**From:** Day, Peter - Communities [mailto:Peter.Day@Oxfordshire.gov.uk]
**Sent:** 08 May 2019 09:25
**To:** Bob Neville
**Cc:** Cllr Arash Ali Fatemian
**Subject:** RE: 10100 The Beeches 19/00457/OUT - Extension of Time

Hello Bob

The agent’s response to our objection does not really address the reason for the objection, this being the impact on possible future working of minerals within land to the west of the application site, rather than the minerals within the site itself.  Nevertheless, I have looked at this application again in relation to the geological mapping and the constraints imposed by existing development and I have concluded that an objection on mineral safeguarding policy grounds is not justified.  I have therefore revised the County Council’s consultation response, as attached.

Regards

Peter Day

Principal Minerals & Waste Policy Officer

Development Management Team

Oxfordshire County Council, Communities, County Hall, New Road, Oxford, OX1 1ND

Tel: 07392 318899;  Email: peter.day@oxfordshire.gov.uk

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My normal working days are Monday, Tuesday and Wednesday.

**From:** Bob Neville <Bob.Neville@cherwellandsouthnorthants.gov.uk>
**Sent:** 03 May 2019 15:26
**To:** Plant, Tom - Communities <Tom.Plant@Oxfordshire.gov.uk>; Day, Peter - Communities <Peter.Day@Oxfordshire.gov.uk>
**Subject:** FW: 10100 The Beeches 19/00457/OUT - Extension of Time

Ref.: 19/00457/OUT

Address: The Beeches Heyford Road Steeple Aston

Proposal: Erection of up to 8 No dwellings with all matters reserved except the means of access onto Heyford Road

Good Afternoon

Please see email below and comments made in relation to your consultee response on the above application.

Please could you let me have any further comments/observations you wish to make by the 08/05/2019, as I will be preparing my recommendation early next week with a view to a decision being issued by the target date of the 09/05/2019.

Regards

**Bob Neville** MSc

**Senior Planning Officer**

**General Developments Planning Team**

Cherwell District Council & South Northamptonshire Council

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**From:** Mitchell Barnes [mailto:Mitchell.Barnes@framptons-planning.com]
**Sent:** 02 May 2019 16:14
**To:** Bob Neville
**Cc:** Bob Duxbury; Greg Mitchell
**Subject:** RE: 10100 The Beeches 19/00457/OUT - Extension of Time

Dear Bob

Thank you for your email.

I respond to the consultation responses received below.

**Previously Developed Land**

Annex 2 of the NPPF (revised February 2019) defines previously developed land as:

*"Land which is or was occupied by a permanent structure, including the curtilage of the Developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”*

The Mid Cherwell Neighbourhood Plan proposes a settlement area around Steeple Aston, which defines the built-up area. The independent examination report does not propose modifications to the Steeple Aston settlement area. The site is therefore located outside the built-up area of Steeple Aston.

Planning permission (03/00075/F) was for a change of use of land west of the Beeches previously used as a paddock to domestic curtilage and for the construction of a narrow-gauge railway. The former paddock is residential curtilage and is previously developed land. This is not a matter for debate.

It is within this context and the definition set out in the NPPF, the site is considered PDL.

**Settlement Area**

As established above, the site is PDL located outside of the settlement area. Reference has been made to Policy PD1 (Development at Category A Villages) within the ‘Mid Cherwell Neighbourhood Plan’, which states:

*“Any residential development proposal which is outside the settlement areas of these three villages must have particular regard to all the following criteria:*

*a) The site should be immediately adjacent to the settlement area*

*b) The site should preferably be previously developed land and not land of best and most versatile*

*agricultural value*

*c) The development should avoid creating significant adverse landscape impact*

*d) The development should avoid creating adverse impacts on the special interest, character and*

*appearance of the conservation areas and the significance of other heritage assets*

*e) The development should not give rise to coalescence with any other nearby settlement. This*

*particularly applies to Steeple Aston and Middle Aston.”*

I respond to the criteria set out in Policy PD1, below:

1. The site should be immediately adjacent to the settlement area

The site is located immediately adjacent to the settlement boundary defined by the Neighbourhood Plan, and can clearly be seen to abut the boundary to the north.

1. The site should preferably be previously developed land and not land of best and most versatile agricultural value

As established above, within the context of the definition of previously developed land set out in the NPPF, and the settlement boundary area defined in the Neighbourhood Plan, the site is considered previously developed land.

