

Land At Tappers Farm
Oxford Road
Bodicote
Banbury
OX15 4BN

18/00792/OUT

Applicant: Hollins Strategic Land LLP

Proposal: Outline application (all matters reserved except for access) for the demolition of existing buildings and erection of up to 46 no. dwellings, with associated works and provision of open space

Ward: Adderbury, Bloxham And Bodicote

Councillors: Cllr Mike Bishop
Cllr Chris Heath
Cllr Andrew Mchugh

Reason for Referral: Major Application

Expiry Date: 9 August 2018 **Committee Date:** 25th October 2018

Recommendation: Approve

Executive Summary of proposals and recommendation

The application is reported to the Planning Committee as it is a major application.

Proposal

Outline planning permission is sought for up to 46 dwellings. All matters are reserved except for access, which is proposed from White Post Road. The site is the field on the corner of White Post Road and Oxford Road, Bodicote.

Consultations

The following consultees have raised **objections** to the application:

- Bodicote Parish Council, NHS Oxfordshire Clinical Commissioning Group (pending agreement of appropriate contributions to primary care infrastructure).

Third Parties:

- 6 letters of **objection** have been received. Banbury Civic Society and CPRE have also **objected**.

Planning Policy

The site is unallocated in the adopted Cherwell Local Plan 2011-2031 Part 1 (CLP 2031). Bodicote is designated a Category A Village in the CLP 2031 and as such suitable for minor development within its built up limits.

The application has been assessed against the relevant policies in the adopted Local Plan as well as the National Planning Policy Framework (NPPF) and other relevant guidance.

Conclusion

The key issues arising from the application are:

- Principle of development
- Visual impact and effect on the character of the village and its setting
- Coalescence
- Highways/Access
- Impact on Trees/Hedgerows
- Heritage Impact
- Ecology and Biodiversity Impact
- Drainage
- Illustrative layout and site capacity
- Impact on residential amenity
- Impact on local infrastructure and S106 matters
- Other matters

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable for the following reasons;

The proposal is considered to comply with the Council's spatial strategy and the principles of Policy Villages 1 and 2 of the CLP 2031 by ensuring that development is focused within the most sustainable settlements, is of an appropriate scale, is supported by services and facilities, does not exacerbate travel patterns that are overly reliant on the private car and does not give rise to unacceptable adverse impacts. The development would make a valuable contribution to housing delivery (including affordable housing) in a highly accessible location and the proposal would amount to sustainable development for which Government policy sets a presumption in favour.

RECOMMENDATION – GRANT PERMISSION SUBJECT TO CONDITIONS AND LEGAL AGREEMENT

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises the field on the corner of White Post Road and Oxford Road, Bodicote, just to the north-east of the Bishop Loveday School. The site area extends to 2.19ha, albeit only a small part of the site contains built development.
- 1.2. Part of the site comprises a farm shop and caravan storage, the remainder is a field used on occasions for car boot sales and community events.
- 1.3. Access to the site is currently taken from White Post Road via a hard surfaced track running along the boundary with Bishop Loveday School to the west.
- 1.4. The land is predominantly enclosed by hedgerows and the field contains a number of mature trees, 9 of which are covered by a TPO (TPO 1/93 refers). To its east runs Oxford Road, to its west lies the primary school, to its north lies White Post Road and to its south lies residential development along Park End.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks outline planning permission for the demolition of all existing buildings and for up to 46 dwellings. Access is the only matter submitted for approval at this stage; all other matters are reserved.
- 2.2. The application proposes vehicular access to be taken from White Post Road, to the east of the existing access (which will be stopped up with the kerb and verge reinstated). In addition, the illustrative plan shows that two pedestrian connections will be provided to the footpath running alongside Oxford Road.
- 2.3. Whilst layout is not submitted for approval, an illustrative layout plan has been submitted to establish the quantum of development and site capacity. This shows a large area of public open space to the northern end of the site adjacent White Post Road, with dwellings set at least 35m-50m back from the site's edge. This open space will accommodate a number of existing and proposed mature trees along with an attenuation pond. There are also areas of incidental open space around protected trees. The plans present a frontage both to Oxford Road, a central spine road and the open space. A LAP is proposed within one of the areas of open space.
- 2.4. The application has been amended since first submission following positive engagement with Officers. The number of homes has been reduced (from 52 to 46) to respond to concerns about the extent of open space, the need to retain and accommodate protected trees, the need to widen the green corridor along Oxford Road and the need to provide greater separation between the dwellings and the school. The amendments respond positively to the points made.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
00/01330/F	Change of use to allow a winter storage area for 8 No. caravans.	Application Permitted
02/01756/F	Use of agricultural land for car boot sales and increase caravan storage numbers from 8 to 12.	Application Refused
03/02193/F	Allow increase of caravan storage numbers from 8 No. to 14.	Application Permitted
04/00516/F	Increase statutory number of permitted car boot sales from 14 to 21 per year.	Application Permitted
04/02679/TPO	Fell 1 No. Horse Chestnut subject to TPO 1/93	Application Permitted
08/02000/AGN	Erection of 2 no. agricultural storage buildings	Prior Approval Not Required
09/00457/F	Retrospective: Use of site as a farm shop.	Application

4. PRE-APPLICATION DISCUSSIONS

- 4.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
16/00346/PREAPP	Pre- Application Enquiry - Re-development of the site for residential - 22 dwellings

- 4.2. The pre-application advice concerned a much smaller development of around 22 dwellings sited in the southern section of the site between the school and Park End Close. The remainder of the site was left undeveloped.
- 4.3. The advice given recognised that the site would lend itself to sustainable new residential development given its location. However, it was further advised that the site had an open and informal rural feel which made a significant contribution to the perception of transitioning from Banbury to Bodicote and that it contributed to Bodicote's character and separate identity. It was advised that residential development and the associated upgraded access would be detrimental to the character of Bodicote and result in perceived coalescence between Bodicote and Banbury.

