1. **Application Site and Locality**
	1. The application site is located within West Adderbury to the south of Round Close Road. The site comprises an existing one and a half storey detached building which is now vacant, but was previously used as a Catholic Church. The site bounds Round Close Road to the north where there is a stone wall which encloses part of the frontage and to the front of the building there is a hard surfaced area which offers parking for one or two cars. The site is bounded to the west, south and east by residential uses. Partridge Court to the west is a two storey building comprising 7 residential flats, to the south lies two detached dwellings, the gardens of which abut the application site and to the east the boundary is formed by the side elevations of number 13 and 15 Round Close Road. The pedestrian and vehicle access to the recreation ground lies approximately 38 metres to the east.
	2. The site is located within the Adderbury Conservation Area. An ordinary water course runs through the site from west to east and runs on into the neighbouring garden of 13 Round Close Road. The site lies within 50 metres of potentially contaminated land and with a site of medium Archaeological Interest.
2. **Description of Proposed Development**
	1. This application seeks planning permission for the demolition of the existing chapel and the erection of 4no. dwellings. The application proposes vehicle access to the east of the site frontage, removing a section of the existing stone wall. The access travels south into the site to a turning area and 7 parking spaces. The new building is to have an L-Shaped plan form and be sited 1.8 metres from the boundary with the highway, with a 13 metre wide frontage to the north facing Round Close Road. The building will measure 21 metres from the front to the rear and have a depth of 5.4 metres. The building measures 8.1 metres to the highest point.
	2. The proposed building comprises 4no. 2 bedroom residential units each laid out over two floors. The front elevations of unit 1 and 2 face onto Round Close Road and the front elevations of units 3 and 4 face to the east into the site and towards side elevation of number 13 and 15 Round Close Road.
3. **Relevant Planning History**

No relevant planning history. Pre-application discussions have taken place between the applicant and Local Planning Authority for a scheme to demolish the chapel and erection of 2 dwellings.

|  |
| --- |
|  |

1. **Publicity**
	1. The application was publicised by way of neighbour notification letters, a publication in the newspaper and a notice displayed near to the site. 13 letters of objection have been received. The comments raised by third parties are summarised as follows:

Over development of the site

* The site seems to be over developed for this size of plot and this would cause unacceptable harm to the surrounding area due to highway safety. A reduced scheme for 2 dwellings should be considered.
* This site is only suitable for two small houses with a rear garden and ample parking. Whilst maintaining an ‘open feel’ and privacy to existing neighbours.
* In my opinion four terraced houses is too much for the size of the plot available, and will be out of keeping with the surrounding area.

Highway safety and parking

* There is a lack of parking both on the proposed site and in Round Close Road/Tanners Lane.
* The proposal is likely to introduce 6-8 additional cars exiting and entering a small planned area and travelling up and down Round Close Road.
* Pedestrians that use Round Close Road could be put at risk by the increased number of cars using this area.
* The use of the proposed access to the site which has restricted visibility due to a neighbour’s front wall. The road is extensively used by residents and people visiting Luck Plackett playing field without the use of any public footpaths.
* Seven parking spaces are insufficient and will lead to increased levels of on street parking
* Additionally there is likely to be insufficient parking spaces available which will only add to a parking problem that already exists along the road, especially when visitors are at the playing field and activity centre (which is often and regular).
* The corner of the Lucy placket playing field is already dangerous with cars speeding especially when there are sports on the playing field as nobody can see round the corner when driving through the street due to high levels of on street parking, as there is no parking for the sports people. The dwellings will also be on that corner causing more issues and danger for families, especially with children.
* There is little opportunity for on street parking in this area. The development will increase pressure in terms of on street parking.

Residential amenity

* The bedroom windows will look directly into number 6 Partridge Court and will only be about 2 meters away. This will give me no privacy in my bedroom and lounge.
* The additional four dwellings will increase the use of Round Close Road which is currently a quiet road and could introduce unacceptable levels of noise.
* The property next door number 15, will be overlooked by any new development – surely a gross invasion of the occupant’s privacy?
* The new access and parking arrangement for the site would cause disturbance and noise to the occupiers of neighbouring properties especially number 13 and 15 Round Close Road.
* The new dwellings will cause overlooking and overshadowing on neighbouring properties to the east.
* Number 15 is set lower in terms of ground level than the proposed building.

