

<b>Application No:</b> 10/01684/OUT	<b>Ward:</b> Adderbury	<b>Date Valid:</b> 12/11/10
<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**

This application is on the same site as an application for a scheme for 35 houses which was submitted in April 2010 (10/00512/OUT). The previous application was submitted at a time when the Council could not demonstrate it had a five year rolling supply of housing land. However the Council's updated Annual Monitoring Report, approved by the Executive on 1 November 2010 demonstrates that the Council no longer has a shortage in housing land supply. The applicant's are aware of this position but have used evidence submitted in relation to an appeal by Berkeley Homes, on land to the South of Milton Road, to support their view that the Council still has a shortage in housing land supply. It is on this basis that the application has been submitted. Revisions to the proposal, including the reduction in the number of houses and amendments to the indicative site layout, seek to overcome the previous reasons for refusal.

The outcomes of appeals for applications on Land South of Milton Road, Adderbury and at Green Lane Chesterton remain outstanding.

## **1. Site Description and Proposal**

- 1.1 This is an outline application for a development comprising of 26 residential dwellings with associated access, open space and landscaping. The site is a 1.65 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 for their demolition. They are not of any particular historic merit and can be removed without planning permission whether or not this application is permitted.

- 1.4 An application has been approved for the change of use of land for recreation on land to the west, adjoining this site, and to the east of Colegrave Seeds (10/00508/F). Whilst that was 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, car parking 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 or the contribution towards their provision as promised by the applicant.
- 1.5 The application seeks permission for 26 residential properties 38% of which are proposed to be affordable units, resulting in 10 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, 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 **Relevant Planning History**

An application (10/00512/F) for outline consent for 36 dwellings was submitted in April of 2010 and considered by Members at Planning Committee 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 a 5 year supply of housing land required by PPS3 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 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 C30 of the adopted Cherwell Local Plan and Policies 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 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.

**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 meet 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.

There are other historic applications which post and pre-date the 1978 application. However they are for different forms of development and for a range of parcels of land. In almost all of the cases the applications were refused and in the one case where an approval was issued for an agricultural workers dwelling the consent was never implemented.

## **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 30 December 2010. However correspondence received after this date will also be taken into consideration.
- 2.2 **294** letters/emails of objection have been received largely from residents of Adderbury and Milton, however letters were also submitted by Adderbury Conservation Action Group (ACAG) and the Solicitors acting for the owners of St Mary's Farmhouse. 225 of the letters are on a standard template produced by ACAG. The reasons for objecting to the proposal are as follows (in summary);
  - Village school is full and unable to extend
  - Bussing primary school children not acceptable
  - Insufficient provision of village services, library now under threat of closure
  - Against current planning policy being beyond built up limits of village (H1, H13, H18, H19 and C7)
  - Contrary to PPS3 and PPG15
  - Site has long history of refusals, other developments on other sites have been refused for similar reasons
  - Adverse impact on character and appearance and setting of many listed buildings and Conservation Area and views towards the village
  - Site is Area of High Landscape Value
  - Loss of agricultural land
  - Does not include detail of associated community facilities, no cast iron guarantee of community facility being completed and paid for by the developers
  - Community facility not wanted in this remote location
  - Football teams supplemented by residents of other villages and towns
  - The Football Club has consent for its new pitches and it has been stated that

the football club has alternative funds. The price of the housing does not have to be paid

- Lucy Plackett Field should be improved rather than a new pitch being built
- Remoteness of site requires car based journeys and there is inadequate parking provision
- No street lighting and footpaths, dangerous for pedestrians currently therefore situation will worsen
- Site will become detached suburb/Adderbury will become small town
- Site will increase flooding and surrounding properties may be affected. Impact with regards to the water table.
- Thames Water concerned that the existing waste infrastructure is inadequate. Already experience problems with sewage smells
- Increase in traffic levels in and around the village and vehicle noise pollution
- Erosion of Adderbury's green spaces
- Impact on quality of streetscape
- The reasons for objection are the same as previously
- Density too great and gardens too small
- Social housing is excessive for village developments
- Development of this site is detrimental to future generations
- Potential that if this was approved more could be built in the future
- Urbanisation of the village
- This proposal creates a greater separation between the village and the development
- The Colegrave Ball site may in the future become brown field site giving rise to further development
- Football pitches may become development site in future
- Ribbon development
- Motivation behind the proposal is greed
- The village should not be asked to underwrite a facility that, according to a recent player, has only one player who is resident in village.
- Village characteristics will be destroyed
- Remote from employment opportunities and other facilities
- Families will feel isolated from rest of village and associated activities
- Adverse impact on character of neighbourhood
- Loss of barns and the wildlife within them
- Adderbury should not be a class A Village as many facilities have been lost
- These houses not required to meet housing target – other larger schemes have been approved
- Development elsewhere in Adderbury/Twyford would allow room for an extended school, community centre and football pitch within easy reach of the majority of the younger population of the village
- Adderbury already had fair share of housing
- Premature to consider this site given the housing land supply position and fact the site is being considered through the LDF process
- Units are shown as being accessed from the accessway used by occupants of St Mary's Farmhouse – concern about overspill car parking and obstruction to right of way, owners of St Mary's Farmhouse would not allow this therefore casts doubt over deliverability. Given this foreseeable interference with right of way Council is put on notice that with regard to the position the owners of St Mary's Farmhouse may take should the Council

