

<b>Application 10/00512/OUT</b>	<b>No:</b>	<b>Ward: Adderbury</b>	<b>Date Valid: 08/04/2010</b>
<b>Applicant:</b>	KB Benfield Group Holdings Ltd, Coventry		
<b>Site Address:</b>	Land North of Milton Road, Adderbury		

**Proposal:** Outline – Residential development, estate road and open space

### **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 undetermined housing supply related applications with the Council with the potential to generate some 391 homes. The applications are in Arncott x2, Bicester, Bodicote, Chesterton and Adderbury (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 is an outline application for a development comprising of 35 residential dwellings with associated access, open space and landscaping. The site is a 1.85 hectare parcel of land to the north of Milton Road and west of Horn Hill Road. Access to the site is to be obtained via a vehicular access onto Milton Road, approximately 125 metres from the junction with Horn Hill Road and 50 metres from the junction for St Mary's Road on the south side of Milton Road .
- 1.2 The site is a rectangular parcel of land currently in agricultural use. The site consists of one field. A private vehicular right of access crosses the site in a north to south direction in the eastern part of the site. The entirety of the site lies within an Area of High Landscape Value. The most north easterly section is within the Adderbury Conservation Area and the remainder of the eastern boundary abuts the conservation area. St Mary's Farmhouse to the north and most of the properties to the east, on Horn Hill Road are listed properties. The north eastern section of the site also contains trees protected by a Tree Preservation Order.
- 1.3 In the north eastern section of the site there are some existing metal framed open sided barns. An application was submitted for their demolition as they lie within the Conservation Area. However given their age and the fact that they were last used for agricultural purposes they were exempt from the Conservation Area regulations

and the application was not proceeded with. They are also considered to lie outside the historic curtilage of the listed farmhouse therefore listed building consent is not required. They are not of any particular historic merit and can be removed whether or not this application is permitted.

- 1.4 A separate application has been submitted for land adjoining this site to the west and east of Colegrave Seeds (10/00508/F). The application is for the change of use of the land for recreation. Whilst this is a separate application there is a link between the two schemes as it is intended that if this application for residential development is approved the adjoining land will be transferred to the Parish Council so that two football pitches and a pavilion can be developed. If this application was to be approved there would need to be an agreement linking the two schemes together and ensuring the delivery of the pitches/pavilion.
- 1.5 The application seeks permission for 35 residential properties 30% of which are proposed to be affordable units, resulting in 11 affordable dwellings.
- 1.6 This application is in outline only and all matters with the exception of the access are reserved to be considered in a Reserved Matters application should this application be approved. Although this application is in outline an indicative site plan has been submitted along with a illustrative street scenes, Planning Supporting Statement, a Design and Access Statement, Transport Statement, a Concise Landscape and Visual Appraisal and Arboricultural Impact Assessment, Flood Risk Assessment, Ecological Report and a Contamination Report.

#### 1.7 **Planning History**

There is no recent planning application history relevant to this proposal. But details of an application relating to smaller parcel of land and determined in the late 1970's should be noted

**CHN.884/78** - Erection of 7 single storey dwellings with garages. (on land which forms approximately half of this application site, the eastern edge adjacent to Horn Hill Road) – **Refused** for the following reasons (in summary);

1. Not infilling, a single house or minor development therefore contrary to Interim Rural development Policy
2. Contrary to Oxfordshire Structure Plan as it will not met identified local need
3. Extension of built up limits of village
4. Seriously disruptive effect on Conservation Area and visual amenities
5. Would create a link between two distinct parts of the built up area of the village detrimentally affecting the amenities of the neighbourhood
6. Loss of large section of stone wall
7. Design of dwellings out of character with the area

The application referred to above subsequently went to appeal and was dismissed by the Inspector.

#### **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 May 2010. However letters received after this date have also been taken into consideration.
- 2.2 A total of 273 letters of objection have been received. 234 are on a standard letter

template and a significant number of these have more than one signature. The standard template referred to both this application and an earlier application for development on the south side of Milton Road. The reasons listed on the template for objecting to the proposal are as follows:

- Both sites are outside the built up limits of the village, buildings should therefore be those essential for agriculture, existing undertakings or affordable housing units
- Both sites are major green field developments
- Both sites are extensions into agricultural land
- Both sites are extensions beyond the present village envelope
- The density of both developments is too great and the size of the gardens inadequate
- Neither site is a suitable location
- Both sites require car based journeys to the local primary school
- Because of the car base the village shop will be bypassed to access the nearest major supermarket chain on the southern edge of Banbury
- Inadequate parking provision on both sites
- 40% social housing is excessive for village developments
- The site (10/00512/OUT) is within an Area of High Landscape value, the Adderbury Conservation Area having Grade I and II listed buildings in its vicinity
- Both sites will increase the likelihood of flooding affecting houses to the North in Horn Hill Road due to the increase "run off" caused by the area of rainwater collection from so many dwellings. It is understood that provision is being considered to take account of the worst case storm scenario likely to occur over the next fifteen hundred years.