5. RESPONSE TO PUBLICITY

- 5.1. Both the original and amended applications have been publicised. This includes by way of site notices displayed near the site and by advertisement in the local newspaper (original plans), and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (original and amended plans). The final date for comments was 10.10.18, although comments received after this date and before finalising this report have also been taken into account.

Original Application

- 5.2. 6 letters of **objection** received. The objections raised by third parties are summarised as follows;
- Traffic generation - Access from a very busy road between a main road junction and a roundabout serving three significant residential areas and new developments as well as the Council offices, Primary School and Saltway Day Nursery. This stretch of road is subject to on-street parking and will also be used by another housing development (15/01326/OUT) and there is already rat-running. Adding further traffic and congestion could impact on road safety and safety of school children.
 - There is insufficient capacity in the local doctor's surgery and school in Bodicote.
 - Too many houses within the site.
 - Banbury has enough new homes.

- Loss of community facility (farm shop, car boot sale), green space and village identity.
- Loss of sunlight to rear elevations and gardens on Park End, as well as loss of views and privacy and increased noise.
- Loss of Bodicote's village status and integration into Banbury.
- Impact on wildlife

Amended Plans

5.3. 1 letter received confirming that the objections to the original plans still stand and commenting that the amended plans do not take neighbours into account and cause overlooking.

5.4. Banbury Civic Society **objects** on the following grounds;

- The land is shown as 'white' land in the Cherwell Local Plan 2015 -2031 and is the one remaining piece of open-space land preventing the coalescence of Bodicote with Banbury. The land could be purchased for use as public open space vested in Bodicote Parish Council. This would ensure this public open space is retained for the benefit of the local population and adjoining school.
- There are a number of large housing proposals that already have planning permission on the perimeter of Banbury that have yet to start construction.
- Skilled labour is proving hard to recruit.
- Where refusal on the grounds of coalescence is not possible then the proposal should be refused because 1) the road access to the site shown on the plan is very close to two road junctions that will become very much busier when the development between White Post Road and the A361 is completed; 2) the length and alignments of the access cul-de-sacs are problematic for large vehicles such as refuse freighters, removal and delivery lorries; 3) The turning heads are inadequate in size and layout.

5.5. CPRE **objects** on the following grounds;

- The site lies in a sensitive location between the built up limits of both Banbury and Bodicote. Its open nature contributes much to the character and appearance of both these settlements. It currently provides an important recreational use, ranging from car boot sales to hosting an annual fair and circus.
- Potential problems of traffic congestion relating to White Post Road and the adjacent Bishop Loveday School.
- Loss of visual amenity by the proposed removal of trees and hedgerow would not be outweighed by the uncertain nature of any possible mitigation planting.
- The proposed development would not be within an allocated site and taking into account the number of dwellings already permitted in Bodicote, together with the ability to demonstrate a five year housing land supply, the proposed development is neither desirable nor necessary.

- Contrary to village policies within the Cherwell Local Plan, including those relating to the coalescence of settlements and potential erosion of the identity of Bodicote village.

5.6. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. BODICOTE PARISH COUNCIL: **Objects** for the following reasons;

- The site is not allocated for development in the adopted Local Plan. This Plan seeks to avoid coalescence of towns and villages.
- Bodicote is identified as a Category A village which is considered suitable for minor development, infilling and conversions. 52 dwellings does not comply with this criteria and is contrary to Policy Villages 1.
- Policy Villages 2 of the adopted Local Plan seeks to deliver 750 homes across the Category A villages. The 2017 AMR states that there are 86 dwellings left to deliver and a housing land supply of 5.5 – 5.7 years. Cotefield sites 1 and 2 provide 181 for Bodicote residents and Banbury 4 and 7 surrounding Bodicote will deliver around 2000 homes. There is therefore no need for this development to meet housing targets.
- The August 2014 SHLAA rejects the site for development given the potential landscape, visual and coalescence impacts.
- The site is not identified for development in the HELAA of February 2018.
- The site is not identified as having development potential in the Local Plan Part 1 Review to help meet Oxford's unmet housing need.
- The Bodicote Conservation Area Appraisal April 2008 states that there is no one main threat to the character and appearance of the Conservation Area, but a number of issues that are leading to the erosion of rural character and open space. There is the obvious impact of the proximity of Banbury which is undoubtedly having an urbanising effect on the village. It goes on to state that the Council promotes the retention of significant open spaces and field systems in and around the village. The open fields around Bodicote are key to the character of the area because they create a rural and historic feel to the settlement. The development planned to the north east of the village makes it even more important to retain the rural setting of the village to the west and south. It is key that Bodicote retains its identity as a village and does not merge completely with Banbury to the north.
- Coalescence. Banbury continues to encroach further into Bodicote Parish. Whilst Parish land continues to be reappropriated for Banbury's housing requirements. Bodicote has no desire to become the next Grimsbury or Neithrop, villages in their own right once upon a time, and now boroughs within Banbury Town. Thus, retaining this site as an open, green buffer

between Bodicote and Banbury Town is imperative in preserving the identity of the village and preventing urbanisation.

