proposed development is in line with planning for housing objectives;
- reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.

In the context of the district's current housing supply position, this application should be carefully considered to see whether or not it meets PPS3 criteria as well as other policy considerations including the South East Plan, the saved policies of the adopted Cherwell Local Plan 1996 and the Non-Statutory Cherwell Local Plan 2011.

As a 'regulation 25' consultation document, the Council's Draft Core Strategy carries little weight. However, it sets out proposed directions of growth for the district having regard to available evidence. Proposed policy RA2 envisages about 220 homes to be distributed between 8 villages, including Chesterton, in the Central Oxfordshire area (Ambrosden and Launton are considered separately). This equates to about 28 homes per village. The Draft Core Strategy states that at this stage the number of homes will be divided broadly equally between the villages but that the precise number of homes to be allocated to individual villages will be determined separately in a Delivery Development Plan Document. Although the Green Lane proposal is within the 220 homes presently envisaged it is more than might be expected at Chesterton in advance of site specific analysis for the Delivery DPD. This needs to be weighed against the overall current housing need and the benefits of the proposal including improved recreational / community facilities. Careful consideration should also be given to detailed issues including the site's relationship with the village's built up area and accessibility to services and facilities.

If the proposed development were to be considered favourably, it must be clearly demonstrated that the site is deliverable (available, suitable and achievable) and capable of being recorded as complete by the end of the next 5 year rolling

period i.e. by 31 March 2015. Completions after this date would have no effect on increasing the rolling supply for 2010/11 from 4.6 years. Sufficient certainty is needed to enable the site to be added to the district's rolling supply of deliverable housing land upon any resolution to approve. If shown to be deliverable, it is expected that the site would increase the rolling supply of deliverable housing land for 10/11 from 4.6 to 4.7 years.

I understand that at the time of writing there are another four planning applications (for 10 or more dwellings) which together have the potential to generate about 326 dwellings. Please note that on this basis, if the application for Green Lane, Chesterton were not to be approved there would still be the potential to return to a 5 year rolling supply. (However at the time of drafting the report the situation has changed and only three of the four applications referred to above remain undetermined and have the potential to generate about 261 dwellings. A further 2 applications have been submitted for residential schemes in Arncott which have the potential to increase the provision to 328 dwellings).

In relation to references to the South East Plan regard should now also be had to the content of Eric Pickles letter dated 27 May 2010 which is set out in full at the end of 5.2 below.

- 3.3 The **Council's Urban Design Officer** has made the following comments;
- In terms of conservation: This site lies immediately adjacent to Chesterton Conservation area and opposite Chesterton Lodge (now Bruern Abbey School) which is a grade II listed building. The conservation area appraisal mentions the importance of the open fields surrounding the conservation area and I consider those to the north west down to the Gagle Brook to be most sensitive as they are small scale and well vegetated; less so to the south here where the landscape is open, flat with a wide field pattern creating a fairly featureless landscape. It also identifies a view west from Chesterton Lodge as positive. The curtilage of Chesterton Lodge is heavily screened by mature trees and vegetation and only glimpse views are afforded from the curtilage in a westerly direction. Because the residential development is proposed to be sited behind the sports pitches, which are in their current location, I do not consider that the proposal will harm either the setting of the conservation area or the setting of the listed building and in this respect is acceptable.

In terms of urban design: The indicative layout submitted demonstrates that the number of dwellings for which permission is sought can be comfortably accommodated on the site. Some of the design principles established, such as the frontage to the sports pitches and the variety of views and spaces along the roads within the development are those which I would wish to see inform any RM application and in this respect the application is acceptable. However I do consider that the Design and Access Statement falls short of what is required by circular 01/06 in that it does not explain and justify the scale, appearance or landscape approach to the site. Para 89 requires the parameters of the upper and lower limits of height width and depth for each building to establish a 3D building envelope, even for outline applications. This was explained to the agent and it is disappointing to see that this has not been supplied

- 3.4 The **Council's Landscape Planning Officer** has made the following comments;
- The development, due to the flat land of the site and surroundings can be screened

by established hedges to the boundaries, adjacent field hedges/trees and roadside hedgerows. The occupiers of The Green will experience the construction noise/ dust and visual impact of the finished development. I think it is, therefore essential to plant the landscape buffer to the northern site boundary (identified in the Design and Access Statement) at the earliest opportunity, preferably before construction commences so that the occupiers of The Green can benefit from this planting early as possible (this to be legalised in the 106 Agreement). It is important that residents of the Green are consulted on this proposal to ensure that shade and root and branch encroachment issues are addressed - some occupiers may wish to have open views of the playing field from their property.

The adjacent woodland is defined as a BAP priority habitat, and it would therefore be appropriate to increase the site's biodiversity through the implementation of wildlife corridors and native/ornamental planting for cover and food sources.

Existing Trees and Hedgerows

It is important to retain the existing field boundary hedges and trees. A minimum maintenance height is required above ground level to ensure that the established hedgerows screen the site from users of Green Lane to the east and the north. There are existing trees with the hedgerow that are worth retaining and protecting during the course of the works.