10 of the objections on the standard template made the following additional comments:

- Learning from pre and post World War II building programmes, all efforts should be made to avoid ribbon development. The developments in Bloxham and Adderbury along the Milton Road would be a significant step in the development of a "ribbon of housing" in the future
- At 35 dwellings, the proposal cannot be regarded as a minor development as identified for Adderbury and the Category A villages (see Inspector's Decision letter dated 29 January 1980, application CHN.884/78)
- The planning gain of the part constructed proposed community facility for the village is not acceptable because of its location at the edge of the village some two miles from the north east part of the village.
- Adderbury does not fulfill the normal criteria of a category "A" village and requires the proximity of Banbury to elevate it to the "A" status.
- Increase in traffic movement throughout the village, particularly Horn Hill Road
- No traffic calming measures to restrict speed of vehicles which is already a problem
- Berry Hill Road, Horn Hill Road, Milton Road is already a "rat run" of speeding motorists
- No capacity at the village school
- Car parking is already an issue at the village school

- Lack of village facilities for additional residents
- Small developments in Adderbury and all other villages would acceptable, for shared equity and first time buyers. This should give priority to local families. New housing should be shared fairly around all villages and hamlets in the district.
- Adderbury will not be a village anymore and will be lost, with Milton, in the urban sprawl
- Village retains a rural feel with listed buildings and attractive landscape and a premium has been paid by current residents to live there. Every village ruined by development is one less attraction for tourism
- The increase in population will add to the demand on local health care facilities

30 further letters were received with the following reasons for objection:

- Percentage of social housing is too high for the size of Adderbury
- The Aynho Road site (land north of Aynho Road and east of Deene Close) jointly controlled by Banner Homes and Gleeson Strategic Land is a more sustainable location as it is closer to local facilities such as the local primary school
- The development would permanently lose a landscape of high value including the last rural approach view over the historic village towards Adderbury Church
- The village of Milton is threatened as an entity by both the developments at its eastern and western parish boundaries (by new developments) with both Bloxham and Adderbury
- There is no need for additional sports facilities, the Lucy Plackett field being under-used at present and a new pavilion being its major lack
- The Oxford/Milton road junction is already dangerous and the extra traffic generated by these developments will exacerbate this
- The creation of two football pitches, clubhouse and recreational facilities would impinge on the rural aspect of the area and the impact of sporting activity on such a grand scale would impair the quality of the surroundings. There would also be the possibility of unsocial behaviour
- Proliferation of CO<sub>2</sub> emissions due to over reliance on the motor car
- Where is the evidence that the proposed football pitches are either wanted or required
- Location of development will discourage integration into the parish
- There was a previous High Court injunction stating that this site should never be built on
- Adderbury is one of the four great ironstone villages of North Oxfordshire; this development will ruin the historic setting of this part of the village
- The proposed development would involve the demolition of the Dutch barns which are listed buildings and are inhabited by Barn Owls which are a protected species. There are also bats, buzzards, hares, skylarks and red kites in this area which would disappear from this site if the development went ahead
- The most recent survey in the village resulted in the majority of Adderbury residents wanting no development along the Milton Road, north or south
- The houses are crammed together insensitively and do not reflect the village
- There is insufficient off-road parking. Coupled with the prominence of the

site, the result would be a total loss of the vernacular character

- The site is 4m above our property and would have the same impact as three and four storey buildings
- In winter, the deciduous trees will no longer give partial visual protection from the new builds
- The density and height of the proposed development on the north side to the Milton Road will dwarf the cottage properties in the east side of Horn Hill Road and will be out of character
- Housing development in Cherwell District Council should be within walking distance of good public transport
- Adderbury appears to be “targeted” as it is surrounded by “spare green fields”. There are equally good locations suitable for developments which can be found within a 5-10 mile radius of the village including the A361 between Bloxham and Chipping Norton and the A4100 from the Baynards Green roundabout to Aynho
- Adderbury already has two adjoining developments of new housing, one being close to the Katherine House Hospice and the other being on the edge of Bloxham
- The effect on the character and appearance of the Adderbury Conservation Area
- We note that the Draft Core Strategy identifies development potential in certain villages, and that site allocations are to be considered in 2011. In this context we are aware that proposals are currently being made (two sites in Adderbury) that are not “windfall” sites, we would therefore express concern at the possible prematurity of such applications and their effect on affordable housing provisions
- There has been a long history of rejected applications for the development of this site.

There have been 5 letters in support of the application for the following reasons:

- The current football clubhouse and changing rooms are inadequate and not fit for purpose. The proposed scheme will provide superb new facilities of adequate size which will be not only a benefit to the football club but to the village as a whole.
- There will be sufficient room for more pitches, good parking and a proper clubhouse. It is not near to houses and will keep the youths off the streets.
- The layout of the site for the houses is excellent and would enhance the entrance to the village
- Adderbury is crying out for adequate community hall facilities which the new proposals will provide
- The new build proposals will provide the facilities to accommodate and develop the many children in the village who wish to play football and who at present, have to travel elsewhere

One letter has been received with two signatures which does not object to the development but comments that as a result of the development there will be a significant increase in traffic along Berry Hill road. They request that provision is made for the construction of a footpath along Berry Hill road with the developer being required to contribute to this.

2.3 **Adderbury Conservation Action Group** (ACAG) has made detailed objections and their main reasons for objecting are set out in the summary above.

### **3. Consultations**

3.1 **Addebury Parish Council** raises no objections to the application on the following grounds (in summary):

- Adderbury should take its fair share in housing required in Category A villages
- Village has already taken 55 at Cheshire Homes and current application for 35 fits in with requirements for Adderbury
- 35 is a manageable number and feel that this entrance to the village, the screening on the Milton Road and for the main neighbour at St Mary's Farmhouse is good
- Request that design of houses is traditional using local stone and slate
- Opposed to use of brick and coloured roof tiles as this area of Adderbury has fine stone houses which should be copied rather than modern estate houses on South of Milton Road
- Number of affordable houses is acceptable in a village of this size and request that CDC ensure that the properties remain available to people with an Adderbury connection
- Also supports extension of the site with land on western boundary, provided it is passed to Parish Council for future use of the community
- Land will be used for new football facility which will greatly benefit the football club and Lucy Plackett field which will be freed for other community uses

3.2 **Oxfordshire County Councillor for Bloxham Division** (Keith Mitchell) has made the following comments in relation to this application, the other application to which he refers is the recently refused application on land South of Milton Road (in summary);