- Land within the Parish is in short supply, having been used for other development (such as Longford Park and Wykham Lane). Unconstrained housing growth could detrimentally affect Bodicote's ability to provide green open space and additional recreational facilities for residents.
- Bishop Loveday School serves a growing catchment area and is one of only 4 primary schools in the County to have joined the Warriner Multi-Academy Trust (one of only two within 3 miles of Banbury). It is conceivable that demand for places will increase, requiring expansion/relocation. There is no land within the village for expansion and the application site is the most logical place.
- Traffic issues. White Post Road is already heavily trafficked with high levels of on-street parking from the school, day nurseries and council offices. The Oxford Road slip is also used for parking. Surrounding developments will push volumes of traffic towards White Post Road and the flyover. There will be a compromising of safety for drivers, cyclists and pedestrians due to additional volumes of traffic.
- Additional traffic would have an effect on air quality affecting the school and day nursery. With new AQMA's still being identified in Oxfordshire, we would like to see a full assessment of the potential impact any additional development could have on air pollution on White Post Road.

STATUTORY CONSULTEES

- 6.3. THAMES WATER: **Comment.** Originally identified an inability of the existing foul water network, surface water infrastructure and water network infrastructure to accommodate the needs of this development proposal and recommended conditions to seek agreement of a phasing and infrastructure strategy. The amended submission includes a revised FRA and drainage strategy with correspondence from TW confirming that there is sufficient surface water capacity in the sewerage network to serve the development.
- 6.4. NATURAL ENGLAND: **No Comments.**
- 6.5. OXFORDSHIRE COUNTY COUNCIL TRANSPORT: **No objections** are raised to the principle of the proposed access and associated closure of the existing access and provision of a ghosted right-turn lane on the eastern arm of the White Post Road/Sycamore Drive/Bankside roundabout. No objections are raised to the principle of the two pedestrian accesses onto Oxford Road. Car and cycle parking provision can be assessed at reserved matters stage. Comments concerning the illustrative layout are made which would need to be addressed at reserved matters stage.
- 6.6 A financial contribution of £1000 per dwelling is requested towards increasing the frequency of local bus services to Banbury. Various works to be delivered via a S278/S38 agreement are also requested.
- 6.7 OXFORDSHIRE COUNTY COUNCIL DRAINAGE: **No objections to the amended proposals** subject to conditions concerning surface water drainage details.

NON-STATUTORY CONSULTEES

- 6.8 CDC ENVIRONMENTAL PROTECTION: **Comment.** Whilst there are no comments concerning odour or light, on matters concerning noise a condition is requested requiring a Construction Environmental Management Plan (CEMP) and appropriate noise mitigation measures; on matters concerning contaminated land conditions are recommended to deliver further intrusive surveys; on matters of air quality a condition is required to make provision for future electrical charging infrastructure.
- 6.9 CDC LANDSCAPE SERVICES AND CDC RECREATION AND LEISURE: **Comment** - require financial contributions to open space/landscaping/SuDS maintenance, off-site indoor and outdoor sports facilities, community halls and public art.
- 6.10 CDC PRoW: **Comment** - The closest right of way to the site is the restricted bridleway located on Salt Way. The entrance and surrounding highway to the front of the site is regularly used every week day as parking/drop off/collection point for the primary school. There is a need to ensure that there are no obstructions to the bridleway entrance on White Post Road.
- 6.11 CDC STRATEGIC HOUSING: **Comment** - require 35% affordable housing provision. 70/30 rented/shared ownership and clusters fewer than 10 units. 50% to meet the Building Regulations Requirement M4(2) Category 2: Accessible and Adaptable Dwellings requirement. 100% of the affordable rented units are to be built to the government's Nationally Described Space Standard (Technical Housing Standards).
- 6.12 CDC ARBORICULTURE: **Objected** to the original plans as two of the protected trees were proposed for removal and homes were extremely close to a third. **No Objections** to the amended plans as they avoid the unnecessary removal of protected trees.
- 6.13 CDC ECOLOGY: **Comment.** The submitted report is satisfactory in terms of surveys and shows relatively few constraints on site as regards the species present.
- 6.14 The amended illustrative layout is an improvement and allows a little more green space on site, although the green corridor along Oxford Road still dwindles in places. The Biodiversity Calculator shows a modest overall net gain. Conditions to secure biodiversity enhancements, a Management Plan (LEMP), lighting details, and a Construction Management Plan (CEMP) are recommended.
- 6.15 OCC EDUCATION: **No objections** subject to financial contributions of circa £370,000 (based on 52 homes) towards provision of a new primary school south of Salt Way.
- 6.16 OCC ARCHAEOLOGY: **No objections** subject to conditions to secure further archaeological assessment.
- 6.17 NHS OXFORDSHIRE CLINICAL COMMISSIONING GROUP (OCCG): **Object.** OCCG notes that primary medical care in North Oxfordshire, and particularly the Banbury area, is mostly at capacity and further housing growth will require additional or expanded infrastructure to be in place. OCCG therefore object to this application pending agreement of appropriate contributions to primary care infrastructure.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 Part 1 (CLP 2031) was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2031 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- BSC1- District Wide Housing Distribution
- BSC2 – Effective and Efficient Use of Land
- BSC 3 – Affordable Housing
- BSC4 – Housing Mix
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD3 – Sustainable Construction
- ESD7- SuDS
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Policy Villages 1
- Policy Villages 2

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C8 – Sporadic development in the countryside
- C15 – Prevention of Coalescence of Settlements
- C31 – Compatibility with residential character
- C33 – Retention of important gaps
- ENV1 – Prevention of environmental pollution

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Visual impact and effect on the character of the village and its setting

- Coalescence
- Highways/Access
- Impact on Trees/Hedgerows
- Heritage Impact
- Ecology and Biodiversity Impact
- Drainage
- Illustrative layout and site capacity
- Impact on residential amenity and noise
- Impact on local infrastructure and S106 matters
- Other matters

Principle of Development

- 8.2. Planning law requires that planning decisions are made in accordance with the Development Plan unless material considerations indicate otherwise¹. Paragraph 2 of the National Planning Policy Framework (NPPF) makes clear that it does not change the statutory status of the development plan as the starting point for decision making. However the NPPF is a significant material consideration.

