

DEVELOPMENT INTERNAL MEMORANDUM

From: Head of Strategic Planning and the Economy

To: Head of Public Protection & Development Management (FAO Laura Bailey)

Our Ref: 3.2

Your Ref: 14/01737/OUT

Ask for: Yuen Wong

Ext: 1850

Date: 5 November 2014

APPLICATION FOR PLANNING PERMISSION PLANNING POLICY CONSULTATION RESPONSE

Planning Application No.	14/01737/OUT
Address / Location	The Paddocks, Chesterton
Proposal	OUTLINE - With means of access for consideration (layout, scale, appearance and landscaping reserved for subsequent approval) for the erection of up to 45 dwellings served via a new vehicular and pedestrian access; public open space and associated earthworks to facilitate surface water drainage; and all other ancillary and enabling works.
Site Details	The site is located on the western side of the village in between the A4095 and existing residential development Woodlands. The Bicester Golf and Country Club lies to the east, allotments to the north east, the A4095 to the north west, residential to the south east and farmland lies to the south west. The site is enclosed by dense hedgerows along Green Lane to the south and the A4095 to the north west.
General Comments	This is a greenfield site outside the built-up limits of the village.
Main Development Plan Policies	<p>The saved policies of the adopted Cherwell Local Plan should be considered. The main policies relevant to this proposal are:</p> <p>Policy H18: New dwellings in the countryside Policy H18 sets out the criteria for allowing new dwellings in the countryside. It is intended to ensure that the countryside is protected from sporadic development.</p> <p>Policy C7: Harm to the topography and character of the landscape In preparing any detailed proposals, consideration should be given as to whether development would cause demonstrable harm to the topography and character of the landscape.</p> <p>Policy C8: Sporadic development in the open countryside Policy C8 applies to all new development proposals beyond the built-up limits of settlements. The Council will resist such pressures and will where practicable direct development to suitable sites at Banbury and Bicester.</p> <p>Policy C9: Beyond the existing and planned limits of the towns of Banbury and Bicester Policy C9 aims to limit the level of development elsewhere in order to protect the</p>

	<p>environment, character and agricultural resources of the rural areas.</p> <p>Policy C13: Areas of High Landscape Value Careful control of the scale and type of development will be required to protect the character of the Areas of High Landscape Value, and particular attention will need to be paid to siting and design.</p>
<p>NPPF</p>	<p>The NPPF should be considered. The paragraphs of the NPPF most pertinent to this application from a Local Plan perspective are:</p> <p>Paragraph 17 sets out the core planning principles that should underpin plan-making and decision-taking, including that planning should:</p> <ul style="list-style-type: none"> • “Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. • Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; • Recognise the intrinsic character and beauty of the countryside • Contribute to conserving and enhancing the natural environment and reducing pollution • Conserve heritage assets in a manner appropriate to their significance • Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.” <p>Paragraph 28 on Supporting a prosperous rural economy</p> <p>Paragraphs 29, 30, 32 and 34-36 on Promoting sustainable transport</p> <p>Paragraphs 47-50 and 55 on Delivering a wide choice of high quality homes</p> <p>Paragraph 47 requires local planning authorities to “identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.”</p> <p>Paragraph 49 states that “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”</p> <p>Paragraph 56, 57, 59-64 on Requiring good design.</p> <p>Paragraph 109, 112, 120 and 123 on Conserving and enhancing the natural environment.</p> <p>Paragraph 109 states “The planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water</p>

	or noise pollution or land instability.”
NPPG	<p>The NPPG states that it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. It states that assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas.</p> <p>The NPPG should be considered, particularly guidance on understanding Housing needs, Rural housing and Natural environment.</p>
Non-Statutory Cherwell Local Plan 2011	<p>The Non-Statutory Local Plan should be considered. Whilst some policies within the Plan may remain to be material considerations, other strategic policies have in effect been superseded by those of the Submission Local Plan (January 2014) and Proposed Modifications to the Submission Local Plan (October 2014). The Planning Policy Team should be contacted on 01295 227985 if advice is required on individual policies.</p> <p>The main policies relevant to this proposal are:</p> <p>Housing: Policy H15 Residential development in Category 1 villages</p> <p>Housing: Policy H19 New dwellings in the countryside</p> <p>Conserving and enhancing the environment: EN30 Sporadic development in the countryside, EN31 Beyond the existing and planned limits of the towns of Banbury and Bicester and EN34 Conserve and enhance the character and appearance of the landscape.</p>
Submission Local Plan 2011-2031 As Proposed To Be Modified (August 2014)	<p>A new Local Plan was submitted to the Secretary of State on 31 January 2014 for Examination. There are outstanding objections to some policies which have yet to be resolved. The Examination was suspended on 4 June 2014 to enable the Council to propose modifications to the plan involving increased new housing delivery over the plan period to meet the full, up to date, objectively assessed, needs of the district, as required by the National Planning Policy Framework (NPPF) and based on the Oxfordshire Strategic Housing Market Assessment 2014 (SHMA).</p> <p>Modifications to the Submission Local Plan (Part 1) was consulted between 22 August and 3 October 2014 which generated over 1,500 individual comments. The Proposed Modifications to the Submission Local Plan (Part 1) was submitted to the Secretary of State on 21 October 2014 for examination.</p> <p>The Main Modifications propose several new sites in order to achieve the District’s assessed housing need and maintain a deliverable five year housing land supply. This site is not proposed for allocation.</p> <p>The main policies relevant to this proposal are:</p> <p>Policy Villages 1: Chesterton is identified as a Category A village where minor development, infilling and conversions will be permitted.</p> <p>Policy Villages 2 has been revised by including a total housing requirement for the Category A villages which includes Chesterton. A total</p>