- Grave misgivings about excessive density and inadequate parking provision on site but write in support of application
- Benefits in terms of making good recreational provision for the village outweigh the disbenefits
- The benefit to the village of the addition to recreational provision by donation of land and provision of a clubhouse as proposed in the other application is considerable and worth supporting providing the housing development is of high quality and provides decent living space with adequate parking provision
- Reservations about this proposal are set out below
  - In relation to density the application complies with nationally imposed planning policies but truth is that the homes will be inadequate in space terms
  - Council has opportunity to address some of these issues if you are brave enough to find a way of circumventing some of the excesses of the current government's planning policies.
  - A change in government will mean that national impositions will be swept away speedily
  - If 35 houses are going to be crammed on site must recognise facts,

80% of garages are used for storage space therefore only 20% of garages represent parking spaces

- Every bedroom represents a car before counting deliveries etc. A new parking formula should be adopted
- Hope that residents will not be permitted to monopolise the sports car parking
- Wholly opposed to site south of Milton Road but if this had been permitted support for this application would have been withdrawn.
- North side of Milton Road is less intensive and brings welcome recreational betterment
- To approve both applications would be contrary to the spirit of Council's designation of Category A Villages
- Should find a way of reducing the density and plan for housing that attracted secondary age children rather than primary age where the village school is already full
- A smaller number of larger family homes are likely to contain secondary age children

3.3 The **Ward Member** (Rick Atkinson), has made the following comments (In summary);

The following is a summary of the support by constituents for this development, the site has to be compared with the site on south side of Milton Road.

- Some residents do not want to see any expansion of the village and are large number are against the development on the south side, however given that there are few suitable building spaces within the village boundaries residents will have to accept a fair share of new housing
- Many are willing to accept north of Milton Road because it is the lesser of two evils and it has much to offer the community
- It is on land outside the current boundary but it is a reasonably sized estate which would be shielded from view without spoiling the character of the area
- Adderbury Football Club has been working with developer and Colegrave family for over 4 years to plan layout of site and establish a new club house and sports pitches
- All houses will be faced with local stone
- Houses positioned to be shielded from the pitches
- Position of pitches would ensure the site could not expand into a 'rural sprawl' towards Milton.
- Scheme has the support of Adderbury Parish Council
- Benefits to the community
  - Colegrave family donated adjoining land to accommodate two pitches with space for additional facilities
  - Developer pledged three hundred thousand pounds to the Parish Council towards creation of pitches and building of clubhouse and changing facilities
  - Clubhouse would provide another much needed venue for village activities
  - Main entrance will incorporate traffic calming measures
  - Footpath links will encourage residents to walk or cycle into the village

centre

- The proposed 30% affordable housing is welcomed by the 63 families on the housing list and is considered a reasonable number
- When added to the 55 houses at Cheshire Homes the development will complete Adderbury's quota of 87.5 dwellings stipulated in LDF Core Strategy document

3.4 The **Local Highway Authority** (LHA) 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; from reading through (and checking) the information provided such an assessment, in my opinion is deemed reasonable.

A review of the accident data for the area has been carried out, and has highlighted a couple of 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 Milton Road. 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 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. As part of the access arrangements there is a proposal to extend the existing 30 mph speed limit which is desirable. However a traffic calming scheme for this section of Milton Road will also be required, which is likely to include a gateway feature as well as VMS signing. A financial contribution of £10,000 towards a traffic calming scheme along the Milton Road, Adderbury is required.

As part of the proposed off-site works a new footway/cycleway is proposed to link up the site to the existing network, which is acceptable. 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.

In my opinion the submitted TS appears reasonable.

**Layout comments**

Proposed vision splays at new entrance into site are acceptable.

The proposed (indicative) calming features into the site appear acceptable, but will require more detail if/when reserved matters application is submitted.

Parking levels – due to the location of the proposed site (edge of Adderbury) I will expect to see the site's parking levels to be to the maximum levels, which is around 2 off-street parking spaces per unit (up to 3 beds); 4+ units on merits i.e. 2+ spaces. I understand the level/detail of car parking is to be agreed as part of a future reserved matters application. For future reference the Local Highway will only consider a garage/car port as an off-street parking space when the internal dimensions are 6m x 3m. I note from the submitted (indicative masterplan A425-1-C) that the sports pavilion (separate application) is to be provided with around 40 parking spaces – this appears acceptable, however a separate assessment/recommendation will be carried out with consideration to this proposal. One issue with the access road is the potential for over-spill car parking occurring

for large events at the proposed sports pavilion so it may be appropriate to provide measures to deter this i.e. high kerbing etc.

The layout of the site appears to take into account the guidance in MfS which is desirable, however there are a few issues that will need to be considered for the reserved matters application, such as:

1. Visitor parking does not appear to be 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.
2. A tracking plan will be required to demonstrate refuse vehicles can turn within site;
3. Drainage of the site is essential and must accord with SUDS. Please note new access is likely to require culvert due to ditch along site's frontage (guidance can be sought from OCC's Drainage Engineer Gordon Hunt 01865 815571).
4. Collapsible bollards will be required at each end of the proposed pedestrian/cycle links to Horn Hill Road to deter misuse and allow maintenance vehicles access. Appropriate lighting should be provided to provide a safe link for residents.
5. Internal vision splays are to be shown for vehicular entrances, including entrance into proposed sports pavilion.
6. There are some internal footways that do not appear to link up – another item to address when a reserved application is submitted.
7. Not keen on the proposed parking court for plots 8, 9, 10 & 11 look tight and not keen on proposed parking layout – tracking plan probably required to demonstrate area can be used.

### **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 Adderbury – the 59 service, £142k per annum (4 year contact = £568,000) + a Sunday service on the same route, this contract costs OCC £12k per annum (4 year contract = £48,000) = total £616,000.

Oxfordshire County Council continues to seek an enhancement to the existing 59 service from one bus an hour to two (increase in service frequency) as well as improve the 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 Adderbury = 2,496 (*as quoted in the Oxfordshire Data Observatory*).

