

21/04271/F

Agenda Item 11

Land South of Faraday House
Woodway Road
Sibford Ferris



1:2,000

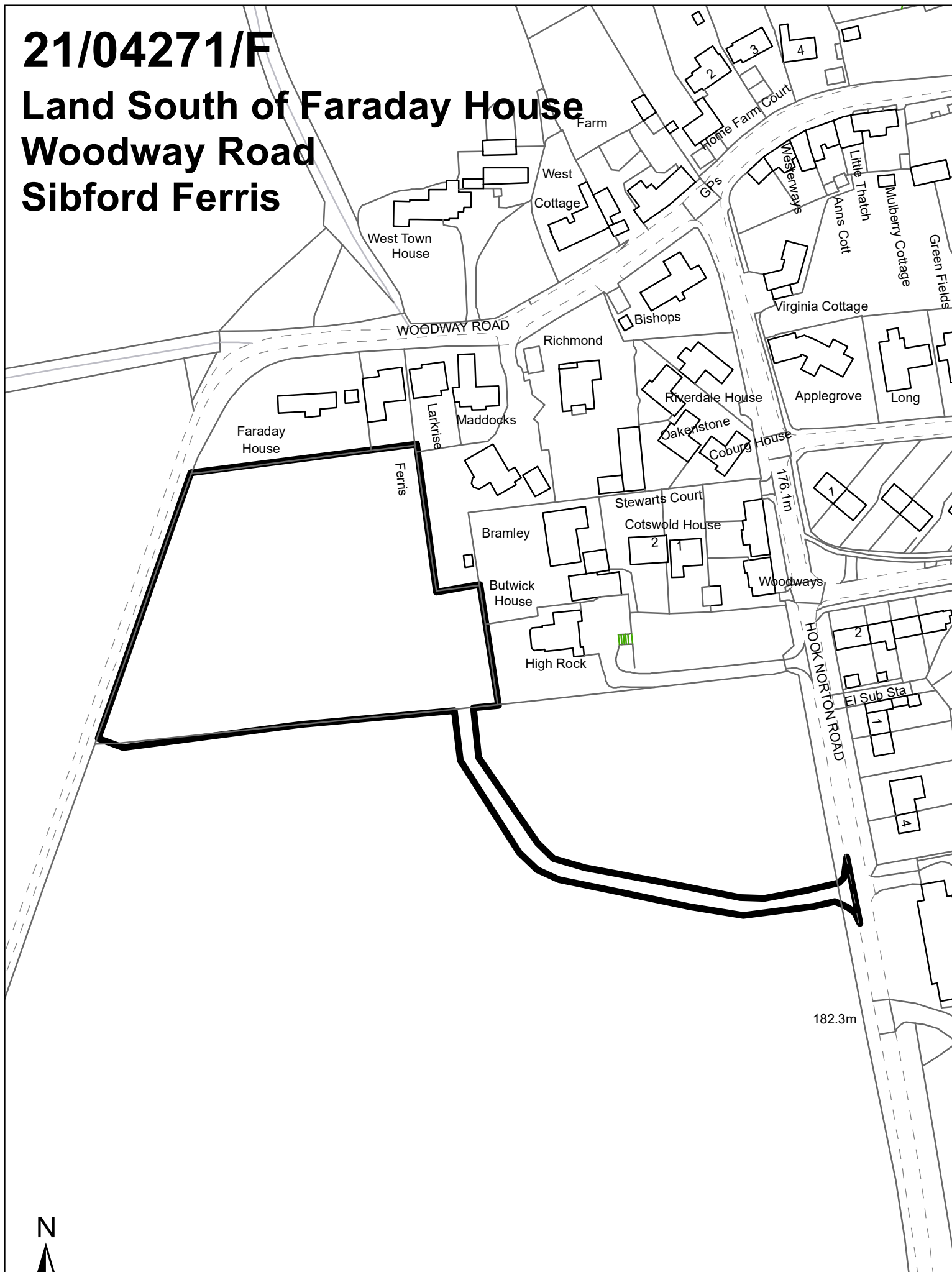


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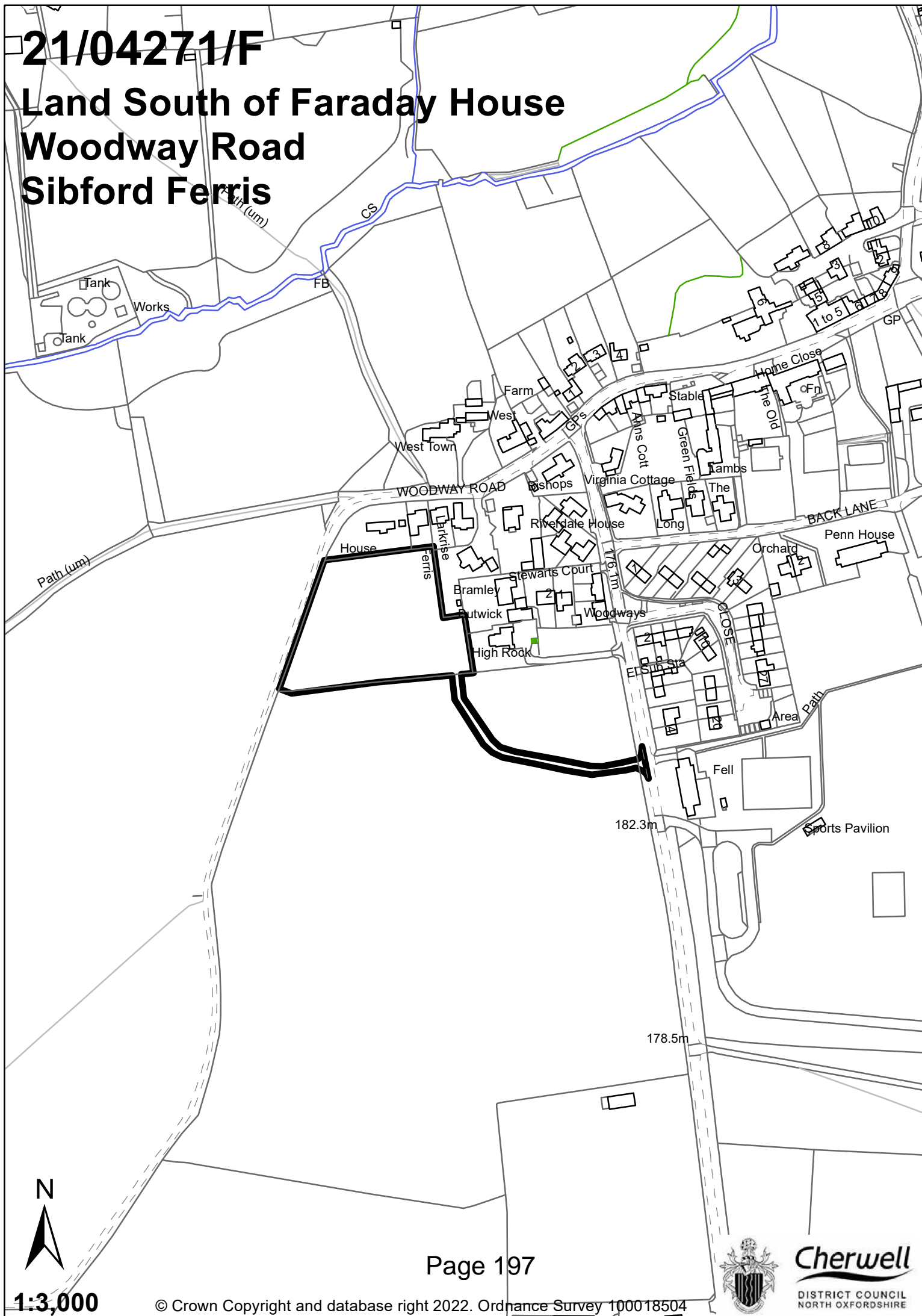


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21/04271/F

Land South of Faraday House
Woodway Road
Sibford Ferris



1:3,000



Case Officer: Wayne Campbell

Applicant: Blue Cedar Homes Limited

Proposal: Erection of 6no single storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure

Ward: Cropredy, Sibfords and Wroxton

Councillors: Cllr Chapman, Cllr Reynolds, and Cllr Webb

Reason for Referral: Called in by Councillor Chapman for the following reasons:

Public Interest – there are many objections from concerned residents requiring the topic to be discussed publicly.

