**PLANNING DESIGN & ACCESSSTATEMENT**

**AT**

**8 RECTORY CLOSE**

**WENDLEBURY**

**OXFORDSHIRE**

**IN SUPPORT OF A PLANNING APPLICATION**

**FOR A NEW DETACHED DWELLING**

**PREPARED BY**

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**ON BEHALF OF**

**MR & MRS R HOOKE**

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1. **INTRODUCTION**
   1. This Statement has been prepared on behalf of Mr and Mrs R Hooke, in support of their planning application for the erection of a new, detached dwelling house with integral garage at 8 Rectory Close, Wendlebury. It should be read in conjunction with the Flood Risk Assessment (FRA) report produced by JBA Consultancy, which also supports this application.
   2. This Statement will describe the background to this submission, the proposal in full and refer to the relevant raft of planning policies, both national and local, and the main planning considerations, that between them all, mitigate firmly in favour of support for the proposal and the case for planning permission being granted.
2. **BACKGROUND**
   1. A previous planning application (reference: 17/00742/F) for the erection of a detached dwelling on the site was refused last year in July 2017.
   2. The proposal then involved the demolition of the existing garage and the erection of a new dwelling in its place. That part of the overall site being set to the east of the existing house, between it and no. 7 Rectory Close. That proposal was refused for 3 reasons:

“1. The proposed dwelling, by virtue of its siting and scale, would constitute a cramped form of development that would fail to sympathetically integrate into the built environment and would detract from the traditional loose-knit character of the area. The proposal is therefore considered contrary to the provisions and aims of Policy ESD15 and Villages 1 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

2. The restricted outdoor amenity space is considered to result in a poor living environment for future occupiers of the proposed dwelling. Therefore the proposal is contrary to the provisions and aims of Policy C30 of the Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

3. The proposed development lies within Flood Zones 2 and 3 as identified by the Environment Agency and in the absence of a suitable Flood Risk Assessment it is not possible to consider the potential risk to the development from flooding. The proposal is therefore contrary to Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.”

* 1. The current proposal is made mindful of those stated reasons and re-assessed and re-designed, in a positive fashion, arrived at addressing squarely each of those reasons in its now submitted form. I will go on to explain in this Statement.

1. **THE SITE AND SURROUNDINGS**
   1. 8 Rectory Cloe is located in the turning head of a cul-de-sac. Relative to its neighbours, it is the largest plot.
   2. The existing house stands towards the eastern side of the plot, with a detached garage between it and no. 7 Rectory Close, and with a large garden area to its western part, occupying the majority of the available site area. A lane way flanks its southern boundary between it and no. 9 Rectory Close, and leads to a Thames Water pumping station. It is the western portion of the site where the new development is proposed.
   3. The predominant form of development in this area comprises of 2 storey, detached dwellings set loosely around the road/cul-de-sac layout.
2. **THE PROPOSAL**
   1. The proposal involves the erection of a 2 storey, detached new dwelling, with integral garage, into the side, western part of the site, between the end side of the existing house and the lane way between it and no. 9 Rectory Close.
   2. The new house is designed in a simple, traditional manner, with an overall pitched roof appearance, to match the look and form of the exiting other houses in the cul-de-sac at this point. Vehicular access into the site would come off the western end of the turning head.
   3. The new house is sited in a commensurate position in relation to the corresponding layout pattern of the other houses in the Close, loose knit and detached, with space around it, just like the existing housing presently stands arounds the Close.
   4. The proposed sub-division of the overall, existing plot leaves ample room for the host dwelling to retain a large rear cum side garden area and car parking, plus provides the new dwelling with a good sized rear garden of its own and its own car parking too.
   5. The previous scheme was criticised for appearing cramped and shoe-horned into its space, to the east of the existing house. This current proposal moves the proposed new dwelling to the west of the plot where, by comparison, far more space is available on the site and now it reads as a comfortable and proportionate form of development, that fits with the prevailing more spacious pattern of housing layout around the Close.
3. **RELEVANT PLANNING POLICY FRAMEWORK**
   1. Section 38(6) of the Planning and Compulsory Purchase Act 2004, taken with section 70(2) of the Town and Country Planning Act 1990, requires planning applications to be determined in accordance with the policies of the Development Plan unless material considerations dictate otherwise.
   2. The Development Plan for the area currently comprises (a) those policies of the Cherwell Local Plan 1996 (“CLP 1996”) that have been saved by a direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; and (b) those in the Cherwell Local Plan 2011-2031 Part 1 (“CLP 2031”).
   3. Reference to the relevant saved policies of the CLP 1996 and policies in the CLP 2011 is made later in the section of this Statement. Before that, reference is made to the relevant national level planning policies first.

