

**Stone Pits  
Hempton Road  
Deddington  
Banbury  
OX15 0QH**

**18/02147/OUT**

**Case Officer:** James Kirkham

**Applicant:** Pembury Estates Ltd

**Proposal:** Outline planning application for up to 21 dwellings comprising 1, 2, 3 and 4 bedroom dwellings together with access, garaging and landscaping (all matters reserved except the principal means of access from Hempton Road)

**Ward:** Deddington

**Councillors:** Cllr Bryn Williams  
Cllr Hugo Brown  
Cllr Mike Kerford-Byrnes

**Reason for Referral:** Major development

**Expiry Date:** 12 March 2019

**Committee Date:** 30 May 2019

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT**

#### **Proposal**

The current application seeks permission for the development of up to 21 dwellings along with associated works. All matters are reserved except the principal means of access from Hempton Road.

#### **Consultations**

No consultees have raised **objections** to the application.

The following consultees have raised **no objections** to the application:

- CDC Planning Policy, CDC Environmental Protection, CDC Ecology, CDC Recreation and Leisure, CDC Landscape, CDC Strategic Housing, OCC Drainage, OCC Highways, OCC Education, CDC Tree Officer Thames Water, Oxfordshire Fire Service, Deddington Parish Council

2 letters of objection have been received.

#### **Planning Policy and Constraints**

The site is located outside the built up limits of Deddington. The site lies within Deddington Neighbourhood Plan area. The site is within an area of naturally elevated Arsenic and Radon, and within an area of potentially contaminated land. There are records of swifts within 250m of the site.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

## **Conclusion**

The key issues arising from the application details are:

- Principle of development
- Landscape and visual impact
- Site layout and design principles
- Highways
- Residential amenity
- Affordable housing
- Flood Risk and drainage
- Ecology
- Infrastructure
- Other matters

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

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

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is an agricultural field located to the west of Deddington to the north of the Hempton Road. The site contains an agricultural building located towards the south east corner of the site, which is served by an access from Hempton Road. The site is relatively flat, but the land beyond the northern boundary of the site falls away into a wide valley. To the east of the site is Wimborn Close which consists of a mix of relatively modern two storey properties and has a landscaping belt adjacent to the site. The 2 metre high hedge exists to the west of the site beyond which lies further agricultural fields.
- 1.2. Deddington nursery and the recreation ground exist to the south of the site beyond Hempton Road.

### **2. CONSTRAINTS**

- 2.1. The application site lies within Deddington Neighbourhood Plan area. There are records of swifts within 250m of the site and the site. The site is within an area of naturally elevated Arsenic and Radon, and also lies within an area of potentially contaminated land.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The current application seeks outline planning consent for up to 21 dwellings on the site with all matters reserved except the principal point of access from Hempton Road. The proposed access would be 5.5m wide with a 2 metre footway and is shown to be located approximately centrally to the frontage of the site. A footpath from the entrance of the site would connect to the existing footpath on Hempton Road at the corner of Wimborn Close.
- 3.2. The application is accompanied by an indicative layout and a Design and Access Statement that outlines one way in which the site could be developed. This shows a road through the centre of the site with cul-de-sac offshoots.

#### **4. RELEVANT PLANNING HISTORY**

4.1. There is no planning history directly relevant to the proposal

#### **5. PRE-APPLICATION DISCUSSIONS**

5.1. No pre-application discussions have taken place with regard to this proposal.

#### **6. RESPONSE TO PUBLICITY**

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 31.01.2019, although comments received after this date and before finalising this report have also been taken into account.