Ownership and Preservation

I am concerned about the longevity of the hedgerows on the boundaries of the proposed gardens. Where the occupiers may remove pieces of hedgerow and exposing views of the development and also planting inappropriate species, such as conifers in rural area. A condition must be attached to ensure the hedgerows are retained, but this does not always protect native hedgerows on garden boundaries where they are eventually removed by the occupiers. I suggest the deed of sale to include a clause whereby the purchaser are under obligation to maintain the hedgerow and trees on their boundary in perpetuity, replacing any dead plants with similar species. This would be reinforced by a drawing showing the hedgerow fenced off from the gardens with maintenance access gates for the occupiers. The buffer planting to the southern garden boundaries of The Green dwellings to be subject to the above legal agreement to ensure its preservation.

Play Area Provision.

On the initial layout drawing. With the play area on the new corner of the playing field will be removed to accommodate the playing field extension and the play provision shortfall for the rural south, identified in CDC's Cherwell Green Space Strategy 2008 -2016, it is essential that this development goes some way to address this shortfall. CDC's SPG, Recreation and Amenity Open Space Provision, July 2004 specifies a LEAP for the 50 dwelling threshold. A LAP is required for the younger children and this can be accommodated within the site if it is moved from its present proposed position approximately 40 m to the east to ensure it lies within the 100 m walking range as defined in the SPG. As the LEAP is to be near the pavilion (as shown in the Design and Access Statement) I would prefer it to be open to surveillance from the adjacent proposed dwellings for the reasons of security, and the views would also incorporate the playing field and the pavilion.

Sports Pitch Proposals

The orientation of the pitches must be reconsidered. The east/west axis proposed

has health and safety implications for player when the high balls are kicked against the sun. Sport England recommends an orientation between 55 and 325 degrees. If the sports pitches are re-oriented 90 degrees so that their axis is north/south this would be acceptable, however the cricket wicket will need to be re-orientated and the pavilion relocated.

3.5 The **Council's Head of Building Control and Engineering Services** has stated that although he has no objections to the principle of development he considers that the Flood Risk Assessment is insufficiently complete to support a detailed application. The assessment should consider the effect of an electricity failure at the surface water pumping station during a storm event, and of the capacity of the pumping station being exceeded by an event more severe than the design event. It needs to be shown that there is a safe overland flood path.

3.6 The **Council's Environmental protection Officer** has stated that as this is a sensitive development it is recommended that the full phased contamination conditions are imposed.

3.7 **Oxfordshire Country Council's Strategic Planning** views are set out below;
Comments:

Main Strategic Policy issues:

Housing supply: Cherwell District Council currently does not have a 5 year supply of land for housing. PPS3 (para 71) states that where local planning authorities cannot demonstrate an up to-date 5 year supply of available, suitable and achievable sites, they should consider favourably planning applications for housing, subject to a number of considerations including whether the proposed development is in line with planning for housing objectives, reflects the need and demand for housing in, and the spatial vision for the area and does not undermine wider policy objectives. The emerging draft spatial strategy seeks to focus growth outside of Bicester, Banbury and Kidlington on meeting local needs and directs it to the larger, more sustainable villages with a wide range of services; development in the open countryside would be strictly controlled. This development is for more than double the scale of development proposed for each Central Oxfordshire category B village (approximately 28 dwellings over the whole plan period – to be achieved through infilling and conversions) and would be located in open countryside. The proposed development is of a scale and location which would not be consistent with the planned distribution of housing and approach to growth envisaged in the emerging Core Strategy.

SE Plan Regional Spatial Strategy: Chesterton is a medium sized rural community with a population of approximately 850 people and about 280 households; development of an additional 63 dwellings in Chesterton would represent an approximate 23% increase in households and a similar percentage rise in population. Policy BE5 of the SE Plan on village management supports limited small-scale development that can help meet the specific local housing needs of rural settlements and sustain local services and facilities; however, the scale of this development is not 'small-scale' and would be inconsistent with the policy. Furthermore it is a strategic objective of Oxfordshire 2030 and a County Council priority to create healthy and thriving communities; a development of this size would be difficult to integrate and would be contrary to this intention. Apart from the local primary school, the village has very few facilities with residents having to travel over 2km to Bicester or beyond to access jobs, services and facilities. Although the village does have access to a reasonable level of public transport service (apart

from on Sundays) in reality I would expect people to choose to travel by private car. Development which leads to an increased need to travel by motorised means would be inconsistent with the thrust of PPG13, SE Plan policy CC2 which seeks to reduce the need to travel as a means to mitigate climate change, SE Plan policy T1 which seeks to locate development so as to reduce journey lengths and policy B5 which requires all development to be subject to rigorous sustainability criteria.

Infrastructure and Service Provision: SE Plan policy CC7: The application is being considered by the County's developer funding team who are responding separately in the normal way. The scale of the proposed development would generate additional demands for County services and facilities, especially schools. The local primary school does not have spare capacity; if sufficient spaces could not be created, the children from the new development (or children from other villages within the catchment who would otherwise attend the school) would need to be accommodated in, and transported to, other nearby schools where places could be provided. If the district council is minded to permit the proposal, permission should be subject to a Section 106 agreement to secure any necessary contributions and improvements to service infrastructure in line with SE Plan policies CC7, and CO1.

Affordable housing and mix: The Supporting Statement says that the proposal would provide 30% affordable housing. This would be contrary to policy CO3 of the SE Plan which states that at least 40% of all new housing in the Central Oxfordshire sub region should be affordable. The development would deliver a mix of 2, 3, 4 and 5 bedroom dwellings which would be broadly consistent with policy H4 of the SE Plan which seeks to provide housing to support the needs of the whole community.

Development in the open countryside: The development would extend the built up area of the village further into open countryside. The district is best placed to assess the impact of the development on the landscape setting of the village.