£616,000 divide by 2,496 = £246.79 per resident

assuming two residents per residential per dwelling i.e.  $35 \times 2 = 70$

$70 \times £246.79 = £17,275.30$

Public Transport Subsidy Contribution = £17,275.30.

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 £2,000

(index linked to current Baxter indexation prices) is required towards improving these links.

A Transport contribution of £10,000 (index linked to current Baxter indexation prices) towards a traffic calming scheme along the Milton Road, Adderbury 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 35 dwellings will be located off the Milton Road (classified unnumbered road) and will be provided with an acceptable access arrangement. 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 couple of incidents had occurred; looking at the information provided the incidents involved were down to driver error rather than the characteristics of the Milton Road.

A review of public transport, pedestrian and cycle accessibility was undertaken.

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

### **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 that conditions are imposed (as well as securing the required financial contributions and off-site works by legal agreement).

3.5 **Oxfordshire County Council's Strategic Planning Officer** has made the following comments;

- Not reporting fully on the application as resources are being targeted to dealing with LDF consultations and strategic development proposals and it is considered that CDC is best placed to assess the proposal in the light of identified housing needs.
- However, in determining the application we expect your Council to take full account of relevant policies in the SE Plan, and the strategic objectives of Oxfordshire 2030 relating to creating thriving, healthy communities
- the proposal raises the same strategic policy issues as the recent proposal for 65 dwellings to the south of Milton Road, Adderbury and our comments on that application would apply equally to consideration of this proposal
- It should be noted that the local primary school does not have the capacity to cope with the extra demand for places from this scale of development and children would need to travel to schools out of the village where additional school places could be provided, this would lead to unsustainable travel patterns and would be detrimental to creating thriving, healthy communities
- If Council is minded to approve the application, permission should be subject to a legal agreement to secure contributions to necessary

improvements to transport and non-transport supporting infrastructure, including the additional costs of school transport

3.6 The **Council's Strategic Housing Officer** has stated that there are currently 63 people on the housing register with a local connection to Adderbury.

3.7 The **Council's Landscape Planning Officer** made the following comments (in summary)

- The boundary on the E side (Horn Hill Road) faces sandstone properties some of which are listed. It comprises a sandstone retaining wall with a narrow belt of trees, 3 of which have TPO's on them and shrubs which forms a strong boundary with Horn Hill Road. The belt is not dense or deep enough to provide an effective year round screen.
- The S Boundary (Milton Road) has a very closely trimmed hedge which allows views into the site. This could be allowed to grow taller and be supplemented with additional planting to create more of a screen. The species variety in this hedge is limited.
- The N boundary is largely a post and wire fence which is weak and will need planting.
- The W boundary is a post and rail fence with the occasional shrub, this will also need planting
- The wider environs of the site are reasonably well contained visually as they stand. However the situation will change considerably if 2 and 2.5-storey houses are built as proposed. The landscape and visual assessment considers existing views only. It needs to address the likely impact of the development 'as built' by providing some photomontages of the 'as built' scheme. The ground level of the field is raised above the level of Milton Road in places up to c1.0m. This will raise the height and therefore impact of the development from Milton Road. The site is at a high point compared to its surroundings as it exists.
- I walked the Adderbury to Milton footpath for some of its length and could intermittently see the development site, the development will therefore be visible from here.
- I can't see from the plan where the 2.5 storey houses will be. There is no explanation of design rationale, impact on skyline, and no principles to guide detailed design in the design and access statement which only describes what the applicant proposes to construct.
- There are currently no LAP's shown on the development. This will be required as there are 35 dwellings. They will need to be located no more than 100m or one minutes walk along footpaths from all dwellings. This may require more than one LAP. The open space provision seems more than sufficient. A minimum of 680m<sup>2</sup> of play space is needed plus a desired amount of 0.21ha of informal amenity areas.

3.8 The **Council's Head of Building Control and Engineering Services** has no objections but makes the following comments;

- The FRA is insufficiently complete to support a detailed application
- Assessment should consider the effect of the proposed infiltration swale to perform its desired function. It should show that there is a safe overland flood route in this eventuality

3.9 The **Council's Environmental Protection Officer** has made the following comments;

The report submitted with this application has been undertaken in line with current guidance to demonstrate there is no potential risk to human health from the previous land uses. However, the site is underlain by the Marlstone Rock formation and this may contain naturally occurring arsenic which will require a risk assessment to show the site is suitable for its proposed use.

I recommend applying conditions.

3.10 The **Council's Head of Planning & Affordable Housing Policy** comments as follows;

The site comprises approximately 1.8 hectares of agricultural land. 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.

Adderbury 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 Adderbury to be one of the district's most sustainable villages in terms of the presence of local services and facilities, including a regular bus service, and in view of its proximity to a large urban area. It is a Category 1 village in both the saved and non-statutory Local Plans and is proposed to be a Category A village in the Council's Draft Core Strategy (proposed policy RA1). It is therefore a 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 31% 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 (the site lies within an Area of High Landscape Value (AHLV) - see policies C13 and C28). 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

Land north of Milton Road was proposed for allocation in the Deposit Draft of the Cherwell Local Plan Review 2011 (published February 2001) for the construction of 45 homes (the plan became the Non-Statutory Local Plan). However, officers recommended, and Members resolved, that the site be deleted from the draft plan at a meeting of the Executive on 10 December 2001.

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 Adderbury, 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. 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 350 homes to be distributed between Adderbury, Bodicote, Bloxham and Deddington. This equates to about 88 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. 61 homes have recently been approved at Bloxham and at the time of writing there are applications in for a further 186 homes at these four villages (inclusive of the current application). This includes a further 65 at Adderbury. This is within the 350 presently envisaged for the four villages but slightly more than might be expected at Adderbury in advance of site specific analysis for the Delivery DPD. This needs to be weighed against the overall current housing need and any benefits arising from the proposal. 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 354 dwellings. Please note that on this basis, if the application for north of Milton Road, Adderbury 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 289 dwellings. A further 2 applications have been submitted for residential schemes in Arncott which have the potential to increase the provision to 356 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.