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

- The proposal maybe the first phase of a wider development and set an undesirable precedent.
- The proposal is remote from services at the core of the village and poorly integrated.
- No buses stop on Hempton Road.
- Concerns over subsidence and contamination due to historic dumping on the site
- Radon is a significant issue in the village
- Doctors surgery is taking patients form other villages. It needs re-siting and expanding.
- No more 4 bed houses needed.
- Cumulatively with the other new development this would lead to 106 new builds in the village
- Proposal will negatively impact on biodiversity.
- Road network is already overwhelmed.
- Open space provision is not acceptable. It should be provided on site rather than on adjacent developments to be more convenient for residents and reduce impact on Wimborn Close

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

#### **7. RESPONSE TO CONSULTATION**

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

## PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. DEDDINGTON PARISH COUNCIL: **No objection** but requests the following:
- That the adopted road has a fire hydrant
  - That gates, pinch point and a Vehicle Activated Signage are included (as appropriate)
  - Surface water drainage are designed for a 1 in 100-year storm with an allowance for 30% climate change
  - That 4 of the affordable houses are one bed roomed
  - That the spine road is adopted by CDC and access is approved as part of the outline planning application
  - That ground investigation report deals with concerns regarding possible subsidence and ground contamination.
- 7.3. Would require priority is given to Early Years Education, namely the Deddington nursery/PFSU which stands directly opposite the proposed development. Also request contributions toward the library, day care, money towards the bus service and electric car charging points at the new estate and ideally in the Market Square.
- 7.4. Also request contributions towards the Windmill Community Centre, play area in the locality and sports field/changing rooms.
- 7.5. Requests a condition on the traffic calming measures moving the 30mph limit westwards, a village gates feature and a vehicle activated sign. Request provision of fibre optic cable and affordable housing. Requests at least half of the affordable housing should be one-bedroomed dwellings. Research by the Neighbourhood Plan housing group revealed that the biggest demand from Deddington people (and across the district) was for one-bedroomed affordable homes and this demand was almost certainly not entirely met on the DWH estate.

## CONSULTEES

- 7.6. CDC PLANNING POLICY: Comments incorporated into officer assessment section of this report.
- 7.7. OCC HIGHWAYS: **No objections** subject to standard condition of access, vision splay, parking and turning, travel information pack, cycle parking, construction traffic management plan and drainage. Also requests a legal agreement to secure £21,000 contribution to bus service improvements, £3,400 for Traffic Regulation Order and an obligation to enter into a S278 agreement to secure provision of access and footway; relocation of village, speed limit and traffic signal signage; and construction of a build out traffic calming feature.
- 7.8. Notes the site is not on a road served by public transport and would be some distance (approx. 800m) from the bus stop and village services. However, the walking route is good with street-lit pavement and signalised crossing. Although not ideal, it is not considered to be a sufficient reason for objection. A footpath link is proposed into the existing access along Hempton Road.
- 7.9. In terms of access the visibility is good and splays have been determined on the 85<sup>th</sup>ile speeds recorded by the ATC (50m to the west of the access). Vehicle speeds are considered excessive for the access to be safe and suitable and traffic

calming measures in the form of a build out feature, requiring eastbound traffic to give way to vehicles leaving the village should be provided alongside the relocation of the speed limit change.

- 7.10. The layout would be considered at a later stage, but notes that parking will need to be provided and visitor parking should be distributed through the site.
- 7.11. OCC DRAINAGE: **No objections** subject to standard condition. Notes that there is potential contamination on the site which may affect the use of soakaways. Having checked the Thames Water plans there does not appear to be a public surface water sewer but the neighbouring sites appears to discharges to soakaways. Therefore it may be wise for them to investigate the contamination at the earliest opportunity as this may have implications on the drainage solution
- 7.12. CDC LANDSCAPE: **Comments** that the LVIA is generally acceptable. The development impact should be further mitigated by groups of native trees on and adjacent to the site's northern boundary; a native hedgerow should also be included for this purpose. The disjointed northern boundary does not allow the LAP or open space to be integrated into the scheme. Planting is required along the western boundary to mitigate views. It is important to ensure adequate space between the plots and the landscaping belt to the east. Supports the removal of the conifer hedge along the frontage being replaced with native hedge. The balancing ponds must have gradients no steeper than 1:4. Further details will be required including cross sections. A maintenance route is required.
- 7.13. CDC HOUSING: **No objection**. There is a requirement for 7 units to be affordable. Suggests the following mix:
  - Affordable rent: 3 x 2 bed house, 2 x 3 bed house
  - Shared ownership: 2 x 1 bed house
- 7.14. Parking should be provided and 50% should meet the Regulations Requirement M4(2) Category 2: Accessible and Adaptable Dwellings requirement. Additionally, 100% of the affordable housing units are to be built the government's Nationally Described Space Standard.
- 7.15. CDC ENVIRONMENTAL PROTECTION: **No objection**. Request conditions relating to construction environmental management plan and a noise report demonstrating all dwellings will achieve British Standards noise levels. Also request full land contamination conditions and the provision of ducting for electric vehicle charging points.
- 7.16. CDC LEISURE: **No objections**. Request contributions towards off-site outdoor and indoor sports facilities and community facilities.
- 7.17. CDC BUILDING CONTROL: **No objections**. Full radon protection will be required for the site. Access for fire vehicles to reflect guidance in Approved Document B5.
- 7.18. THAMES WATER: **No objections**. The foul water sewage network has capacity. Surface water will not be discharged to the public network. The water network and water treatment infrastructure has capacity for the development.
- 7.19. OCC ARCHEOLOGY: **No comments**.
- 7.20. CDC ECOLOGY: No major protected species issues and the suggested measures are appropriate. A separate lighting strategy will be required. The proposals do,