NPPF

- 8.3. Paragraph 11 of the NPPF explains the Government's presumption in favour of sustainable development. For decision-taking this means approving proposals that accord with an up to date development plan and in cases where there are either no relevant development plan policies or those policies important for determining the application are out of date; granting permission unless the NPPF policies provide a clear reason for refusal or any adverse impacts significantly and demonstrably outweigh the benefits.

Development Plan

- 8.4. The Development Plan comprises the saved policies of the 1996 adopted Cherwell Local Plan (CLP1996) and the 2015 adopted Cherwell Local Plan (CLP 2031 Part 1). The policies important for determining this application are referenced above.
- 8.5. The CLP 2031 spatial strategy is to direct most growth to locations within or immediately adjoining Banbury and Bicester. Other than RAF Upper Heyford and Kidlington, growth across the rest of the District will be much more limited and directed towards the larger and more sustainable villages. Development in the open countryside will be strictly controlled.
- 8.6. The site, whilst lying within Bodicote Parish, can be considered to immediately adjoin Banbury. Bodicote is designated a Category A Village under Policy Villages 1 of the CLP 2031 and is therefore one of the most sustainable of the District's villages. Whilst development with the open countryside is to be strictly controlled, in this case the site appears more as an undeveloped parcel of land in an urban/suburban context rather than as part of the open countryside setting of the village. The site already contains an element of built development in the form of the farm shop and storage buildings. It is noted that to the east lies development along the Oxford Road with Longford Park beyond, to the south lies development at Park End, to the west lies the primary school and to the north White Post Road. Beyond White Post lies the wooded area and the flyover. The site is therefore well-contained by existing built up development, both of Bodicote and Banbury. The development of

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

this site for housing given its very specific circumstances therefore does not materially conflict with the Council's spatial strategy referenced above.

- 8.7. The Parish Council is correct that the site is unallocated in the CLP 2031. Policy Villages 1 and Policy Villages 2 are used to assess residential proposals that come forward in villages. Policy Villages 1 supports minor development within the built up limits of Category A villages. Whether the site lies within the built up limits of the village is a matter of judgement as no such limits are defined in local policy. In forming a judgement the above mentioned site circumstances should be given due weight. One interpretation of built up limits is where the character of the area changes from being 'built up' or 'urban' and therefore belonging to the character of the built up area, to being 'rural', 'loose knit' and more akin, and visually related to, the countryside. In the view of Officers, the application site's character is more akin to the former and these very particular circumstances lend weight to a view that the site lies within the village's built up limits; although this is a matter of judgement.
- 8.8. In terms of scale, Bodicote's population (2011) is just over 2,000 and the village continues to grow to the south. It is located in a very accessible location close to Banbury and with good bus links to both Banbury and Oxford. It has recreation and community facilities, a school, shop and post office, pubs and restaurant, is the home of the Council offices offering employment and has access to the petrol filling station and small shop on Oxford Road. In this context consideration should be given to whether the addition of a further 46 dwellings could reasonably be considered minor development in accordance with the principles of Policy Villages 1. Whilst this policy typically seeks to manage sites for fewer than 10 houses this is not exclusively so² and regard must be given to the relative nature of scale and specific site circumstances.
- 8.9. Whether minor development is acceptable or not should be considered in light of Para C262 of the CLP 2031 which states that when assessing whether development proposals constitute acceptable 'minor development' regard should be given to the size of the village and its service provision; the site's context; whether development is in-keeping with character and form of the village; landscape setting and consideration of scale. These are all considered in this report.
- 8.10. Policy Villages 2 is also of relevance. This supports development of sites for more than 10 homes at the Category A villages in certain circumstances. 750 homes are to be delivered across these villages. As of 31 March 2017 the 2017 Annual Monitoring Report (AMR) states that there are 86 dwellings remaining (i.e. sites with planning permission or a resolution to approve amount to 664 dwellings). It is however noted that a recent appeal decision at Launton granted outline planning permission for a further 72 dwellings³. In that appeal decision the Inspector commented on the relatively slow delivery of the permissions granted. When considering sites under this policy regard will be given to a number of criteria concerning the site's environmental value, the impact of development and deliverability. It is considered that the development of this site would comply with these criteria.
- 8.11. It is acknowledged that Bodicote is already delivering new housing at Cotefield Farm. It is also acknowledged that the 750 distribution of homes across the

² Para C.254 of the CLP 2031

³ APP/C3105/W/17/3188671

⁴ Housing Land Supply Update July 2018

Category A villages during the plan period is now met in terms of permissions granted/resolutions to approve. It is further noted that as of July 2018 the Council has a 5.4 housing land supply⁴ and that the Written Ministerial Statement of 12th September 2018 now considers important policies for determining the application to be out of date only where a 3 year supply of deliverable sites cannot be demonstrated. These are all matters to be weighed in the planning balance.