- 3.11 **Oxfordshire County Council's Archaeologist** suggests that the site concerned lies within an area of some archaeological interest. The possibility of finds occurring during the course of construction should be borne in mind, in which case the applicant is asked to notify the County Archaeologist in order that he may make a visit or otherwise advise as necessary.
- 3.12 The **Environment Agency** has no objection to the application providing a condition is imposed. Without the inclusion of the condition the proposed development would pose an unacceptable risk to the environment and the EA would then object.
- 3.13 **Thames Water** has made the following comments;
  - With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer, additional guidance is provided.
  - Thames Water has identified an inability of the existing waste water infrastructure to accommodate the need of this application. A condition should be imposed if the LPA approve the application.
  - There are public sewers crossing the site, approval must be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of or would come within 3 metres of a public sewer.
- 3.14 **Thames Valley Police Crime Prevention Design Advisor** has made the following comments;
  - No objections to the layout of 35 houses
  - In relation to the pedestrian and cycle link across the east side of the site there is adequate surveillance over most of the route however at the Horn Hill Road end of the path it could disappear into trees and shrubbery. A slight realignment of Plot 29 could give a view along this section
  - Further advise is given in relation to the future layout
- 3.15 The **Council's Design and Conservation Team Leader** has commented on the

impact on the historic environment and has made the following comments; The application for the sports pitches will extend the village limits as far as Colegrave Seeds complex, which currently sits in open countryside, and will therefore have an urbanising effect, extending the built up character far west along Milton Road, which would be unfortunate.

The application for the residential development lies close to St Mary's Farmhouse, a grade two listed building and four other listed buildings on the east side of Horn Hill Road and also abuts the Adderbury Conservation Area boundary. Neither of these matters is referred to in the Design and Access Statement. The effect of the development on the setting of the listed buildings and on the conservation area has not been a consideration in the evolution of the design. There is also no analysis of the context in terms of the form, character, scale etc of the existing settlement to inform the design process. This is also an oversight and means that the Design and Access Statement falls far short of what it should be doing. The document merely describes what is proposed in the indicative layout; it does not explain or justify the design principles behind the design. Given the sensitive location this is a gross oversight.

As a consequence the submitted illustrative layout would in my opinion cause harm to the setting of the conservation area in introducing a form of development that comprises

- a "new estate road with 2m pavements either side" (to quote from the DAS)
- a layout a far from reflective of the established character of the conservation area, despite the claim in the DAS that the RM application would comprise a "form of development which reflects traditional development in the village"
- an environment dominated by standard highways with standard footways, driveways to double garages etc
- minimal frontage to Milton Road or to the public open space along Horn Hill Road
- that does not reflect the established character of the village.

Nor is there any reference in the DAS to the Adderbury Conservation Area Appraisal which identifies that "*the C20th century extensions to Adderbury are quite distinct from the historic core and do not disturb the integrity of the conservation area. The settings of the two historic cores are therefore largely unspoilt.*" This application would be the first incursion of such a scale in West Adderbury.

The Inspector in the 1980 appeal decision on CHN884/78x found that "*the proposal would represent a significant and undesirable extension of the village limits and would form an unacceptable intrusion of residential development into open countryside.*" This appeal concerned only 7 dwellings on approximately half the current site area and did not include 2 pitches and pavilion. The inspector also makes some pertinent remarks about the relationship of the Horn Hill properties to the landscape, which I will not reproduce in full here, but which I endorse and continue to be valid now as they were at the time of the appeal..

The existing rear farm access to St Mary's farmhouse is an historic route which is shown on the 1875 OS map and others and indicates the relationship of the farmhouse with its farm land. Whilst this is no longer a working farm it is important to enable this historic relationship to be appreciated. The intended approach seems to be via a fairly tortuous route through the proposed housing estate. I consider that this would cause harm to the setting of the listed building.

The Design and Conservation Team Leader recommends refusal for the

application as it is considered to be contrary to;

**SE Plan Policy BE6: MANAGEMENT OF THE HISTORIC ENVIRONMENT**

**Adopted Cherwell Local Plan Policies C27, C28, C30, C33**

3.16 The **Council's Urban Design officer** has commented on the layout of the proposal and makes the following comments;  
Having assessed the submitted drawings and supporting information I have the following concerns:

- The development is poorly integrated with the rest of the village. There are limited routes out of the development other than the vehicular access or the footpath which runs between plots 13 and 18.
- There is a lack of frontage to Milton Road, Horn Hill Road and in terms of the buildings within the development. I consider the buildings should be used to form the edges of the public realm, rather than in many cases being set back from the road. The location of buildings along footways is an important characteristic of Adderbury.
- Plot 18 is turned through 90 degrees away from the footpath which creates a lack of natural surveillance. Whilst there are some plots which look over the path, but it is at best sporadic and in many case they are set back from the path itself.
- The indicative layout includes two possible access points into the land to the north. Further clarification on the need/ purpose of these connections is required.
- The proposed car park for the pavilion forms the first view of Adderbury when approaching from the West along Milton Road which is unfortunate.
- There is a large area of hard standing/ unclaimed green space outside the front of plot 27. It is possible that this area may become an impromptu parking area.
- Whilst the proposed building plots are located away from the existing bank and wall on Horn Hill Road, it is imperative that this wall is protected and development does not cause any collapse.
- The proposed building plots along the western side of the development, whilst they are separated by a reasonable amount from the listed buildings of Horn Hill Road, they will restrict views of them and into the Conservation Area from Milton Road.
- The proposed buildings are in general large and detached properties which do not reflect the building morphology of the Conservation Area or Adderbury as a whole.
- The proposed new path from Milton Road to Horn Hill Road is a duplication of the existing footpath which runs around the edge. I do not consider that there will be many people who will use the path.
- The application suggests that land to the west of the site will accommodate two football pitches. Therefore there does not seem to be any reason for the open space which has been left in the North West corner of the application site.
- Plots 1 and 2 face in the wrong direction. They have a projecting gable to the road, rather than a simple flat façade as is seen elsewhere in Adderbury.