however, result in the loss of some habitat and hedgerow (a priority habitat) and it is not clear whether there would be an overall net gain on site for biodiversity. Ideally the Ecological appraisal should have included a biodiversity impact assessment using a metric and the illustrative layout to give us confidence that an overall net gain is possible to achieve on site. Currently it is marginal given the limited open space for planting. The final layout should be prepared with information from such a metric in place to ensure space is left for biodiversity gain. This could be conditioned as part of an enhancement scheme, for example, but this leaves open the possibility that they struggle to fit in the agreed features and have to seek off site land as compensation.

7.21. OCC EDUCATION: **No objections** subject to contributions being sought for the extensions to the primary school in Adderbury and nursery and early years provision in Deddington.

7.22. ENVIRONMENT AGENCY: **No comments.**

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. The Cherwell Local Plan 2011-2031 - Part 1 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 (CLP 2031 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC4 – Housing Mix
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDs)
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation
- Villages 2 – Distribution Growth Across the Rural Areas
- INF1 – Infrastructure

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18 – New dwellings in the countryside
- C8 – Sporadic development in the open countryside
- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development
- ENV1 – Environmental pollution
- ENV12 – Potentially contaminated land

### 8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Annual Monitoring Report (AMR) 2018

8.4. Deddington Neighbourhood Plan is currently being developed. Consultation on the draft (submission) plan ended on the 21<sup>st</sup> December 2018 and the plan has now been submitted to the independent examiner to consider. The examiner has raised a number of initial queries and clarifications. This plan and its policies therefore hold limited weight in decision making at the current time as it will need to be subject to examination by the independent inspector and then subject to a referendum. The most relevant policies are:

- DED - HOU1: Sustainable housing growth
- DED - HOU2: Housing location
- DED - HOU3: Housing mix
- DED - HOU4: Housing design and village character
- DED - HOU5: Estate infrastructure
- DED - HOU6: Affordable housing
- DED - ENV1: Protection and enhancement of the historic environment of the Parish
- DED - ENV2: Protection and enhancement of the natural environment of the Parish
- DED - ENV3: Infrastructure requirements
- DED - ENV4: Impact of street lighting
- DED - COM1: Inclusive communities
- DED - COM2: Community facilities and services
- DED - COM3: Children's play areas and public open space
- DED - COM4: Integrated approach
- DED - COM5: Modernisation of facilities
- DED - COM6: Open spaces, sport and recreation
- DED - MOV1: Transport impacts
- DED - MOV2: Estate roads
- DED - MOV3: Parking
- DED - MOV4: Non-car movement

### Council Corporate Priorities

Cherwell District Council and South Northamptonshire District Council's Joint Corporate Strategy for 2018-19 sets out the councils three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2018–19. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the districts.

The three corporate priorities are to ensure the Districts are “Protected, Green & Clean”, are places which support “Thriving Communities & Wellbeing”, and are

Districts of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plans for CDC & SNC; (2) increase tourism; (3) protect the built heritage; (4) reduce our carbon footprint & protect the natural environment; (5) mitigate the impact of High Speed 2; and (6) deliver affordable housing.