Sustainability – The Sibfords including Burdrop are three small villages with very limited services. They are not well connected to each other. This application does not support CDC policies.

The Sibford Ferris infrastructure is stretched, including sewage already. This is prior to the adjacent 25 homes being built and putting more pressure on services. This new application will put even more pressure on the narrow and congested high street

Expiry Date: 11 March 2022

Committee Date: 7 April 2022

SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located on the western edge of Sibford Ferris village and covers an area of 0.94ha. The northern and eastern boundaries to the site are marked by existing residential properties while the southern edge of the site is marked by a hedgerow boundary beyond which is a further field which has outline planning permission for up to 25 dwellings approved at appeal under application 18/01844/OUT (and subject of a current Reserved Matters application). To the west the site is marked by Woodway Road and open fields.
- 1.2. The existing houses adjoining the site to the north and east are two-storeys in height while the boundaries between these dwellings are a mix of hedgerows and fences. Other than the hedgerow boundaries the site is an area of open agricultural land which currently has the appearance of a paddock, but from google maps the site has clearly been used for agricultural use with evidence of ploughing in the past.

2. CONSTRAINTS

- 2.1. The application site is located outside the built form of Sibford Ferris village but abuts the edge of the village. The site therefore has the appearance of an area of open countryside.

- 2.2. The Sibford Ferris Conservation Area boundary lies some 70 metres to the north of the site with existing residential properties on intervening land. The nearest listed buildings within the Conservation Area lie some 175 metres to the north-east of the site located on the main street through the village.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks planning permission for the development of the site for six detached bungalows. Access would be provided off a spur road to link into the approved residential development to the south of the site, and delivery of the proposed development is dependent upon the provision of the access road to the development to the south. Work on this site is unlikely to commence until this road serving the estate to the south is implemented.
- 3.2. The applicant has confirmed that the bungalows would be age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure. The bungalows would be controlled by an age restriction of 55 years and above for the occupiers.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal. However, as access to the site is to be obtained via the development to the south the history for this adjoining site is relevant.

18/01894/OUT - Outline planning permission with all matters reserved for up to 25 dwellings with associated open space, parking and sustainable drainage. Refused and approved on Appeal.

21/02893/REM - Approval of reserved matters pursuant to condition 1 of planning permission 18/01894/OUT for details of layout, appearance, scale, landscaping, access and parking for 25 dwellings. Pending decision.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The application was the subject of a pre-application enquiry. A meeting with the applicant and agent was carried out; however, the application was submitted before a response was provided though after the target date for the response. As such no written advice had been provided to the applicant prior to the submission of this application.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records along with formal consultees. The final date for comments was **31 January 2022**. There were 106 letters of objection, 1 letter of support and no comments received.

- 6.2. The comments raised by third parties are summarised as follows:

- Principle – Application conflicts with The Sibfords Community Plan.
- Attempts to build on this site over the years, they have all been refused as the site was deemed unsuitable.
- Development unnecessary, inappropriate and unsustainable contrary to Policy C28 of the Cherwell Local Plan 1996, Policy villages 2 and Policies ESD13 and

ESD15 of the Cherwell Local Plan 2011-2031 part 1 and the National Policy Framework and the National Design Guide.

- Need – No new permissions in rural areas needed as the Housing Delivery targets already exceeded, a total of 1062 dwellings have been identified to meet the Policy Villages 2 requirement for 750. The Annual Monitoring Review sets out Cherwell has a "Housing Land Supply from Deliverable Sites" for the 5 year period 2020 - 2025 and the other for the period 2021 - 2026 of respectively 4.8 and 4.7 years, marginally under the required 5 years.
- Sustainability – Council's own CRAITLUS report says development in the Sibfords is the least sustainable in the Cherwell district. The allowed appeal decision for 25 houses at Hook Norton Road in November 2019, overlooked the relative isolation, aged infrastructure, limited capacity, lack of facilities and poor accessibility of Sibford Ferris.
- Occupants of the proposed dwellings, being older, less mobile and less likely to walk or cycle, will be highly reliant on the use of private cars. Government advice on the location of housing for older people states that factors to consider include the proximity to good public transport, local amenities, health services and town centres. None of these apply in this instance.
- Nearest bus stop is 650m from the site entrance. On weekdays there are five buses to Banbury and Stratford, on Saturdays there are four and on Sundays there are no services and no services to Chipping Norton. Chartered Institution of Highways and Transportation guidance states maximum walking distances to bus stops is: "400 metres on single high frequency routes (every 12 minutes or better)." "300 metres on less frequent routes." The guidance disregarded by the applicant.
- Sibford Ferris, Sibford Gower and Burdrop wrongly classed as Category A Villages... leaves them vulnerable to speculative and unsustainable development. Class A categorization under review with communities and local MP and raised by Planning Inspector commenting on the appeal case of the Hook Norton Rd Development.
- The few public amenities in Sibford Gower and Burdrop, only accessed by narrow roads with poor, incomplete footpaths, limited lighting and congestion caused by parked cars. The villages are separated by a deep valley (Sib Brook) have poor accessibility for anyone, let alone older persons, without a car while the bus service has more than halved in recent years.
- Development beyond the confines of Sibford Ferris village and the residents of Sibford Ferris and Sibford Gower limited services means residents overly dependent Banbury, Stratford upon Avon and Chipping Norton. Sibford Ferris is not a suitable location for these age restricted dwellings.
- Infrastructure – No guarantee local infrastructure will cope with approved development for 25 new homes such as traffic, sewerage system at capacity, appointments at the local surgery, lack of public transport, lack of pavements, lack of Broadband, water pressure therefore further dwellings have a greater impact
- Transport impacts – Traffic implications with two lots of site traffic opposite the main entrance to Sibford Friends School and additional traffic will drive up CO2 emissions and drive down air quality.
- The traffic assessment in support of the application is not a true reflection of the village infrastructure, where with only one small shop/post office that often does not have the most basic of items that you may need located in the centre of the village which is a distance of 900 metres away from the proposed site.

- Traffic assessment mentions there have been no reported accidents at the proposed location; again this is not a true reflection of the village.
- Implications – Proposal clearly a phase 2 style extension of the Hook Norton Rd site, with a phase 3 put forward as part of the Local Plan review leading to Developer Creep.
- Benefits – How does developer ensure homes will go to local people? Development will attract additional older people to the village, which already has a much higher proportion than the national average. Demand for affordable housing but this development is not going to contribute any to young families.
- Despite being described as for older people, the proposal is open market housing, fettered only by the not particularly demanding requirement for the occupiers to be 55 years of age. Whilst an ageing population has particular housing needs, 'retirement bungalows' in this location with a negative effect on the character and appearance of the area do not warrant any particular pre-eminence.
- Impact on landscape – Proposed development will adversely affect the local Landscape character of the village and the outlook over the ANOB with a beautiful landscape of farmland, natural flora and fauna further development will only erode the natural beauty of the area.
- Design – The proposal appears ill-conceived, incorporating large bungalows with variety of roof pitches, timber boarding and other uncharacteristic features is contrived, takes no design cues from the established historic character of its surroundings.
- Bungalows sited close together, have very small private amenity spaces, appear cramped and out of character with the quality of development in the village, which is designated as a Conservation Area.
- Gables on the north & east elevations would cause unnecessary restrictions to light and visual impact to the properties surrounding the development.
- Revised position of bin collection point would result in noise disturbance on collection day, lights from refuse lorry would shine directly into our property resulting in evasion of privacy.
- Revised plans place new road access, along with the swept path assessment, directly bordering our entire garden, which will affect our property with fumes, noise and after dark light pollution with vehicle lights from anyone driving along this access road shining directly into our property when this road is in use. Proposed access road means a complete loss of privacy, as well as a loss of wildlife that we often observe there from pheasant to deer and a loss in our ability to enjoy our hard worked for home and garden.
- Health – In an age of ever-increasing mental health issues, busy work lives, balancing the work/home life our outside space is at a premium for wellbeing, putting roads and properties on unsuitable green space areas decreases chances to connect with nature and have those peaceful safe spaces.
- The immediate and close presence of fields that grow rotational crops, can spark asthma, so a breathing compromised elderly person could react to that aspect of the environment,
- Council declared a Climate Change Emergency, but none of these environmental objectives will be achieved by repeating the same mistakes and approving more and more homes in attractive but inherently unsustainable villages like Sibford Ferris. This is a poorly conceived scheme on an unsuitable site in an unsustainable location and should be refused.