- 8.12. However, 750 dwellings is not a ceiling and the actual delivery of dwellings under this policy falls below 750 by some margin (as mentioned in the above referenced appeal). It is also noted that the revised NPPF (July 2018) recognises the important contribution that small and medium sized sites can make to housing requirements (para 68) and that LPAs should support the development of windfall sites giving great weight to the benefits of using suitable sites within existing settlements for homes. This is a material consideration.
- 8.13. Granting planning permission for these 46 homes would result in planning permission having been granted for more than 750 homes under Policy Villages 2. However, this would only be marginally so and to the extent that it would not undermine the Council's spatial strategy. Weighed in the balance must also be the very specific site circumstances in this case; most notably the location and context of the site and the scale of development relative to this location and context, and the overall strategy of the CLP 2031 to focus development at strategic sites in Banbury and Bicester and at non-strategic urban and rural sites in sustainable locations; a strategy with which Officers consider the application does not conflict.

Conclusion

- 8.14. In summary, the proposal is considered to comply with the Council's spatial strategy and with the principles of Policy Villages 1 and 2 by ensuring that development is focused in locations within or immediately adjoining Banbury and Bicester or the most sustainable villages, is of an appropriate scale, is supported by services and facilities, does not exacerbate travel patterns that are overly reliant on the private car and does not give rise to unacceptable adverse impacts (as demonstrated by the planning assessment set out below). There are no policies within the NPPF which would provide a clear reason for refusal.
- 8.15. The development would make a valuable contribution to housing delivery (including affordable housing) and is located immediately adjacent to the urban area of Banbury which is expanding to the east and west of the site. It is also surrounded by existing development on all sides. It is a highly accessible location and the proposal would amount to sustainable development for which Government policy sets a presumption in favour. In these very particular site circumstances the principle of development is supported.

Visual impact and effect on the character of the village and its setting

- 8.16. Policy ESD15 seeks to ensure that new development contributes positively to an area's character and identity and saved Policy C33 of the adopted 1996 Local Plan seeks to retain undeveloped gaps which are important in preserving a settlement's character. It is apparent from the pre-application advice given, the applicant's submissions and the representations received that there are differing opinions about the contribution the site makes to the village's identity and character and the impact development will have on this character.
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- 8.17. The site is heavily influenced by built development. To its east lies Oxford Road which is largely residential but with some commercial development immediately opposite the site. To its south lies Park End Close, leading to Broad Gap and the bulk of the post-war expansion of Bodicote with the historic core of the village just to its south west. The northern end of the site faces green space between White Post Road and Bankside, which provides an element of visual separation between Banbury and Bodicote, and to its immediate west lies the primary school with the recreation ground further beyond.
- 8.18. It is notable that recent expansion of Banbury is an obvious feature of the site's context to the east (Longford Park) and that planning permission has been granted for further development along Salt Way to the site's west.
- 8.19. The site is bound by mature hedging along Oxford Road and is visible on the approach into/out of Banbury. The site is also prominent along White Post Road to its northern edge. The site is not a prominent open feature however from the historic village core and conservation area, or from Broad Gap or White Post Road to its west due to the presence of the school and mature planting within its grounds. The contribution the openness of the site makes to the village's character is therefore very localised to the Oxford Road approach and the flyover (where it is seen in a more 'urban' context of surrounding built development) and its northern boundary from White Post Road. Its contribution to openness from Oxford Road is however reduced by its mature boundaries; the mature trees within the site being the site's most defining characteristic.
- 8.20. Its contribution from White Post Road to the north is more significant. From here there are clear views across the site. Again however, these views are in context of the built development on Oxford Road beyond it and again the trees are the most significant feature. The northern part of the site is the most sensitive in landscape and visual terms and makes more of a contribution to the remaining visual separation between Banbury and Bodicote. There is intervisibility here with the school grounds, the wooded area opposite the site's entrance and around Bankside, and what will be open space within the Salt Way development to the west and open space/recreation areas within the Longford Park development to the east. In recognition of this, the proposals show the provision of a large area of open space at this end of the site consisting of species rich grassland with retained hedgerow and tree planting around the perimeter. This has been marginally extended since the original submission in reflection of its contribution towards maintaining a degree of visual separation.
- 8.21. As open space this would be offered for adoption by the Parish/District Council thereby retaining its openness in perpetuity. The protected trees which are a key feature of the site are to be retained.
- 8.22. Much of the village's rural character and setting comes from views out of the village into the surrounding countryside. This is possible at many points in the village such as down Malthouse Lane, across the recreation ground from White Post Road and from High Street across the Church and at its southern edge. The application site does not perform the same function. Once within the historic core of the village the site is not a discernible feature.
- 8.23. The application is accompanied by a Landscape and Visual Appraisal which concludes that "the overall character of the site is that of an incidental field in a suburban area, with large mature trees and enclosed by development on two sides and urban roads on three sides".

Conclusion

- 8.24. On balance, it is not considered that the proposed development would result in harm to the character, appearance, identity or setting of the village such that a refusal on these grounds would be reasonable, taking into consideration the benefits that would result from boosting the delivery of housing (including affordable housing) in sustainable locations.

Coalescence

- 8.25. Many comments raise concerns about coalescence with Banbury. The 1996 adopted Local Plan saved Policy C15 seeks to prevent coalescence by preventing development in areas of open land which are important in distinguishing settlements. The gap between villages and urban areas being presented as an example of where communities feel threatened. This policy dates from 1996 and although the policy is saved, the context has since changed, not least by the granting of planning permission for further residential development on the southern edge of Banbury at Longford Park and Salt Way which further blur the division between the settlements. The importance of the site in distinguishing Bodicote and Banbury, given the context set out elsewhere in this report, is therefore diminished in the view of officers.
- 8.26. A policy regarding coalescence specifically is not included in the CLP 2031. Policies ESD13 and ESD15 seek to consider applications according to the impact a development has on landscape setting, character, local distinctiveness and visual intrusion (inter alia) rather than coalescence per se.
- 8.27. Notwithstanding that it has diminished over recent years, a degree of separation between the two settlements will help maintain their separate identities. The part of the site which makes the most contribution to this is the northern part of the site which is to be retained as open space. Retaining this as open space, when viewed together with the wooded area between White Post Road and Bankside, the school grounds and the informal open space to be provided as part of the Salt Way proposals will together provide a degree of separation between Bodicote and Banbury to the extent that any conflict with Policy C15 will be very limited. Given the very particular site circumstances set out above, it is considered that there are material planning considerations that outweigh this very limited conflict.