The remaining key actions are also of significance to the determination of planning applications and appeals in particular delivering the Bicester, Banbury, Kidlington, Brackley, Towcester and Silverstone Masterplans.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

## **9. APPRAISAL**

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

- Principle of development
- Landscape and visual impact
- Site layout and design principles
- Highways
- Residential amenity
- Affordable housing
- Flood Risk and drainage
- Ecology
- Infrastructure
- Other matters

### Principle of Development

#### *Policy Context*

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996.
- 9.3. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 7 of the NPPF sets out the Government’s view of what sustainable development means in practice for the planning system – the three strands being the economic, social and environmental roles. It is clear from this that as well as proximity to facilities, sustainability also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.
- 9.4. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise (Para. 12). Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015 and can demonstrate a 5 year housing land supply.

- 9.5. The Written Ministerial Statement of 12 September 2018 now considers important policies for determining the application to be out of date only where a 3 year supply of deliverable sites cannot be demonstrated.
- 9.6. The Cherwell Local Plan 2011-2031 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. With regards to villages, the Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does however advise that there is a need within the rural areas to meet local and Cherwell-wide needs.
- 9.7. Policy Villages 1 of the CLP 2031 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C), with Category A villages being considered the most sustainable settlements in the District's rural areas which have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Deddington is a Category A village.
- 9.8. In order to meet the areas housing needs Policy Villages 2 of the CLP 2015 states that: *"A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014"*. This Policy notes that sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission.
- 9.9. Policy Villages 2 then sets out that when identifying and considering sites, particular regard will be given to the following criteria:
- *"Whether the land has been previously developed land or is of less environmental value;*
  - *Whether significant adverse impact on heritage and wildlife assets could be avoided;*
  - *Whether development would contribute in enhancing the built environment;*
  - *Whether best and most versatile agricultural land could be avoided;*
  - *Whether significant adverse landscape impacts could be avoided;*
  - *Whether satisfactory vehicular and pedestrian access/egress could be provided;*
  - *Whether the site is well located to services and facilities;*
  - *Whether necessary infrastructure could be provided;*
  - *Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period;*
  - *Whether land the subject of an application for planning permission could be delivered within the next five years; and*
  - *Whether development would have an adverse impact on flood risk."*
- 9.10. The Deddington Neighbourhood Plan has been submitted for examination so is only considered to carry limited weight in decision making at the current time. However, there are a number of policies relevant to the principle of the development. Policy DED – HOU1 of the emerging Neighbourhood Plan indicates the delivery of approximately 50 new dwellings will be supported in Deddington during the plan period (2015-2031) on developments of 10 or more dwellings. It also states the

cumulative total number of dwellings which may be built on any one site during the plan period shall not exceed 20. Policy DED-HOU2 also provides criteria based policy to assessing new residential development within Deddington.