approve the application.

- Developers have stated that they have liaised with community centre working party yet Parish Council have said it no longer exists and is unable to say when it last met
- The appeal for South side of Milton Road has not yet been issued – if refused it will further support the Council's position, if approved then Adderbury will not need the further housing

2.3 A small number of the letters of objection were set out on the original template letter submitted in relation to the previous application, the reasons for objection covered in these are referred to above.

2.4 **107** letters of support have been received including letters from the football club and the Ward Member. 97 of these letters are on standard templates (understood to have been produced by the Football Club). The reasons for supporting the proposal are as follows (in summary);

- Will provide needed affordable houses – there are 78 names on list, would help retain a living community
- It is adjacent to land designated for sporting activities so that with recreational grants and funds from the developer the football club will be able to relocate and build new fit for purpose club house and sports hall
- Provide much needed recreational venue for village activities such as indoor sports, youth club, auditorium
- Incorrect and misleading information has been posted through residents doors
- Proposed housing will be away from listed buildings and conservation area
- The football club need the developers contribution
- Closer to the centre of the village than St Mary's Road and Norris Close
- The recreation facilities would be within a few minutes walk of St Mary's Road, Norris Close, Berry Hill Road, Horn Hill Road, Tanners Lane and Round Close Road
- Parking can be increased if necessary
- The adjoining facility can be whatever the village wants
- The school has additional land and S106 funding could be used to extend the school if it is necessary
- Adderbury needs to accept a limited amount of housing and if it does not go here where will it go?
- Attendance at the school should be limited to those who live in the village
- Houses will help support existing village facilities which will close unless they are used more
- ACAG formed in order to stop Timms developing on the same site but times have changed.
- If this development is not accepted we will be forced to accept larger scheme on opposite side of the road, this is the least bad of the proposals
- Lower density therefore larger amenity areas
- Lucy Plackett playing field has been used by the football club and it causes noise and disturbance to neighbours, if the club relocates it can be used for cricket
- This development would result in removal of derelict barns which are an eyesore
- The new access will create a traffic calming measure

- These houses when added to those built at Green Hill House would almost complete Adderbury's quota of dwellings stipulated in LDF draft Core Strategy.
- Local stone will be used to face the properties therefore in keeping with existing buildings
- Sports pitches would block further sprawl
- Proposals accord with government's 'localism' agenda
- Would help District Council by means of the Government's 'New Homes Bonus', helping avoid Council tax increases

1 letter has been received stating that they do not object to the residential development but they believe that it will significantly increase the traffic along Berry Hill Road therefore provision for the construction of a footpath should be made.

### 3. Consultations

- 3.1 **Adderbury Parish Council** supports the housing development and believes this is a suitable site for housing. The smaller number of houses and setting back of housing from the conservation area is beneficial.

The houses should be of the highest design standards, and constructed of local stone, with varying roof lines, chimneys and architectural detailing. This is an important site in a 'gateway' position on the edge of the village adjacent to an interesting group of Listed Buildings in the Conservation Area.

However, the Parish Council is concerned that there is no provision shown on the drawings for a football club/community centre despite this being mentioned in the covering letter. Nor is it clear what monies or provision will be made by the developer towards this building and what will be provided in terms of car parking.

Adderbury Parish Council expects Section 106 agreements to provide for a building with changing facilities, car parking and access, as well as some funds for community facilities (with possible use elsewhere in the village if no community facility can be provided within this site). Also the building, like the land, should be transferred to Adderbury Parish Council, not to a private club.

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

The application follows the refusal of an earlier application for residential development (10/00512/F) on 16 July 2010. On the same day permission (10/00508/F) was granted for the change of use of land to the west of the current application site from agriculture to recreation.

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. The site is being considered through the Local Development Framework process.

The main policy considerations that need to be taken into account are explained in the consultation response to the previous application. However, the following

differences in circumstances should be taken into account.