Waste Bin storage

* A development of this size will require a total of 12 waste bins. The scheme does not include details of any provision for the storage of these bins.

Drainage and flooding

* There is a ‘Stream’ running through the site. Of which the proposal is to build over it.
* I recall that a stream traverses the plot, and this should be left to continue as a natural habitat for wildlife.
* Round close road is also prone to flooding when there is heavy rain so removing more land will any add to this problem and make more concern for residents.
* The watercourse is a habitat for wildlife.

Visual harm and conservation area

* The use of red bricks for part of the development also seems incorrect as all houses on that side of Round Close Road are finished with a stone look. We would have liked this look to be maintained for such a beautiful village and road.
* Objection to demolishing a building with historic nature of the village. Conservation area means to keep what we can or incorporate it.

Other topics of objection

* Ecology report - No background data is included in the report and records of multiple protected species exist in the near vicinity of the site. The submitted information regarding potential bat presence is incomplete and inconsistent. Suitable roosting locations are mentioned i.e. an inaccessible loft void but not explored fully. We feel further surveys should be completed to address this issue. The bat survey missed areas of the building with high potential, e.g. a gap into the north eastern corner of the building is not even mentioned in the report (as shown in the attached photograph). The advice on how to proceed with regards to bats could potentially lead to the law being broken. Habitat suitable for further protected/priority species is present on site, with the overgrown allotment (shown in attached photograph) suitable for common species of reptile and UK BAP species such as Hedgehog. This is not noted in the report.
* The chapel was supposed to be for communal use; I am failing to see how building 4 more dwellings will benefit anybody in the community.
* The proposal incorporates very little new planting
1. **Response to Consultation**
	1. Adderbury Parish Council:

Adderbury Parish Council objects to the above planning application, on the following grounds:

Although APC appreciates that this application may be attempting to provide smaller ‘starter’ type housing we do not believe this is a suitable site for this purpose.

The current application leads to over development of the site, a lower number of properties may be acceptable, but four is too many for a site of this size

The materials are not in-keeping with a rural village setting.  Red brick is not appropriate, only stone should be used particularly as the buildings on both sides of this site are in Horton stone.

Also this site is within the Adderbury Conservation Area, therefore any new building should comply with the historic characteristics of this and seek to enhance the conservation area.

Flooding has been an issue in this area of the village (notably in 2014) and a Flood Risk Assessment needs to be carried out.

Also APC requests a full assessment of the effects on the water course and proper consent from the Land Drainage Authority (OCC) before any building over the watercourse (as proposed in this application) were to be allowed.

The neighbouring properties will suffer a loss of privacy and will be overlooked. APC objects to this and is disappointed that there appears to be little attempt to mitigate on this in the Design and Access Statement of the application.

There is nowhere to store dustbins.

Residents of the proposed four properties would have no amenity land at all.

An area of green space, which currently provides habitat for a variety of wildlife, would disappear completely as all this area is proposed as car parking.

If there are four properties on the site, this may mean there will be eight or more cars and parking in Round Close Road is already at a premium.  At certain times of the day and night, it would be difficult for an emergency vehicle to access a number of properties in Round Close Road, so any additional cars would make the problem far worse.

APC is disappointed to see a very basic Design and Access Statement with this application. It does not consider the key issues neighbours would raise; those issues associated with developing a small, restricted site; nor the issues posed by suggesting building over a water course.

* 1. Cherwell District Council:

**Arboricultural Officer:** No trees appear to be affected by the above planning application.  I have no further comments to make.

**Ecology Officer:** With regard to the above application for demolition of the Church and erection of new dwellings, the submitted Ecological report is OK. It does not contain a background search of records however a look on our database shows the only protected species recorded within 200m are Otters on the Sor Brook which are unlikely to use this site (there are also several records of swifts nesting close by).

The site is relatively unsuitable for other protected species. The nearest ponds are nearly 200m away and separated by roads and expanses of residences so great crested newts are unlikely to be present. Hedgehogs could make use of the site however there are no hedgerows being lost  (that are mentioned) and generally this represents relatively poor foraging habitat for hedgehogs. I would consider the site too isolated from other good reptile habitats for a reptile population to be likely to be present, although individuals are always possible.