### *Assessment*

- 9.11. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan and the site sits outside the built up limits of the village given its physical and visual relationship to the existing built form.
- 9.12. Deddington is recognised as a 'Category A' village and is one of the larger villages in the District with a relatively wide range of services and facilities compared to other Category A settlements. It has a relatively regular bus service (S4 route – approximately hourly), which runs between Banbury and Oxford. Overall it is therefore considered to be one of the more sustainable Category A villages.
- 9.13. The acceptability of the proposal therefore needs to be tested against the criteria listed in Policy Villages 2 of the CLP 2015 (as set out above), as well as other material planning considerations. However, in the first instance it is important to consider the matter of scale and quantity of development, and in particular whether the proposal is in accordance with the overarching housing strategy of the CLP 2031.
- 9.14. The Council's AMR 2018 (published December 2018), identifies that permission has been granted for 746 homes at Category A villages under Policy Villages 2 of the CLP 2031 (and therefore 4 remaining from the Policy Villages 2 requirement). On reviewing the progress of these permission officers consider that the majority of these dwellings have, or, are most likely to be delivered within the plan period: 124 of the 746 dwellings have been completed and a further 425 are under construction.
- 9.15. The 750 dwellings to be delivered at Category A villages is not an upper limit, but the policy describes it as a 'total' and significant deviation from this may result in unconstrained growth in less sustainable locations which would conflict with the housing strategy of the Development Plan. This conclusion has been endorsed by Inspectors in various recent appeal decisions received by the Council, including appeals at Kirtlington (27 August 2015 - APP/C3105/W/14/3001612), Weston on the Green (8 February 2017 - APP/C3105/W/16/3158925), and Finmere (17 May 2018 - APP/C3105/W/17/3169168). Therefore it is considered that the position the Council finds themselves in in regard to the allocation under Policy Villages 2 means that there is no pressing or urgent need to grant permission for significant additional growth under this policy and must be considered in the planning balance.
- 9.16. The proposal would lead to the number of permissions being granted at Category A villages exceeding the 750 dwellings in Policy Villages 2. However, officers do not consider that the current proposal could be regarded as a material increase above and beyond the 750 dwellings, or a significant deviation from that figure, or a departure from the Council's rural strategy, for the following reasons.
- 9.17. Firstly, regard is had to the number of dwellings that have not yet been delivered. Of the 750, 539 are completed or under construction, and additional consented development is likely to come forward shortly (either because reserved matters application are currently being considered or because applications to discharge conditions have recently been granted).
- 9.18. Secondly, the Council has a sufficient housing land supply (5.0 years) but not comfortably so – although regard is had to the present need to maintain a 3 year supply.

- 9.19. Thirdly, it is noted that to date none of the development approved under Policy Villages 2 has been granted at Deddington and, whilst it is important to note that there is no distribution requirement within the policy, if the 750 dwellings were shared out pro-rotas based on population size then Deddington would be required to have 37 dwellings. Whilst it is acknowledged that permission was granted for 85 dwellings at Deddington Grange adjacent to the northern built up limits of Deddington this did not count towards the 750 homes allocated under Policy Villages 2 since that permission was granted prior to 31<sup>st</sup> March 2014.
- 9.20. Fourthly, whilst the draft Neighbourhood Plan only holds limited weight at the current time it is noted that it is seeking to make provision for up to 50 new dwellings in the plan period – albeit that it has a limit on the size of any one development, i.e. it restricts developments to a maximum of 20 dwellings on any single site.
- 9.21. The NPPF places great importance on boosting the supply of homes – that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay (NPPF, Para 59). And further, that: *‘Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly’* (NPPF, Para 59).
- 9.22. It is also noted that the site forms part of a larger site which has been considered as having potential for residential development within the Council’s Housing & Economic Land Availability Assessment 2018 (HELAA). The HELAA concluded that the site is considered suitable, available and achievable for residential development. It is noted in the report that: *The site is visually prominent on entering the village but there is neighbouring development with an established building line to the north. The visual impacts of the development could be mitigated against by a carefully considered landscaping, design and layout, and high quality build. There is existing access available.* However, whilst this notes that there is potential for residential development at the site this is not a formal allocation under the Development Plan and is only a factor given limited weight.
- 9.23. Policy Villages 2 also requires that regard be had to the access to services and facilities. The application site is located on the very western edge of the village, approximately 800 metres from the Market place where numerous services and facilities exist. The bus stops are also located a similar distance. Whilst it is recognised this distance is not ideal in regard to access to services and facilities, given that the site is located in a village with a relatively high level of service provision and relatively regular public transport, and the fact that walking routes to the village centre is good with street-lit footways, this is considered to be acceptable.

### *Conclusion*

- 9.24. Overall, on balance, and having regard to the factors above it is considered that the principle of this scale of growth could be acceptable on this site in Deddington in the context of the Council’s housing strategy and the emerging local plan. This, however, is subject to the proposal being assessed against the other relevant criteria of Policy Villages 2 and the other relevant policies and guidance, which is discussed below.

