

Application 10/01278/OUT	No:	Ward: Ambrosden and Chesterton	Date Valid: 18/08/2010
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

This application is principally the same as the application determined on 21 July 2010 following the Planning Committee's resolution on 15 July 2010. The application was refused 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 given the size of village and existing level 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. In the absence of a satisfactory unilateral undertaking or any other form of S106 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, contributions to playing pitches, education facilities, library facilities and transport measures will be provided, which would be contrary to 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.*

An appeal has been lodged against this decision

There have been no substantial changes to the proposal or the way in which the application is submitted since the previous submission therefore the agent for the proposal was asked to provide the Council with additional information in order to clarify the reason for the resubmission and demonstrate that the reasons for refusal are addressed. The following information was provided by Carter Jonas, the agents;

I am writing further to your emails dated 15th September 2010 requesting further justification for the planning application for the above site with particular reference to the reasons for refusal of the previous planning application (LPA Ref: 10/01278/OUT).

It should be noted that the planning application is strongly supported by Chesterton Parish Council. The development will provide improved sports facilities for the whole village, including a new village hall/sports pavilion, larger playing pitches and off-road parking. The submission of a second planning application will allow Members another opportunity to consider the benefits of the scheme for Chesterton.

Impact on Character and Appearance of the Countryside

The Applicant accepts that the proposed development will extend the built up area of Chesterton beyond the village boundary. However, we consider that this will not cause harm to the surrounding countryside.

This was recognised in the Planning Officer's Report on the previous planning application, which stated that visual impact would 'not be so great as to warrant refusal on these grounds.' The summary of reasons for granting planning permission in the Officer's Report acknowledged that the development would result in high quality housing, which would minimise and mitigate the landscape and other impacts.

In addition, neither the Council's Urban Design Officer nor the Landscape Officer raised any concern about the landscape impact.

Members have not yet had the opportunity to visit the site and assess the potential impact of the development on the ground. We suggest that a site visit would be beneficial to Members and propose that a site visit be conducted prior to the Development Control meeting at which this application is to be discussed.

Scale of Development

It should be noted that Chesterton has been identified by Cherwell District Council as one of the most sustainable settlements in the District. This is recognised in both the Draft Core Strategy (February 2010) and the evidence base for the Local Development Framework, in particular the Cherwell Rural Areas Integrated Transport and Land Use Study (CRAITLUS). It is identified in the Draft Core Strategy as a location for future development for this reason.

We consider that the location of the development outside of (but immediately adjacent to) the village boundary is outweighed by the need for local housing to meet a shortfall in Cherwell District's 5-year housing land supply. In addition, the proposal includes significant community benefits, such as the extended sports pitches and parking, a new village hall/sports pavilion, a children's play area and 19 affordable homes, which could not be delivered without the level of development proposed.

Legal Agreement

A S106 Agreement was being drafted in consultation with the Council when the previous planning application was determined. This work is ongoing and a S106 Agreement will be completed by the County Council, District Council, Parish Council and the Applicant in connection with this application. This will include provision for financial or in kind contributions to affordable housing, open space/play space, play pitches, education, libraries and transport measures.

The first application was submitted principally on the basis that the Council cannot demonstrate a 5 year rolling supply of deliverable (available, suitable and achievable) housing land. The extent of this shortage has changed since the earlier application when there was considered to be a 4.6 year supply of deliverable housing land. However, the current shortage in terms of housing numbers equates to 68 dwellings. This is due to the

fact that since the earlier application for this site Planning Committee have resolved to grant planning permission for two developments at Arncott and two developments in Banbury which bring the current rolling supply of deliverable housing land to 4.9 dwellings in returning to a five year supply.