The bat survey assessed the potential for bats to be present as negligible and found no evidence of bat roosts. It would be advisable however for all contractors to be briefed regarding the protection given to bats and what to do if they discover one during works. Ideally the wooden roof shingles and soffits should be first removed by hand.

The culverting of the stream will result in some loss for wildlife on site through making a water source inaccessible and removing habitat for aquatic plants and invertebrates. It should be ensured that this culverting does not affect the flow of the stream beyond the site or cause additional pollution from runoff – I’m afraid I don’t have any knowledge in this area – maybe EA?  There should be some mitigation for this loss of opportunity for wildlife to avoid an overall loss of biodiversity on site. There appears to be no landscaping or room planned for planting within the plans. In line with NPPF recommendations and local policy we should be seeking biodiversity enhancements from developments. I would recommend therefore that they include at least two provisions for nesting birds on the gable ends or other appropriate aspects of the proposed building. House sparrow terraces or swift bricks may be suitable. They should also include native planting where possible with plants shown to be of value to invertebrates. Close boarded fencing on site should not be permitted to allow movement of wildlife into other gardens and adjacent open space. The addition of an invertebrate box on site would also help increase biodiversity value slightly.

I would recommend the following conditions and notes:

K17 Biodiversity Enhancement - Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity and ensuring no net loss of opportunities for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

PN25 Bats - Bats are a highly mobile species which move between a number of roosts throughout the year. All works must proceed with caution, all contractors should be briefed on the possibility of encountering bats and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Removal of wooden roof shingles and soffits by hand would further reduce the chance of inadvertent injury to bats and is recommended. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.

**Environmental Protection Officer:** I have no concerns about potential for nuisance but would recommend the condition below for contaminated land:

**J16 Land Contamination not Previously Found -** 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 risks from land contamination to the future users of

the land and neighbouring land are minimised, together with those to

controlled waters, property and ecological systems, and to ensure that the

development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors in accordance with Policy ENV12 of

the adopted Cherwell Local Plan and Government guidance contained within

the National Planning Policy Framework.

**Waste and recycling:** Developer will have to satisfy the local authority that they have adequate provision for waste and recycling storage, before the application is agreed. Currently there is no provision for recycling, this is not acceptable.

If the developer needs any more advice please refer to: Waste and Recycling guidance which can be found on the Cherwell District Council website.

* 1. Oxfordshire County Council:

**Highways:** Recommend refusal for the following reasons;

1. The access from which is proposed to serve the development is substandard in vision and geometric terms its use for the purpose proposed will result in a detriment to the safety and convenience of other road users.
2. That the parking turning provision is inadequate to serve the development proposed resulting in vehicle parking and/or manoeuvring on the adjacent carriageway causing a hazard resulting in a detriment to the safety and convenience of other oad users.

**Drainage Authority:** First and foremost, in order to build over a watercourse, ordinary watercourse consent from the Land Drainage Authority  will be required. Which is currently Oxfordshire County Council. The developer will need to convince us that the build will not affect the watercourse flow during the building work and after the development is completed and that it can be maintained. There is very little information about this on the application documents and we would therefore need a formal application submitted with sufficient information in order for us to assess whether the design to culvert the watercourse is suitable or not.

**Archaeology:** The above proposals would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to these schemes.

* 1. Other External Consultees:

**Thames Water:** Waste Comments

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

1. **Relevant National and Local Planning Policy and Guidance**

**6.1 Development Plan Policies**

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031.  The Local Plan 2011-2031 – Part 1 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

Policy PSD1: Presumption in Favour of Sustainable Development

Policy BSC2: The Effective and Efficient use of land – Brownfield Land and Housing Density

Policy ESD6: Sustainable Flood Risk Management

Policy ESD7: Sustainable Drainage Systems (SuDS)

Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment

Policy ESD15 - The Character of the Built and Historic Environment

Policy Villages 1: Village Categorisation (Adderbury Category A)

Policy Villages 2: Distribution of Growth across the Rural Areas

Cherwell Local Plan 1996 (Saved Policies)

Policy C23: Retention of features contributing to character or appearance of a conservation area.