Resource use, climate change and environmental issues: Environment and climate change are County Council priorities and Oxfordshire 2030 objectives. The SE Plan seeks to achieve sustainable development through policy CC1 and to adapt to and mitigate climate change outlined in policy CC2.

a. The Supporting Statement accompanying the application says that the development would incorporate sustainable drainage measures (SUDs) to reduce any impact on the receiving local sewerage network. This approach would be consistent with policy NRM4 of the SE Plan; and

b. The Design and Access statement explains that the proposed development would be designed to achieve Level 3 of The Code for Sustainable Homes. This would be in line with policy CC4 of the SE Plan and the Oxfordshire Sustainable Construction Advice Note (2009), which has been approved by Cherwell for development control purposes.

Transport and Highways: The Council as Highways Authority is currently assessing the proposals and their comments will be sent separately to the District in the normal way. If the district is minded to permit the proposal, permission should be subject to a legal agreement to secure contributions to any necessary improvements to transport.

Local Member Views: No comments received.

RECOMMENDATIONS: It is RECOMMENDED that the County Council from a strategic policy perspective informs Cherwell District Council that:

a) It objects to the development proposed in application no 10/00547/OUT on the grounds that:

(i) it would be large scale development which would generate significant additional population in a village which lacks a reasonable range of jobs, services and facilities and would be likely to give rise to increased travel by motorised means, particularly

by private car. As such it is contrary to the sustainability objectives of SE Plan policy BE5 for village management, SE Plan policy CC2 which seeks to reduce the need to travel as a means to mitigate climate change, SE Plan policy T1 which seeks to locate development so as to reduce journey lengths and to the thrust of PPG13. It would also run counter to the strategic objectives of Oxfordshire 2030 and this Council's priorities for creating healthy, thriving communities;

(ii) it does not meet the SE Plan requirement in policy CO3 that 40% of all new housing in Central Oxfordshire should be affordable;

b) It supports in principle development in villages of an appropriate scale to meet identified local needs including for affordable housing and to sustain the socioeconomic well-being of the local community; and

c) However, should the district be minded to permit the development,

(i) it should be satisfied that the scale of development would meet an identified local need and there are other material considerations which outweigh the SE Plan policy affordable housing requirement;

(ii) permission should be subject to a legal agreement to secure contributions to any necessary supporting transport infrastructure and non- transport service infrastructure, including additional primary school accommodation at an appropriate school.

3.8 The County Council's Highway Department has made the following comments;

The submitted TS states that there is unlikely to be an impact on the local highway network from the proposed development due to capacity within the highway network and the expected low vehicular trips to be made a peak times. I suspect such a statement has/will raise concern from the residents of Chesterton due to the congestion problems that can occur along the A41 which encourages rat running from vehicles heading towards Bicester through the village; this is an issue Oxfordshire County Council has acknowledged and is liaising with the Parish Council about. Although this problem is acknowledged, an assessment has to be made on the proposal submitted on its merits and reading through (and checking) the information provided within the TS, it is my opinion the information is deemed reasonable.

A review of the accident data for the area has been carried out, and has highlighted a few incidents that have occurred within the last 5 years. Looking through the information provided it appears the incidents that occurred were down to driver error rather than the characteristics of the local highway network. In light of this data it is considered that the proposed development is unlikely to increase the number of recorded accidents in this area.

The proposed 63 units to be located in the village of Chesterton will be served by a limited range of facilities (only a primary school, nursery, public house), which can only mean that new residents will have to travel over 2km to Bicester or beyond to access a wider selection of facilities as well as job opportunities etc. It is acknowledged there is a reasonable public transport service to Chesterton which runs around every two hours (no Sunday service)(*The applicant has advised that a service runs every half hour*). However it is my opinion that the majority of trips in/out of the village will be made by the private car which is contrary to the guidance within PPG13 and Policies CC2, T1 and B5 of the SE Plan. If this development is to be considered sustainable in terms of transport by promoting alternative travel modes to the village then that of the private car - it is deemed reasonable (and essential) that the proposed development provides a significant contribution towards

enhancing the existing public transport services.

The proposed access arrangements for the site meet the required design standards for a road in this location i.e. appropriate vision splay(s) can be achieved with the removal of vegetation within highway land and the red-line area. The distance between the proposed entrance into the proposed site and the junction of the Woodlands is acceptable; subject to the 30mph speed limit being extended, the existing gateway & traffic calming feature being relocated and additional calming features being introduced (which can be agreed at a later date).

A shallow ditch runs along the frontage of the site (and to the western boundary), which should be considered when SUDS is designed/incorporated into the development.

The emergency access arrangements for the proposed village hall is acceptable, but only for emergency use as the vision available at the access point onto the road in this location is well below the required standards. This access will need to be improved to OCC specifications prior to first occupation of the village hall. This emergency access will need to be gated; any gate must be set back 10m from the back-edge of the carriageway to deter any vehicles with trailers (maintenance vehicles) from overhanging onto the road.

The existing vehicle access into the playing field must be permanently closed to vehicular traffic by the means of reinstating the footway and full face kerbing. Such works must be completed prior to the first occupation of the development. Pedestrian access to site to remain, but will require either a gate or collapsible bollard to deter misuse and maintenance access.

As part of the proposed off-site works a new footway is proposed to link up the site to the existing network along Green lane, which is acceptable (and essential). All the off-site works will require a Section 278 legal agreement with the Local Highway Authority, which will need to be part of a S106 Agreement.