- Support the application as *it's good to have affordable housing for older people particularly in this area where Londoners can afford to outbid everyone*

6.3. Sibford Action Group:

- Conflict with the development plan, *Cherwell Annual Monitoring Report 2021 states that the 750 dwellings figure is likely to be exceeded by 312 dwellings, when allowing for non-implementation of some consents. This is with 9 years to go to the end of the Plan period. At close on 50% more than the 750 dwellings requirement, this proposal would add to a material exceedance of the policy figures and is therefore clearly unnecessary in terms of satisfying Policy Villages 2.*
- Accept that Council unable to demonstrate 5-year land supply and despite delivering 153% of its housing requirement between 2018 – 2021 that the 'tilted balance' under paragraph 11d of NPPF is engaged. Notwithstanding this the Action Group consider the adverse impact of the proposal would clearly outweigh any minor benefits.
- Unsustainable, poorly conceived scheme is an incursion into the beautiful open countryside surrounding the village and in an unsustainable location especially for older people. *Parish Council is seeking to amend the classification of the village because it is not a true or accurate reflection of the history, community, geography, topography and location of its sparse facilities.*
- The Sibfords' Community Plan (2012) detailed that nearly 75% of respondents used the small village shop, but only for up to thirty percent of their shopping overall. Villagers still drive to nearby settlements for a supermarket, or any other shops and most services for the other 70% of their shopping needs. Proposal to be private car dependent with associated environmental harm so not suitably located and unsustainable for older persons.
- Government guidance on "Housing for older and disabled people" states: '*The location of housing is a key consideration for older people who may be considering whether to move (including moving to more suitable forms of accommodation). Factors to consider include the proximity of sites to good public transport, local amenities, health services and town centres.*' None of these apply to the current application site and proposal.
- Harm to the landscape, as the site lies outside the built-up limits of the village in an attractive landscape that can be viewed from the Cotswolds Area of Outstanding Natural Beauty. *Sibford Ferris is one of the best examples of a village being absorbed within the landscape. Historically, dwellings have been subservient to the landscape, which is rolling, rural and influenced by the Sib Valley and the Ironstone Downs. However, regrettably new development is now threatening this.*
- Generating extra traffic on unsuitable roads as *occupants of the proposed dwellings, being older, less mobile and less likely to walk or cycle, they will be highly reliant on the use of private cars. This was accepted by the Inspector on the Hook Norton Road appeal. It is underlined by the double garages and two parking spaces for each bungalow included within the scheme. There is the added complication provided by proposed access through the Hook Norton Road site, which may not proceed concurrently with the present proposal at Woodway Road or could be exacerbated during the construction of either or both of the proposed developments together or sequentially*
- Poor layout and design, contrary to the NPPF and National Design Guide, *design, incorporating large bungalows with a variety of low and other roof pitches, timber boarding and other uncharacteristic features is contrived and takes no design cues from the established and historic character of its*

surroundings, with the Sibford Ferris Conservation Area just a few metres away to the north of Faraday House. The bungalows are sited close together, have very small private amenity spaces and would appear cramped and out of character with their immediate surroundings.

- *In assessing distances and times for walking and cycling to other facilities topography is an important factor and with the exception of the Shop/Post Office all the other facilities identified in application are located in Sibford Gower where the only link between the two villages is a narrow road through the Sib valley with steep gradients (around 20%) for several hundred metres in each direction. As the Blue Cedar proposal is for age restricted dwellings for people over 55 the extent to which occupants will be willing to tackle such gradients is questionable and more likely there will be much higher usage of private cars than in the “typical” case.*
- *In terms of highway safety the applicants report fails to take proper account of the specifics of the location providing access from the site to Hook Norton Road and of the traffic movements connected with Sibford School.*
- *Changes to the internal layout has caused considerable loss of amenity to the existing residential properties adjoining the proposed development. For High Rocks, Butwick House and Bramley House a refuse collection site for the entire development is now proposed directly adjacent to their perimeter fences and back gardens. In the case of Faraday House an enlarged turning area now reaches to the perimeter of the development where it is the perimeter fence of their back garden with consequent fumes, noise and after dark light disturbance to the property.*
- *The Traffic Report by Pegasus is flawed as it considers the position as it exists today and not as it will exist when the Gade Homes development has been completed. This will be prior to the completion of the Blue Cedar development but access between the Hook Norton Road and the Blue Cedar development will be through the Gade development which will have itself already created a new junction with additional traffic at the junction.*
- *The Cherwell Rural Area Integrated Transport and Land Use Study (CRAITLUS) commissioned by Cherwell District Council and submitted in 2009 concluded that Sibford Ferris and Sibford Gower were two of only four villages in the rural area where road conditions and transport links rendered them unsuitable for further residential development.*

6.4. **Local MP.** A letter from the local MP Victoria Prentis has been received. The letter outlines that the MP has been contacted by a number of constituents regarding the cumulative impact of the development with the adjoining development allowed on appeal. It is stated that the site is grade 2 quality agricultural land and although recognise the need for sustainable homes concerned over the possible loss of such productive farmland when suitable brownfield sites are available and where the importance of a resilient domestic food supply has been highlighted over the past two years and where land of this quality is already in short supply. Several constituents have advised that the Council has already exceeded its target of 750 homes in the largest rural villages under the current local plan.

6.5. Constituents question whether Sibford Ferris, Sibford Gower and Burdrop should be considered as allocated as a category A village. MP considers it is clear that these villages are separate and not capable of sustaining a large amount of further development. Constituents highlight that access to small shop in Sibford Ferris and remaining amenities in Sibford Gower and Burdrop along narrow lanes with tight

bends, parked cars limited footpaths would present clear challenges for older residents from an age restricted development. Given the residents ability to walk or cycle together with the limited bus service it is clear that the future occupiers of the bungalows will be largely reliant upon the use of cars. Constituents feel that this is at odds with vital need to promote sustainability in future housebuilding. MP highlights concern over current water and sewage infrastructure in the Sibfords being at capacity and that this application would push these systems to breaking point.

- 6.6. A legal opinion has been submitted by the Applicant in support of the planning merits of their proposals.
- 6.7. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. SIBFORD GOWER PARISH COUNCIL: **Objects** on the grounds of although a Category A village in the appeal for the Hook Norton Road development the Inspector noted that *Given the spread of services across each settlement, it is unlikely that the Development of any site around the Sibfords would readily enable access by sustainable Transport modes.* Category A identification may be appropriate in planning terms but fails to reflect the actual nature of the community, geography, topography and location. Sibford Ferris only has a small shop, with the limited other public amenities available in Sibford Gower/Burdrop. The bus service has been reduced to half in recent years over-development; outside the village confines; adding to traffic problems in the area. Development contrary to the Sibford Community Plan 2012. Hook Norton development represent a 17% increase in households, additional 6 units increase this to 21%.

Concerned about sewage. No proven capacity adding further risk; Limited access to appointments and parking at the local surgery; Lack of public transport; Lack of pavements; Lack of Broadband; Poor Water Pressure; and Blocked drains are already a problem in the village.