1. The development should avoid creating significant adverse landscape impact

A Landscape and Visual Assessment (LVIA) accompanies the planning application and confirms the proposed buildings and domestic curtilage can be visually contained and the sensitive landscape treatment of the greater part of the site will protect the character of the rural setting. The LVIA concludes that the proposed development will have a low visual impact and no features of landscape sensitivity will be lost.

1. The development should avoid creating adverse impacts on the special interest, character and appearance of the conservation areas and the significance of other heritage assets

A Heritage Assessment accompanies the application and confirms there are no heritage assets within The Beeches site and the site is not close enough to any listed buildings, parks or gardens to have an effect on their setting. The site is located on the west boundary of Rousham Conservation Area, but is not within the Conservation Area. The Heritage Assessment confirms the site itself, while within the landscape around Rousham, was not a designed part of the landscape and has no particular association with Rousham House or gardens. The Heritage Assessment concludes that the proposed development will not negatively affect the setting, and therefore the character and appearance of Rousham Conservation Area.

1. The development should not give rise to coalescence with any other nearby settlement. This particularly applies to Steeple Aston and Middle Aston

The site does not give rise to any coalescence between Steeple Aston and any other settlements.

**Transport**

Vehicle tracking

Vehicle tracking has been undertaken to demonstrate that a refuse vehicle of 12.6m can enter, turn and leave in a forward gear on the access road from Heyford Road, as well as the access drive to the six dwellings to the west of the Beeches. I attach the Access Plan (drawing no. 20388-02b) which demonstrates this.

A Bin Collection point has been added at the head of the access road opposite pumping station which provides space for 16no. wheelie bins, as requested by the OCC highways response.

Access road width from Heyford Road

The access from Heyford Road has been revised to be 5.5m in width, as requested by Oxfordshire County Council. A passing bay has also been increased to 6m on the access road from Heyford Road to allow for vehicles to pass. I attach the Access Plan (drawing no. 20388-02b) and Indicative Site Layout Plan (drawing no. 372A01-101-A) which demonstrates this.

Pedestrian links to Village

There is an existing footpath on the eastern side of Heyford Road which provides direct pedestrian access into the village, thereby providing a sustainable and safe means to walk from the site to the village services and the north and south bound bus stops that serve Banbury and Oxford.

Speed survey

The existing and proposed access lies within a 30mph limit. However, in response to OCC comments a speed survey has been commissioned. The speed survey commenced today (2nd May 2019) and will be complete in advance of the next committee date scheduled for 30 May 2019.

**Minerals Safeguarding**

The responses received from Oxfordshire County Council Minerals states that the application should be considered against policy M8 of the Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy (adopted September 2017). The site is identified as being within a ‘minerals safeguarding zone’.

Policy M8 states:

*“Mineral resources in the Mineral Safeguarding Areas shown on the Policies Map are safeguarded for possible future use. Development that would prevent or otherwise hinder the possible future working of the mineral will not be permitted unless it can be shown that:*

* *The site has been allocated for development in an adopted local plan or neighbourhood plan; or,*
* *The need for the development outweighs the economic and sustainability considerations relating to the mineral resource; or*
* *The mineral will be extracted prior to the development taking place.”*

Policy M8 states ‘*Development that would prevent or otherwise hinder the possible future working of the mineral will not be permitted’.* It is our view that development on this land will not prevent or hinder the possible future working of minerals as this is not currently possible. The land is currently a residential curtilage which is used for the purposes of a narrow-gauge railway, which we have established is previously developed land. The proposed use will not alter the availability of the land for minerals – the site, in its present lawful use, will remain unavailable for the working of minerals.

It is therefore considered that the proposed development would not impact the potential for the working of minerals on site.

**Housing Mix**

The site has been submitted in outline to establish the principle of development. At this stage, the housing mix is not relevant to the determination of the outline application and can be discussed at the detailed design stage.

I note that Policy PH1 (Open Market Housing Schemes) has been referred to within consultation responses, the policy states:

*“Where other policies permit such development, any new market housing should favour homes with a smaller number of bedrooms. The following mix of housing will be required for market housing unless evidence from an up to date local housing needs assessment indicates otherwise: in a development of 10 or more dwellings 23% should have 2 bedrooms, and 46% should have 3 bedrooms, with 31% having other sizes. Smaller schemes should aim for a similar ratio where possible.”*

\*underlining our emphasis

The above policy requires developments of 10 or more dwellings to meet the housing mix as set out. However, the current proposals are for 8 dwellings and therefore the policy states that smaller schemes should aim for a similar ratio where possible.