### *1. Change to the district's housing land supply position*

The 2010 Annual Monitoring Report was approved by the Executive on 1 November 2010. It includes a comprehensive review of housing delivery which shows that the district has returned to a 5 year housing land supply position. The district has a supply of 5.1 years for the period 2010-2015 and 5.9 years for the period 2011-2016. Consequently, paragraph 71 of PPS3 no longer applies and there is not now a housing supply reason to consider favourably applications for 10 or more dwellings (the threshold for a housing land supply case) on sites not included in the district's supply of deliverable sites.

### *2. The proposal for a higher percentage of affordable housing / a lower number of dwellings*

The proposed provision of 38% of the homes as affordable housing would exceed the requirements of the Non-Statutory Cherwell Local Plan 2011 which contains a 30% requirement. There is a high level of need for affordable housing in the district and as a general principle the provision of a higher percentage of affordable housing than is required by current policy is to be welcomed. Nevertheless, a reasonable level of provision is expected in coming years through existing deliverable and developable sites, ahead of new allocations through the Local Development Framework. In view of this, I do not consider that the provision of 10 affordable homes would be sufficient reason to allow the development of this green field site in an area of countryside in the absence of an overall housing need, notwithstanding any possible demonstrable harm to the character or appearance of the adjoining conservation area or to nearby listed buildings. Although a lower number of dwellings and an area of open space of some 0.42 hectares are now proposed, there would still be a significant loss of green field land and incursion into the countryside. There should also be close examination of whether the density of development suggested would represent an efficient use of land.

I am conscious of the fact that planning permission has been granted for recreation use of the fields to the west of the site. However, as noted in the officer report on application 10/00508/F, "...the application for change of use does not include any built structures therefore it is unlikely that there will be any material change in the appearance of the site..." . It is likely therefore that the proposed development would still have the appearance and effect of a significant intrusion into open countryside.

I am also aware that the application states that as part of the housing development, the land permitted for recreation use would be transferred to the Parish Council at nil cost. Whilst this would be of benefit to the local community, I am of the view that this would not make the proposed development acceptable in policy terms and would not be related in scale to the proposal.

### *3. The South East Plan*

On 27 May 2010, the Secretary of State wrote to Local Planning Authorities highlighting the new Government's intention to "*rapidly abolish regional strategies and return decision making powers on housing and planning to local councils*". He stated that he expected authorities to have regard to the letter as a material

consideration in any decisions they are currently taking.

On 6 July 2010, the Secretary of State announced the revocation of regional strategies with immediate effect. Consequently, it was understood that the South East Plan was no longer part of the Development Plan.

On 10 November 2010, following a legal challenge, the High Court issued a judgement that the Secretary of State had acted unlawfully. On the same day the Secretary of State's Chief Planner wrote to all Local Planning Authorities advising that the effect of the decision was to re-establish regional strategies as part of the Development Plan. However, he drew attention to the letter of 27 May, re-emphasised the Government's commitment to return decision making powers to local authorities through the forthcoming Localism Bill, and re-stated that regard should be had to the 27 May letter in decisions currently being taken.

On 25 November 2010, following a further legal challenge, the High Court granted a temporary stay on the government's guidance with the effect that, until further notice, local planning authorities should not take into account the Government's intention to abolish the Regional Strategies.

However, following a High Court hearing on 3 December, the following statement was published on CLG's and the Planning Inspectorate's websites:

*"Local planning authorities and planning inspectors should be aware that the Secretary of State has received a judicial review challenge to his statement of 10 November 2010, the letter of the Chief Planner of the same date and to the Secretary of State's letter of 27 May 2010 on the ground that the Government's intended revocation of Regional Strategies by the promotion of legislation for that purpose in the forthcoming Localism Bill is legally immaterial to the determination of planning applications and appeals prior to the revocation of Regional Strategies.*

*The Secretary of State is defending the challenge and believes and is advised that it is ill founded. Nevertheless, pending determination of the challenge, decision makers in local planning authorities and at the Planning Inspectorate will in their determination of planning applications and appeals need to consider whether the existence of the challenge and the basis of it, affects the significance and weight which they judge may be given to the Secretary of State's statements and to the letter of the Chief Planner.*

*The Secretary of State will notify the determination of the Court once it has been made. This is currently expected to be by the end of January 2011"*

In this particular case, it is suggested that full regard should be given to the South East Plan as part of the statutory Development Plan. I can see no specific local reason not to do so nor to give particular weight to the Secretary of State's statement of 10 November 2010, the letter of the Chief Planner of the same date and the Secretary of State's letter of 27 May 2010, in so far as they affect this case. The approach of the South East Plan is relevant and at the present time there is no tested alternative to its approach and to its housing requirements.