### Landscape and Visual Impact

#### *Policy context*

9.5. Government guidance contained within the NPPF towards achieving well-designed places states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPG goes on to note that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Further, Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

9.6. Paragraph 127 of the NPPF states that planning decisions should ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

9.25. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development proposals should:*

- *Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.*
- *Respect the traditional pattern routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.”*

9.26. Policy ESD13 of the Cherwell Local Plan Part 1 states that: *“Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:*

- *Cause undue visual intrusion into the open countryside;*
- *Cause undue harm to important natural landscape features and topography;*
- *Be inconsistent with local character;*
- *Harm the setting of settlements, buildings, structures or other landmark features;*

- *Harm the historic value of the landscape.”*

- 9.27. Policy Villages 2 also states regard will be had to whether a proposal would have significant adverse impacts on heritage, whether development could contribute to enhancing the built environment and whether significant adverse landscape and impacts can be avoided in determining applications under that policy.
- 9.28. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context and Saved Policy C8 seeks to limit sporadic development beyond the built limits of settlements.
- 9.29. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.
- 9.30. Policy DED-HOU2 of the emerging Neighbourhood Plan states that proposals which would disproportionately extend the building up limits or spoil the setting of the village will not be supported. Policy DED-HOU4 states that development abutting greenfield land should be sensitive to how it relates to the adjacent landscape and approach to the village and that all development should reflect the surrounding vernacular architecture, building typology and character of the streetscape and make a positive contribution to the distinctive character of Deddington.

#### *Assessment*

- 9.31. The application site is relatively flat and is separated from the adjacent development in Wimborn Close by a landscaping belt so that the existing development does not present a hard built edge to the village. The land further to the north of the site is agricultural and falls into a wide valley with the River Swere and is much more exposed in landscape terms than the application site, which is located to the south of the valley on the plateau. To the west of the site the land gently rises towards Hempton and is in agricultural use with medium to large sized fields. The landscape is relatively open with long ranging open views north.
- 9.32. The application is accompanied by a Landscape and Visual Impact Assessment. This outlines the site is located within the Ironstone Hills and Villages character area within the Councils Landscape Character Assessment (1995) where the main features are the complex topography, the style of vernacular buildings and the iron age hill forts and sunken lands. The application site itself has few features which are characteristic of the area and would be seen on the context of the built form of Deddington. The proposed development would change the landscape character of the site from agricultural to residential. Given the topography of the site and the proposal would have a minor to moderate impact on the character area. Within the Oxfordshire Wildlife and Landscape Study (OWLS) the site is part of the Upstanding Village landscape type. Key characteristics are steep-sided undulating land form, well defined geometric patterns of fields with hedgerows and a strong settlement pattern of compact nucleated villages of varying size with little dispersal into the wider countryside. Overall it is concluded the effect on this landscape type would be minor to moderate. The landscape officer is in agreement with these findings.
- 9.33. In terms of visual impact the proposal would undoubtedly result in development of a green field site and would extend the built up limits of Deddington. Deddington is an historic and attractive village. The site is located on the western edge of Deddington where much of the more modern development in the village has taken place along Hempton Road. This includes Winborn Close, Windmill Street and The Daedings which also provides for some depth of development in the locality. It is therefore less sensitive to change than many of the more historic edges of the village where

development is likely to be less appropriate given the more historic constraints of the existing settlement. In this respect the proposed development relates acceptably to the existing pattern of development in this part of Deddington.

- 9.34. The presence of the above mentioned development, the existing building on the site and the presence of the recreation fields on the opposite side of Hempton Road also help to mitigate some of the visual intrusion of the development into the countryside and ensure the development does not unduly extend the village or appear incongruous in regards to its physical or visual relationship with the existing built form.
- 9.35. Given the position of the site the visual impacts of the development would be relatively localised. The main and most significant visual impacts would be experience from users of the Hempton Road including road users, pedestrians and cyclist. The LVIA indicates that the existing hedgerow on the western boundary would be retained and planting would be added to the western boundary of the site to help reduce the visual impacts overtime when approaching the village from the west and help soften this approach. This is considered essential to help reduce the visual impacts. It is also proposed to replace the existing conifer hedgerow at the frontage of the site with a native species hedgerow and retain the existing category B trees and provide additional planting to soften the development. This change would be major to moderate at year 1, reducing to moderate when the planting is matured from the viewpoints further to the west of the site. However, the impact of change would vary depending on the location along Hempton Road as some views would be experienced in the context of the existing development. Views of the development from the south and east of the site would largely be screened by existing vegetation and development. It is also proposed to provide some new screening to the north of the development to help soften the development from views from the north.