The proposed parking levels of 1 bedroom = 1 space, 2/3 bedrooms = 2 spaces and 4+ bedrooms = 2+ spaces (on merit) is acceptable. 30 spaces for the village hall with overspill parking appears acceptable; although 5% should be allocated for disabled users.

In my opinion, overall the submitted TS appears reasonable.

Layout comments

Proposed vision splays at new entrance into site are acceptable (subject vegetation clearance).

Calming features into the site are not visible and will be required which is a detail that can be looked into if/when reserved matters application is submitted (if this application is successful).

Parking levels – the proposed levels of 1 bedroom = 1 space, 2/3 bedrooms = 2 spaces and 4+ bedrooms = 2+ spaces (on merit) is acceptable. Please note the Local Highway Authority will only consider a garage/car port as an off-street parking space when the internal dimensions are 6m x 3m. Cycle parking being provided is

acceptable for the village hall; although such facilities should be sheltered.

There appears to be no visitor parking being provided within the site – these could be incorporated into the layout of the site and act as calming features if constructed appropriately. Also would deter obstructions from on-street parking.

A tracking plan will be required to demonstrate refuse vehicles can turn within the site.

Collapsible bollards or lockable gates will be required for the proposed pedestrian link (by football pitches) as well as the emergency access to deter misuse and allow maintenance vehicles access.

There are no internal vision splays shown for vehicular entrances, including entrance into proposed sports pavilion i.e. there a few plots that have boundary wall obstructing visibility. This will require attention for any future proposals.

There should be footway links on both sides of the entrance into the site.

It is expected that the proposed site will be offered for adoption to the Local Highway Authority via a S38 Agreement; if this to be the case the development will need to be constructed to an acceptable OCC standard. However, for dwellings within plots of less than 5 units the streets/roads that serve them will remain private.

Slight concern that vehicles associated with the proposed village hall/sport pavilion and children's play area may park within the development instead using the parking area being provided. Suggest measures are considered to deter this, such as high full face kerbing and planting/fencing.

Financial Contributions & Legal Agreements

The proposed development is likely to add additional pressures to the existing public transport services (stated within submitted TS); therefore a contribution towards these services is required. There is one service which Oxfordshire County Council subsidises for Chesterton – the 25/25A service, £167k per annum (3 year contract = £501,000).

Oxfordshire County Council continues to seek an enhancement to the existing 25/25A service from one bus an hour to two (increase in service frequency) as well as provide Sunday services. Such an enhancement has been priced at an extra £120,000 a year to the current contract; hence the request for funding towards this service from the proposed development.

Calculation

2001 population census data for Chesterton = 835 (*as quoted in the Oxfordshire Data Observatory*).

£501,000 divided by 835 = £600 per resident

assuming two residents per residential per dwelling i.e. $63 \times 2 = 126$

$126 \times £600 = £75,600$

Public Transport Subsidy Contribution = £75,600.

The ongoing objective/strategy of the Rights of Way Group is to improve the

surrounding footpath, bridleway etc links in the area through surface upgrades/repairs, new fencing, planting, new gates etc. A contribution of £4,000 (index linked to current Baxter indexation prices) is required towards improving these links.

A Transport contribution of £15,000 (index linked to current Baxter indexation prices) towards transport infrastructure/services within Chesterton is required.

The Public Transport Subsidy, Rights of Way & Transport contributions are to be secured via a S106 Agreement. All the off-site works will require a Section 278 legal agreement with the Local Highway Authority, which will need to be part of a S106 Agreement. If the development is to be offered for adoption to the Local Highway Authority the developer must enter into a S38 Agreement.

Summary

The proposed 63 dwellings will be located off Green Lane (classified unnumbered road) and will be provided with an acceptable access arrangement (including emergency access arrangements). The submitted TS has demonstrated there is unlikely to be an impact on the local highway network from the proposed development.

A review of the accident data for the area has been carried out, which found a few incidents had occurred; looking at the information provided the incidents involved were down to driver error rather than the characteristics of Green Lane.

A review of public transport, pedestrian and cycle accessibility was undertaken as well as consideration to the proposed sites parking levels and current local and government policy guidance.

There are a number of design details for the site that will require further consideration if a reserved matters application is to be submitted to the Local Planning Authority in the near future

All the off-site works will require a Section 278 legal agreement with the Local Highway Authority, which will need to be part of a S106 Agreement.

Conclusion

Taking the above into account it is my opinion that recommending refusal on highway safety grounds would not be appropriate or sustainable at appeal; therefore I recommend conditions are imposed (as well as securing the required financial contributions and off-site works by legal agreement).