Highways/Access

- 8.28. The application is accompanied by a Transport Statement. Vehicles are proposed to access the site via a single access from White Post Road just to the east of the existing access which will be closed. A ghost island right turn lane and pedestrian refuge is also proposed. Pedestrian access will be from two points; the access on White Post Road and two footpath links onto Oxford Road. A speed survey of White Post Road has been undertaken by the applicants and found average speeds to be below the 30mph speed limit.
- 8.29. The County Council as Highway Authority is content with the access proposals and visibility splays and recommends various conditions to ensure matters concerning parking and manoeuvrability are fully addressed at reserved matters stage. Work within the highway to provide the access and close the existing access will be secured via a S278 Agreement. Financial contributions are requested towards bus service improvements to be secured by a S106 Agreement.
- 8.30. Double yellow lines to the right hand side on exiting the site are proposed which will avoid parked cars making cars approaching from Oxford Road veer into the middle of the road when passing the entrance and will also keep vision splays clear. The works will be secured by a Traffic Regulation Order (TRO), the administrative costs

of which will be secured in the S106 agreement. This process is subject to consultation and is not guaranteed.

- 8.31. A courtesy crossing on Oxford Road could be provided with a pedestrian refuge opposite the most southerly pedestrian access. This would be secured via S278 Agreement.
- 8.32. The objections from third parties on highway grounds are noted but there are no technical reasons on which to resist the proposals. Permission should not be refused unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, neither of which have been shown to be the case.

Impact on Trees/Hedgerows

- 8.33. The land is predominantly enclosed by hedgerows and the field contains a number of mature trees, 9 of which are covered by a TPO (TPO 1/93 refers). In addition, there are a number of mature trees outside but affecting the site. The applicant's tree survey reveals 41 individual trees overall and 7 groups of trees or hedges. The hedgerows and mature trees within and around the site are a key characteristic feature that it is desirable to retain. It is important to ensure the illustrative layout shows a quantum of development which could adequately accommodate these trees and avoid putting future pressure on their removal or significant pruning.
- 8.34. The original plans were unsuccessful in achieving this and proposed the removal of two of the protected trees. Amended plans have been submitted which have reduced the number of houses proposed and provided more space around the trees which will ensure their successful retention into the development and avoid later pressures for their removal and/or extensive pruning. All protected trees are now to be retained and each is located within an area of public open space which will accommodate future growth and ensure trees are adequately managed and maintained. It will also ensure that their contribution to visual amenity is secured. The hedges around the site's perimeter are to be retained.
- 8.35. The amended scheme is accompanied by a Landscape Strategy Plan and indicative species list. This shows the retention and enhancement where necessary of existing trees and hedges, new native tree planting with specimen trees to provide succession for existing trees, new ornamental tree planting, new native and ornamental hedging along with species rich grassland.
- 8.36. The Arboricultural Officer is content with the amended plan although he has some concerns about future management pressures for one of the trees which is close to proposed homes. This can be considered in more detail when applications for reserved matters are submitted.

Heritage Impact

- 8.37. The site does not lie within a Conservation Area. Bodicote Conservation Area lies to the south. The nearest listed buildings are Bodicote House and its lodge. Due to the distances involved, intervisibility and landscapes and buildings between the site and these listed buildings it is not considered that the development affects their setting. Neither is the development considered to affect the setting of the Conservation Area.
- 8.38. The Parish Council's reference to the Conservation Area Appraisal (CAA) is noted and it is correct that the CAA promotes the retention of "significant open spaces and field systems in and around the village". The contribution that the open fields around

Bodicote make to its character are noted, along with the need to ensure that Bodicote retains its identity as a village and does not merge completely with Banbury. In this case however, officers do not share the view that the application site makes such a significant contribution to this character and context for the reasons discussed in para 8.16 – 8.24 above. Coalescence is also discussed above.

- 8.39. In conclusion, it is not considered that the proposed development would affect any heritage assets or their setting.

Ecology and Biodiversity

- 8.40. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making.
- 8.41. Paragraph 170 of the NPPF (2018) states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and by minimising impacts on, and providing net gains for, biodiversity. This requirement is echoed by policy ESD10 of the CLP 2031. The NPPF is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature.
- 8.42. The application is accompanied by an Extended Phase 1 Report. The report finds that the habitats within the site are largely found to be heavily managed and species poor. The habitats with the highest value were found to be the boundary features which are proposed to be retained. The report finds that no further surveys or mitigation are required for amphibians or reptiles. A Bat Emergence Survey has been undertaken but recorded no bat roosting within the buildings to be demolished. Appropriate positioning of bat boxes would enhance the site's value for roosting bats. This and other enhancements (including for nesting birds) could be secured by conditions.
- 8.43. At the request of Officers, the applicants have undertaken an assessment of biodiversity impact. This finds that there would be a modest net gain in biodiversity achieved by provision of amenity grassland, species rich grassland, SuDs features and hedgerow restoration. Further net gains beyond this can be achieved by the provision of enhancements such as bird and bat boxes, hibernacula and improvement and enhancement of hedgerows and trees. It is recommended that the application(s) for approval of reserved matters should be accompanied by a method statement for enhancing biodiversity on site.

