1. **Application Site and Locality**

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 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.

1. **Description of Proposed Development**

The current application seeks permission to erect 4 x 2 bedroom new dwellings on the site. These would be accommodated within a two storey L shaped building. The building would have frontage onto Round Close Road where there would be a drive-thru at ground floor providing vehicular access to a parking area with 7 spaces.

The building would be constructed with a hipped roof to the frontage and a gable ended roof to the rear. It would have a ironstone frontage with stone quoins on the corners. The remainder of the building including the side and rear elevations would be constructed of render with stone quoins.

The dwellings would have small amenity spaces provided around them.

1. **Relevant Planning History**

|  |  |  |
| --- | --- | --- |
| App Ref | Description | Status |
|  | | |
| 15/01540/F | Demolition of existing chapel and erection of 4 no. dwellings | REF |
|  | | |

1. **Publicity**

The application was publicised by way of neighbour notification letters and a notice displayed near to the site. The comments raised by third parties are summarised as follows:

* Overdevelopment of the site.
* Cramped development layout.
* Inappropriate use of render in the conservation area.
* Unbalanced appearance of the building with entrance arch dominating the frontage is not in harmony with the Conservation Area.
* Loss of privacy, light and overlooking to neighbouring properties.
* Noise disturbance to neighbouring properties from vehicle movements and location of bins.
* Insufficient parking in an area which already has high parking demand for limited spaces.
* Inadequate access to the site.
* Increase in flood risk.
* Impact on biodiversity.
* Additional traffic causing highway safety concerns in an area with no pavement.
* Proposal does not overcome earlier reasons for refusal.

1. **Response to Consultation**

Parish/ Town Council

**Adderbury Parish Council -** Adderbury Parish Council objects to the above planning application 16/00814/F and reiterates the reasons (as stated below) because it feels that the original concerns outlined in the objection to planning application 15/01540/F, have still not been addressed by the applicant:

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 and will create problems like parking and bin storage.

The materials are not in-keeping with a rural village setting. Render and modern tiles are not appropriate, only stone and welsh slate for the roofs 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. Referring to Round Close Road, the CDC Conservation Appraisal states 'A homogenous character is maintained throughout due to the almost universal use of ironstone for buildings and boundary walls'. (P32).

Flooding has been an issue in this area of the village (notably in 2014) and a Flood Risk Assessment needs to be carried out. The applicant has not addressed concerns about the water course running through this site. This could cause very serious problems if it is blocked in any way and Gordon Kelman at OCC (Land Drainage Authority) requested a full assessment of this. There is no mention of this water course or how the applicant proposes to build over it, or deal with it in the car parking/ garden area, where it is an open stream. APC again 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 not enough storage for 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.

Cherwell District Council:

**Conservation Officer -** The site is currently occupied by St George’s Catholic Church, a simple building constructed in 1956 in a contemporary architectural style of the time. The building has a simple rectilinear form with a full gable facing the road. The building is reminiscent of the Catholic church in Wroxton which was largely rebuilt in 1947-8.

The current building – although not a classic religious building in the gothic style – is a simple building which quietly contributes to the streetscape in this part of the Adderbury conservation area in an unassuming way due to its domestic scale.

The proposal is for the demolition of the current church building and its replacement with a building more redolent of a stately house stable block than a building locally-inspired by the traditional built form of rural housing found within Adderbury.

The ‘coach entrance’ is not an altogether common traditional architectural feature around the district. Off the top of my head I can think of one example – Heydon House, East End in Hook Norton – although there may well be others. At Heydon House the entrance is into a working yard down the side of the principal building, the farmhouse. The roof structure over the entrance has a depth down to ground floor lintel height – unlike the somewhat excessive opening shown in this proposal.

There are no front doors on the principal elevation of the proposed building in this application so the elevation is without focal points. Buildings more usually have full gables and not a hipped gable (unless they are turning a corner).