3.9 **Oxfordshire County Council's Archaeologist** makes the following comments (in summary);

- Site already been subject of Archaeological field evaluation
- Number of features recorded within the site but concluded that the majority were unlikely to be archaeological in nature
- One feature positively identified – undated stone lined field drain
- Considered that area has low potential for archaeological deposits to be present
- Records indicate presence of known archaeological finds nearby
- If finds do occur should notify County Archaeologist

- Informative required
- 3.10 **The Environment Agency** originally objected to the application but following the submission of further details they have now withdrawn their objections subject to the inclusion of conditions in the event of any approval.
- 3.11 **Thames Water** makes the following comments (in summary);
- Inability of the existing waste water infrastructure to accommodate the needs of the application. However this can be resolved by the inclusion of a planning condition.
 - No comments in relation to water infrastructure, except the inclusion of an informative.
- 3.12 **Natural England** has no objections but made the following comments (in summary)
- The surveys submitted found that the site contains habitats suitable for great crested newts, reptiles and nesting birds and as such it is possible these species may be present within the site.
 - The survey information and mitigation measures that have been proposed are acceptable. Therefore no objections are raised subject to appropriate mitigation conditions are imposed
 - Recommend that existing wildlife habitats and corridors are retained, including species-rich hedgerows and trees within the site as described in section 6.2 of the phase 1 survey.
- 3.13 The **Crime Prevention Design Advisor** has no objections to the preliminary layout but makes the following comments;
- Designing out crime principles are achieved with the surveillance of the parking square, the LAP and the recreation ground.
 - Homes adjacent to the access road entrance should have windows overlooking the street
 - If the hall is to have a drinks licence it should attain Secured by Design standards for Licensed Premises
 - Would welcome greater emphasis on how the development will directly address crime prevention and community safety.
- 3.14 The **Council's Rural Development and Countryside Manager** has made the following comments;
No existing public rights of way are affected by the proposal.

I'm pleased to note that there will be a footpath link into the village from the northeast corner of the playing field.

Pedestrian access should also be allowed via the emergency access road at the south east corner. This would be an obvious desire line link to the wider public rights of way network via Chesterton FP14. A gap or pedestrian gate should be installed to accommodate it. From the plans and D&A it seems that this has not been considered in the application.

4. Relevant Planning Policies

4.1 South East Plan 2009

- SP3 – Prime focus for development on urban areas
- CC1 – Sustainable development
- CC2 – Climate Change
- CC4 – Sustainable design and construction
- CC7 – Infrastructure and implementation
- BE5 – Plan positively to meet the defined local needs of rural communities for small scale affordable housing, business and services
- H2 - LPAs will work in partnership to allocate and manage a land supply to deliver both the district housing provision and the sub-regional/regional provision
- H3 – Requires substantial increase in the amount of affordable housing
- H4 – Type and size of new housing
- T1 – Manage and invest
- S3 – Education and skills
- CO1 – Core Strategy
- CO3 – Scale and Distribution of Housing

27 May 2010 – Letter from Eric Pickles

4.2 **Adopted Cherwell Local Plan**

- H5 – Affordable housing
- H12 – Housing in rural areas
- H13 – Category 1 Villages
- H18 – New dwellings in the countryside
- C7 – Topography and character of landscape
- C8 – Resist sporadic development in open countryside
- C28 – Standards of layout, design and external appearance
- C30 – Character of built environment

4.3 **Non-Statutory Cherwell Local Plan**

- H1a – Availability and suitability of previously developed sites
- H4 – Types/variety of housing
- H8 – Rural exception sites
- H16 – Category 2 Villages
- H19 – New dwellings in the countryside
- EN30 – Sporadic development in the countryside
- EN34 – Conserve and enhance the character and appearance of the landscape
- D3 – Local distinctiveness
- R6 – New or extended sporting and recreation facilities
- R8 - Provision of children's play space
- R9 – Provision of amenity open space

4.4 **PPS 3 – Housing** **PPG13 – Transport**

5. Appraisal

- 5.1 The main issues to consider in the determination of this application are as follows –
- Planning Policies

- Housing delivery and need
- Landscape and historic impact
- Design and neighbouring amenities
- Highway impact
- Other material considerations

Each of the above points will be considered in turn.

5.2 Planning Policies

- 5.2.1 The adopted Cherwell Local Plan contains no specific allocation for the application site. It is therefore defined as countryside (i.e. previously undeveloped land) where there is a presumption against general residential development on unallocated sites without any special justification.
- 5.2.2 Policy H13 of the adopted Local Plan states that new residential development within Category 1 settlements, such as Chesterton, is restricted to infilling, minor development within the built up area of the settlement and the conversion of existing buildings; subject to other policies in the Local Plan.
- 5.2.3 Policy H18 of the adopted Local Plan states that new dwellings beyond the built up limits of settlements will only be permitted where they are essential for agricultural or other existing undertakings.
- 5.2.4 The development of this site is clearly an extension into the open countryside as the built up limits of the village can be defined as the rear boundaries of the properties on Green Lane. The development is therefore contrary to Policies H13 and H18 of the adopted Cherwell Local Plan.
- 5.2.5 The application site has no specific allocation in the Non-Statutory Local Plan and is therefore defined as open countryside.
- 5.2.6 In the drafting of the Non-Statutory Cherwell Local Plan Chesterton was re-categorised as a Category 2 Village. Policy H16 restricts development to conversions and infilling within the built up limits of the village. Policy H19 states that permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements when it is essential for agriculture or other existing undertakings, or to provide a small, low-cost, affordable housing exception site to meet a specific and identified local housing need that cannot be satisfied elsewhere.
- 5.2.7 The proposal is contrary to Policies H16 and H19 of the Non-Statutory Local Plan for similar reasons to those outlined above in relation to the adopted Cherwell Local Plan.
- 5.2.8 On 27 May 2010 all Chief Planning Officer's were sent a letter from Eric Pickles, The Secretary of State, which sets out the intention to abolish Regional Strategies. The letter read as follows;
- I am writing to you today to highlight our commitment in the coalition agreements where we very clearly set out our intention to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Consequently, decision on housing supply (including the provision of travellers sites) will rest with Local Planning*

Authorities without the framework of regional numbers and plans.