CRAITLUS Report August 2009 states of 33 Villages Shenington, Sibford Ferris/Sibford Gower and Charlton-on-Otmoor perform poorly due to their location on minor roads with long travel times and distances to access key facilities.

Due to the wording of the current plan there is a level of ambiguity related to the development figure set for rural development. We understand that the plan talks about providing 750 dwellings in rural areas for the planning period 2011 to 2031 but this is not tightly worded and so open to interpretation as being: a ceiling, a goal, a minimum etc. Since 2014 1062 dwellings identified to meet the Policy Villages 2 and further permissions will exceedance of this target. 8293 permissions granted for homes, which haven't been built yet around Bicester, Banbury and Upper Heyford. Sibford Ferris has a housing density of 148 properties. Concern that the Sibfords potential "developer creep" into this site. Unreasonable for the small settlement of Sibford Ferris to absorb further speculative development.

Little evidence development would benefit Sibfords residents, likely to attract more older people to a location which already has a higher proportion of older people than

national average. The 55 years age restriction would appear to afford open market housing for potential residents.

Design unsympathetic to the established historic character of the village, much of which is designated as a Conservation Area. Location of development for older people is unsuitable and would produce an incongruous and cramped form of development, fails to respond to local character. Adverse impact on the local landscape, extending the village built-up footprint to Woodway Road, eroding the existing unspoilt, rural character.

The proposal is contrary to Policy C28 of the Cherwell Local Plan 1996, Policy villages 2 and Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 part 1 and Government guidance contained within the National Policy Framework and the National Design Guide.

Following receipt of amended plans SIBFORD GOWER PARISH COUNCIL raises the following objections:

- Development closer to Woodway Road results in less green space as larger areas are consumed by the access road. This affects the openness of this part of the village and brings the built development closer to the well-used PROW and national cycle route.
- Design still appears ill-conceived and overdeveloped. Bungalows are sited close together, have very small private amenity spaces and would appear cramped and out of character with their immediate surroundings and the quality of development in the village, which is designated as a Conservation Area. Contrary to paragraph 134 of the NPPF.
- Communal refuse now located at the rear of High Rock and we object to this on amenity grounds, as the refuse is too close to pre-established household of High Rock.
- Proposal is clearly not well-designed and now appears to have replaced timber with red brick which will make it appear to be a 1970's design and does not respond to existing local character and surrounding context.
- Despite being described as for older people, the proposal is for expensive market housing for occupiers of 55 years of age and above. This is not retirement age?
- Unclear from the revised site map how this impact on the drainage plan.
- Revised plans do not address the lack of sustainability and Infrastructure in the village
- Do not know how the infrastructure will cope with the Gade Homes development for 25 new homes on the adjacent site. Particular concerned about sewage and note that Condition 8 (Sewage) has not yet been discharged for the Gade Homes development. Have Severn Trent undertaken a comprehensive study to see if capital improvements are required and how and when will this will be done? Urge the case officer to recommend objection to this application until the safety of the Sib is proven.
- Occupants being older, less mobile and less likely to walk or cycle, will be highly reliant on the use of private cars and this is underlined by the double garages and two parking spaces for each bungalow
- Danger of extra traffic on unsuitable, narrow roads through the village,

- Unsafe Site Traffic as proposed access through the Gade Homes site. If the two site are developed at the same time, there will be double site traffic passing the main entrance to the Sibford School on the Hook Norton Rd,
- Revised plans do nothing to address cumulative effect of development in Sibford
- Application appears to be part of a long term three-phase development and the cumulative effect of all three developments on the village, need to be considered.

CONSULTEES

- 7.3. OCC HIGHWAYS: **No objection**. Following receipt of amended plans.
- 7.4. CDC STRATEGIC HOUSING: **No objection**. 6 units is below the threshold for affordable housing. There is a need in Cherwell for accommodation for older people and the proposed development will contribute to meeting this need. As there is no policy requirement for affordable housing, Strategic Housing have no further comments.
- 7.5. OCC ARCHAEOLOGY: **No objection**
- 7.6. SEVERN TRENT WATER: **No objection** subject to conditions
- 7.7. ENVIRONMENT AGENCY: **No comments** to make on the proposal
- 7.8. CDC CONSERVATION OFFICER: No comments received
- 7.9. CDC ECOLOGY: No response received
- 7.10. CDC PLANNING POLICY: No comments received
- 7.11. CDC ENVIRONMENTAL HEALTH: No comments received
- 7.12. WILDLIFE TRUST: No response received
- 7.13. OCC LEAD LOCAL FLOOD AUTHORITY: No comments received

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council in 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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 2015)

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution

- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- 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
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (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
- Villages 1: Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C5: Protection of ecological value and rural character of specified features of value in the district
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C33: Protection of important gaps of undeveloped land
- ENV1: Environmental pollution
- ENV12: Potentially contaminated land
- TR1: Transportation funding

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Sibford Community Plan 2012
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Highway Implications
- Residential amenity
- Drainage
- Ecology impact
- Sustainable construction

Principle of Development

- 9.2. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Also, of a material consideration is the guidance provided in the recently revised National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England and how this should be applied.
- 9.3. In determining the acceptability of the principle of new dwellings regard is paid to Government guidance contained within the NPPF. This explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.4. Paragraph 10 of the NPPF states that *so sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 defines the presumption in favour of sustainable development as approving development proposals that accord with up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 9.5. Paragraph 12 also advises, amongst other things that *the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. The NPPF also states that a Local Planning Authority may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*
- 9.6. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes, and paragraph 60 states that *to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.*
- 9.7. Paragraph 73 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period). Paragraph 74 continues by stating that *a five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:*
- a) *has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*

- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.*

Development Plan

- 9.8. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996.
- 9.9. Policy PSD 1 of the CLP 2015 states that *when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework*. The policy continues by stating that *planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise*. Paragraph B88 of the CLP 2015 also highlights that *by focusing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth*.
- 9.10. Policy BSC4 of the CLP 2015, which covers the issue of providing housing mix on new development, states that *new residential development will be expected to provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities*. The policy continues by stating that *opportunities for the provision of extra care, specialist housing for older and/or disabled people and those with mental health needs and other supported housing for those with specific living needs will be encouraged in suitable locations close to services and facilities*. Although it is accepted that the applicant is not providing sheltered housing, the accommodation is aimed at those who are aged 55 and above. The advice in the National Planning Practice Guidance (NPPG) states that the definition of age-restricted general market housing is, *housing generally for people aged 55 and over and the active elderly. It may include some shared amenities such as communal gardens but does not include support or care services*.
- 9.11. Saved Policy H18 covers the issue over new dwellings in the countryside. Under this policy it is stated that *planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements other than those identified under policy H1 when:*
- (i) it is essential for agriculture or other existing undertakings, or*
 - (ii) the proposal meets the criteria set out in policy H6; and*
 - (iii) the proposal would not conflict with other policies in this plan.*

Under the current CLP 2015 Saved Policy H1 was replaced by Policy BSC1 while Saved Policy H6 was replaced with Policy Village 3 (Rural Exception Site).

- 9.12. The CLP 2015 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. With regards to villages, the Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does however advise that there is a need within the rural areas to meet local and Cherwell-wide needs.

- 9.13. Cherwell's position on five-year housing land supply is reported in the Council's 2021 Annual Monitoring Report (AMR). The 2021 AMR concludes that the District can demonstrate a 3.8 year supply for the current period 2021-2026 and a 3.5 year supply for the next five year period (2022-2027) commencing on 1 April 2022. The calculations also highlight that there is a shortfall of housing supply equal to 1,864 for the period 2021-2026 and 2,255 for the period 2022-2027. Although the current application is only for a small development of 6 bungalows, the proposal would make a contribution towards the provision of dwellings within the District.
- 9.14. Section E of the CLP 2015 concerns the monitoring and delivery of the Local Plan. Paragraph E.19 states that *if the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic Housing Land Availability*. In this instance the most recent published review undertaken by the Council is the Housing & Economic Land Availability Assessment (HELAA) (February 2018). This application site was reviewed in the HELAA under site reference HELAA267 under which the HELAA confirmed that this site had few physical constraints and limited potential impacts, and the site was considered suitable for a residential development of up to 20 dwellings.
- 9.15. Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C), with Category A villages being considered the most sustainable settlements in the District's rural areas which have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Sibford Ferris is a Category A village.