I consider that the proposed development, by virtue of its scale, form, design and layout would constitute overdevelopment of the site. Furthermore the building fails to sympathetically integrate into the streetscape/ built environment due to the extent (scale and massing) of the proposed development and the design and form of the building. I also consider due to the design, scale, massing and form of the proposed building that it would cause significant harm to the character and appearance of this part of the Adderbury Conservation Area, that it would fail to preserve and enhance this heritage asset as well as failing to make a positive contribution to the local character and distinctiveness of the village and thus the district.

The proposal is therefore considered contrary to Policies 126 and 131 of the NPPF, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 and C30 of the Cherwell Local Pan 1996.

**Building Control -** I would advise consultation with the Fire Officer on access for fire fighting vehicles. Habitable rooms at first floor will be required to be suitable for means of escape. Full Radon protection will be required. No drainage details are available to comment on. Access statement refers to complying with Building Regulations; drawings do not reflect this re Part M

**Environmental Protection –** No objections

Oxfordshire County Council:

**Highways -** Recommend refuse;

1. Vision from the access is substandard its use for the purpose proposed will result in a hazard and be of detriment to the safety of other road users.
2. The parking provision is inadequate to serve the proposal resulting in vehicles parking and manoeuvring on the adjacent highway causing a hazard and a detriment to the safety of other road users.

Note that both of these recommended reasons reflect the submission that is before us. It may be feasible that they could be addressed and a resolution found. The Highways Authority has identified and discussed the submission with the case officer and considered that the knock on effect of resolution would be significant.

**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.

**Drainage -** We would need some evidence from them that the culverting of the watercourse wouldn’t cause upstream or downstream problems. Simply making the statement is not proof.

It may well be that the open area of the water course offers volume relief for the drainage when the piped system is at capacity. Taking away that extra volume the open watercourse offers may cause upstream problems. At the very least the drainage proposal should be on the planning application drawings with calculations included.

The original application didn’t really give us much info at all hence the recommendation from us to refuse it.

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

**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)

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

**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:

* Planning history
* Principle
* Heritage and Design
* Residential Amenity
* Highway Safety
* Drainage
* Ecology

Planning History

Planning application 15/01540/F sought planning permission for the demolition of the existing chapel and the erection of 4 dwellings on the site. These were arranged in an L shaped building similar to the current proposal however the access was adjacent to 13 and 15 Round Close Road. This was refused on the 2/2/2016 for the following 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.

The current application seeks to address these issues.

Principle

As with the earlier application the site is located within the built up limits of Adderbury. 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 rural areas of the district based on population size, range of services, accessibility by public transport and alternative modes of transport and employment opportunities. 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 built limits of the village of Adderbury and is a minor form of development (i.e. less than 10 dwellings). The proposed development however needs to be of a scale, form, layout and design which does not cause undue harm to the locality and is acceptable in other respects, and this will be assessed under the following sections.

Heritage and design

The application property is located within Adderbury Conservation Area. The conservation area is defined as a designated heritage asset in the NPPF. The NPPF requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and seeks to ensure that new development should make a positive contribution to local character and distinctiveness. It goes on to state when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset and any harm or loss should require clear and convincing justification. It goes onto state that where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Furthermore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Saved Policy C23 of the 1996 Local Plan states that there will be a presumption in favour of retaining features which make a positive contribution to the character and appearance of a conservation area and Policies C28 and C30 seeks to ensure the layout, scale and design of development is of a high standard. Policy ESD15 of the Cherwell Local Plan Part 1 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. This includes a requirement for new development to respect the traditional pattern of routes, spaces and plots and the form scale and massing of buildings. It also states development should contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness.

The application site is located to the south of Round Close Road within Adderbury Conservation Area. It currently comprises a detached rendered one and a half storey building with a gable front to the road. The surrounding development is a mixture of historic development and vernacular architecture with more modern infill development and therefore the form and character 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 dwellings. This would extend the majority of the width of the site and would extend a significant length of the depth of the site. It would have a drive through access at the ground floor of the building to provide access to parking to the rear.