### *Conclusion*

Adderbury is a reasonable location in which to consider accommodating limited development in principle. The site is being considered through the Local Development Framework process but at present there are no draft proposals for site specific allocations in villages. The 2010 AMR shows that the district has returned to a 5 year housing land supply position. The proposal would result in the loss of green field land outside the built-up area of the village and an intrusion into open countryside. From a policy perspective, there is currently no housing supply or other reason to permit this development ahead of the site's consideration of the site through the LDF. There is therefore a policy objection to the proposed development.

### 3.3 The **Local Highway Authority** has made the following comments (in summary);

The proposed development is located to the north of St Mary's Road and the Milton Road (classified unnumbered road). The site is around 1km away from the centre of the village via the existing footway links, which has some local facilities. Milton Road is a single carriageway and is subject to a 30mph speed limit, which ends in the vicinity of St Mary's Road (becomes 60mph). Due to the nature of Milton Road speeding vehicles are frequently reported to the Local Highway Authority's area depot, which is a safety issue that requires consideration.

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 £15,000 (index linked April 2010) towards a traffic calming scheme along the Milton Road, Adderbury is required.

As part of the proposed off-site works a new 2m 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 the new entrance into site are acceptable.

There are no proposed calming features into the site which requires further thought for when the 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.

On the submitted indicative master plan (A425/12) there is no access point shown for the approved sports pavilion and its associated facilities i.e. car park - this is required. One issue with the access/estate 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.

A further concern is that previously agreed dimensions of the access/estate road serving the site off the Milton Road was 5.5m width carriageway with 2m wide footways on both sides. This appears to have changed to 4.8m x footways for 12m then becoming shared surface arrangement – such a proposal isn't acceptable and the Local Highway Authority requires 5.5m x 2m footways on each side – one up to the entrance of the sports pavilion - the other footway finishing by plot 20 where a shared surface is appropriate (with rumble strip).

The existing access is not being permanently closed to motor vehicles as previously agreed – it appears to be serving the development as a second access which is not acceptable or in my opinion required with the proposed new main entrance. Also a development of this size does not require two vehicle entrances in this location. If the access is retained for farm use only and separate from the development this would be acceptable.

The layout of the site appears to take into account some of 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
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.
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. Access road requires amending to show 5.5m width with 2m footways.
7. Not keen on the proposed parking court by plot 24 - looks tight – tracking plan required to demonstrate all parking areas can be used.
8. Only the new main entrance off Milton Road is to serve the residential

development.

### **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.

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 is required towards improving these links.

A Transport contribution 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.

### **Conclusion**

Taking the above into account it is my opinion that recommending refusal on highway safety grounds to the principle of the proposed development via the new access would not be appropriate or sustainable at appeal; however I have concerns with the site having two access points i.e. only the proposed new one is required as previously agreed therefore I recommend a "holding objection" is imposed until an amended layout is submitted addressing this issue.

However if the Local Planning Authority is minded to approve this application I recommend conditions are imposed (as well as securing the required financial contributions and off-site works by legal agreement).

- 3.4 The **Council's Design and Conservation Team Leader** has made the following comments, in summary;  
This is resubmission of the application that was refused earlier this year. Whilst the policy objections remain, the resubmission attempts to address the concerns we had in terms of urban design and the impact on the conservation area and listed buildings. However, the application is in outline only and therefore it is the principle of development only that needs addressing at this stage.

The combined proposals (of the pitches, pavilion building and housing), as with the previous scheme, would 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.

It is not clear whether the footpath referred to in the DAS text as linking with Horn Hill Road is to be provided as, again, it is not shown on the submitted plans.

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 setting of St Mary's Farm House is not harmed to the extent in the original application, nor is the immediate setting of the conservation area due to the set back of the proposed development behind this track.

The revised layout retains the track along its existing alignment but it also gives direct access to the garages of three dwellings and it is not clear whether access to the track from Milton Road is to be available to these dwellings alone, or others as well or only farm vehicles. This is unsatisfactory.

In essence I consider that our previous concerns about the poor relationship of this development with the rest of the village and the conservation area in particular, remain. In fact, although the set back may reduce harm to designated assets, it means the development is harder to integrate with the rest of the village.

The Design and Access Statement still makes scant reference to the conservation area and has no analysis of urban form or reference to the analysis within the Conservation Area Appraisal, despite our criticisms of this on the original application, and thus remains inadequate.

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 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.

3.5 The **Council's Strategic Housing Officer** has commented on the desirable affordable housing mix and stated that housing need remains high in Adderbury – CDC currently has 75 applicants on the waiting list with a local connection.