Policy C28: Layout, Design and external appearance of new development

Policy C30: Design Control over new development

**6.2 Other Material Planning Considerations**

National Planning Policy Framework (The Framework)

Planning Practice Guidance (NPPG)

1. **Appraisal**

The key issues for consideration in this case are:

* Principle of residential development
* Visual amenity - scale, form and design
* Historic Environment
* Neighbour Amenity
* Highway Safety
* Drainage
* Ecology

**Principle of Residential Development**

7.1 The National Planning Policy Statement (NPPF) advocates a presumption in favour of sustainable development. Paragraph 7 states that, ‘there are three dimensions to sustainable development: economic, social and environmental; in the context of this proposal this would include conserving and enhancing both the natural and historic environment. Paragraph 14 of the NPPF states that a presumption in favour of sustainable development should be seen as a golden thread running through decision taking. It goes on to say that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or if specific policies in the Framework indicate that development should be restricted (e.g. Green Belt, AONB’s, SSSI’s etc). In this case the Development Plan is up to date and therefore development proposals need to be considered against the policies within the Adopted Cherwell Local Plan: Part 1 2011-2031.

7.3 The application site is located within the built up limits of Adderbury and therefore located within close proximity to the large range of services within the village. The proposed development is therefore considered to meet the social aspects of sustainability as set out in the NPPF. In relation to an economic benefit the proposal would provide 4 new dwellings within Adderbury and would therefore provide a limited economic benefit. The environmental role of sustainability also includes consideration for the contribution to protecting and enhancing the natural, built and historic environment. The Inspector concluded that the new building could be built in accordance with sustainability credentials and would reuse an area that has, in part been previously developed. However, the development would not preserve or enhance the character or appearance of the conservation area, as explained in more detail below, and as such the proposal would not fulfil the environmental role of sustainability.

7.4 The Local Planning Authority can now demonstrate a 5 year supply of housing land and therefore the Local Plan policies are now up to date and should be the starting point for the consideration of any future planning application.

7.5 Policy Villages 1 of the Adopted Cherwell Local Plan Part 1 2011-2031 categorises the Village of Adderbury as a Category A village. The Category A Villages are identified in the adopted Local Plan as the most sustainable villages within the district based on population size, range of services, accessibility by public transport and alternative modes of transport and employment opportunities. Adderbury also acts as ‘Service Centre’ for other category B villages close by. Policy Villages 1 allows for new residential development within the village of Adderbury in the form of minor development, infilling and conversion. The proposed development is considered to be acceptable in principle as it falls within the village of Adderbury and is a minor form of development. The proposed development needs to be of a scale, form, layout and design which does not cause undue harm to the locality and this will be assessed under the following sections.

 **Visual amenity– scale, form and design**

7.6 The application site is located to the south of Round Close Road within the Conservation Area of Adderbury. It currently comprises a detached one and a half storey building with a gable front to the road. The surrounding development is a mixture of historic development with more modern infill development and therefore the form of development in this location is mixed residential development. The proposed development seeks to demolish the existing building and replace it with a two storey, L-shaped building comprising 4no. 2 bedroom residential dwellings.

7.7 The scale and footprint of the front element of the building facing the road in terms of building height and building foot print, is considered to be acceptable and relates well to the scale of the surrounding development. The design of this element of the building comprises a gable roof to the east elevation and a hipped roof to the west elevation. The buildings within the surrounding area contain a large number of gable roofs and therefore the use of a hipped and gable roof to the frontage of the proposed building is not considered to relate well to the form of surrounding development. The proposed front elevation would produce an unbalanced front elevation which would sit uncomfortably within the street scene. Furthermore, the front elevation comprises two sets of patio doors to serve the two front houses. These doors are not a feature which you expect to see on a prominent front elevation of a residential dwelling. This elevation should include the main entrance door to the house. The proposed doors will be partially hidden behind the proposed rebuilt stone wall, however, they can be viewed by pedestrians passing the site and therefore I consider these doors to be an uncomfortable feature on the front elevation which would unduly harm the visual amenities of the area.