**Government Planning Policy**

* 1. Government guidance as a material consideration relevant to the consideration of this application can be found in the National Planning Policy Framework (NPPF) March 2012 and National Planning Practice Guidance (NPPG) March 2014.
  2. At paragraph 1 the NPPF sets out the Government’s planning policies for England and how they are expected to be applied.

**Achieving Sustainable Development**

* 1. The NPPF at paragraph 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 continues by stating that there are three dimensions to sustainable development: economic, social and environmental, and that these dimensions give rise to the need for the planning system to perform a number of roles:
* **An economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
* **A social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of the present and future generations; and by creating a high quality environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
* **An environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
  1. It is clear that if the proposal is looked at in light of each of these elements, it complies in full with the salient tests. It will undoubtedly make a positive contribution to the local economy, both during the construction phase and thereafter by bringing new blood in to the village, who will help to support the local services, businesses and amenities in the local area. In a related vein, it will perform a social role too by bringing new residents into the village that will help to support the vitality of Wendlebury, further supporting local services and facilities in the area. In environmental terms, the site is in the right place for new housing for the village insofar as it plainly stands within the existing, developed rea of the village and does not extend the village boundaries out into the surrounding countryside beyond.
  2. The cross economic, social and environmental benefits are obvious and the proposal is therefore rightly to be defined as a sustainable form of development.
  3. Paragraph 14 of the NPPF identifies: “At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking”. It goes on to state that for plan making this means that local authorities should positively seek opportunities that arise to meet the development needs for their area and that local planning policies should be applied flexibly whenever possible. It is submitted here that the benefits that accrue from the proposal, plainly represent a positive and sustainable development opportunity for the local area that should be properly supported.
  4. Paragraph 15 of the NPPF is explicit in its statement that “policies in local plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay”. It has already been demonstrated above that the proposal does plainly represent a sustainable form of development, by definition.
  5. A list of “core planning principles” within the planning system are then identified in the NPPF that should “underpin both plan marking and decision taking” (paragraph 17). Those considered most relevant to the term of this proposal include:
* Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
* Proactively drive and support sustainable economic development and in doing so, 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.
* Not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
* Take account of the different roles and character of different areas, promoting the vitality of our main urban areas and protecting the Green Belts around them;
* Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

The proposal and its related benefits satisfy each of the above criteria.

* 1. Paragraph 32 of the NPPF deals with transport issues and makes clear that new development should only be refused or prevented on transport related grounds where the impacts of the development are ‘severe’. The traffic generated by the 1 house proposed in this case cannot in any sensible way be regarded as ‘severe’.
  2. Paragraph 49 states that new housing applications should be considered in the context of the presumption in favour of sustainable development. As stated, the proposal is plainly a sustainable form of development. As a proposal for new housing, a presumption in its favour should therefore apply.
  3. Paragraph 50 requires that a wide choice of high quality homes should be made, across all tenures in order that opportunities for home ownership and the creation of sustainable inclusive and mixed communities is delivered. The scheme does this in its provision for a well-designed family use property in the village.
  4. Paragraph 55 recognises that to promote sustainable development in rural areas, like Wendlebury, housing should be located where it will enhance or maintain the vitality of rural communities. The delivery of a new housing unit into this village does just this by providing a home for a new family, the occupants of which will come to make more use of the village’s services and facilities and better sustain them therefore for the future.
  5. Paragraph 56 of the NPPF provides: “The Government attaches great importance to the design of the built environment” and considers that “good design is a key aspect of sustainable development” and is “indivisible from good planning and should contribute positively to making places better for people”. The proposal in this case is carefully designed and produced in such a fashion so as to fit comfortably, and indeed positively with its local context and surroundings. It would make for an appropriate design solution to the site and it’s identified local context.
  6. The NPPF requires that planning decisions should aim to ensure new developments deliver high quality schemes, judged across a range of fronts (paragraph 58):
* Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
* Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
* Optimise the potential of the site to accommodate development;
* Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
* Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality or life or community cohesion;
* Are visually attractive as a result of good architecture and appropriate landscaping.