Assessment

- 9.16. This application seeks planning permission for the development of an agricultural field for age restricted bungalows. The site is undeveloped, agricultural land that, given its physical and visual relationship to the existing built form, is outside of the existing built form of Sibford Ferris village but with existing residential properties to the north, east and approved residential development to the south. The site is bounded on the fourth side by Woodway Road then open countryside.
- 9.17. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan.
- 9.18. Policy BSC1 of the CLP 2015 sets out the district wide housing distribution for the plan period 2011 to 2031 to enable the District to meet its housing needs in that time. The housing strategy of the Local Plan is to focus development at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns, in particular RAF Heyford.
- 9.19. Being outside the limits of the village, the proposal conflicts with Policy Villages 1 and, being less than 10 dwellings, it does not find support from Policy Villages 2.
- 9.20. For development of less than 10 units, Policy BSC1 sets a "windfall" of 754 houses in the rest of the district outside Bicester and Banbury. The 2021 AMR shows that at 31/03/21 the level of Windfall Allowance (for <10 dwellings) stands at 770 completions with a further 217 for Planning Permissions at 31/3/21 and completions of 770.
- 9.21. The current position shows the level of windfall development in the rural area has passed the 754 set in Policy BSC1. The proposed development would increase the level of rural dwellings further. However, the figure is not a ceiling and, given the Council's housing land supply position (see below), exceeding the figure is not a

reason to warrant a refusal in this instance. As with all new development in considering the level of development the key issue is the impact of the development on the area and other material considerations around the development.

- 9.22. Saved Policy H18 of the CLP 1996 outlines criteria under which new development will be considered against. The proposed development would not provide essential agricultural housing and is not considered to represent a rural exception housing site providing an element of affordable housing. This weighs against the development of this site for the 6 bungalows.
- 9.23. The site is not previously developed land. The site is within an area of Grade 2 (possibly Grade 1 according to the Council's GIS mapping) agricultural land. This would weigh against the proposal.
- 9.24. The site to the south was granted permission at appeal. The Planning Inspector held that, *although the proposals would involve the loss of Grade 2 agricultural land, this has to be balanced against the benefits which the proposals could make to the provision of additional housing.* The appeal proposal was for a significantly larger number of dwellings on the site and hence a larger area of agricultural land lost to development than the current proposal.
- 9.25. It is considered that the conclusions of the Planning Inspector are a material consideration and that the benefit of the additional 6 bungalows has to weigh against any refusal on the grounds of lost agricultural land in this instance.
- 9.26. In addition, the applicant has advised that the site has been farmed on an agricultural tenancy by the adjacent owner of the land to the south. Access for agricultural operations has been conducted from his land to the south. Now that the southern land has been sold for development purposes the access is no longer available. The applicant states that farm tenant has no desire to farm it and has surrendered his tenancy. Furthermore, the landowner considers that, because of the size and shape of the site, the cost of travelling to it, and the size of modern equipment, it is no longer viable for farming.
- 9.27. Turning to the site's location relative to key services and facilities, Members will see that objectors to the scheme have raised the point that the village of Sibford Ferris along with all rural villages was subject to a review in the Cherwell Rural Areas Integrated Transport and Land Use Study Final Report ('CRAITLUS') 2009.
- 9.28. The purpose of the CRAITLUS was to identify the transport and land use impacts of potential new housing development in the rural areas. The outcome of this report assisted in the decisions regarding the location of new housing to 2026.
- 9.29. The objectors to the scheme highlight that under the CRAITLUS Sibford Ferris is outlined as being a less sustainable village being one of *four villages showing little capability to sustainably support additional housing Sherington, Sibford Ferris/Sibford Gower and Charlton-on-Otmoor have some facilities and public transport accessibility but are located on minor roads with long travel times and distances to access key services in major centres.*
- 9.30. Although Sibford Ferris performs poorly in the CRAITLUS, Members should also take into account the view expressed by the Planning Inspector in the appeal for the adjoining larger site to the south. The Inspector acknowledged *the CRAITLUS survey completed in 2009 and its conclusions on the use of private transport in the Sibfords but this matter was considered as part of the local plan which designated the village as a Category A village. Furthermore, although representations from SAG addressed concerns over the levels of congestion in the village caused by the amount of traffic*

passing through the narrow village roads, compounded by the 'school run' to the Sibford school I saw only limited examples of this during this critical time when I visited the village. Furthermore, during two visits to the village I observed that the amount of traffic on local roads was low. Although I acknowledge that bus services to the village have been reduced since the local plan's adoption in 2015 I still consider that the inclusion of new housing could go some way to sustaining the existing level of service provision.

- 9.31. Notwithstanding the conclusions of the Inspector, Sibford Ferris is a Category A village as a 'cluster' with Sibford Gower and Burdrop, and across the three settlements there are a range of services that help residents meet their day to day needs. Taken together, these villages are somewhat more sustainable than some other Category A villages. That the Inspector considered the site to the south, a significantly larger development than the current proposal for 6 bungalows, to be sufficiently sustainable for residential development of this scale, is a material consideration in the assessment of the current application.
- 9.32. It is also noted that this site was reviewed in the HELAA under site reference HELAA 267, with the conclusion that the site had few physical constraints and limited potential impacts and was considered to be suitable for residential development of up to 20 dwellings. Paragraph E.19 of the Local Plan states, "If the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic Housing Land Availability". Planning Inspectors have previously afforded the HELAA conclusions limited weight as they have not been through a planning application and associated consultation.
- 9.33. The development of the site would urbanise it and change its character, and given the proposal's design would be unlikely to contribute in enhancing the built environment (NB. the key test in this regard is instead *whether it would cause harm*). However, the site is relatively small and visually contained. Given the site's location, bounded on two sides by residential development and an approved development on a third, and the single storey scale of the proposed dwellings, it is considered that the proposal would not result in a significant adverse impact on the landscape for this edge of village development.
- 9.34. Access can be achieved through the future residential development to the south with a direct access onto the Hook Norton Road which has outline permission and currently with an application for the reserved matters being considered.
- 9.35. Overall, the proposal conflicts with Policy Villages 1 and Saved Policy H18. That said, the Council's housing land supply position means that under paragraph 11d of the NPPF the policies in the development plan relating to housing provision are to be considered out of date. This includes Policy BSC1, Policy Villages 1 of CLP 2015, and saved Policy H18 of CLP 1996, and the weight to be afforded these policies is therefore reduced. The decision maker needs to apply the *presumption in favour of sustainable development*. Where policies are out-of-date, there is a presumption within the NPPF of granting permission for sustainable forms of development unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 9.36. The NPPF places great importance on boosting the supply of homes and notes it is important that a sufficient amount and variety of land can come forward where it is needed. Paragraph 69 states that: *'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly'*. It is also clear that the development is aimed at providing accommodation for a specific group namely those aged 55 and above. The applicant has provided evidence that Cherwell follows, but substantially exceeds the national trend toward owner-occupation as the dominant tenure for older people. The applicant states that *around four out of every five older people in Cherwell are homeowners. The profile of the Cherwell in relation to the age of its population is currently very slightly below the national average but those 65 years of age will make up a quarter of the total population of the district by 2040. This will be a major factor in shaping future policy for housing, health and social care authorities. Between 2020 and 2040 the applicant states that there will be 9,500 more people in the District who are 85 years of age or more and this will present a major challenge for health and social care agencies.*
- 9.37. The applicant considers that due to the above points *in the absence of an adequate supply of appropriate, contemporary accommodation options pressures will increase on higher-end services, such as Registered Care Homes providing Personal Care and Registered Care Homes providing Nursing Care.* The applicant has highlighted that although the age specified is 55+ this is in line with the National Planning Practice Guidance definition of age-restricted general market housing *which is housing generally for people aged 55 and over and the active elderly. It may include some shared amenities such as communal gardens but does not include support or care services.*
- 9.38. Policy BSC4 of the CLP 2015 states that *opportunities for the provision of extra care, specialist housing for older and/or disabled people and those with mental health needs and other supported housing for those with specific living needs will be encouraged in suitable locations close to services and facilities.* The Oxfordshire Market Position Statement highlights that there is a general need for housing for elderly people across the county. The development would provide age restricted housing (which can be controlled by a condition) and this is considered to be a benefit of the scheme that will need to be weighed in the planning balance.
- 9.39. Notwithstanding, an age restriction of 55 and above should not be taken to suggest that the residents of the bungalows would be unable to walk and / or cycle to places in and around the village. As with any new resident to the village aged 55 or above they would not necessarily be of an age which prevents them from walking and / or cycling as suggested by a number of objectors to the proposal who possibly see the suggestion of retirement bungalows as being occupied by elderly or frail residents which is not necessarily the case.
- 9.40. Paragraph 79 of the NPPF seeks to *promote sustainable development in rural areas and advises that housing should be located where it will enhance or maintain the vitality of rural communities.* It states that *planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.* Paragraph 80 continues by stating, amongst other things, that *planning policies and decisions should avoid the development of isolated homes in the countryside.* Within the CLP 2015, the classification of villages under Policy PV1 has been undertaken using criteria including: population size; range of services and facilities; and whether there were significant known issues in a village that could be materially assisted by an increase in housing (for example to maintain pupil numbers at a school). The classification of settlements under policy PV1 and the direction of growth to the category A villages under policy PV2 therefore meets the NPPF aspiration to ensure that the rural housing needed to maintain the vitality of rural