7.8 The scale and footprint of the building extends back into the site to within 2 metres of the rear boundary. This scale and form is not considered to harm the visual amenity the surrounding area, however, the site is constrained in terms of the position of neighbouring properties windows facing into the site and therefore the scale and form of the proposed development would cause un acceptable overshadowing and overlooking towards numbers 13 and 15 Round Close Road (impact on residential amenity is covered in more detail under Neighbour amenity below at paragraph 7.13).

7.9 The proposed development is to be constructed from natural stone to the elevations on the front element of the building and brick to the elevations to the rear element of the building. A number of objections have been received highlighting that a large number of the buildings in this part of Adderbury are constructed from natural stone. Due to the large proportion of stone buildings in this area I would consider the use of natural stone to the whole of the development to be the most appropriate for use in this area of Adderbury. Views of the site can be achieved from the west through Partridge Court to the rear part of the site and therefore the use of bricks to the rear would be visible from the public domain. However, there is a mixture of materials within this area of Adderbury with the use of some brick. Therefore the use of red brick to the rear of this development which is not prominent when viewed from Round Close Road is not considered to cause undue harm to the visual amenities of the area.

7.10 The proposed development in terms of scale and siting of the building would not be considered unduly harmful in visual amenity terms, however, due to the size and location of the site the building is considered to cause an unacceptable impact on neighbouring properties. The design of the building which comprises an unbalanced front elevation to Round close Road and the inclusions of patio doors within the prominent front elevation would not sit comfortably within the street scene and adjacent to surrounding development and would be considered to adversely affect the visual amenities of the area. The propose development is therefore considered to be contrary to Policy ESD15 of the adopted Cherwell Local Plan Part 1 2011-2013 and saved Policies C28 and C30 of the Cherwell Local Plan 1996.

 **Historic Environment**

7.11 The site falls within Adderbury Conservation Area and therefore the Local Planning Authority has a duty to consider the development in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Local Planning Authority has a duty to ensure that the special character of the Conservation Area is preserved and/or enhanced. Furthermore, the National Planning Policy Framework seeks to ensure the significance of the heritage asset is sustained and/or enhanced. Policy ESD15 of the adopted Cherwell Local Plan Part 1 2011-2031 considers development in relation to its impact on historic assets such as conservation areas.

7.12 The proposed development involves the demolition of the existing building on the site and its replacement with an L-Shaped two storey building to comprise 4 residential dwellings. The impact of the proposed development on the visual amenities of the area has been assessed above within paragraphs 7.6 to 7.10, I therefore will not repeat this in full here. It is concluded above that due to the design of the frontage of the building, which incorporates an unbalanced front elevation and a poor front elevation design including the use of patio doors, the building would sit uncomfortably with the street scene and would therefore not be considered to preserve the special character of the Conservation Area and would therefore be contrary to adopted Local Plan policy ESD15 and guidance contained within the NPPF.

 **Neighbouring amenity**

7.13 The application site is surrounded by residential uses. To the west of the site number 13 and 15 Round Close Road form the western boundary of the site. The eastern elevation of number 13 and 15 face into the site of the proposal and contain windows which face the proposed development. I have visited both 13 and 15 Round Close Road. The ground floor windows of number 15 serve a dining room, and WC (obscure glazed), the dining room also has a second window facing east, and the first floor windows of number 15 are a bedroom/office and bathroom (obscure glazed. The ground floor windows of number 13 serve a kitchen and a WC (obscure glazed) and I did not managed to establish what the first floor windows are.

7.12 The proposed development is to be sited 3.5 meters from the side of number 15 at the point of the access to the site and 4.5 metres away from number 15 at a point 8 metres into the site, this is due to number 15 being at a slight angle to the proposed building. The side elevation of the rear projection to the proposal is sited at a minimum of 11.5 metres from the side elevation of number 13 and 15. Both number 13 and 15 have principle room windows, a kitchen and dining room, on the ground floor facing the proposed development. The proposed building comprises principle room windows, living rooms and kitchens, on the ground facing the existing neighbours. It is considered that the separation distance of 11.5 metres and 12.5 metres between number 13 and 15 and the proposed building is an unacceptable relationship in terms of ensuring residential amenity is not adversely affected.