The indicative layout mentions a village gateway feature. I do not know what this is or where it would be located.

In summary I consider the works proposed in the application to be unacceptable for

the reasons given above.

The application does not accord with the following national and local policy or guidance:

- **Planning (Listed Buildings and Conservation Areas) Act 1990**  
States under section 72 (1) that '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*'.
- **PPS1**  
States under the sub heading 'Design' (2) that '*design which is inappropriate in its context, or which fails to take opportunities for improving the character and quality of an area and the way it functions, should not be accepted*'.  
States under the sub heading 'Design' (3) that '*Good design should:*
  - *address the connections between people and places by considering the needs of people to access jobs and key services;*
  - *be integrated into the existing urban form and the natural and built environments;*
  - *consider the direct and indirect impacts on the natural environment*.
- **PPS5**  
States under policy HE10.1 '*when considering applications for development that affects the setting of a heritage asset, Local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset*'.
- **Adopted Cherwell Local Plan, C27, C28, C30**

3.17 The **Council's Arboricultural Officer** has made the following comments;

- A row of mature Ash and Horse Chestnut trees are situated on the North western boundary. The development has allowed for their retention by situating the buildings well away from them. The foot path will need to be outside the RPA's . Protection barriers will still be required to ensure no movement or storage over the root areas of the trees.
- A semi mature hedge row is situated on the south western boundary of the site. This includes dead and dying elms which would be better removed than retained. The survey described below will highlight those trees not worthy of retention in addition to the extent of protection barriers.
- A semi mature hedge row is situated to the north of the site. It is not clear from the appraisal layout 3 how close the proposed properties along this boundary are from the hedge. These should be included in the Arb. report and protection barriers included on the Tree Protection Plan.
- Trees within the curtilage of St.Marys Farmhouse lie within the Adderbury Conservation Area.
- A survey of the above trees in addition to any on the periphery of the site which may be affected by, or have an effect on the development should be carried out. An Arboricultural implication study, arboricultural method statement including tree protection plan showing the positioning of protection barriers, storage areas, site huts and contractor parking as per BS5837 should be provided.

**Recommendations:**

Sufficient information needs be provided regarding tree retention and protection measures. An Arboricultural Implication Study, Arboricultural Method Statement including tree protection plan showing the positioning of protection barriers, storage areas, site huts and contractor parking as per BS5837 should be provided.

3.18 **English Heritage** has made the following comments;  
Do not wish to offer any comments on this occasion and recommend that the application be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

#### **4. Relevant Planning Policies**

4.1 South East Plan

**SP3** – Urban Focus for development  
**CC7** – Infrastructure and implementation  
**H2** – Managing the delivery of the regional housing provision  
**H3** – Affordable Housing  
**H4** – Type and size of new housing  
**BE5** – Village Management  
**BE6** – Management of the Historic Environment  
**AOSR1** – Scale and location of housing development in the rest of Oxfordshire

**27 May 2010** – Letter from Eric Pickles

4.2 Adopted Cherwell Local Plan

**H13** – Residential Development in Category 1 Settlements  
**H18** – New dwellings in the countryside  
**C13** – Conserve and enhance the environment in Areas of High Landscape Value  
**C27** - Respect for historic development pattern  
**C28** – Standards of layout, design and external appearance  
**C30** – Standards of appearance, design, layout, scale, density compatible with surrounding area and standards of amenity  
**C33** – Retention of undeveloped gaps

4.3 Non Statutory Cherwell Local Plan

**H15** – Residential Development in Category 1 Settlements  
**H19** – New dwellings in the Countryside  
**EN34** – Conserve and enhance the character and appearance of the landscape

4.4 **PPS3 - Housing**

**PPS5 – Planning For the Historic Environment**

#### **5. Appraisal**

5.1 Main Planning Considerations

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 Adderbury, 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 site clearly lies beyond the existing built limits of Adderbury and in an area of open countryside. The built up limits of the village in this case would be the southerly elevation of St Mary's Farm house.

5.2.5 The proposal is not infilling, nor within the built up area of the settlement and the development is therefore contrary to Policies H13 and H18 of the adopted Cherwell Local Plan.

5.2.6 Policy C13 of the adopted Cherwell Local Plan states that within designated areas of high landscape value the Council will seek to conserve and enhance the environment. This policy will be considered in more detail in the assessment of landscape impact.

5.2.7 The application site has no specific allocation in the Non-Statutory Local Plan and is therefore defined as open countryside.

5.2.8 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. Policy H15 of the same plan identifies Adderbury as a Category 1 village and states that new residential development will be restricted to infilling, minor development comprising small groups of dwellings within the built up area of the village and conversions.

5.2.9 The proposal is contrary to Policies H15 and H19 of the Non-Statutory Local Plan for similar reasons to those outlined above in relation to the adopted Cherwell Local Plan.

5.2.10 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.*

5.2.11 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 & Affordable Housing Policy's set out at 3.10 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. It is common practice when granting consent for outline proposals to allow up to 3 years for the submission of the reserved matters application and a further 2 years for the implementation of an approved reserved matters application. However in order to demonstrate deliverability the agent on behalf of the developers have made the following statements;

- The developers have an option on land subject of the application granted by the owners
- The intention is to exercise this option upon the grant of outline planning permission and to then proceed immediately with the preparation of an application for the Approval of Reserved Matters
- Developers are aiming to commence development on site next year and they are prepared to accept a condition on any outline planning permission requiring the submission of a reserved matters application within one year and the commencement on site within one year of the final approval or two years from the date of the outline planning permission.
- The scheme is financially viable and the owners and applicants are keen to bring the land forward for development and to include the community benefits set out in the draft Heads of Terms (including the contribution of three thousand pounds towards the recreational facilities.