	<p>of 750 homes will be delivered at Category A villages which now includes Kidlington. Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission.</p> <p>Policy BSC1: District Wide Housing Distribution includes a table of completions, permissions, allocations and windfalls for the areas of Bicester, Banbury and Rest of District. The table shows that a total of 22,840 new homes will be provided by 31 March 2031.</p> <p>Policy BSC3: Affordable Housing sets out the requirements for the provision of affordable housing. In rural settlements such as Chesterton, all proposed developments that include 3 or more dwellings (gross), or which would be provided on sites suitable for 3 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site.</p> <p>Policy BSC4: Housing Mix expects new residential development to provide a mix of homes to meet current and expected future requirements.</p> <p>Policy ESD13: Local Landscape Protection and Enhancement expects developments to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.</p> <p>Policy ESD16: The character of the built and historic environment should be protected and where development is allowed it should respect the local character context.</p>
<p>Other Material Policy Considerations</p>	<p>Five year housing land supply</p> <p>The Council does not presently have a five year housing land supply. The current published position is reported in the Housing Land Supply Update June 2014 which concluded that the district had a supply of 3.4 years for the period 2014-2019. This reflects the Oxfordshire SHMA 2014 figure of 1,140 dwellings per annum, currently considered to be the objectively assessed housing need for the district. The 3.4 years of supply includes a requirement for an additional 20% buffer, taking into account the shortfall (2,314 homes) within the next five years.</p> <p>Strategic Housing Land Availability Assessment Update 2014 (SHLAA)</p> <p>The SHLAA is a technical document and is a key element of the evidence base for the emerging Cherwell Local Plan. It will help the Council to identify specific sites that may be suitable for allocation for housing development. The SHLAA is to inform plan making and does not in itself determine whether a site should be allocated for housing development.</p> <p>The application site is part of a larger site (ref. CH004) in the SHLAA Update 2014 (Aug 2014). The site assessment concluded that <i>“Development of the whole site would be out of scale with the size of the village and the level of services and facilities. Individual sections of the site may be appropriate to consider particularly to the north.....This is considered to be a potentially developable site providing for 50 dwellings in the next five year period.”</i></p> <p>This application takes the SHLAA assessment into consideration by only</p>

	<p>proposing to develop on land identified as being appropriate for residential development. The SHLAA Update 2014 also recognises that constraints such as access, integration with the village and potential contamination land issues will need to be addressed.</p>
<p>Overall Policy Observations</p>	<p>The site lies outside the built up limits of the village, would extend development into the countryside and as such is contrary to adopted Development Plan policies.</p> <p>However, the Council does not currently have a five year housing land supply and NPPF paragraph 49 indicates that planning policies for the supply of housing cannot be considered up to date if this is the case. As such the provisions of paragraph 14 of the NPPF become relevant to the proposal and an assessment will need to be made as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, namely the provision of new homes including affordable homes and associated developer contributions to infrastructure in the locality.</p> <p>This application for 45 residential units has the requirement for 35% affordable housing, equating to 16 affordable housing units. However the proposed development suggests that approximately 30% of affordable dwellings will be provided.</p> <p>In advance of the Local Plan Part 2 or a Neighbourhood Plan it will be necessary to consider the district's current housing supply situation, to be mindful of emerging policy and the likely impact of proposed developments on a case by case basis. Consultation on Proposed Modifications to the Submission Local Plan was held between 22 August 2014 and 3 October 2014 and includes Chesterton as one of a group of the most sustainable villages with a rural housing allocation of 750 homes in addition to planning permissions as at 31 March 2014.</p>
<p>Policy Recommendation</p>	<p>The planning policies contained in existing Local Plans, the Proposed Modifications to the Submission Local Plan, the NPPG and the NPPF, together with the Council's five year housing land supply situation will need to be taken into account.</p> <p>Whilst the proposals are contrary to saved housing policies in the Adopted Cherwell local Plan, as the Council does not currently have a five year housing land supply the housing policies cannot be considered up to date.</p> <p>From a Policy perspective the proposal would lead to an incursion into the open countryside and the loss of natural resources. There would be benefits from the provision of new houses (including affordable housing). However, landscape and other impacts will need to be considered. In the context of the current, published, five year land supply position, a planning policy objection is not raised subject to all detailed matters having been satisfactorily resolved.</p>