Drainage

- 8.44. The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Management Strategy. The site lies within FZ1 where residential development is acceptable in principle subject to no increased flood risk elsewhere as a result of the proposals. The FRA finds a very low flood risk for this site.
- 8.45. OCC as Lead Local Flood Authority objected to the original plans as further infiltration testing was needed to verify its potential for the disposal of surface water.
- 8.46. The applicants have not been able to carry out this testing due to the current tenant's business but note that infiltration within the wider Bodicote area has been unviable. Alternative methods have therefore been considered, discounting

discharge to a watercourse as none is available. Discharge to the public sewer is available and there are a number of options for connection, subject to technical approval and landowner agreement. Thames Water have stated that there is sufficient capacity in the network to allow a connection in principle. Surface water will need to be attenuated on site and an attenuation basin is proposed within the open space to the north of the site. This demonstrates that the site can be drained, although a more detailed drainage strategy will need to be designed to accompany the reserved matters submissions. This can be secured by condition.

- 8.47. Foul water is proposed for disposal via the nearest sewer in Oxford Road. Thames Water has identified an inability of the existing infrastructure to accommodate the development and request a condition is imposed to agree a phasing and infrastructure strategy for foul water.

Illustrative layout and site capacity

- 8.48. The application is in outline only with layout a reserved matter. The application is however accompanied by an illustrative layout which seeks to demonstrate that the quantum of development can be accommodated on site.
- 8.49. The layout has been revised since the original submission as part of positive engagement with Officers. The amount of development has been reduced to maximise the extent of open space within the development and to readily accommodate and retain all mature trees within the site. In addition properties have been moved further off the common boundary with the adjacent school to provide some greater separation between the two and the green corridor has been widened along Oxford Road in response to comments from the Council's Ecologist.
- 8.50. Officers are now satisfied that the illustrative layout provides comfort that the site can readily accommodate 46 dwellings taking account of the site constraints.

Impact on residential amenity and noise

- 8.51. The closest residential properties to the site are those along Oxford Road and Park End Close. These are largely between 25m and 35m from the site's boundary and at such distances a layout could easily be achieved which protects the amenities of existing residents in terms of outlook and privacy.
- 8.52. The amenities of proposed residents could be affected by noise from the school and/or road. The application is accompanied by a Noise Impact Assessment to determine the impact from these sources. The school noise survey coincided with the school lunch hour to allow a 'worst-case' assessment.
- 8.53. The Assessment finds that with appropriate mitigation measures an adequate level of protection from road noise can be provided. This mitigation would include 2.5m high boundary treatments in certain parts of the site, alternative ventilation and higher specification glazing for certain facades.
- 8.54. Boundary treatments of 2.5m in the public domain would need to be given careful consideration. However, the areas concerned are very limited and the application is in outline only. Appropriate positioning of dwellings, boundary treatments and the nature of such treatments could be given due consideration at reserved matters stage. The Noise Assessment provides reassurance that appropriate standards of amenity can be provided.
- 8.55. The impact of school noise is perhaps more difficult to assess given that it is intermittent and more variable, but impact during lunch times (worse-case) is

assessed as 'very substantial'. Increasing the height of fencing along the school boundary from 1.8m to 2.5m reduces the category to 'substantial'. It is noted that the school grounds are screened to a large extent by existing tree planting on the school side which offers an element of perceived separation between the two. Noise levels are also exceeded intermittently, such as during the lunch time and short breaks, and during the school day only. The nature of the noise (children playing) is a noise source which may be less disruptive than other, less-tolerated, sounds and dwellings being sited in close proximity to school grounds is not unusual. On this basis it is considered that, with mitigation, noise affecting the development should not give rise to significant adverse impacts on health and the quality of life for future residents.

Impact on local infrastructure

8.56. Should the application be approved, local infrastructure which will need to be provided in order to mitigate the impact of the development and make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010. The following obligations are all considered to meet the statutory tests in this case;

- Affordable Housing - 35% affordable housing provision. 70/30 rented/shared ownership. Clusters fewer than 10 units. 50% to meet the Building Regulations Requirement M4 (2) Category 2: Accessible and Adaptable Dwellings requirement. 100% of the affordable rented units are to be built to the government's Nationally Described Space Standard.
- Provision of LAP and commuted sum for maintenance of £27,501.52
- Commuted sum for maintenance of balancing pond of £11.63 per sqm
- Commuted sum for maintenance of informal open space of £9.32 per sqm
- Commuted sum for tree and hedge maintenance of £334.82 per tree and £14.35 per sqm of hedge
- Contribution towards primary medical care within the Banbury area of £360 per person
- Contribution towards bin and collection vehicle provision and recycling banks of £106 and £5 per dwelling respectively
- Financial contribution towards primary school provision south of Salt Way (amount TBC)
- Contribution towards increasing the frequency of bus services to Banbury of £1000 per dwelling
- Contribution towards off-site outdoor sports facilities of £2017.03 per dwelling
- Contribution towards off-site indoor sports facilities of £335.32 per person
- Contributions towards community hall facilities of £298.88 per 1 sqm

- Payment of £2700 to cover OCC admin costs to issue a TRO to secure double yellow lines to the east of the site access
- Requirement to enter into a S278 Agreement with the County Council to deliver the proposed access and ghost right turn lane with pedestrian refuge; pedestrian access onto Oxford Road; closure of the existing access onto White Post Road; double yellow lines to the east of the new access; courtesy pedestrian crossing on Oxford Road.