The building would be set back from the front elevation of 1 to 7 Partridge Close approximately in line with the front elevation of 15 Round Close Road. This is considered to be acceptable and would reflect the traditional pattern of buildings which are located adjacent to the road and create a sense of enclose to the area. The height of the building is also considered to be acceptable and appropriate to the height of the neighbouring buildings.

The form and scale of the projection to the rear of the site remains similar to the earlier submitted scheme where the case officer concluded that *‘this scale and form is not considered to harm the visual amenity the surrounding area’.* This is therefore considered to be acceptable.

However the design of the proposed building does lead to a number of concerns and the proposed development is not considered to be compatible with the surrounding form of development or preserve or enhance the character and appearance of the Conservation Area. There are combinations of factors which result in this harm.

The front elevation of the building would extend the majority of the width of the site and would not have the type of detailing which clearly reflects it is the frontage of the building such as front doors. Traditional properties in the locality generally have front doors onto the street which provides a focus to the buildings and create a strong pattern and form of development. They also help to break up the massing of the elevation and provide a residential scale. The lack of positive frontage or any focal points onto the road is a weakness of the design and combined with the overall size of the building does not positively reinforce local distinctiveness which is characterised by the surrounding development of a more modest residential form and scale.

The proposed large opening in the centre of the building would be very poorly related to the scale of the proposed building given its height. This would result in a very poorly balanced frontage and would dominate the frontage of the building. The scale of this would be out of keeping with the proposed building and the other buildings in the locality.

Furthermore the earlier refusal raised concerns regarding the unbalanced appearance of the building which included one gable end and one hipped end on the front element of the building. Following this the design has been amended to have two hipped ends. Hipped roofs are not a traditional feature within the Conservation Area where the majority of properties have gable ended roofs. Whilst it is noted that the neighbouring building has a hipped end adjacent to the site, this part of the building is clearly an ancillary wing to the main part of the building which faces onto Tanners Lane and is a two and half storey building with gable ends. Therefore this is not considered to provide sufficient justification for the roof design and it is considered to fail to reinforce local distinctiveness.

As noted by the Conservation Officer the proposed building is more reminiscent of a stately house stable block rather than a building which is locally inspired by the traditional built form of rural housing within the village.

The front elevation of the building would be constructed of natural stone with stone quoins. The remainder of the elevations would be constructed of render with stone quoins. 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 and the unity this provides to the area the use of natural stone to the whole of the development is considered to be the most appropriate for use in this area of Adderbury.

That said whilst views of the site can be achieved from the west through Partridge Court to the rear part of the site these would be more distant views. In the previous application the use of brick to the rear part of the building was considered to be acceptable. However in the current application there is a larger amount of render proposed including the side elevations and rear elevations of the front element. Whilst it is noted that part of the first floor rear elevation of the flats at Partridge Close are rendered this is only a small element of the building. Overall given the extent of render proposed this is considered to be a further element of the development which fails to reinforce local distinctiveness.

Finally the use of railing to the front of the site is also considered to be out of keeping with the Conservation Area and this boundary treatment is not considered to be characteristic of the area or preserve or enhance the Conservation Area.

Overall for a combination of the above factors the proposed design, form, detailing and use of materials is considered to result in a building which would fail to preserve or enhance the character and appearance of the Conservation Area or reinforce local distinctiveness. Whilst this harm would be significant it would amount to ‘less than substantial harm’ in the context of paragraph 134 of the NPPF. In this case the social and economic benefits of providing 4 new dwellings are not considered to outweigh this harm.

Residential amenity

Both the NPPF and Policy ESD15 of the Local Plan seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings. A number of concerns have been raised in relation to these matters.

The application site is surrounded by residential uses. Numbers 13 and 15 Round Close Road form the western boundary of the site and have windows directly facing onto the development site. 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 it has not been established what the first floor windows serve.