### *Conclusion*

- 9.36. Overall the impact of the development on the landscape character area is considered to be minor to moderate. There would be visual impacts associated with the development and with appropriate mitigation the more significant visual impacts of the development are considered to be limited to views from the Hempton Road, which is one of the less sensitive entrances to the village to change. Officers consider that with appropriate additional planting to the northern and western boundaries of the site to create a new softer edge to the village the visual impacts would be more limited. This visual harm needs to be weighed in the planning balance when considering the development as a whole.

### Site Layout and Design Principles

#### *Policy Context*

- 9.37. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high quality design meeting high design standards and complementing any nearby heritage assets. The National Planning Policy Framework is clear that good design is a fundamental to what the planning and development process should achieve. BSC2 of the CLP 2015 states that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density.

- 9.38. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principle routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

#### *Assessment*

- 9.39. The application is in outline with all matters reserved except for access from Hempton Road. The application is accompanied by an indicative layout and a Design and Access Statement, which indicates one way in which the site could be developed. This shows a central road with a series of cul-de-sac from it.
- 9.40. Whilst some principles within the proposed indicative layout are considered to be appropriate for the site such as the creation of a new frontage onto Hempton Road and setting properties off the western boundary with a green space, there are considerable concerns regarding other elements, which overall represents poor design that would be contrary to local and national planning policy. The layout and indicative plans are considered to be based on the more modern development within Wimborn Close and elsewhere, rather than the more traditional vernacular buildings which provide a strong identity to Deddington. The indicative layout does not create a strong street frontage and appears disjointed, with large gaps between buildings and a lack of continuous built form. The development blocks are too small and the main street through the development is dominated by gaps and boundary walls. The large number of detached units, the deep plan and narrow fronted forms and series of gable projections shown in the current layout all raise concerns with officers.
- 9.41. Overall it is considered that the layout presented would result in an unacceptable form of development. However, it is recognised that the application is made in outline with all matters reserved except access. Therefore the layout, scale and appearance of the development would be considered at a later stage. Given the relatively low density of the scheme and the not irregular shape of the site officers are satisfied that a revised layout could be negotiated at a reserved matters stage to ensure that the proposed development achieved a high quality and locally distinctive scheme. It is recommended that an informative be placed on any approval raising concerns regarding the layout.
- 9.42. During the course of the application and following discussions with the Parish Council and applicant it has been agreed that the local plan requirement for a local area of play can be provided off-site with a financial contribution with line with the Developer Contributions SPD. This would be used to enhance the play area at Wimborn Close and/or at the Windmill Community Centre. The layout has also been amended to include a footpath link to the open space and play area to the north east of the site in Wimborn Close. This has been discussed with the parish council; the parish council has indicated it supports this element of the proposals and considers it would acceptably serve the needs of the future residents.
- 9.43. The density of the scheme is lower than the 30 dwellings per hectare sought under Policy BSC3 of the CLP (2015). However, in this case, given the edge of settlement location of the development and the need for a robust landscape strategy to the western and northern boundaries of the site, the lower density is considered to be justifiable. It should be noted that the red line area of the site has been reduced during the course of the application to ensure the development makes more efficient use of land and limits the level of intrusion into the wider open countryside.

#### *Conclusion*

- 9.44. Officers have raised significant concerns over the proposed layout and design principles for the development. However, officers are satisfied that given the site and arrangement of the site an acceptable layout could be negotiated from the proposed access. This would be fully considered as part of the reserved matters application.