communities it located appropriately. With this proposal the development would provide another choice of accommodation within the village, and due to its location, the development would not be seen as an isolated development but as a natural extension to the western edge of the village.

Conclusion

- 9.41. Sibford Ferris village has very limited services, but together with Sibford Gower and Burdrop is a Category A village that a Planning Inspector concluded was sufficiently sustainable for a larger development on land immediately to the south of the site. The applicant has confirmed that the development of the site could be achieved within a five-year period and is available to develop. Although located outside the built form of the village the site is located adjoining the village boundary and is surrounded on three sides either by existing or approved residential development.
- 9.42. The site is not located within a flood zone and with no objections or comments being raised from the lead local flood authority, the Environment Agency nor Seven Trent Water it is considered that the development could be designed to ensure no adverse impact on the drainage. The site is classified as Grade 2 agricultural land which weighs against the proposal, although the site to the south is also Grade 2 agricultural land and was allowed at appeal for a larger development than that proposed here.
- 9.43. The proposal conflicts with Policy Villages 1 and Saved Policy H18. However, the Council's housing land supply position means that reduced weight is afforded to these Local Plan policies for the supply of housing. In light of the Council's housing land supply position and the allowed appeal to the south, it is considered that the principle of the development is acceptable, and that any refusal of this proposal on this basis would not be sustainable at appeal.

Design, and impact on the character of the area

- 9.44. Government guidance contained within the NPPF requiring good design states that *good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.*
- 9.45. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.46. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and ensuring a high-quality design.
- 9.47. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:
- *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;*
 - *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

- *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*

- 9.48. This application seeks planning permission for the development of an agricultural field for 6 no, age restricted bungalows. The site is undeveloped land outside of the existing built form of Sibford Ferris village but with existing residential properties to the north, east and approved residential development to the south and on which a reserved matters application is currently being considered. All three boundaries are marked by a mix of landscape features and the proposal would seek to retain and hence the landscape along these boundaries.
- 9.49. The site is currently an area of agricultural land with no built form and as such the proposal to build 6 bungalows would result in a significant change in the character of this part of the village. That said the proposed development is for single storey dwellings, and the existing landscaping along the edge of the site which forms the edge boundary to the village would be retained and would form an effective screen to the development helping to soften the appearance and impact from outside the site. The existing landscaping would be a more effective screen for the current proposal than it would for two-storey dwellings, which would be visible from footpaths to the north and west.
- 9.50. Turning to the design of the bungalows themselves, the dwellings would be purely single storey with no accommodation provided within the roof space. Although it is accepted that the majority of dwellings within the village are of a two-storey design there are numerous examples of bungalows within the village and therefore the development of the bungalows on the site would not be out of character for the village. Indeed, it would be an appropriate design solution for this visually sensitive edge of village location.
- 9.51. In terms of layout the proposal is for a single access road feeding off the access road to serve the new residential development to the south of the site. Once within the site the access road would split into two private driveways one serving the north of the site and a second separate driveway to the south. The 6 bungalows would all front onto one of the private driveways in an arc form with the rear elevations all facing towards a central communal rear garden space.
- 9.52. Although the main area to the rear of the bungalows would be the communal landscape garden each bungalow would also maintain a small private rear garden area with privacy fencing between the plots.
- 9.53. Objectors to the application have raised the concern that the layout appears cramped and an over development of the site. Although it is accepted that on the initial layout the arrangement of the bungalows did have the appearance of a cramped form the applicant has addressed this point by moving the southern plots towards the western boundary thereby freeing up space between the plots. This moves the plots to the south closer to the western edge of the application site and would reduce the area of landscape buffer but not to a point which would result in the development appearing over dominant to warrant the refusal of the application. Furthermore, in order that no further extension of the bungalows or building within their curtilage is carried out under permitted development that could impact on the amenities of surrounding residents, members will see from the recommendation that two conditions are included that would remove the permitted development rights. These conditions would ensure that in the event that any further works are required that an application is submitted to allow for an assessment of the proposal before any works are carried out.

- 9.54. With regards to the materials to be used on the bungalows, the initial proposal was for the use of reconstituted stone, timber boarding and slate roof tiles. The use of reconstituted stone is not a material which would be acceptable in the village and that natural stone would be the only type of stone acceptable in this location. As a substitute to stone it is accepted that this part of the village also features several dwellings faced in brick and plain tiles. The applicant has instead suggested the use of a buff brick, but this too would not be in keeping with the surrounding area. Timber cladding is also shown on the submitted plans but is not a feature of residential dwellings in the area and for the same reasons as recon stone would not be appropriate. It is considered that the use of a good quality red brick and natural slate, both of which are also shown on the submitted materials plan, would be acceptable, and the use of appropriate materials can reasonably be required by condition of any permission given.
- 9.55. Concern has been raised by some objectors that the development of this site would impact upon the character of the village and in particular reference to the impact on the Conservation Area has been raised. Although the development is located close to the Conservation Area officers note that the site is not located within nor abuts the edge of the Conservation Area. The site is closest to the Conservation Area to the north of the site, but the existing dwelling of Faraday House is located between the site and the Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.56. In this instance it is considered that as the development is not located within nor abutting the Conservation Area the proposal would not result in any adverse impact upon the character of the Sibford Conservation Area.
- 9.57. Overall, subject to the use of appropriate materials, the proposal for 6 bungalows on this site is considered to represent an acceptable form of development in terms of design and appearance. The retention and enhancement of the landscaping boundary to the site would ensure that the appearance of the development would be softened and would not appear out of place nor overbearing development on the edge of the village.
- 9.58. The layout of the development in the form of an arc around a central communal garden space is considered acceptable and with the additional landscape garden area will ensure that the setting of the development appears as a landscape led development. The applicant has increased the space between the plots to allow a layout which does not appear cramped. For these reasons it is considered that in terms of design and appearance the proposal represents an acceptable form of development and complies with the adopted policies.