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

There are 3 mature trees and several younger trees situated along the western boundary within the red line. The three mature trees (1 Ash and 2 Horse Chestnuts) are covered by TPO and the remaining trees are situated within a conservation area.

The proposed development is sited well outside the root protection areas of the trees and it is not expected that the trees will be affected or will impact on the

development following construction.

A protective barrier should be erected to ensure no storage or vehicular traffic passes over the root areas.

I have no objections to the proposals for the reasons listed above.

3.7 The **County Council as Strategic Planning Authority** has made the following comments;

In determining the application we would 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. On the face of it, and as with the application for 35 dwellings on this site (app no. 10/00512/OUT), the proposal raises the same strategic policy issues as the recent proposal for 65 dwellings to the south of Milton Road, Adderbury (app no. 10/00270/OUT). Our comments on that application would apply equally to consideration of this proposal. In particular 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 school(s) 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 your 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.

Please treat this letter as the Council's formal strategic planning response.

It is understood that Cllr Keith Mitchell contacted the Officer who drafted the above response and expressed his disappointment that it failed to recognise the community betterment the proposal offers. Following this a further response was received from OCC.

You will have seen from Councillor Mitchell's comments that my response to you did not mention the community benefits to be gained from the application. I did say that Cherwell were best placed to consider the application against Oxfordshire 2030, but I thought it might help to draw your attention to the issue of thriving communities which I did not do in my earlier response, and which the community facilities proposed in the application relate. As Cllr Mitchell rightly points out there were not the community facilities in the application for the housing south of Milton Road of which the report had been the subject.

One of the strategic objectives in Oxfordshire 2030 is Healthy and thriving communities which is further described as 'communities with a heart.' Furthermore, a priority for Cherwell is to 'improve local services and opportunities in rural areas.' Oxfordshire 2030 is a partnership plan, of which two of the partners are our respective councils. Since the local members for both those councils are supporting the application, that support should weigh as a positive when considering the community advantages to be gained from the application.

- 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 Landscape Officer** has made the following comments (in summary);

I have read the Concise Landscape and Visual Assessment. It still does not provide us with any views illustrating the impact of the development. All they have assessed is the current appearance of the site. And yes the site is fairly well concealed as an arable field, exactly as we would expect. This does not help with the impact of development on the site. Although I haven't seen any indicative house designs they look like 2 and 2.5 storey constructions as before. These will have visibility particularly as the screening is deciduous and therefore bare for 7 months of the year. The comments I made on the previous application in April still apply.

In short the E side boundary has a sandstone retaining wall with trees and shrubs, insufficiently wide to provide a year round screen. In addition existing houses are at a much lower level than the development.

The S boundary road is at a lower level than the site with a hedge as a barrier. This will not conceal houses.

The N boundary is very weak being mostly post and rail fence. I notice that the Visual impact assessment did not assess the site from the nearest public footpath but chose one much further away.

The W boundary is also weak and the proposals don't reinforce it with anything substantial.

A LAP will be required as before.

- 3.10 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.

- 3.11 **Thames Water** has made the following comments (in summary);
- 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.

- 3.12 **Oxfordshire County Council's Archaeologist** has made the following comments;

The proposal does not appear directly to affect any presently known archaeological sites. However, our records do indicate the presence of known archaeological finds nearby, and this should be borne in mind by the applicant. If archaeological finds do occur during development the applicant is asked to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary.

This need only be an informal notification to the applicant and does not require the attachment of a planning condition.

- 3.13 The **Thames Valley Crime Prevention Design Advisor** has made the following comments in summary;

I have no objections to the layout and design of this development as shown in the concept and appraisal layouts.

I would, however, welcome the following issues being taken into account if the project moves to a more detailed stage.

The affordable housing will need to reach Secured By Design standards. To ensure all 26 units have comparable security I would ask for a Condition at this or a subsequent stage that all achieve a minimum of Part 2 (Physical Security) accreditation as outlined in SBD New Homes 2010. This is supported on Page 7 of the Design and Access Statement.

- 3.14 **Agent's response to issues raised prior to drafting report (6 page letter received 13 January 2011) (In summary)**

- Request deferral of application to allow time to consider late comments made by the Design and Conservation Team and to await the outcome of the appeal for land South of Milton Road as it relates to the housing land supply.