7.13 The Council’s Home Extensions and Alterations Design Guide is a relevant consideration here as it contains advice regarding the impact of residential extensions on the privacy of neighbouring occupiers and also considers overshadowing. This guidance does not form part of the adopted Local Plan and can therefore only be given limited weight in the consideration of this application. The guidance contains advice on suitable separation distances for residential properties to ensure suitable standards of amenity in terms of privacy and overshadowing. It is suggested that facing elevations which contain principle windows should maintain a 22 metres separation to avoid unacceptable harm to the privacy of existing neighbours. In the case of this proposal the eastern elevation of the proposed building and the existing elevation of number 13 and 15 would be sited between 11.5 and 12.5 metres away. The proposed development would directly face existing principle room windows of number 13 and 15 and due to the separation distances identified this relationship would introduce unacceptable overlooking from the proposal into the habitable areas of the neighbouring properties which would cause undue harm to the privacy of neighbouring occupiers.

7.15 The proposed new building will be sited 11.5 metres from the existing neighbouring properties at number 13 and 15 Round Close Road, therefore the proposed building will cause an impact on these properties in terms of outlook and overshadowing. The existing building is single storey with an eaves height just above the ground floor windows and a steep pitched roof which sits above the eaves height of the neighbouring properties. The proposed building is two storey measuring 4.8 metres to the eaves and 8.1 metres to the ridge of the roof and therefore taller in height and larger in bulk than the existing building. It is considered that the proposed two storey building located between 11 and 12 metres from the side of number 13 and 15 would cause unacceptable overshadowing and an overbearing impact due to the location of existing principle room windows facing the proposal.

7.16 The proposed development comprises ground floor and first floor windows which face west towards Partridge Court. Partridge Court is in residential use as 7 flats. The eastern side of Partridge Court comprises a ground floor one bedroom flat and a first floor one bedroom flat.

7.17 The ground floor flat has a bedroom window facing to the south and a dining room window facing the side elevation of the proposed development, this window is the only window which serves the dining room. The existing building on the site already causes overshadowing to the existing dining room window of the ground floor flat at Partridge Court. The proposed building is two storey in height and therefore will have a higher eaves and ridge height in comparison to the existing building, and therefore the overshadowing caused on Partridge court will be increased. Due to the orientation of the proposed development in relation to Partridge Court and the scale of the proposal it is considered that the overshadowing caused by the proposed development on this existing dining room window would be considered to adversely affect the residential amenity of the occupiers of the neighbouring ground floor flat at Partridge Court.

7.18 The proposed development has 6 first floor windows, four bedrooms and one bathroom, facing towards Partridge Court. The occupier of the first floor flat at Partridge Court has raised an objection in relation to overlooking from the proposed development. The propose first floor window are not directly facing the south facing windows of flat number 6 and therefore would not in my view introduce overlooking which would adversely affect the privacy of the occupier of number 6. The proposed first floor windows would directly face the first floor windows of flat 5 and the balcony of plot 4. There will be a distance of 22 metres between the windows of flats 4 and 5 and the proposed development, therefore there would be no significant loss of privacy.

7.19 The proposed building will be sited 2.5 metres from the side of Partridge Court and will project into the rear of the site by 16 metres beyond the rear elevation of Partridge Court. There is a ground floor window facing the proposed building and this is the only window which serves the dining room/study of this ground floor flat. The proposed building would be set slightly further back than the existing building and therefore will not by directly in front of the existing window. This room is already effected by overshadowing of the existing building sited a similar distance from the window. It is therefore considered that the proposed building would not cause an unacceptable impact in terms of overshadowing on this facing window. The existing ground floor and first floor window of Partridge Court closest to the development are bedroom windows within a one bedroom flat on the ground and first floor. The proposed building would cause additional overshadowing and would be visible from the bedrooms of the ground floor and first floor flat, however, it is not considered that the proposal would cause unacceptable overshadowing or overbearing impact.

7.20 The site is tightly constrained due to the location of the existing neighbouring dwellings and the relationship of the proposed development. The current proposal seeks to achieve a development of four units of accommodation, which due to the relationship of the site with neighbouring properties is considered to be overdevelopment of the site which would harm the residential amenity of neighbouring properties cause by overlooking and overshadowing. Therefore the proposed development is considered to be contrary to saved Policy C30 of the Cherwell Local Plan 1996.