I will make a formal announcement on this matter soon. However, I expect Local Planning Authorities and the Planning Inspectorate to have regard to this letter as a material consideration in any decisions they are currently taking.

- 5.2.9 Officers are of the view that although this is a material consideration the Regional Strategies are still current adopted policy. In this case the South East Plan is still the relevant adopted policy and until further guidance is received on what will replace Regional Strategies decisions should still be made in accordance with it.

5.3 Housing Delivery and Need (SE Plan and PPS3)

- 5.3.1 The Council's current position on housing delivery is set out in the comments of the Head of Planning Policy and Economic Development set out in detail at 3.2 above. It is not yet clear how and when the intention to abolish Regional Strategies will materialise and what the full implications of it are. However based on adopted policy the Council currently has less than a five year housing land supply, as required by PPS3, identified at the current time. However for the current proposal to impact on this it would need to be demonstrated that it would be delivered by March 2015. Despite the application being in outline only the proposal seeks to demonstrate that this can be achieved due to the following factors;

- A letter confirming the applicant has the benefit of a formal Option Agreement to purchase the land subject to planning permission being granted. They must exercise their right to purchase within a strict period of time after planning permission is granted.
- Hill Residential are prepared to accept a condition requiring the submission of reserved matters one year after the grant of outline planning permission and a condition to implement the development one year from a subsequent approval of reserved matters
- The applicant has a clear understanding of the requirements of PPS3 and these have been addressed in the submission.

- 5.3.2 Given this commitment from the developers and to encourage the scheme to be delivered within the next five years it seems reasonable to shorten the timescales of both the outline and reserved matters applications to be no more than two years in total. Whilst an outline application is less favourable in deliverability terms than a detailed application, as the final design of the scheme is not being considered, the ability to adjust the time limits on any approval means that the overall time limit could be the same as that recently imposed on the application for residential development at Milton Road in Bloxham (09/01811/F). Furthermore this scheme has not reserved the layout for future consideration therefore the only matters to consider at reserved matters stage are appearance and landscaping.

- 5.3.3 In addition to seeking to demonstrate deliverability PPS 3 requires sites coming forward to meet the following requirements ;
- provide high quality housing;
 - provide a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
 - be suitable site for housing, including its environmental sustainability;

- represent an effective and efficient use of land;
- be in line with planning for housing objectives;
- reflect the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives

5.3.4 Chesterton is a Category 1 village in the adopted Cherwell Local Plan. Although it is allocated as a Category 2 Village in the Non-Statutory Cherwell Local Plan and a Category B village in the Draft Core Strategy it is still considered to be one of the District's more sustainable villages in terms of the presence of local facilities including a primary school, playgroup, pubs and recreation and community facilities, and also its proximity to Bicester. Therefore it is considered capable of accommodating further housing development in the interests of meeting the needs of rural communities, particularly the need for affordable housing. This scheme provides a mix of market and affordable dwellings (30%). Therefore in a development of 63 houses this results in 19 affordable units. Although there is no parish housing needs survey there are 16 people on the Housing Register with connections to Chesterton. Furthermore there is a wider need for affordable housing, therefore this provision has the potential to contribute towards this need. It is therefore considered that the development provides an appropriate level of affordable dwellings as well as it contributing to the shortfall in housing land supply.

5.4 Landscape and Historic Impact

5.4.1 The site is not within any locally or nationally designated landscapes and it is difficult to obtain any long distance views of the site. The site for dwellings is also not viewed in association with any building of historic interest as the pitches intervene, creating some separation between the historic part of the village and the proposed development.

5.4.2 The comments of the Council's Urban Design Officer and the Landscape Officer at 3.3 and 3.4 above explore this in more detail but ultimately don't raise concerns about the visual harm, landscape impact or harm to the character and appearance of the nearby Conservation Area or the setting of listed buildings.

5.4.3 Despite this extension to the village and encroachment onto open countryside it is considered that the visual impact would not be so great as to warrant refusal on these grounds.

5.4.4 The Council's Landscape Officer has made some comments in relation to the landscaping and layout of the pitches. They are all issues which should be straightforward to resolve at the reserved matters stage.

5.5 Design and neighbouring amenities

5.5.1 The application has been submitted in outline only but the layout is being considered. The layout plan shows that the proposed number of units can be accommodated in a satisfactory manner providing satisfactory living environments, sufficient parking and a good standard to layout and design compatible with the neighbouring properties.

5.5.2 The layout itself shows a central road running from the Green Lane access point through to the sports pitches. There are a number of small cul-de-sacs that spur off the main road and in the northern section of the site there is a small scare created by properties being set back from the frontage. There are sting frontages

along the entire length the road whilst the buildings successfully 'turn corners' into the smaller roads. Whilst being approximately 35 to 45 metres away from the pitches the properties closest to them have their frontages facing them. This provides good natural surveillance for the recreational areas and also provides an attractive frontage which will be viewed across the pitches from the road to the east.