5.3.2 In the event of an approval, to encourage the scheme to be delivered within the next five years it would be 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 layout and 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).

5.3.3 In addition to this demonstration of 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 Whilst the developers have set out their intent in terms of commencing development the Council is in receipt of several letters from Solicitors acting for both the owners of St Mary's Farmhouse, to the north of the site and the landowners of the application site respectively. St Mary's Farmhouse has the benefit of a private right of vehicular access across the land. The original indicative plan shows that this access would be diverted to follow the new access and meander through the development to the existing point of access on the boundary. A revised indicative plan shows that the alignment of this route has been retained but vehicular access at the existing point of access from the road will not be possible. It is clear from the letters that have been received that the residents of St Mary's Farmhouse are not satisfied with this proposed arrangement and will not readily agree to the re-routing of the access. They therefore question the deliverability of the site. In response to this the landowner's solicitors have stated that the private agreement allows for an alternative access across the field to be provided without affecting the terms of the right of way agreement thus having no bearing on the question of deliverability. Further more the point is made that this application is in outline only and as such any outstanding issues in relation to the right of access could be resolved before or during the consideration of a Reserved Matters application. This is clearly a private legal matter between the owners of the site (and the developers) and the owners of St Mary's Farmhouse. The Council's Head of Legal & Democratic Services has advised that this private matter is not a planning consideration.

5.3.5 Adderbury has consistently been allocated as one of the District's most sustainable villages capable of accommodating further housing development. Facilities in Adderbury include; pre-school, primary school, food shop, 4 pubs, recreation area, village/community hall(s), Post Office and a regular bus service to Banbury. It continues to be allocated as such in the Draft Core Strategy. Therefore in general terms Adderbury is a preferred location for the allocation and provision of land for housing. This scheme provides a mix of market and affordable dwellings. It is considered that to an extent this could contribute to meeting the shortfall in housing land supply and will go some way to meeting local needs for affordable units of accommodation.

#### 5.4 Landscape and Historic Impact

5.4.1 The site lies within the Ironstone Downs Area of High Landscape Value where policies C13 and C28 of the adopted Cherwell Local Plan seek to conserve and

enhance the environment and require development to be sympathetic to the character of the area. Policy EN34 of the Non-Statutory Local Plan also seeks to conserve and enhance the environment.

- 5.4.2 The site lies beyond the built-up limits of the village in an area of open countryside. The site is physically contained within existing hedgerows, the Colegrave site and land in private ownership to the north. However given the relatively flat topography the development within it would clearly be visible, despite hedgerow screening along the frontage.
- 5.4.3 The current open field allows for views across it from the Milton Road towards the edge of the conservation area. The proposed new development will obscure such views neither preserving nor enhancing its character and appearance.
- 5.4.4 The Council's Landscape Officer has made some comments in relation to the position of the play space, size of some gardens and the ability to provide additional planting. Whilst these are very relevant points and can affect the overall quality of the final scheme they are not issues which should have a negative influence in considering this outline application. They are all issues which should be straightforward to resolve at reserved matters stage by slight amendments to the layout of the scheme which is only indicative at this stage.

## 5.5 Design and neighbouring amenities

- 5.5.1 The application has been submitted in outline only therefore the submitted layout plan is indicative only. The indicative plan demonstrates that the proposed number of units can be accommodated on the site but what it fails to do is demonstrate that a satisfactory form of development can be achieved in terms of good urban design that reflects that in the surrounding developed area of Adderbury and protects or enhances the character and appearance of the Conservation or the setting of surrounding listed buildings. See the comments of the Urban Design and Conservation Team Leader and Urban Design Officer at 3.15 and 3.16 above for a thorough assessment of these impacts.
- 5.5.2 It is clear from the comments of the Urban Design and Conservation Team Leader that there is an 'in principle' objection to this development in light of the extension into the open countryside and its subsequent impact on the Conservation Area and listed buildings. This is a view shared by the Planning Inspectorate back in 1980. It is considered that these are still relevant considerations.
- 5.5.3 Despite this 'in principle' objection revised indicative plans have been submitted in an attempt to overcome some of the concerns. Further comments from the Design and Conservation Officer's have been received which comment on the detail of the scheme but in general it is not considered that the amendments can overcome the 'in principle' objection.
- 5.5.4 The proposed scheme results in a housing density of approximately 31 dwellings per hectare. Such a density is likely to be greater than that found on nearby sites and is just above the minimum of 30 dwellings per hectare as was recommended in PPS3 Housing prior to its revision in June of this year. In the absence of any revised or agreed locally set density figures it is considered that a density of 31 dph is appropriate for a village location, subject to a satisfactory layout being achieved.

5.5.5 The submitted application forms state that the materials to be used for the development would be a combination of stone and brick and slate or tile. These materials would be appropriate in principle but in the event of an approval samples would need to be submitted for final approval at Reserved matters stage.

5.5.6 The only residential property that shares a boundary with the application site is St Mary's Farmhouse. The residents have raised objections in terms of loss of privacy and overbearing as a result of the proximity of the proposed houses and the elevated nature of the site. Notwithstanding the impact on the setting of the listed building it is considered that any potential harm caused in terms of overlooking and overbearing can be adequately addressed at the reserved matters stage in the event of an approval. There is adequate space within the site to ensure that the Council's informal space standards can be met between the properties and that footpaths are routed so as to not affect privacy.

5.6 Highway Impact

5.6.1 The Local Highway Authority (LHA) has not raised any objections in relation to highway safety issues that would be sufficient to recommend refusal for the scheme. Full comments are set out at section 3.4 above. The development includes proposals to extend the footpath on the north side of Milton Road to link to the existing footpath at Horn Hill Road.