 **Highway Safety**

7.21 Vehicle access to the site will measure 3 metres in width and is proposed to the east of the site, adjacent to number 15 Round Close Road. The Local Highway Authority has objected to the proposed development for the following reasons:

1. The access from which is proposed to serve the development is substandard in vision and geometric terms its use for the purpose proposed will result in a detriment to the safety and convenience of other road users.
2. That the parking and turning provision is inadequate to serve the development proposed resulting in vehicle parking and/or manoeuvring on the adjacent carriageway causing a hazard resulting in a detriment to the safety and convenience of other road users.

7.22 The proposed access has restricted visibility due to an existing stone wall to the east, which is outside the control of the applicant. Vision is also restricted to the west by the proposed rebuilt stone wall, which is to measure 1.3m in height and is to run along the site frontage in front of the proposed building. There is no footpath along Round Close Road at the point of the application site and to both to east and west. The restricted vision splays on the proposed access will result in a detrimental impact to highway safety because drives exiting the site would be unable to achieve a suitable view of the highway to identify pedestrians or vehicles already within the highway. The proposed development due to inadequate access provision would result in a detrimental impact caused to highway safety.

7.23 The area surrounding the site already suffers from a high level of vehicle parking within the highway due to a number of the surrounding properties not having parking or garage spaces and due to the uses which take place on the nearby playing field. The highway in this location is narrow without a footpath and does not offer the opportunity for safe on street parking. The proposed development is considered to provide inadequate parking and turning facilities for four 2 bedroom houses. A scheme containing four dwellings in this village location should provide 2 spaces per dwelling and a visitor parking space. The site is not large enough for four dwellings and the appropriate level of parking and access and therefore is considered to be overdevelopment of the site. The inadequate parking and turning would lead to overspill parking and turning for the site taking place within the highway to the detriment of highway safety. The proposed development is considered to provide insufficient parking and turning facilities which would result in a detrimental impact caused the highway safety.

 **Drainage**

7.24 There is an ordinary watercourse which passes through the site and then east into the rear garden of number 13 Round Close Road. Policy ESD6 of the Cherwell Local Plan Part 1 2011-2031 seeks to secure the management and reduction of flood risk. This policy seeks a site specific flood risk assessment to support the application because the site has experienced flooding as recently as 2014 and the development is within 9 metres any watercourse. No such report has supported the application.

7.25 During my site visit the watercourse was flowing quickly thought the neighbours garden and is therefore an important drainage channel within this part of the village. The proposed development will be constructed over the top of the watercourse within the site, to build in this location requires the consent of the Land Drainage Authority (Oxfordshire County Council). The Land Drainage Authority have advised that the developer will need to illustrate that the build will not affect the watercourse flow during the building work and after the development is completed and that it can be maintained. There is very little information about this on the application documents and we would therefore need a formal application submitted with sufficient information in order for us to assess whether the design to culvert the watercourse is suitable or not. The application has been supported by no information regarding the existing watercourse and how this will be dealt with within the proposed development and therefore both the Local Planning Authority and Land Drainage Authority are unable to make an assessment as to how the proposal will affect the watercourse. The application is therefore supported by inadequate information in terms of drainage and this will form a further reason for refusal.

**Ecology**

7.25 Comments have been received from the Council’s Ecology Officer who has identified the following protected species recorded within 200m - Otters on the Sor Brook which are unlikely to use this site and there are also several records of swifts nesting close by. The site is relatively unsuitable for other protected species. The nearest ponds are nearly 200m away and separated by roads and expanses of residences so great crested newts are unlikely to be present. Hedgehogs could make use of the site however there are no hedgerows being lost and generally this represents relatively poor foraging habitat for hedgehogs. I would consider the site too isolated from other good reptile habitats for a reptile population to be likely to be present, although individuals are always possible. The bat survey assessed the potential for bats to be present as negligible and found no evidence of bat roosts. It would be advisable however for all contractors to be briefed regarding the protection given to bats and what to do if they discover one during works. Ideally the wooden roof shingles and soffits should be first removed by hand.