Comments in response to those made by Landscape Officer;

- No intention of applying to extend the scheme at a later date
- Land to west will be transferred to Parish Council at nil cost and land to east of existing access track will be retained as public open space, land to north in separate ownership but has never been proposed for development. Incorrect, unacceptable and unprofessional to comment on anything other than the application before the Council
- No requirement for new housing to be invisible or wholly screened – new development should be in keeping with its surroundings, the proposed development will be attractive and reflect traditional development elsewhere in village
- Noted that northern boundary is weak but intention is to plant it up with native hedgerow
- Accept need for comprehensive landscaping scheme and this would be provided at reserved matters stage
- Nearest footpath is on the south side of Milton Road – views would be against backdrop of houses on St Mary's Road and development along Horn Hill Road. Intervening vegetation will limit views from other footpaths.
- In landscape terms the development is not intrusive into the wider landscape and there is plenty of opportunity within the site and on adjoining land within the same control for a good quality landscaping scheme which will further integrate the development into its surroundings.

Comments in response to those made by Urban Design Officer

- Comments received over 2 months since application was submitted therefore little time to consider them
- Clear from submission that permission is only being sought for the housing, estate road and open space
- The proposed development will not extend the village limits as far as the seed complex – the playing pitches will intervene
- A footpath will be provided between the development and Horn Hill Road
- Existing track to St Mary's Farmhouse has been retained – whether or not properties have access along the track is matter reserved for reserved matters application
- Difficult to accept comments relating to relationship of the development to the form of the village as site was allocated in earlier version of Local Plan review and the policy section of the planning department set out design brief sought development along these line
- Cross references are made between supporting statement and Conservation Area Appraisal and the setting of Conservation Area
- Earlier appeal decision made at time when there was no shortage in housing land supply, decision did not object to principle of development but said there was no need to release the site at this time
- Intrigued by reference to C33 as this was not in previous reason for refusal
- Officer has not explained why application is considered to conflict with the policies referred to

Comments in response to those made by the Planning Policy Officer

- We dispute Council's calculation of the five year housing land supply containing in 2010 Annual Monitoring Report
- A number of the sites which have been included in the deliverable supply should not be, eg. Stanbridge Hall, NW Bicester Eco-Town Exemplar Project, SW Bicester urban extension, Talisman Road. Taking these into account would reduce the supply to 4.2 years.
- Report produced by Savills for purposes of Berkeley Homes appeal demonstrates that actual supply is in the order of 3 years. Therefore further sites should be released to ensure a minimum of a 5 year supply. This development would help meet that requirement.
- In terms of deliverability the applicant is a house builder with over sixty years experience of house building, there are no constraints and development could commence in 2012.

Comments in response to ACAG objection

- Prematurity is not a reason for refusal
- Any development to contribute to housing land supply will be outside settlements and will have impact on setting of village
- Ludicrous to state that development will obstruct important view of church spire
- It is for Council to determine which category the village of Adderbury should be designated – the village is large, has a good range of services and development will help support those services
- Absurd to suggest there is no community benefit from the development, two full pitches will be provided and funding is proposed to be provided to Parish Council to enable built development to support recreation facility.



S106 obligation will secure provision of affordable housing and contributions to education places

- Incorrect to suggest developer has misrepresented the proposals. Discussions have taken place over the years and Parish Council supports the proposal. Many people who have signed the letter may not be aware of the facts and many do not live in Adderbury so would not be affected by the proposal
- Date for representations expired on 9 December 2010 yet Council is still posting letters being submitted. Objections being whipped by ACAG who are providing misleading information, ACAG are opposed to any development in this part of the village. The president of ACAG lives opposite the site.

Conscious that it will be necessary to enter into a S106 Agreement

## **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
- BE5** – Village Management
- BE6** – Management of the Historic Environment

### 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

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.

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.

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.

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. 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.

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.

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

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.

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.

## 5.4 Policy SP3 of the South East Plan (SE Plan) encourages development within or adjacent to urban areas and on previously developed land. The proposed development is not within Adderbury and whether or not it is adjacent to the settlement can be debated given its separation from Horn Hill Road and its poor relationship with properties fronting Milton Road and Berry Hill Road.

Policy CC7 of the SE Plan states that the scale of development will depend on sufficient capacity being available in existing infrastructure. There is concern that Adderbury doesn't have sufficient capacity within its existing infrastructure, particularly in relation to the school. This issue is considered in more detail in the paragraphs relating to Other Considerations and Planning Obligations. Many of the letters of objection also refer to the lack of other facilities within the village.

#### 5.5 Housing Delivery and Need (SE Plan and PPS3)

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 3.2 above.

Policy H2 of the SE Plan requires that local planning authorities work in partnership to allocate and manage a land supply to deliver both the district housing provision and the sub regional housing provision. The Council has demonstrated that it has a five year supply of housing land and therefore it is not appropriate to use this policy as a reason to justify the proposal.