There is no policy requirement for the proposals to meet the housing mix of more than 10 dwellings.

**Cherwell Design Guide SPD**

We reject the assertion that the proposals would not integrate with the existing settlement, The MCNP Forum’s view is not based on any substantive evidence. The Design and Access Statement, produced by Malcolm Payne Group, demonstrates that the proposals have been formulated in accordance with the Cherwell Design Guide SPD. NPPF paragraph 130 makes it clear that “where the design of a development accords with clear expectations in plan policies, design should **not** be used by the decision-maker as a valid reason to object to development.”

I trust the above addresses the outstanding issues, with the exception of the speed survey. However, as set out this is currently being undertaken and will be complete in advance of the next planning committee (30 May 2019).

The site area is 1.4ha, and is therefore considered a major application. As you are aware, the glossary of NPPF (2019) defines major development for housing as being 10 or more dwellings or the site has an area of 0.5 ha or more. I therefore strongly request that the application should be considered before the planning committee rather than delegated authority. I also refer to paragraph 38 of the Framework which seeks that Local Planning Authorities work proactively with applicants. In this instance, I submit that it is entirely appropriate and reasonable to extend the time of determination to allow for the applicant to response to the Highways objection and have the application considered at committee.

You have indicated that there is an in-principle objection to this proposal. We do not agree. Moreover, Steeple Aston Parish Council consider that they do **not** object in-principle to the development of up to 8 dwellings on this site.

I would be grateful if you could confirm receipt of this email.

Please feel free to contact me if you wish to discuss.

Kind regards

Mitchell Barnes

BA (Hons) MSc MRTPI

**Planner**



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**From:** Bob Neville <Bob.Neville@cherwellandsouthnorthants.gov.uk>
**Sent:** 26 April 2019 09:31
**To:** Mitchell Barnes <Mitchell.Barnes@framptons-planning.com>
**Subject:** RE: 10100 The Beeches 19/00457/OUT - Extension of Time

Dear Mitchell

I’m afraid the Council cannot agree to the extension of time proposed for the application (19/00457/OUT), as it is not considered appropriate in this instance.

With minor development proposals such as this application, extensions of time are only likely to be appropriate when it is clear what needs to happen to achieve a positive outcome, and there is agreement on the timescale within which this can be achieved. As discussed, highways matters are just one of a number of issues that all contribute to the proposals being considered unacceptable and even if these matters were to be satisfactorily addressed (which in my opinion (in relation to highways only) would require amended plans increasing the size of the access, not just Speed Survey and assessment of the visibility splays). However, the fundamental issue is that the principle of development is not considered acceptable being contrary to the Council’s rural housing strategy and not representing a sustainable form of development; as such we are unlikely to get to a position where we would be considering a positive outcome.

If you believe you can address all of the matters that have been raised during the application then I would advise withdrawing the application and resubmitting once all the appropriate information is available; however I would advise that in my opinion this would be very difficult to achieve and unlikely that such a resubmission would receive officer support given that the principle of development is not considered acceptable.

In light of the ‘in principle’ objection I see no reason to extend the application beyond its statutory target date of 09.05.2019 and will be preparing my recommendation early next week.

I hope this clarifies our position.

Regards

**Bob Neville** MSc

**Senior Planning Officer**

**General Developments Planning Team**

Cherwell District Council & South Northamptonshire Council

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**From:** Mitchell Barnes [mailto:Mitchell.Barnes@framptons-planning.com]
**Sent:** 25 April 2019 16:27
**To:** Bob Neville
**Subject:** 10100 The Beeches 19/00457/OUT - Extension of Time

Dear Bob

I have been reviewing the consultation responses received to date – I note the request for further information from County Highways for a Speed Survey and assessment of the visibility splays.

The response was not made available on the application portal until Tuesday 23rd April and given the determination date is 9th May 2019, there is simply not enough time to undertake this additional work and provide you with our conclusions in advance of the determination.

In this context, we request an extension of time until 31st May 2019 to allow us time to undertake the necessary work and provide the required additional information.

Please could you confirm you agree to this extension?

Kind regards

Mitchell Barnes

BA (Hons) MSc MRTPI

**Planner**



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