5.6.2 The application forms have not specified the number of spaces to be provided and the indicative plans are not detailed enough to fully assess this. However the applicant is aware of the standards that need to be met in relation to parking provision and this is an issue that could be fully resolved at the reserved matters stage should this application be approved. It appears that there is sufficient space on the site to accommodate the spaces that will be required.

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. Although details are still being discussed it is likely that heads of terms will include;

- Affordable housing
- Open space contributions
- Public art
- Highways and public transport contributions
- County Council Education contributions, including funding towards primary school transport
- 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 fee

5.7.2 However at the time of drafting this report there has been very little by way of

negotiations in relation to the sums requested but the heads of terms would be similar to those set out in the submission.

5.7.3 In 3.5 above the County Council states that the development is likely to result in unsustainable travel patterns as Primary School students are likely to have to travel to schools outside of Adderbury and for these reasons they object to the proposal. This would occur because the County Council indicate that the Adderbury Primary School has insufficient capacity, and is not capable of being enlarged. The above education contribution would therefore be used expand capacity at the receiving schools (Bloxham and/or Deddington). The County Council states that if the district is minded to permit the development contributions should be sought to improve transport infrastructure and primary school transport costs. Contributions towards transport and education infrastructure are standard requirements and included in the list above. A request for contributions towards the cost of transportation to primary schools has been received from the County Council. This request does not result in the objection being removed as the contribution does not prevent the need for children to travel outside of the village. However what it would do is provide money towards communal modes of transport, which is more sustainable than if students were to be transported individually by private car.

5.7.4 In addition to the above contributions the applicants intend to transfer land, the subject of a separate planning application, to the Parish Council for community recreational use and a contribution of three hundred thousand pounds to the layout out of the pitches and the provision of a sports pavilion/village hall. These elements would not normally be required for a development of this scale but as they form part of a linked application they can be secured by the S106 agreement and will be required. It is worth noting however that the approximate cost of laying out one sports pitch is eighteen to twenty thousand pounds whilst a pavilion can cost in the region of four hundred thousand pounds. It is therefore likely that in order for the Parish Council to fulfil their desire for two pitches and a village hall/pavilion a further substantial amount of funding will need to be committed to the project.

5.7.5 In a letter from the developers agents, dated 28 May 2010, it is stated that the scheme is financially viable. However there remains some doubts about the financial viability of the scheme given that there are only 35 dwelling proposed to be built yet the developers are offering to transfer land at no cost, and contribute to the provision of the pitches and the pavilion. Given the costs that are set out above it casts doubts over whether the scheme, inclusive of the pitches and pavilion could be delivered within the necessary time period to contribute to the current housing land supply shortage.

5.7.6 Recent refusal of planning permission on land south of Milton Road, Adderbury  
Whilst this application should be considered on its own merits a recent application for a development of 65 dwellings with a sports pitch and changing facilities on land south of Milton Road is a material consideration. This application was refused following Members resolution on 20 May 2010. The reasons for refusal are set out below;  
*The proposal represents development beyond the built up limits of the settlement and will cause harm to the character and appearance of the countryside. Notwithstanding the Council's short term inability to demonstrate that it has the 5 year supply of housing land required by PPS 3 Housing, the development of this*

*site cannot be justified on the basis of a temporary land supply deficiency alone, a development of this scale is inappropriate at this time given the existing lack of provision of village facilities . As such The proposed development is contrary to the saved policies H13 , H18 and C7 of the adopted Cherwell Local Plan and Planning Policy Statement 3 Housing.*

5.7.7 In relation to the application for development on the South side of Milton Road Officer's considered that whilst there would be an impact to the open countryside the harm caused would not be so great that a recommendation on these grounds would be reasonable given the current shortage in housing land supply. However, Members took a different view, one which could equally apply to this scheme, although the development is of a smaller scale. Furthermore this site has additional areas of concern as it is not considered to preserve or enhance the Conservation Area nor does it protect the setting of listed buildings. It is therefore considered that there is not sufficient justification to recommend approval for such a development on the basis of a temporary land supply deficiency. This application, although on a smaller scale fails to overcome issues relating to the current lack of village facilities.

#### 5.8 Conclusion

The application is for development beyond the built up limits of Adderbury 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 provide 35 new dwellings, 30% of which are affordable, and attempts to demonstrate deliverability thus could potentially contribute to this housing land supply. However this application does not adequately address the tests set out in PPS3 (set out in the Head of Planning and Affordable Housing Policy section above), it is considered to cause harm to the countryside and the historic character of the village and raises sustainability issues in relation to access to schools. It is therefore recommended that this application be refused.

### **6. Recommendation**

#### **Refuse for the following reasons;**

1. The proposal represents development beyond the built up limits of the settlement and will cause harm to the character and appearance of the countryside. Notwithstanding the Council's short term inability to demonstrate that it has the 5 year supply of housing land required by PPS 3 Housing, the development of this site cannot be justified on the basis of a temporary land supply deficiency alone, a development of this scale is inappropriate at this time given the existing lack of provision of village facilities. As such the proposed development is contrary to the saved policies H13, H18 and C7 of the adopted Cherwell Local Plan and Planning Policy Statement 3 Housing.
2. The proposed development of this site in the manner proposed will be detrimental to the setting of the adjacent Adderbury Conservation Area and the adjacent listed buildings and is therefore contrary to PPS5 (Planning for the Historic Environment) and Policy BE6 of the South East Plan, Policy C28 and C30 of the adopted Cherwell

Local Plan and Polices EN39 and EN40 of the Non-Statutory Cherwell Local Plan.

3. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority cannot guarantee that the infrastructure directly required to service or serve the proposed development, including affordable housing, open space/play space, off-site playing pitches,, education facilities, library facilities, and transport measures will be provided, which would be contrary to Policy CC7 of the South East Plan, Policies H5, TR1 and R12 of the adopted Cherwell Local Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.

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