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 are 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 application be approved.
- 1.4 Although this application is in outline the layout of the site is to be considered and a plan showing the layout has been submitted. Also submitted for consideration is a Design and Access Statement (revised since the earlier submission), Supporting Statement (also revised since the earlier submission), Consultation Statement, Transport Statement, a revised Flood Risk Assessment, Archaeological Evaluation, Extended Phase 1 Habitat survey and a Code for Sustainable Homes Ecological Assessment.
- 1.5 Planning History
The details of the most recent application are covered in the Context section above. There have been four other applications relating to sections of the site. These are set out below;

10/00377/F – Replacement pavilion – Permitted (Work has commenced on site)

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 is 4 October 2010 (due to the site notice having to be re-dated). Any letters received after the drafting of this report but prior to the date of Committee will be reported to Members at the Committee meeting.
- 2.2 To date 2 letters/emails of objection have been received from residents of Chesterton.
- As the application remains the reasons for objecting have not changed and are the same for the previous application. (These are summarised below in the previous comments)
 - Reference has been made to the site notice which states that 'the proposed development does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated'.
 - Since previous objections the Parish Hall has recently been upgraded over the course of the summer
 - The current development at Kingsmere in Bicester contains sports facilities which should be more than adequate for the local area without the need to develop further facilities at Chesterton. Furthermore, the sports pavilion at Chesterton suffered arson and is currently being rebuilt.
 - There has been no change in circumstances since the previous application therefore see no reason to warrant a reversal of the decision

One nearby resident does not object to the proposal but considers that the access should be off the road from the A41 close to where the current pavilion is situated. This would prevent the traffic building up in Green Lane and, by creating a forked junction with the current land, it would act as a traffic calming measure.

2 letters/emails have been received to date in support of the application the reasons for support are summarised below;

- Chesterton village hall is woefully inadequate for purpose
- parking on the road by the field when there is sporting event is dangerous
- Local cost houses will be much needed boost to local families and we feel that the disadvantages far outweigh the loss of green field and extra traffic
- Scheme would be of great benefit to village as a whole
- Access to any form of indoor sports facility necessitates a car journey as does the purchase of groceries
- Scheme provides potential for indoor sport and village shop
- The proposal would benefit the village, something which financially it would be unable to provide on its own
- Please reconsider the refusal – in my experience most villagers support the scheme

18 letters were received from neighbouring residents in relation to the previous 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
- Proposed development would increase size of village by 20%
- 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

No such letters have been received in response to this application, but it should be assumed that these previous correspondents remain opposed to the proposal.

3. Consultations

3.1 **Chesterton Parish Council** has submitted two responses to the application and registers its support for the application and makes the following comments;

- Previous application was recommended for approval; we, with the support of a substantial number of residents, supported it and we therefore wish to continue this support
- We feel that Members did not appreciate the benefits we had negotiated and understandably, were confused at the original hearing after the

Government's change of planning regulation (scrapping the RSS) and having just discussed the Adderbury application.

- Adderbury's application was opposed by over 300 residents and recommended for refusal by the planning officer; Chesterton's application was opposed by 18 residents and recommended for approval.
- Would like to repeat what we believe are the significant 'planning gains' for Chesterton
 - Provision of affordable housing – 30% about 20 units. Parish Plan which is still in progress identifies a need amongst local young couples and parents with older children
 - Off road car parking – 30 spaces and provision for additional 'soft' parking will help prevent dangers and congestion. Previous solutions investigated have proved prohibitive due to cost.
 - New community centre – to replace existing village hall which is too small for many activities and generates complaints from residents about on-street parking. New hall would allow Chesterton Playgroup to expand, growth of youth based activities and increased use by local over 60s group.
 - New children's play area next to community centre will benefit playgroup and local toddlers and hirers for birthday parties. The current play area results in noise complaints from residents as it adjoins their gardens
 - Improved playing field provision allows upgrade to provide for both senior and junior players
 - School – 63 homes will assist in securing the future of the village school, at present only 30% of pupils live in Chesterton village and there is significant number of out-of-zone pupils from Bicester itself where there will be new primary schools in the near future. This provision could have a deleterious impact on pupil numbers at Chesterton School
 - Shop – The provision of a new and much larger Community Centre could release the existing Village Hall for alternative usage such as a shop. The Parish Plan Committee have identified this need and earlier this year discussed this possible provision, having been presented with a petition from residents and given overtures made to us by a possible provider.
- Do recognise that there are 'drawbacks', these are seen as;
 - Additional traffic on Green Lane in short term, currently working with Oxford Highways on local traffic calming measures and do not feel that the development will have a material effect
 - The development will impact on views from back gardens and houses affecting approximately 15 houses – the developers are planning landscaping to minimise the impact
 - Loss of 'greenfield' agricultural land
 - Do have concerns that the planned access may not be ideal. Highways do not see this as a problem and we are happy to accept this.
- The new hall and adjacent improved surrounding facilities will give us the opportunity to create a real village centre plus a shop and thriving Primary School
- Ask that these points be reconsidered more fully when the time comes and would ask for an official site visit so that the benefits can be fully appreciated.