Highway Implications

- 9.59. Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - b) safe and suitable access to the site can be achieved for all users; and*

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

In addition to this paragraph 111 highlights that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

- 9.60. This application seeks to provide a link to Hook Norton Road via the new access road provided through the approved new estate to the immediate south of the site. Once within the site the access road would divide in two to provide two separate private drives one serving the north and the second serving the south of the site. Initial concerns raised by the local highway authority on the acceptability of the access arrangements have been addressed by the applicant in the form of an amended plan. This amended plan now shows that both the north and the south of the site can be accessed by a fire tender and that a refuse vehicle can access the southern section of the site where the bin storage area will be located. The revised plan shows a tracking for a refuse vehicle accessing the site to the south and sufficient space to allow the refuse vehicle to turn within the site and leave within forward gear.
- 9.61. Concern has been raised by a number of objectors that the revised layout has resulted in harm to the amenities of adjoining residents. These concerns include position of bin store close to boundary and access road leading to light pollution and noise.
- 9.62. The applicant has confirmed that the scheme would be managed by Blue Cedar Homes and refuse will be transferred to the bin store near the turning head in the south on the eastern side of the carriageway adjacent to Plot 4 on bin collection day. This is similar to arrangements at other Blue Cedar Homes schemes in Oxfordshire that are recently approved and occupied, and at other sites throughout the Country. With regards to light pollution and noise, although it is accepted that the development would lead to an increase in light and potential on some neighbouring dwellings the level of harm is not considered to a point which would warrant a refusal in this instance.
- 9.63. Officers consider that the amended proposal would not result in any highway safety issues and that there is no highway reason to warrant a refusal of permission.

Residential amenity

- 9.64. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.
- 9.65. This application seeks planning permission for the development of the site with 6 detached bungalows. The site shares a common boundary with existing residential properties to the north and the east the boundaries of which are marked by a mix of open style fences and existing landscaping. As the layout of the development is for the bungalows to face towards the shared boundaries there is the potential that the development would result in a loss of privacy to the existing residential properties. However, the distance between the front of the nearest bungalow and the shared boundary is in the region of 14m with a further 20m before the rear elevation of the existing property. This distance together with the fact that the proposal is for a bungalow would ensure that an adequate distance would be maintained to ensure

that the development will not result in any significant loss of privacy or outlook or light pollution.

- 9.66. Given the above, it is considered that the development is acceptable in residential amenity terms, both for existing residents neighbouring the site and future occupiers. The development therefore complies with the adopted Policies.

Drainage

- 9.67. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 163 of which states that *when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*

- 9.68. Paragraph 165 of the NPPF continues by stating that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits.*

- 9.69. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

- 9.70. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

- 9.71. The current is situated wholly within Flood Zone 1 which is land which has a less than 1 in 1,000 annual probability of river flooding. The applicant has submitted a Foul and Surface Water Drainage Strategy in support of the application. This strategy outlines that in accordance with the Sustainable Drainage Systems (SUDS) hierarchy, rainfall run-off should be managed in the following preferential order:

1. Infiltrated to ground.
2. Discharged to local watercourse.

3. Discharged to a local surface water sewer network.
4. Discharged to a local combined water sewer network

The Strategy continues by stating that given the advice contained within the geotechnical report, runoff from the individual plots would be collected via a positive piped system and conveyed to a communal soakaway feature in the proposed open space area to the west. This would ensure that concentrated volumes of water will be at an appropriate distance from buildings. Areas of hardstanding would be formed using a permeable surface and will cater only for rainfall falling directly upon that area, no additional inflows would be included. In this way the surface would mimic the existing rainfall action. The access road and driveway areas would be split into self-contained 'cells' in order to ensure that runoff does not migrate across the site, keeping individual catchment areas relatively small. Where areas of significant hardstandings are immediately adjacent to a building, the area of permeable paving will be set away from the edge of the structure.

- 9.72. In considering the details of the drainage strategy no comments have been received from the LLFA and the Environment Agency confirmed that there are no comments raised on this application. Seven Trent Water provide the foul drainage in the area and in considering this application Seven Trent have confirmed that *foul water is proposed to connect into the public foul water sewer, which will be subject to a formal section 106 sewer connection approval. As a pumped solution is being proposed for foul water discharge from this site, a sewer modelling study may be required to determine the impact this development will have on the existing system and if flows can be accommodated. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.*
- 9.73. Members will note that a condition is attached to the recommendation to approve this application requiring details of foul and surface drainage details to be submitted to and approved prior to the commencement of any development. As highlighted in the comments of Seven Trent Water, the applicant will need to discuss the details of the final drainage connection with Seven Trent and reach an agreement on what if any changes to the infrastructure are required, to allow the development to connect to the current system. There is no objection raised to the proposal by Seven Trent Water. Furthermore, in considering the development on the adjoining site for a larger development the Planning Inspector in allowing the appeal confirmed that *the site lies in the Flood Zone 1 and a Flood Risk Assessment submitted with the appeal identified that the risk of flooding was low. Furthermore, the scheme does include sustainable urban drainage.* Based on this and the no objections raised to the application by the LLFAS, Environment Agency and Seven Trent it is considered that subject to the necessary infrastructure being in place there is no drainage reason to warrant a refusal in this instance.

Ecology impact

Legislative context

- 9.74. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and

protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.

9.60. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.61. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.62. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

9.63. Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.64. Paragraph 175 states, amongst other things, that *when determining planning applications, local planning authorities should apply the following principles:*

- a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity*

improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

- 9.65. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.66 These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.67. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities (LPAs) should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.68 The application is supported by a detailed ecology assessment of the application site. The report highlights that an ecological survey and appraisal of the site and proposed development was undertaken on the 23rd September 2021. The survey was also supported with a desk-based review of maps, satellite imagery, and information supplied by the Thames Valley Environmental Records Centre.
- 9.69 The report outlines that the proposed development site is not covered by any statutory or non-statutory nature conservation designations, and there are no potentially affected designated sites in the local landscape. It is highlighted that the boundary hedgerow used by common bats and two oak trees, which have low potential to support roosting bats, will be protected. The report considers that habitat affected by the development is of negligible value for foraging bats. It is possible that common mammals move through the study area. But that the site is not suitable for supporting ground nesting birds, and the vast majority of boundary hedgerow that could support low numbers of nesting common birds will be retained and protected. The site is not considered to support reptiles or great crested newt.
- 9.70 The submitted ecology assessment considers that mitigation measures to include protection of bats, mammals and nesting birds would be included as part of the development. The mitigation includes the design can include new mixed native hedgerow, trees and species-rich grassland, while five bat roosting boxes and twelve swift nesting boxes would be installed on new buildings. The proposed development complies with both national and local planning policies to maintain and enhance biodiversity, in particular those habitats and species identified as priorities in the UK and Oxfordshire, and the scheme provides a net biodiversity gain. The residual ecological effect of the proposed development is considered to be positive in a Local context.

Conclusion

- 9.71 Officers are satisfied, on the basis of the absence of any objection from Natural England or the Council's Ecology Officer, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land would continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and

habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Sustainable construction

- 9.72. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 150 states that new development should be planned for in ways that: a) *avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.* Paragraph 151 continues by stating, amongst other things, that *in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*
- 9.73. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, *taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).*
- 9.74. Policy ESD 2 relates to Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: *Reducing energy use, in particular by the use of sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions.* Any new development will be expected to take these points into account and address the energy needs of the development.
- 9.75. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that *all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy.* The Policy continues by stating that *Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day.* The Policy continues by stating that *all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and*

shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.

9.76 This application seeks planning permission for the development of this site for 6 detached bungalows. The applicant has provided a sustainability statement which confirms that the proposed development will incorporate many sustainability initiatives which seek to not only comply with the 3 sustainability objectives in the NPPF as well as CLP Policy ESD3. The key features include: the use of air source heat pumps which will be used due to the lack of mains gas in the area. All dwellings are designed to reduce air leakage which assist with the use of the air heat pumps. All dwellings will be provided with electric car charging and additional bicycle storage will be provided for each dwelling. All the dwellings are design to M4(2) provision for future adaptability. PV cells would be provided to the roofs of the dwellings. The scheme would include a SuDS drainage to mimic natural drainage. The development includes the provision of a communal landscaped gardens which together with the landscape buffer along the western edge of the site would encourage biodiversity. Finally, it is confirmed that the dwellings would be installation with appliances, fixtures and fittings to reduce the use of water to 110litres/person/day as required by Policy ESD3.