The last application for this site was submitted at a time when the Council acknowledged there was a shortage in housing land supply. The Council was therefore required to consider if the site was otherwise suitable for development in order for the shortfall to be met. Despite this recognised shortage the Council concluded that shortcomings of the scheme outweighed this concern. The Council's housing land supply situation has improved since the determination of the previous application because of permissions granted which means there is less pressure for the Council to consider further applications which are contrary to policy favourably. Therefore it is considered that the applicant's position has weakened since July. The submission sets out that the applicant does not concur with the Council's position in relation to the 5 year housing land supply.

- 5.6 Policy H3 of the SE Plan supports an increase in the provision of affordable housing. This development, if approved, would result in an additional 10 units of affordable accommodation and would contribute to reducing the number of residents on the local waiting list for such properties. This policy would therefore be complied with but the creation of 10 affordable units alone would not be sufficient to justify this development, the principle of which does not comply with policy.

#### 5.7 Landscape and Historic Impact

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.

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. Visibility of the development alone does not automatically result in harm but it is considered that this scale of development, although reduced in size from the previous scheme, within an area of High Landscape Value fails to conserve and enhance the environment and is not sympathetic to the character of

the area.

Policy BE5 of the SE Plan requires that all new development should be subject to rigorous design and sustainability criteria so that the distinctive character of the village is not damaged. The detailed design of the scheme cannot be considered at this stage as the application is in outline only, however, it is considered that the location of the development is such that it does not relate well to the rest of the village by virtue of its physical isolation/separation from other development and it therefore does not reflect the character of Adderbury. Although Adderbury is allocated as one of the districts most sustainable villages the issue of sustainability is questioned given the fact that primary school pupils will have to be transported to surrounding villages for their education. This issue is addressed later in the report at paragraph 5.13.

- 5.8 The second reason for refusal relating to the earlier application referred to the detrimental impact the development would have on the setting of the adjacent conservation area and listed buildings. In order to try and overcome this reason the scheme has been amended so that the new properties are positioned to the west of the existing farm access, away from the conservation area boundary and the listed buildings. The impact on these features is lessened but as a result of the amendments the scheme has a poor relationship with the rest of the village resulting in a further reason to object to the application.

5.9 Design and neighbouring amenities

As referred to above the detailed design of the development cannot be considered as the application is in outline only. However the proposal has been submitted with two indicative plans, one of which shows the potential positioning of a sports pavilion and car park. These plans seek to demonstrate that 26 units can satisfactorily be positioned on the site. A principle concern that arises from the indicative layout is that three properties have direct access onto the existing farm track that leads from Milton Road to St Mary's Farmhouse and there appears to be no way of preventing any of the properties from using this track as a point of access onto the highway. Whilst the retention of the farm track on its historic alignment is a positive approach in terms of its historic significance the potential for the occupants of the new dwellings to use the access is both a concern to the Local Highway Authority and the residents of St Mary's Farmhouse, who have the right of access along this track. There is also concern that not only will new residents utilise the access they may also park on the track, causing an obstruction.

The indicative plans indicate that parking requirements have been considered however in the north western corner of the site there are up to 10 spaces provided within one row. This is not a good design solution as it results in an unattractive residential setting. Furthermore it is not clear if there is sufficient provision for visitor parking.

- 5.10 In terms of neighbour impact this revised scheme is unlikely to have any direct impact on neighbouring properties in relation to overlooking, loss of light and overbearing as the nearest properties are approximately 35 metres away on the opposite side of Milton Road and St Mary's Farmhouse is approximately 80 metres away from the nearest proposed property.
- 5.11 Whilst the plans are indicative only, as a result of some of the negative points raised

above, there are doubts as to whether or not 26 units can be provided on the site in a satisfactory manner.

#### 5.12 Highway Impact

The application forms have not specified the number of parking 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. However as referred to above there is some concern that the existing layout does not satisfactorily demonstrate that sufficient residents and visitor parking spaces can be provided on site. Although there is additional space to the west of the proposed access road this should not be relied upon for additional parking.

The Local Highway Authority has raised concerns about the retention of the farm access and the apparent ability for residents of the proposed development to utilise this access. If access to the highway from this track was gated and intended solely for use by St Mary's Farmhouse, in an attempt to overcome highway safety concerns, this form of control would be difficult to manage, therefore not a satisfactory solution.

The Local Highway Authority have issued a holding objection to the proposal for the reasons set out in its response at Paragraph 3.3.