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

3.2.1 I understand the proposal is very similar to planning application 10/00547/OUT

which was refused planning permission on 21 July 2010 and on which I provided comments on 4 May 2010. I would therefore refer you to my previous comments taking account of the subsequent revocation of the South East Plan (6 July 2010) and the following changes in circumstances:

3.2.2 Until recently the required rate of housing delivery was that specified in the revoked South East Plan (670 per annum equating to 13,400 dwellings from 2006-2026). Revocation means that there is presently no housing target for the district to meet and therefore no definitive requirement to input into the five year land supply calculation. Guidance issued by the Secretary of State for Communities and Local Government on 6 July includes the following advice:

- local planning authorities will be responsible for establishing the right level of local housing provision in their area;
- some authorities may decide to retain their existing housing targets that were set out; others may decide to review their housing targets; reviewing authorities should quickly signal their intention to undertake an early review so that communities and land owners know where they stand;
- housing numbers in plans will still need to be justified; it is important for the planning process to be transparent, and for people to be able to understand why decisions have been taken;
- local authorities should continue to collect and use reliable information to justify their housing supply policies and defend them during the LDF examination process; they should do this in line with current policy in PPS3;
- Regional Strategy targets can be replaced with 'option 1 numbers' if that is the right thing to do for the area concerned; authorities may base revised housing targets on the level of provision submitted to the original Regional Spatial Strategy examination (Option 1 targets), supplemented by more recent information as appropriate. These figures are based on assessments undertaken by local authorities; any target selected may be tested during the examination process especially if challenged and authorities will need to be ready to defend them;
- authorities still have to provide a 5 year land supply.

3.2.3 On 15 July 2010 a '*Supplementary report following the announcement on 6th July of the revocation of Regional Spatial Strategies: Implications for 5 Year Housing Supply and Current Planning Applications*' was presented to the Council's Planning Committee. Members were advised "...to exercise caution in considering the refusal of planning applications on the basis of a revised lower housing target until such time as work has been done to present an appropriate target backed by the proper evidence." The report stated, "*The Secretary of State's announcement makes clear that some authorities may decide to retain their existing housing targets and that others may decide to undertake a review. He advises that authorities that decide to review their housing targets '...should quickly signal their intention to undertake an early review so that communities and land owners know where they stand'. The possibility of a review is being considered together with other issues arising from revocation of the RSS....However, at the present time applications should be considered on the basis of material planning matters relevant to individual applications, mindful of the need to maintain a delivery of*

housing in the district but equally mindful of the fact that there is no set housing target within the district against which to calculate whether we have a five years supply.” Members resolved that the supplementary report be noted.

- 3.2.4 On 19 July 2010, the (full) Council made the following resolution as a result of a Member motion:

“This Council welcomes the letter from Eric Pickles MP signalling a clear intent to release us from the constraints of the SE Plan. The Council instructs Officers to continue work on a Local Development Core Strategy, but to progress on the basis of meeting the locally proposed housing target originally endorsed by Councillors and included in the submission of the draft plan to the Government (11,800 to 2026). In general terms the Council anticipates this may result in a Core Strategy that creates less pressure on Banbury to expand beyond its natural boundaries, less pressure on Rural Areas to accept housing growth, and a firming up of housing growth for Bicester in line with its Eco Town status.

The Council will welcome any proposals from Government that can incentivise District Council Planning Authorities to encourage economic and housing growth.

The Council instructs Officers to write to the LGA and the CLG welcoming local decision making in respect of housing numbers and calls on the Government not to introduce surrogates for Regional Plans such as County Structure Plans.”