9.78. Based on the above measures it is considered that the development would be completed to assist in the reduction of impact on the environment as required under Policy ESD3.

10. PLANNING BALANCE AND CONCLUSION

10.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. 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. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

10.2. Sibford Ferris is a Category A village under the 2015 Local Plan. It has limited services, public transport links and employment opportunities. It is accepted that the future residents of the development would have no choice but to use their own private cars to serve their needs. However, a Planning Inspector considered the village sufficiently sustainable to accommodate 25 dwellings on the site immediately to the south of the application site.

10.3. Under Policy BSC1 developments of less than 10 dwellings are considered as 'windfall' developments and the CLP allocates 754 dwellings under this category as an aspiration. The AMR 2021 highlights that the delivery of developments under 'windfall' developments over the plan period is now at a position where the total number of housing completions and the number of dwellings permitted at sites where development has commenced has exceeded 754 dwellings at 771. The position of housing delivery in the rural area is therefore considered to be healthy in respect of the vision of the Development Plan and so the proposal does not find support from Policy BSC1.

- 10.4. The site is an open field not allocated for development in the Development Plan. The Being outside of the built limits of the village the proposal conflicts with Policy Villages 1 of the CLP 2015 and Saved Policy H18 of the CLP 1996.
- 10.5. However, the Council is not presently able to demonstrate a five year supply of deliverable housing sites and so the relevant development plan policies for housing are to be considered 'out of date' and are afforded reduced weight.
- 10.6. In the circumstances where the housing supply policies are to be considered out of date, the presumption in favour of sustainable development must be applied, which means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 10.7. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 10.8. Due to the position of the site and spatial relationship to its surroundings, the proposed development would not project development out into the area of open countryside like previous appeal sites in the village and, given the single storey dwellings proposed, would not adversely affect the character or appearance of the landscape. The proposal is also considered acceptable in heritage terms.
- 10.9. Significant weight is attached to the proposal's conflict with the Council's housing strategy. If the Council had been able to demonstrate a 5 year housing land supply this policy conflict would have carried greater weight. Significant weight is attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land (as did the Inspectors in dismissing appeals on the adjoining site). Substantial weight is given to the benefits of additional housing and the proposal's contribution to the Council's housing land supply and in particular the age restriction which will extend the variety of housing choice within this area and the District.
- 10.10. Overall, it is considered that in the absence of the necessary supply of housing land at this time that the conflict with the Council's housing strategy and the impact on the character and appearance of the countryside through the development of greenfield land, on its own, would not outweigh the proposal's benefits. Given the above assessment and in light of current guiding national and local policy set out in the report, it is recommended that planning permission be granted in this instance.

11. RECOMMENDATION

RECOMMENDATION – GRANT PERMISSION SUBJECT TO THE CONDITIONS SET OUT BELOW

CONDITIONS

Time Limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance

2. The development shall not be carried out otherwise than in complete accordance with the approved plans [Site Location Plan (4192 3 002 Rev D); Site Plan (4192 3 049 Rev B); Plot 1 and 2 Floor Plans (4192 3 200 Rev B); Plot 3 Floor Plans (4192 3 203 Rev C); Plot 4 and 5 Floor Plans (4192 3 205 Rev C); Plot 6 Floor Plans (4192 3 208 Rev C); Plot 7 Floor Plans (4192 3 210 Rev D); Plot 1 and 2 Elevations (4192 3 220 Rev A); Plot 3 Elevations (4192 3 221 Rev A); Plot 4 and 5 Elevations (4192 3 222 Rev A); Plot 6 Elevations (4192 3 223 Rev A); Plot 7 Elevations (4192 3 224 Rev C); Materials Plan (4192 3 052 Rev B); Conservation Enhancement Plan (4192 3 051 Rev C); Entrance wall and planter (4192 3 300 Rev A); Proposed hard surfaces (4192 3 053 Rev C); Site Access and Highway works (P19-1601 Figure 2 Rev D); Refuse and Recycling Plan (4192 3 057); Cycle Storage Plan (4192 3 056) and Drainage and Flood Risk Assessment prepared by Hydrock dated 26 November 2020 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reason: To clarify the permission and for the avoidance of doubt.

3. Notwithstanding the details submitted, no dwelling shall be occupied until details of the proposed parking turning, loading, and unloading provision for vehicles to be accommodated within the site including details of the proposed surfacing and drainage of the provision, has been submitted to and approved in writing by the Local Planning Authority. The approved parking turning, loading, and unloading facilities shall be laid out and completed in accordance with the approved details before the first occupation of the dwellings. The car parking turning, loading, and unloading spaces shall be retained for the parking turning, loading, and unloading of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking turning, loading, and unloading and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework

4. No development shall take place including any works of demolition until a Construction Environment and Traffic Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
 - a. The parking of vehicles of site operatives and visitors;
 - b. The routing of HGVs to and from the site;
 - c. Loading and unloading of plant and materials;
 - d. Storage of plant and materials used in constructing the development;
 - e. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - f. Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
 - g. Measures to control the emission of dust and dirt during construction;
 - h. A scheme for recycling/ disposing of waste resulting from demolition and construction works;
 - i. Delivery, demolition and construction working hours;
 - j. details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site,

together with the details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

5. Prior to the first occupation of the development, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the dwelling they serve and retained as such thereafter.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

6. Prior to the occupation of each individual dwelling, the dwelling shall be provided with solar PV in accordance with a scheme which shall firstly be submitted to and approved in writing by the Local Planning Authority.

Reason: To support the delivery of renewable and low carbon energy in accordance with Government guidance contained within the National Planning Policy Framework.

7. Prior to the first occupation of the development hereby permitted, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

8. A schedule of materials and finishes to be used in the external walls and roofs of the dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:-
- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and the hard landscape elements shall be carried out prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of well-planned development and visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and shall be maintained for a period of not less than 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. The existing hedge along the western boundary of the site shall be retained at a minimum height of not less than two metres and any trees or plants which die, are removed or become seriously damaged or diseased within 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

Reason: To provide an effective and attractive screen for the development in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

12. Before any above ground works commence a scheme for the provision and implementation of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved scheme before the first occupation of any of the dwellings hereby approved.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

13. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

14. Full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. Such approved means of enclosure, in respect of those dwellings which are intended to be screened, shall be erected prior to the first occupation of those dwellings.

Reason: To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy ESD15 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.

15. Notwithstanding the provisions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no building or structure other than oil or LPG storage tanks shall be erected or placed within the curtilage of the dwellings hereby permitted without the grant of further specific planning permission from the Local Planning Authority.

Reason: Having regard to the density, character and layout of the development the Local Planning Authority consider such structures would be likely to adversely affect the amenity of neighbouring occupiers and the character of the area and consider it is in the public interest to require an application to enable the merits of any proposal to be assessed in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

16. Notwithstanding the provisions of Classes A, B, C and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the dwellings shall not be further extended, nor shall any further structures be erected within the curtilage of the dwellings, without the grant of further specific planning permission from the Local Planning Authority.

Reason: Having regard to the density, character and layout of the development the Local Planning Authority consider such structures would be likely to adversely affect the amenity of neighbouring occupiers and the character of the area and consider it is in the public interest to require an application to enable the merits of any proposal to be assessed in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

17. The 6 dwellings hereby permitted shall only be occupied by persons (a) aged 55 or over, and/or (b) living as part of a single household with such a person or persons; and/or (c) who were living as part of a single household with such a person or persons at the property who have since died.

Reason – To ensure that the development is used by elderly people only, to ensure compliance with the description of development and in accordance with Government guidance contained within the National Planning Policy Framework.