Other matters

- 8.57. The application is accompanied by a Ground Conditions Desk Study. Environmental risks to the proposed development are considered to be low but an intrusive phase 2 ground investigation is recommended to allow any risks to be quantified. The Council's Environmental Protection Officer concurs with this and it can be secured by condition.
- 8.58. The application is accompanied by a Utility Statement. This shows that there is existing electricity, gas, Openreach and Virgin Media infrastructure available subject to agreement with relevant operators.
- 8.59. Thames Water has identified an inability of the existing water supply network infrastructure to accommodate the supply needs of this development proposal and a condition is recommended to agree a water strategy.
- 8.60. Recent appeal decision at Launton – Outline planning permission has recently been granted on appeal for a development of up to 72 homes in Launton; a Category A Village⁵. In that case the Inspector found that the 750 dwellings identified in Policy Villages 2 was not a 'ceiling' and that conflict would only arise if there was a material increase over and above the 750 dwellings. He also found that the 750 figure referred to dwellings delivered and whilst the level of planning permissions and resolutions to approve is approaching 750 the number of units built is still substantially below that figure. He concluded that the proposals would not breach Policy Villages1 or 2 or the overall plan strategy.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the Development Plan unless material considerations indicate otherwise. Government guidance within the NPPF supports the plan-led system and advises that applications that accord with an up-to-date plan should be approved without delay.
- 9.2. The site is unallocated in the adopted CLP 2031. Bodicote is designated a Category A Village under Policy Villages 1 of the CLP 2031 and as such suitable for minor development within its built up limits. Policy Villages 2 supports development of sites for more than 10 homes in the Category A villages in certain circumstances. 750 homes are to be delivered across these villages. When considering sites under this Policy a number of considerations apply concerning the site's environmental value and impact and deliverability. It is considered that the site would comply with these criteria.
- 9.3. It is acknowledged that Bodicote is already delivering new housing and that the 750 distribution of homes across the Category A villages during the plan period is already met in terms of permissions granted/resolved. The Council's housing land

⁵ APP/C3105/W/17/3188671

supply position is also noted. However, 750 dwellings is not a ceiling and the actual delivery of dwellings under this policy falls below 750.

- 9.4. Leading weight to the acceptability of the proposals in this case is their scale, which is such that it will provide valuable housing without being out of scale with the size of the village, and the location of the site relative to the village itself and neighbouring Banbury. The site is well-contained by existing built development and in a very accessible location adjacent to Banbury and with services and facilities available including good bus links to both Banbury and Oxford.
- 9.5. The proposals would ensure that development is focused within the most sustainable locations, is of an appropriate scale, is supported by services and facilities and does not exacerbate travel patterns that are overly reliant on the private car. The development would make a valuable contribution to housing delivery (including affordable housing) and is not considered to conflict with the Council's spatial strategy or the principles of Policy Villages 1 and 2. There would also be some economic benefit in the support of construction jobs and spending in the area that future residents would bring about. The provision of areas of public open space for the whole community would also be a benefit, as would any resultant ecological enhancements.
- 9.6. Further weight is given to the lack of site constraints and as the above planning assessment demonstrates, the proposed development does not give rise to unacceptable adverse impacts. In addition, there are no policies within the NPPF which would provide a clear reason for refusal. The illustrative plans include the retention of key site features as well as retention of a not insubstantial area of open space within the northern part of the site to help preserve a sense of separation between the village and Banbury.
- 9.7. In this case, given the site circumstances and policy context set out in the report, the proposal would amount to sustainable development for which Government policy sets a presumption in favour and is recommended for approval.

10. RECOMMENDATION

Delegate to the Assistant Director of Planning Policy and Development to grant Planning permission subject to;

1. Completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, in accordance with the summary of the Heads of Terms set in para 8.57 and;
2. Conditions relating to the matters detailed below (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning Policy and Development).

Draft summary of conditions, detailed conditions will follow in written updates

1. Submission of Reserved Matters
2. Time Limit for submission of Reserved Matters (3 years)
3. Commencement of Development (2 years from Reserved Matters approval)
4. Compliance with Approved Plans (access plans and parameter plan principles)
5. Noise Assessment and Mitigation Measures to accompany reserved matters application(s)
6. Biodiversity enhancements to accompany reserved matters application(s)

7. Reserved matters compliance with Parameter Plan, Landscape Strategy and Indicative Species List
8. Ecological Mitigation
9. Arboricultural Method Statement
10. Construction Environment Management Plan
11. Land contamination investigations and remediation (intrusive investigations to establish any contamination present)
12. Land contamination investigations and remediation (remediation scheme if condition 11 finds contamination)
13. Access construction details
14. Surface water drainage scheme details
15. Archaeological Written Scheme of Investigation
16. Archaeological evaluation
17. Demolition of existing buildings prior to commencement
18. Any remediation prior to occupation
19. Landscape and Ecological Management Plan
20. Travel Plan Statement and Travel Information Pack
21. All wastewater network upgrades prior to occupation
22. Surface water network upgrades prior to occupation
23. All water supply network upgrades prior to occupation
24. Electric charging ducting for each dwelling
25. Broadband ducting for each dwelling
26. Unsuspected contamination
27. Close existing access
28. Specification details of the internal carriageways and footways
29. Specification details of the vehicular parking and manoeuvring areas
30. Cycling storage provision
31. External Lighting details
32. Tree and Hedgerow retention
33. Avoid bird nesting season
34. Implementation of landscaping

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