7.26 The proposed development includes the culverting of the stream which will result in some loss for wildlife on site through making a water source inaccessible and removing habitat for aquatic plants and invertebrates. Without a detailed design of the culverting it is difficult to assess the impact on flow downstream and possible pollution. The proposal would lead to the loss of the watercourse in the site which would lead to the loss of biodiversity on the site therefore a scheme for the mitigation of this loss should be included in the proposed development. In line with NPPF recommendations and local policy we should be seeking biodiversity enhancements from developments. The proposed development should include at least two provisions for nesting birds on the gable ends or other appropriate aspects of the proposed building. House sparrow terraces or swift bricks may be suitable. Also include native planting where possible with plants shown to be of value to invertebrates. Close boarded fencing on site should not be permitted to allow movement of wildlife into other gardens and adjacent open space. The addition of an invertebrate box on site would also help increase biodiversity value slightly.

7.27 The proposed development would result in the loss of the existing watercourse which runs through the site by placing it into a culvert. The loss of this watercourse would not protect the existing biodiversity opportunity on the site which is sought by Policy ESD10 of the adopted Local Plan Part 1 2011-2031. The application has not been supported with any information to illustrate how the biodiversity of the site will be enhanced. The proposed development is therefore considered to be contrary to Local Plan policy ESD10.

 **Waste and Recycling**

7.28 The proposed development does not include any allocated area for the storage of waste and recycling bins within the site. A development of this size would need 12 wheelie bins (3 for each dwelling). There is no opportunity within the existing layout to provide a suitable area for the storage of waste and recycling bins. The lack of provision for waste and recycling storage and the inability of the site to have suitable space for this provision again illustrates that the proposal is overdevelopment of the site.

 In accordance with the Town and Country Planning (Development Management Procedure) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council in a having worked in a proactive way by advising the agent of the concerns regarding the proposal giving the agent opportunity to withdraw the application. The decision has been made in a timely manner.

1. **Conclusion**
	1. The proposed development comprising 4 residential dwellings is considered to be overdevelopment of the site, which due to its scale, form, design and layout would be considered to adversely affect the visual amenities of the area, would not preserve the special character of the Conservation Area, would adversely affect the residential amenity of neighbouring properties and cause undue harm to the safety of the highway in close proximity to the site. Furthermore, the development does not include any detail to advise how the existing watercourse within the site will be dealt with, how benefits for ecology on the site will be incorporated into the development and fails to provide suitable provision for appropriate waste and recycling storage.
2. **Recommendation: REFUSE**

**Reasons:**

1. The proposed development, by virtue of its scale, form, design and layout would constitute overdevelopment of the site that would fail to sympathetically integrate into the built environment due to an unbalanced design. Furthermore the proposal would cause unacceptable levels of overshadowing and overlooking on the existing neighbouring properties leading to undue harm caused to the residential amenity of neighbouring properties. The proposal is therefore considered contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 and C30 of the Cherwell Local Pan 1996.
2. The proposed development, by virtue of its unbalanced design would cause significant harm to the character and appearance of the Adderbury Conservation Area and would fail to preserve and enhance this heritage asset. As a result, the proposal fails to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
3. The proposed development, by virtue of the substandard visibility and geometry at the point of the proposed access would result in detrimental harm cause to the safety and convenience of users of the highway in this location. Furthermore, the proposed parking and turning provision is inadequate to serve the development proposed and would result in vehicle parking and/or manoeuvring on the adjacent carriageway causing a hazard resulting in detrimental harm to the safety and convenience of users of the highway. The proposal is therefore considered contrary to Government guidance contained with the National Planning Policy Framework.
4. The application is supported by inadequate information in relation to the ordinary watercourse which runs through the site. The Local Planning Authority has therefore been unable to make an informed decision as to whether the proposed development can be carried out without undue harm caused to the flow of the existing watercourse and the potential for flooding within the local area. Therefore, the proposal fails to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
5. The application is supported by inadequate information in relation to biodiversity enhancements to mitigate the loss of the existing watercourse within the site. The Local Planning Authority has therefore been unable to make an informed decision as to whether the proposed development could offer suitable biodiversity enhancements within the overall proposal. Therefore, the proposal fails to comply with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Emily Shaw DATED: 1st February 2016