The scheme is carefully designed in its overall concept to accord with all of these aims.

* 1. Paragraphs 99 and 100 of the NPPF require all new development to meet the challenges of potential flooding issues. The JBA Consulting FRA report has assessed the proposal in these terms and firmly concludes that the development poses no flood risk issues.

**Local Planning Policies**

* 1. The relevant policies from the CLP2031 and CLP1996 are deemed to be those listed below, each with a brief commentary as relevant:

**CLP2031**

* 1. Policy PSD 1 sets out a Presumption in Favour of Sustainable Development. As such Planning Applications that accord with the policies in the Local Plan will be approved without delay unless material considerations indicated otherwise. It has already been stated above that the proposal represents a defined form of sustainable development and so should be readily supported without delay.
  2. Policy BSC1 sets out the District Wide Housing Distribution which identifies that in the rest of the District outside of Bicester and Banbury the plan envisages the delivery of 5,392 of the 22,840 dwellings required between 2011 and 2031. This is a windfall site opportunity that would contribute to that allowance.
  3. Policy ESD6 requires site specific flood risk assessments to accompany new development proposals in Flood Zone areas 2 and 3.The application site is located within such an area and is accompanied by a full FRA. The FRA demonstrates that the proposal presents no flood risk issues.
  4. Policy ESD15 discusses the Character of the Built and Historic Environment and recognises that successful design is founded upon an understanding and respect for an area’s unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. New development proposals should (amongst others):
  + Contribute positively to an area’s character and identify by creating or reinforcing local distinctiveness and respecting local topography and landscape features.
  + Conserve, sustain and enhance designated and non-designated ‘heritage assets’ including buildings, features, archaeology, conservation areas and their settings and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG.
  + Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces and buildings configured to create clearly defined active public frontages.
  + Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.

The careful and considered site layout and overall proportionate design form of the proposal, satisfies all of these considerations.

* 1. Policy Villages 1 provides a categorisation of villages to guide the consideration of small-scale proposals for residential development. Wendlebury is categorised in Policy Villages 1 as a Category C ‘All Other Villages’ location and as such is suitable for minor infilling and conversions. The proposal is plainly an infill type development and therefore policy compliant here.

**CLP 1996**

* 1. A large majority of the CLP policies were replaced with adoption of the CLP2031. A few policies remain relevant to this proposal.
  2. Policy C28 seeks to control new development to ensure that the standards of layout, design and external appearance, are sympathetic to the character of the urban or rural context of that development.
  3. Policy C30 states that design control will be exercised to ensure that new housing development is compatible with the appearance, character, layout scale and density of existing dwellings in the vicinity and that new housing development provides standards of amenity and privacy acceptable to the Local Planning Authority.
  4. Policies C28 and C30 are conventionally read together, given their combined design ethos. As stated already, the proposal is carefully designed, in a simple, vernacular fashion, that matches the appearance of other exiting development in the Close and laid out on site in an entirely complementary fashion to the pattern of existing houses.

1. **MAIN PLANNING CONSIDERATIONS**

**Principle**

* 1. Section 38(6) of the Planning and Compulsory Purchase Act 2004, taken with Section 70(2) of the Town and Country Planning Act 1990 requires that applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
  2. Policy PSD1 sets out a Presumption in Favour of Sustainable Development and recognises that where planning applications accord with policies in the Local Plan, they should be approved unless material considerations indicate otherwise.
  3. Policy Villages 1 provides a categorisation of the District’s Villages and sets out that Category C villages, like Wendlebury, can accommodate ‘infill’ development.
  4. The supporting text to Policy Villages 1 at paragraph C.264 states that infilling refers to the development of a small gap in an otherwise continuous built-up frontage. It is plainly obvious that the proposed siting of the new house, in the generous space to the west of the host property, between it and no. 9 Rectory Close, presents a clear infill plot, by definition. The careful siting of the new house and its proportionate size, in turn, permit for it to then fit in with the pattern of housing layout in the Close, as a complementary infill development.
  5. Whilst it is recognised in this too that the Council has a five year housing land supply, this does not preclude development coming forward which would result in an excess of five years supply if it is deemed to be appropriate development. This is deemed the case here.
  6. In light of the foregoing, the principle of the residential development of the site must be beyond reasonable dispute. The details and other material considerations beyond this general principle can then be assessed against the other relevant policies in the Development Plan, to form a view as to whether the proposal comprises a sustainable form of development, and therefore should be approved. The principle of residential development, however, based on the underpinning and prevailing planning policy context, should not be in reasonable contention.