- 5.5.3 With the exception of a few units in the Square, each property has off road parking with the majority having a garage, and all the properties benefit from generous sized gardens. The smallest of which and of which there is only one example, measures 10 metres in length.
- 5.5.4 The proposed scheme results in a housing density of approximately 30 dwellings per hectare. This density is likely to be greater than that found elsewhere in Chesterton but it meets the minimum density which was recommended in PPS3 Housing prior to its revision in June of this year. This is therefore considered to be appropriate for a village location.
- 5.5.5 There appears to be sufficient space between the proposed hall/pavilion and the residential houses for it not to cause a nuisance yet it will be sufficiently overlooked.
- 5.5.6 Although detailed elevations have not been provided the scale parameters have been provided which demonstrate that properties will be of a traditional scale, in keeping with others in the village. Details of the materials will be determined at reserved matters and controlled by condition. The Council's Urban Design Officer has considered the proposals and is generally happy with the indicative layout and design of the scheme.
- 5.5.7 As the layout of the scheme is part of the consideration at this outline stage it is possible to do an accurate assessment of the potential neighbour impact. The only properties that could be affected by the actual built form of the dwellings are those properties on Green Lane whose gardens back onto the site.
- 5.5.8 The existing properties not only benefit from gardens of over 25 metres in length they enjoy some of the amenity provided from an open aspect agricultural field. The proposed development is to the south of the existing properties but the minimum gap between the rear elevations of the existing and proposed properties is approximately 41 metres. This is almost more than double the Council's informal space standard for achieving development that does not cause adverse overlooking or overbearing. Even though the detailed elevations have not been provided it is not considered that given the distances between the properties the positioning of windows in rear elevations will be of significance in terms of overlooking.
- 5.5.9 The outlook for these existing properties will change but the planning system is not able to protect private views. Substantial landscaping is shown on the layout plan which some residents have expressed some concern over. Landscaping is a matter to be considered at Reserved Matters stage and is something that can be considered in liaison with individual residents.
- 5.5.10 Some residents have expressed concerns about the impact that the development

will have on their amenities in terms of parking and road congestion. These are issues that are covered below at 5.9.

5.6 Highway Impact

5.6.1 The Local Highway Authority has provided detailed comments on highway safety and impact at 3.8 above. However in general terms there is satisfaction that there would be no sustainable reason to refuse this application on highway safety grounds. Despite the concerns of neighbours in relation to congestion, especially at weekends the highway network is considered capable of supporting this increase in properties. The access is also considered to be acceptable subject to the revision of the speed restriction close to the proposed access.

5.6.2 It is also considered that the residential and recreational uses have been provided with sufficient parking to meet the relevant standards. Unfortunately it will not be possible to completely prevent people from parking on verges if they choose not to utilise the provided parking but measures can be incorporated into the scheme and the running of the recreation facilities to ensure those visiting the facilities are encouraged to use the parking.

5.7 Other Considerations

5.7.1 Planning Obligation

The proposed development would generate a need for infrastructure and other contributions, that need to be secured through a planning obligation, to enable the development to proceed. Negotiations are underway which seek to secure sufficient contributions towards the infrastructure required as part of this development. There has been an in principle agreement from the applicant to pay all the requested contributions which include;

- Affordable housing
- LAPS and LEAP
- Public art
- Highways and public transport contributions
- County Council Education contributions
- County Council Library contributions
- County Council Day Centre for the Elderly contributions
- County Council waste recycling contributions
- County Council Museum Resource
- District Council refuse bin contributions
- District and County Council administration/monitoring fees

5.7.2 The list above does not include the standard requirements for offsite sports contributions. This is because the developer has offered, in addition to the above contributions, and over and above the usual requirements for such a scale of development, the provision of two sports pitches and sports pavilion/village hall as part of the scheme. As these elements form part of the application they can be secured by the S106 agreement and will be required to be laid out and constructed to the specification of the Council.

5.7.3 Whilst the Council has not requested a viability assessment relating to the proposal it is considered that the proposed provision of these village facilities is viable in relation to the number of houses being provided.

5.7.4 In 3.7 above the County Council's Strategic Planning response states that the local primary school does not have spare capacity and has limited room to expand. It is therefore suggested that children would have to be accommodated and possibly transported to other nearby schools and contributions would have to be paid for improvements to service infrastructure. However to clarify, the County Council's Developer Funding Officer has stated that the Primary School is oversubscribed but that development of primary schools at South West Bicester is expected to augment that existing at Chesterton. Therefore the contributions which are being sought will go towards the provision of further Primary provision. It is also worth noting that Chesterton Parish Council feel that the development will generate children for the village school which will help secure its future.

5.7.5 A request has been received from RPS on behalf of Thames Valley Police (TVP), requesting the contributions be sought for improvements to Police operational and infrastructure requirements. RPS has stated that the development is of such a scale that it will impact on the demands made upon the services provided by TVP. However there is no current local policy justification for such a request therefore it has not been sought from the developers.

5.8 Conclusion

The application is for development beyond the built up limits of Chesterton in the open countryside. As such the application is contrary to both the adopted and Non Statutory local plan policies. However, given the current position on housing land supply which is below five years it is necessary to consider if it would be appropriate to release this site for development. This scheme, by providing 63 new dwellings, 30% of which are affordable, and demonstrating deliverability is considered to contribute to this housing land supply. In addition to contributing towards this shortage the proposal can meet the other tests set out in PPS3 (set out in the Head of Planning and Affordable Housing Policy section above). Furthermore it provides facilities that are recognised as being required and supported by the Parish Council.

Based on the conclusions reached above it is therefore recommended that this application be approved subject to the conditions set out below.