The front element of the proposed development would be sited 1metre from the side elevation of number 15 however it would be off-set from the windows. The side elevation of the rear projection to the proposal is sited at a minimum of 12 metres from the side elevation of number 13 and 15. As outlined above both numbers 13 and 15 have principal room windows facing this part of the proposed development. The proposed building comprises principal room windows, living rooms and kitchens, on the ground facing these neighbours. It is considered that the separation distance of between 12 metres and 13 metres between these windows results in an unacceptable relationship in terms of ensuring residential amenity.

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 principal 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 numbers 13 and 15 would be sited between 12 and 13 metres away. The proposed development would directly face existing principal room windows in numbers 13 and 15 and due to the separation distances 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.

The proposed new building will also 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 approximately 5 metres to the eaves and 7.5 metres to the ridge of the roof and therefore considerably taller in height and larger in bulk than the existing building. It is considered that the proposed two storey building located between 12 and 13 metres from the side of numbers 13 and 15 would cause unacceptable overshadowing and an overbearing impact due to the location of existing principal room windows facing the proposal.

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.

The proposed development has 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 proposed first floor windows are not directly facing the south facing windows of flat number 6 and therefore would not in my view introduce overlooking which would significantly 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. However 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.

The proposed building will be sited 2.5 metres from the side of Partridge Court and will project into the rear of the site significantly beyond the rear elevation of Partridge Court. There is also 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 be 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 side facing window.

The existing ground floor and first floor windows on the rear of the flats in Partridge Court closest to the development site serve bedrooms. The proposed building would cause additional overshadowing and would be visible from the bedrooms of the ground floor and first floor flat. However, on balance, it is not considered that the proposal would cause unacceptable overshadowing or overbearing impact.

The future amenity of residents of the proposed development is also a relevant consideration. It is considered that due to the level of development being sought on the site that the development would fail to provide sufficient outdoor amenity spaces to serve two bedroom units which could possibly accommodate families in a village location. These are generally located around the building and would be very narrow and either have very limited privacy or be significantly impacted upon by the scale of the existing and proposed buildings. This is further evidence that the proposal is overdevelopment of the site.

In conclusion on this issue, the site is tightly constrained due to the location of the existing neighbouring dwellings and the relationship with 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 caused by overlooking and overshadowing. It would also fail to provide adequate amenity space for future residents. Therefore the proposed development is considered to be contrary to Policy ESD15, saved Policy C30 of the Cherwell Local Plan 1996 and advice in the NPPF.

Highway Safety

Vehicle access to the site will measure 3 metres in width and is proposed to the centre of the site through the drive thru. The Local Highway Authority has objected to the proposed development for the following reasons:

1. Vision from the access is substandard; its use for the purpose proposed will result in a hazard and be of detriment to the safety of other road users.
2. The parking provision is inadequate to serve the proposal resulting in vehicles parking and manoeuvring on the adjacent highway causing a hazard and a detriment to the safety of other road users.

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 existing building. The proposed stone walls with railings would measure 1.3m in height and are to run along the site frontage in front of the proposed building. Given the height and position of the railings they are likely to form a further obstruction to the users of the access leaving the site. There is no footpath along Round Close Road at the point of the application site. The restricted vision splays on the proposed access will result in a detrimental impact to highway safety because drivers 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.

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. In my view 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 also result in a detrimental impact caused to highway safety.

Drainage

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 of a watercourse. No such report has been submitted to support the application.

During visits to the site I observed that the watercourse has been flowing quickly thought the neighbours garden and through the area which it exposed in the site. It therefore appears to be 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, and to build in this location requires the consent of the Land Drainage Authority (Oxfordshire County Council). The applicant has advised that their intention is to join the two existing pipes together with a pipe of the same diameter.

The Land Drainage Authority have advised that they ‘*would need some evidence from (the developer) that the culverting of the watercourse wouldn’t cause upstream or downstream problems. Simply making the statement is not proof*. *It may well be that the open area of the water course offer volume relief for the drainage when the piped system is at capacity. Taking away that extra volume the open watercourse offers may cause upstream problems. At the very least the drainage proposal should be on the planning application drawings with calculations included’.*

The extent of the information submitted is still not considered to be acceptable and no proper or full information has been provided to demonstrate that the proposed development would not increase flood risk elsewhere or that the works would be feasible on the site. Furthermore the depth of the watercourse appears quite close to the surface and it has not been demonstrated how the building will not affect the watercourse flow during the building work and after the development is completed and how it can be maintained.