**Design**

* 1. Policies ESD15 of the CLP2031 and C28 and C30 of the CLP1996, between them set out that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. New development proposals should contribute positively to an area’s character and identify by creating or reinforcing local distinctiveness and respecting the traditional pattern of development.
  2. As set out above, since the previously refused scheme on site, the proposed development has been moved over to the western part of the site, where the plot affords much greater space for any new building to take place. Unlike its predecessor scheme, given the space between the respective flanks of the host property and no. 9 Rectory Close, it cannot reasonably be said to appear as cramped or over-developed in any way. The proposed house footprint has good space around it and a ‘breathing-space’ indeed that, in fairness, the previous proposal on the eastern part of the site did not really demonstrate. It now has a far more natural and spacious siting and one which fits and relates well to the prevailing pattern of house layouts within the Close.
  3. It is noted from the previously refused scheme that the overall design appearance (of a simple, traditional 2 storey form) was not opposed in rejecting that former proposal, only the siting in effect (as countered above) was. Thus, the vernacular design appearance of the new dwelling is kept in this latest iteration and it is reasonably assumed that no such design objections to that simple, traditional treatment are on this occasion raised.
  4. It was in fairness contested that the previous scheme demonstrated in the Council’s view a ‘restricted outdoor amenity space’ for the then proposed new house. On this occasion by clear contrast, the new house gets a commensurately well-proportioned rear garden space, approaching 20m in depth and 12m wide. A rear garden area of approximately 200m2, which cannot sensibly by any reasonable consideration be deemed somehow sub-standard or “restricted”.
  5. At the same time, lest it now arise, the existing house retains an even larger rear garden area, where there cannot properly be any credible contention to its size.
  6. The proposed siting of the new house is not unneighbourly in any material sense either, in relation the one potentially impacted property of no. 9 Rectory Close. It is set positioned well separate from it and in relative locational terms, to its north. Accordingly, there can be no proper question of loss of light or sun as a consequence. The new house is designed with a blank facing flank wall elevation with no windows looking to no. 9. So there is no loss of privacy to contend either. On a general point here, the broad main outlook of no. 9, as it looks out to the west at the rear, across wide-ranging countryside views, is not compromised by the positioning of the new house either. There are no determinant neighbour impact issues to consider.
  7. The short point in all of this being – the carefully considered re-design of the current submission, across all of its component design elements, must surely be regarded in any sensible planning judgement, to be entirely acceptable in all salient design considerations.

**Transport**

* 1. There is little to say on this matter. The Highway Authority raised ‘no objections; to the previous application on site for a single house, and given the close similarities between the two proposals (previous and current), both for a single new house, none are expected either on this occasion.

**Flooding**

* 1. The previous application on site was refused on flooding grounds, on the basis a FRA was not supplied with the proposal.
  2. On this occasion, a full FRA has been commissioned and produced in support of this latest application. The reader is commended to read it in full.
  3. Suffice to say here, the report concludes that there are no flooding related issues that would prevent the proposed development from proceeding, subject to its recommendations, which can be addressed and secured by way of appropriate planning conditions, to which the applicants would be entirely prepared to be bound.
  4. That then squarely deals with the flooding reason raised against the previous scheme.
  5. No other issues at dispute now remain.

1. **SUMMARY AND CONCLUSIONS**
   1. This Statement sets out how the submitted proposal complies fully with all the salient tests of the relevant national and local level planning policies identified and discussed herein. It would deliver an identified sustainable form of development, for which a presumption in favour of its permission, lies.
   2. Wendlebury is a village settlement where new residential development in the form of infilling is appropriate in principle. The proposal is an infill form of development.

* 1. All of the various design aspects of the proposal are now demonstrated to be acceptable and the proposal would produce a characterful form of development, that would assimilate well with the identified characteristics of the Close and fit with the prevailing pattern of development evident in it.
  2. Both the proposed and host properties would, respectively, be provided with and retain, spacious and proportionate amenity areas.
  3. There are no flooding or transport issues that arise in any manner, such that they would preclude the proposed development from being found acceptable.
  4. In light of all of the foregoing, it is reasonably hoped that the Council will feel able on this occasion to support this latest application, subject to any reasonable conditions, and to grant planning permission as applied for.