- 3.2.5 At the time of writing, there has been no formal completed review of the district's housing target and no testing of the 11,800 figure. Therefore, at this time, it is not possible to apply a reliable and justifiable alternative to the former requirement of 13,400 in current land supply calculations.
- 3.2.6 It is considered that at the present time, continuing to use the 13,400 figure in housing land supply calculations is the most defensible position in the absence of any formal review of the district's housing target.
- 3.2.7 At the time of considering the previous Green Lane application (15 July 2010), it was the view of officers that the district had a 4.6 year supply of deliverable housing land for period 2010-15 (i.e. for the current monitoring year 2010/11). This was based on a 13,400 requirement, the conclusions of the 2009 Annual Monitoring Report which showed a 4.5 year supply for 2010/11, but also having regard to two new sites subsequently shown to be deliverable since the AMR was produced: firstly, on 18 February 2010, the Planning Committee resolved to grant permission for 33 social housing units (20 net) at Orchard Way, Banbury (09/01776/F); and secondly, on 11 March 2010, the Committee resolved (having regard to housing land supply considerations) to grant permission for 61 dwellings on land south of Milton Road, Bloxham (09/01811/F). These decisions increased supply for 2010/11 from 4.5, as reported in the AMR, to 4.6.
- 3.2.8 On 12 August 2010, the Planning Committee resolved to grant permission for a further three planning applications subject to the completion of legal agreements:

- 10/00806/OUT - Part land at Arncott Hill Farm, Buchanan Road, Upper Arncott, 17 dwellings
- 10/00807/OUT - Land South west of Orchard Close and Adjoining Murcott Road, Upper Arncott, 50 dwellings
- 10/00907/F - Old Stanbridge Hall, Banbury School, Ruskin Road, Banbury, 70 extra care units

3.2.9 On 9 September 2010, the Planning Committee resolved to grant permission for another application:

- 10/01053/F - Former Allotment Site Rear of Miller House and 33a, Miller Road, Banbury, 10 flats

3.2.10 These developments are considered to be deliverable by 31 March 2015, the end of the current 5 year rolling period. **The sum of these developments brings the current rolling supply of deliverable housing land to 4.9 years and a shortfall of some 68 dwellings in returning to a five year supply.**

3.2.11 I am conscious that there is a current planning appeal against the refusal of planning permission on 25 May 2010 for 65 homes on land south of Milton Road, Adderbury (10/00270/OUT). Should that appeal be allowed before this application is considered, it would reduce the presently identified shortfall to some 3 dwellings, and at this particular time, there would be not, in my view be a sufficient housing land supply reason to 'consider favourably' the current greenfield proposal beyond the built-up limits of Chesterton within the meaning of paragraph 71 of PPS3. I am also aware that there is one other planning application with the Council that could increase the supply of deliverable housing land: an outline application for 140 dwellings on land south of Talisman Road, Bicester (09/01592/OUT). This would of course eliminate the currently identified shortfall if it were approved.

3.2.12 Please note, however, that a comprehensive review of housing land supply will take place within the next two months to inform the 2010 Annual Monitoring Report.

3.2.13 In conclusion, at the present time and in the absence of a completed review of the district's housing target, it is considered that there remains a need to increase the supply of housing that will be delivered over the period 2010 to 2015 so that the rolling supply of deliverable land increases further towards 5 years for the year 2010/11. Whilst PPS3 provides for some flexibility, whilst the district's land supply calculations do not take into account small, unidentified windfalls, and whilst there has recently been significant movement back towards a five year supply, it is currently felt that ahead of a new comprehensive review of housing land supply for the forthcoming 2010 AMR, there remains a need for additional deliverable housing supply. The Council's position on this could, however, change if other planning applications are approved, or appeals are allowed, which return the district to a 5 year housing supply (or to a point considered close enough) or if the next comprehensive review of housing land supply (expected to be undertaken over the coming months) were to show an improvement in housing delivery forecasts.

3.3 The **Council's Urban Design Officer** has stated that the comments will remain the same as nothing has changed except the Design and Access Statement seems more analytical. In relation to the previous scheme she made the following comments;

- 3.3.1 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.
- 3.3.2 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.
- 3.4 The **Council's Landscape Planning Officer** has not commented on this resubmission but in relation to the previous application made the following comments;
- 3.4.1 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.
- 3.4.2 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.
- 3.4.3 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.