6. Recommendation

Approval subject to;

- a) Completion of the Section 106 agreement**
- b) The following conditions**

Suggested conditions if approved;

1. SC 1.0A Approval of reserved matters details (RC1)
2. SC 1.1 Outline expiry of application for reserved matters (RC1) Delete 'three' and insert 'one'
3. SC 1.2 Outline duration limit (RC1) Delete 'two' and insert 'one'
4. SC 2.15AA Number of dwellings (outline) (RC8A) '63'
5. Layout in accordance with plan no. 033-002 Preliminary Layout
6. SC 3.0A Submit landscaping scheme (RC10A)
7. SC 3.1A Carry out landscaping scheme (RC10A)
8. SC 3.10A Open space (RC12B)
9. Development shall not commence until a drainage strategy detailing any on and/or

off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. **Reason:** The development may lead to sewage flooding; to ensure sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

10. SC 9.4A Carry out mitigation in ecological report (RC85A) 'section 6.3'Extended Phase 1 Habitat Survey' 'Middlemarch Environmental' 'March 2010'
11. Contamination conditions
12. That prior to work commencing on site the proposed means of access (including vision splays) onto the Green Lane is to be formed, laid out and to the approval of the Local Planning Authority and constructed strictly in accordance with the highway authority's specifications and that all ancillary works specified shall be undertaken. (RC13BB)
13. That the vision splays shown on drawing 033-002 shall not be obstructed by any object, structure, planting or other material height. (RC13BB)
14. That the internal vehicle access vision splays shall be formed, laid out and constructed in accordance with detailed plans which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and that the land and vegetation within the splays shall not be obstructed by any object, structure, planting or other material height. (RC13BB)
15. That before any of the dwellings are first occupied the whole of the estate roads, footpaths and pedestrian/cycle links shall be laid out, constructed, lit and drained and if required temporary or permanent traffic calming to the Oxfordshire County Council's Specifications. (RC14AA)
16. That, before any of the dwellings are first occupied, the proposed vehicular accesses, driveways and turning areas that serve those dwellings shall be constructed, laid out, surfaced and drained (SUDS) in accordance with the specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. (RC14AA)
17. Before the development is first occupied the parking and manoeuvring areas shall be provided in accordance with the plan (*to be agreed at reserved matters stage*) hereby approved and shall be constructed, laid out, surfaced, drained (SUDS) and completed, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times. (RC13BB)
18. That all construction traffic serving the development shall enter and leave the site through the new access; wheel washing facilities on construction sites (for HGVs) should also be requested (when appropriate). Construction travel plan also required i.e. no HGVs through middle of village. (RC18AA)
19. SC 6.6AB No conversion of garage (RC35AA)
20. That prior to the commencement of building work plans detailing the extension of the 30mph speed limit, the relocation of the existing traffic calming features and additional features shall be submitted to and approved in writing by the Local Planning Authority. The improvements works shown on the approved plans shall be completed prior to the first occupation of the development. (RC13BB)
21. SC 9.6 Fire Hydrants (RC87A)
22. No development shall take place until a scheme to deal with surface water drainage for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the

development is completed.

The scheme shall also include:

- Greenfield runoff rate at 6l/s as detailed in the FRA
- Details of tanked permeable paving as mentioned in drawing no. MS40631-SK100 submitted with the FRA H423/03
- Details of diversion of the surface water runoff for the northern and western areas of the development to the drainage ditch without pumping
- Details of the size of pump and volumes of runoff that need to be stored after diverting the northern and western areas into the brook
- Details of the pumped surface water to be pumped into the drainage ditch to the west of development as detailed in the FRA H423/03
- The designated flood route to pavilion car park for temporary flood storage in the event of flood failure

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in line with PPS25 and PPS9

23. No development approved by this permission shall be commenced until a scheme for the improvement of the existing sewerage system has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved. No occupation of dwellings approved by this permission shall occur until the scheme for improvement of the existing sewage system has been completed.

Reason: The foul drainage from this development will drain to Bicester Sewage Treatment Works. It is essential that the developer confirms with the sewerage undertaker that; a) sufficient capacity remains to properly deal with the additional load and b) the sewerage conveying foul drainage to these works has sufficient hydraulic capacity.

Suggested planning notes if approved;

- a) Q1 – Legal agreement
- b) O1 – Archaeology
- c) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- d) It is now a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. For projects estimated at between £300,000 and £500,000 (excluding VAT) the SWMP should contain details of the:

- Types of waste removed from the site
- Identity of the person who removed the waste
- Site that the waste is taken to

For projects estimated at over £500,000 (excluding VAT) the SWMP should contain details of the:

- Types of waste removed from the site
- Identity of the person who removed the waste and their waste carrier registration number
- A description of the waste
- Site that the waste was taken to
- Environmental permit or exemption held by the site where the material is

taken

At the end of the project, you must review the plan and record the reasons for any differences between the plan and what actually happened.

You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at www.netregs-swmp.co.uk

The car parking areas of the development should be drained via an oil separator to reduce the risk of oil pollution. The developer should consult Agency Pollution Prevention Guidelines NO 3 to ascertain the appropriate type. A download can be obtained from www.environment-agency.gov.uk/ppg

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council as local planning authority, has determined the application having had careful regard to the development plan and other material considerations. Although the site is not allocated for development in the adopted Cherwell Local Plan the Council considers the following material considerations sufficient to justify the granting of planning permission as a departure from the adopted Local Plan. The need for the site to be developed to accord with the Council's strategy for meeting housing delivery requirements, development that results in high quality housing and minimises and mitigates landscape and other impacts has led the Council to consider the proposal acceptable. The proposal is in accordance with PPS3 – Housing and Policies BE5, H2 and H3 of the South East Plan.

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