#### 5.13 Other Considerations 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. The agent's are being advised on the level of contributions that would be sought to secure sufficient contributions towards the infrastructure required as part of this development in the event of the application being approved. Although details are still being discussed it is likely that heads of terms would include;

- Affordable housing
- Off-site sports contributions or provision of adjacent land for sports with changing facility
- Open space maintenance
- 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

At the time of drafting this report there has been very little by way of approaches from the agent in relation to the drafting of the S106 but the heads of terms set out above are similar to those set out in the submission.

In 3.7 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. 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 to expand capacity at the receiving schools. 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 public transport, highways 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 and is also included in the list above. 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.

- 5.14 The applicants intend to transfer the adjacent land to the Parish Council for community recreational use and a financial contribution towards the layout out of the pitches and the provision of a sports pavilion/village hall. In the previous application the figure of £300,000 was quoted but this figure has not been repeated or confirmed in relation to this proposal. These elements would not normally be required for a development of this scale but as they would form part of a linked application they can be secured by the S106 agreement and will be required. It is worth reiterating that the contributions will not cover the full cost of providing the full package of facilities that have been referred to in the submission and some letters of support. For information purposes it is also worth noting 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.

At the time of writing the report the agents had not had sight of a complete list of S106 requirements and the associated financial figures, but these would be directly related to the scale of the development, so appropriately reduced from the previous requests relating to the previous scheme. However there remains some doubts about the financial viability of the scheme given that there are now only 26 dwellings proposed (compared to 35 previously proposed) a higher percentage of affordable units (38% compared to 30%) yet the developers are offering to transfer land at no cost, and contribute to the provision of the pitches and the pavilion. It is apparent that additional funds will be required from elsewhere to provide all the facilities and given the costs that are set out above it casts doubts over whether the scheme, inclusive of pitches and a pavilion could be delivered within an appropriate time period. A written update on these matters will be provided at Committee.

- 5.15 Refusal of planning permission on land south of Milton Road, Adderbury (10/00270/OUT)

Whilst this application, on the north side of Milton Road, should be considered on its own merits it is necessary to refer to an application for a development of 65 dwellings with a sports pitch and changing facilities on land south of Milton Road,

which is a material consideration. This application was refused contrary to recommendation 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.*

The application for land on the south side of Milton Road is currently being considered at appeal. The appeal was submitted in July 2010 and it is thought that the delay in receiving a decision may be as a result of the changes to the status of the South East Plan, updated housing figures contained within the Annual Monitoring Report and the complexities of the issues being considered. It is hoped that the decision will be issued in the near future but it is not considered appropriate or necessary to delay the consideration of this application as the Council's position is clear and consistent.

5.16 Level of public support/objection

It is clear from the number of contributions received that there is a high level of public interest in this application. Whilst the majority of contributions, both supporting and opposing the scheme, have been submitted on template letters produced by local interest groups (Adderbury Conservation Action Group and the Football Club) the sheer number of responses received indicates the level of interest. At the time of writing the report the number of contributors opposing the scheme far outnumbers those in support. Therefore it is not possible to conclude that this development with its additional offer of recreational facilities is something that the majority of the village wants.

5.17 **Conclusion**

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 then shortage in housing land supply. However, Members took a different view, one which equally applied to the development of 35 houses on land north of Milton Road and was reflected in the previous refusal for 10/00521/OUT.

This development (10/01684/OUT) in its amended form does not do enough to overcome the earlier reasons for refusal and in fact is considered to cause additional areas of concern as there is no longer a shortage in housing land supply and the development does not relate well to the rest of Adderbury as it is on the edge of the village, within open countryside and detached from other built features as a result of it being moved away from listed buildings and the conservation area. It is therefore considered that the case for refusal is stronger now than it was when it was first considered back in July 2010. On the positive side the application provides 10 units of affordable accommodation and offers the opportunity for the Parish Council to obtain land and financial contributions towards new recreational

facilities. However even if this were considered sufficient to outweigh the concerns (the Director of Planning Housing and Economy does not) there are doubts as to whether a development of this scale can provide the level of contributions required and the additional funding expected by the Parish Council and some local residents. There is therefore not sufficient justification to recommend approval for such a development. This application, although on a smaller scale also fails to overcome issues relating to the current lack of village facilities, especially the school.

There is no policy justification to support the principle of development on this site and the provision of additional recreational facilities is not considered to be a strong enough reason to override the principle policy objection. The application is therefore recommended for refusal for the reasons set out below.

## **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 and 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. Notwithstanding the amendments made to the proposal since the consideration of 10/00512/OUT, and whilst the scale of impact on the historic environment is lessened, the Council continues to consider that the development causes harm to the character of Adderbury including its historic environment and furthermore given the gap between the proposed development and the rest of the village it is now difficult for the development to integrate 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 Policies 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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