3.4.4 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.

3.4.5 Play Area Provision.

On the initial layout drawing. With the play area on the new corner of the playing field will be removed to accommodated 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.

3.4.6 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 the applicant has addressed all the issues that were raised following the earlier submission for this site, and therefore I have no objections in principle to this application.

3.5.1 The proposed foul and surface water sewerage systems include foul and surface water pumping stations, and on and off line surface water attenuation features. The pumping stations and on-line attenuation must be designed and constructed to Thames Water's standards and adopted by them. If the off line attenuation cannot be adopted by them it must be designed and constructed to Oxfordshire County Council's standard and adopted by them instead. For this, a commuted sum will be payable to Oxfordshire County Council.

3.6 The **Council's Environmental protection Officer** has not responded in relation to this application but in response to the previous submission 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** officer has stated that as the scheme remains unchanged there is nothing further to add to the previous comments. However they expect the District Council to take account of existing local plan policies and emerging policies contained in LDF work to date. It is also asked that if the Council is minded to approve the scheme contributions to necessary transport and non-transport infrastructure should be secured. The previous views of OCC's Strategic Planning department are set out below;

Comments:

Main Strategic Policy issues:

- 3.7.1 **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.

- 3.7.2 **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.

- 3.7.3 **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.

- 3.7.4 **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.
- 3.7.5 **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.
- 3.7.6 **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.
- 3.7.7 **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.
- 3.7.8 **Local Member Views:** No comments received.
- 3.7.9 **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;
- 3.8.1 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.
- 3.8.2 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.
- 3.8.3 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.
- 3.8.4 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 introduction (which can be agreed at a later date).

- 3.8.5 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.
- 3.8.6 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.
- 3.8.7 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.
- 3.8.8 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.
- 3.8.9 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 half with overspill parking appears acceptable; although 5% should be allocated for disabled users.
- 3.8.10 In my opinion, overall the submitted TS appears reasonable.
- 3.8.11 **Layout comments**
Proposed vision splays at new entrance into site are acceptable (subject vegetation clearance).
- 3.8.12 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).
- 3.8.13 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.
- 3.8.14 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.

- 3.8.15 A tracking plan will be required to demonstrate refuse vehicles can turn within the site.
- 3.8.16 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.
- 3.8.17 There are no internal vision splays shown for vehicular entrances, including entrance into proposed sports pavilion i.e. there are a few plots that have boundary wall obstructing visibility. This will require attention for any future proposals.
- 3.8.18 There should be footway links on both sides of the entrance into the site.
- 3.8.19 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.
- 3.8.20 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.
- 3.8.21 Drainage comments – feedback from the Drainage team is that the submitted drainage design (same as previous application) is not acceptable under the Floods & Water Management Bill and the existing stone drain must be investigated. Drainage of the site is essential and must accord with SUDS (guidance can be sought from OCC's Drainage Engineer Gordon Hunt 01865 815571).
- 3.8.22 **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).
- 3.8.23 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.
- 3.8.24 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.
- 3.8.25 **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.

3.8.26 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.

3.8.27 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.

3.8.28 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

3.8.29 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.

3.8.30 **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** removed their objections to the earlier scheme following the submission of a revised Flood Risk Assessment. In relation to this scheme they have stated that providing the new scheme does not affect the agreed drainage strategy then the comments and conditions in response to the earlier scheme still apply.

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 site is not near to any SSSI's
 - The LPA should consider impact on protected species
 - Advise that any landscaping/planting schemes use native species of local provenance
 - Recommend that existing wildlife habitats and corridors are retained including species-rich hedgerows and trees within the site
- 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.
 - 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 FP3 and FP4. A gap or pedestrian gate should be installed to accommodate it.