As the application has been supported by very limited information regarding the existing watercourse and how this will be dealt with within the proposed development, both the Local Planning Authority and Land Drainage Authority are unable to make a proper 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

In the earlier application comments had been received from the Council’s Ecology Officer stating the site is relatively unsuitable for protected species given its location and characteristics.

The proposed development however includes the culverting of the stream and in the earlier application concerns were raised by the case officer that this would result in the loss of a feature which contributes to the biodiversity of the site. Whilst the loss of this habitat is unfortunate it is noted that only a relatively small section of the watercourse within the site is not culverted. Furthermore it is noted that the Ecological Appraisal submitted alongside the application notes that the proposed watercourse is only likely to be of limited biodiversity value. On balance it is therefore considered that planning conditions for other biodiversity enhancements on the site such as bird boxes and swift bricks and some native planting in the limited landscaped areas could off-set the impact on biodiversity. Therefore on balance the proposal is considered to be acceptable in this regard.

Other matters

The proposed development shows an area provided for the bin stores for the proposed properties. Whilst these appear to be acceptable in terms of size the practicalities of these is questionable. For example plot 3 has no way of accessing the bin store apart from taking wheeled bins through the living room or kitchen of this property. This further reflects the cramped layout of the proposal.

Engagement

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 in a proactive way. In this case the applicant has been advised through earlier applications and also through pre-application advice that the provision of 4 x 2 bed dwellings would be an overdevelopment of the site. The decision has also been made in a timely manner.

1. **Conclusion**

The proposed development is considered to represent an overdevelopment of the site. Whilst the proposed development would result in some social and economic benefits associated with the provision of 4 new dwellings in a Category A village, the resulting harm to the environment and to neighbours would clearly outweigh these benefits. The form, appearance, detailing and materials of the building would fail to preserve or enhance the Conservation Area or reinforce local distinctiveness. The proposal would also fail to protect the amenity of the neighbouring properties or provide adequate levels of amenity for future residents. The proposal would also result in detrimental harm to the safety and convenience of users of the highway due to the inadequate visibility from the site access and the insufficient layout of the parking and manoeuvring areas. The proposal also fails to adequately demonstrate how the ordinary water course which runs through the site will be impacted by the proposal. Overall the development is therefore not considered to constitute a sustainable form of development and is contrary to the Policies listed at Section 6 of the report.

1. **Recommendation**

**Refuse:**

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 or provide a good level of amenity. 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 Policies Villages 1 and 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 scale, form, design, layout and use of materials would cause less than substantial harm to the character and appearance of the Adderbury Conservation Area and would fail to preserve and enhance this heritage asset. The public benefits arising from the scheme are not considered to outweigh this harm. 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 at the point of the proposed access, would result in unacceptable harm 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 likely result in vehicle parking and/or manoeuvring on the adjacent carriageway causing a hazard to the safety and convenience of users of the highway. The proposal is therefore considered contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and 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 increased 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.

**Planning Notes/ Informatives:**

For the avoidance of doubt, the plans and documents considered by the Council in reaching its decision on this application are: Application Form, Windrush Ecology Protected Species Survey Report, Location Plan, Proposed Block Plan, 1235/7, 1235/8 and 1235/9

**Statement of Engagement:**

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), the Council has tried to work positively and proactively with the applicant/agent through the pre-application advice service and the consideration of earlier applications to try to find timely solutions to concerns in an effort to deliver sustainable development. Unfortunately, despite these efforts, the application proposals do not amount to sustainable development and consent must accordingly be refused.

Case Officer: James Kirkham DATED: 24 June 2016

DM Team Leader: Alex Keen DATED: 24 June 2016