4. Relevant Planning Policies

4.1 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
- R12 – Public open space

4.2 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

4.3 **PPS 3 – Housing**
PPS7 – Sustainable Development in Rural Areas
PPG13 – Transport

5. Appraisal

5.1 Although this application is essentially the resubmission of a scheme that has previously been determined by the Council it is important to reconsider all the relevant issues. The main issues to consider remain the same as for the previous application with the exception of the previous refusal reason which is now a material consideration. The main issues are as follows –

- Planning Policies
- Housing delivery and need
- Landscape and historic impact
- Design and neighbouring amenities
- Highway impact
- Other material considerations including the implications of the previous refusal

Each of the above points will be considered in turn, taking into account the earlier reason for refusal.

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.

5.3 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. However based on the Council's current position there is considered to be less than a five year housing land supply, as required by PPS3. This deficit has reduced significantly since July when this scheme was first considered by Members at Planning Committee, given the approval of schemes at Bloxham, Arncott and Banbury. Based on current figures the actual number of units required to meet the five year supply is 68. This scheme would close this gap to within 5 dwellings. However for the current proposal to impact on the figures 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 imposed on other applications for residential development such as those at Milton Road, Bloxham and Arncott. 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. Given the relatively flat landscape and the presence of field hedgerows and trees it is difficult to achieve any clear views of the site from the footpaths to the south. Views from a distance of approximately 250m will be achieved from the road to Little Chesterton but the indicative landscaping is likely to soften the development edge. 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 It is noted that allowing this development would change the appearance of the locality but given the assessment above and the opinions of the Urban Design Officer and Landscape Officer it is not considered to result in particular harm. 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 Adverse impact on the character and appearance of the countryside formed part of the Council's refusal reason in July. This view clearly differs from the view reached above by Council officers. Both Officers and Members recognised that the development would result in an extension to the built limits of the village but Members clearly considered that the resultant visual impact caused sufficient harm to warrant a refusal. Impact on the character and appearance of the countryside and general visual impact is a subjective matter and it is not uncommon for

different conclusions to be reached.

5.4.5 As far as landscape impact is concerned there has been no change to the scheme since the consideration of the previous application that would lead to officers reaching a different conclusion to that set out above.

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 square created by properties being set back from the frontage. There are strong 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 5.6.

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 Previous application
The previous application and the decision reached is a material consideration in the assessment of this application. Since the previous report to committee there has been no substantial change to the scheme or in the way in which the application was submitted and although significantly reduced there remains a shortage in the 5 year housing land supply. The way in which the housing land supply is calculated has been questioned since the previous application, in light of the revocation of the South East Plan, however the Council is continuing to use the figures as set out in the South East Plan as there is no sound evidenced based alternative at this current time. The only material change in circumstances since the previous application is the Council's refusal of that application. Whilst this is material and an important point for consideration the principle concern of Members was the impact a development of this scale would have on the character and appearance of the countryside. Whilst this reason for refusal was not expressed in the previous report to Committee it is acknowledged that the level of harm can be weighted differently and different conclusions can be reached about what is essentially a subjective matter. However as there has been no material changes to the circumstances of this case it is difficult for officers to reach a different recommendation to that made on the previous application.
- 5.7.6 Other issues which have progressed since the previous application which are worthy of note are the fact that the Council is now undertaking a comprehensive review of housing land supply across the district and there is an appeal in progress

for both the previous application for this site and the refused application for land South of Milton Road in Adderbury. The submission of the Council's Statement for the appeal for this site has been postponed until after the consideration of this application by Planning Committee, and the decision for the site in Adderbury can be expected by the end of 2010.

5.7.7 Progress is continuing to be made on the negotiation of the S106 agreement therefore it is hoped that in the event of an approval this can be satisfactorily concluded within the application target date. Therefore on its own and in these circumstances with significant time still to run on the application this would not be a reasonable reason for refusal.

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 still 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. Standard 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 this application with primary regard to the development plan and other material considerations. Although a departure from the development plan, it is considered to be acceptable on its planning merits as the proposal would not cause serious harm to the character or appearance of the countryside area, residential amenity or highway safety and adequate provision is made for open space, affordable housing and other essential local infrastructure. Further, 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. As such, the proposal is in accordance with government advice contained in PPS1 - Delivering Sustainable Development, PPS3 – Housing, PPS7 – Sustainable Development in Rural Areas and PPG13 – Transport and Policies C7, C8, C28 and C30 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above, and a legal agreement to secure the essential infrastructure requirements.

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