#### Highways

- 9.45. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.”* Policy SLE4 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.”* The NPPF advises that development should provide safe and suitable access for all and development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe.
- 9.46. Policy DED-HOU2 of the emerging neighbourhood plan states regard will be had to the distance from the centre of Deddington and Deddington Health Centre and whether the proposed development would be connected to the local community in particularly in relation to pedestrian and cycle access to the centre of Deddington and whether the proposed residential development would seek to minimise the impact of the scheme on traffic congestion with appropriate road safety mitigation measures. Policy DED- MOV4 states that opportunities will also be sought to create pedestrian and, where appropriate, cycle routes connecting new developments with neighbouring developments.

#### *Assessment*

- 9.47. The development would include a new access from Hempton Road to serve the new housing. This would be located central to the site frontage and would include a footpath into the site connecting with the existing footway along Hempton Road leading into the village. The proposed development also includes the relocation of the existing speed limit signs, along with welcome gates and a new give way ‘build out’ feature, which would require vehicles entering the village from the west to give way to vehicles leaving the village.
- 9.48. The Local Highway Authority (LHA) has been consulted on the application and has raised no objection to the development subject to a number of conditions and contributions. The traffic impact generated by the proposed development is not considered to have a severe impact on the existing highway network given the scale of the development and the nature of the roads.
- 9.49. The visibility from the proposed site access is considered to be appropriate in both directions. However, the speed of traffic coming into the village at this point is 38.6mph (average) and 45mph (85%ile), which the LHA considers to be excessive for this to be a safe a suitable access without traffic calming measures to slow traffic. The LHA has therefore requested that the applicant enters into a S278 agreement to include the relocation of the speed limit signs and village sign further west; relocation of other traffic signs and marking and the construction of a buildout traffic calming feature to the west of the site on Hempton Road which makes traffic coming into the village from Hempton give way to traffic leaving the village. Amended plans have been received showing the provision of a build out feature in this location in accordance with the LHA’s advice and comments are awaited on this amendment.

- 9.50. As noted above the proposal includes a new footpath into the site, which would connect the application site with the existing footway along Hempton Road and provide pedestrian access to services and facilities in the village.
- 9.51. Full details of the site layout and parking arrangements would be considered under future reserved matters applications.
- 9.52. The LHA has requested a contribution of £21,000 for enhancement to the bus service in the village which connects to Banbury and Oxford which would help in the village being more accessible by a sustainable mode of transport as encouraged by the NPPF and this would be secured through a Section 106.
- 9.53. The Parish Council has requested a fire hydrant on the site. However, the Oxfordshire Fire and Rescue Service comments that one would not be required for the development and therefore it is not considered reasonable to condition such a requirement.

#### *Conclusion*

- 9.54. Overall the highway matters associated with the development are considered to be acceptable subject to the traffic calming measures and other matters being secured.

#### Impact on neighbouring amenity

- 9.55. Policy ESD 15 of the CLP 2031 (Part 1) requires new development to consider the amenity of both existing and future occupants, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.

#### *Assessment*

- 9.56. The proposed development would be located away from many of the surrounding residential properties. The properties which would be most impacted upon by the proposed development would be the properties to the east of the site in Wimborn Close. These properties are separated by the application site by a road and a landscaping belt and would be in excess of 20 metres from the proposed development. In light of these factors it is considered that it would be possible to achieve a scheme at reserved matters stage that did not result in significant impact on the amenity of neighbouring properties.

#### Affordable Housing and Housing Mix

##### *Policy*

- 9.57. Policy BSC3 of the Cherwell Local Plan (2011-2031) states that development on the site should make provision for 35% affordable housing with 70% of the affordable housing to be affordable rent and 30% as intermediate homes such as shared ownership. Policy BSC4 states that new development will be expected to provide a mix of home to meet current and expected future demand creating socially mixed and inclusive communities.
- 9.58. Policy DED- HOUS3 of the emerging neighbourhood plan seeks to ensure appropriate housing mix. Policy HOU6 states that the majority of affordable rented units should be one-bedroomed.

##### *Assessment*

- 9.59. The applicant has committed to providing 35% affordable housing on the site in line with Policy BSC3. The detailed housing mix would be determined at reserved

matters stage and at the current time the plans are only indicative. The housing officer has raised no objection to this and has provided a suggested mix. Full details of the mix of the market and affordable housing would be determined at reserved matters stage. The affordable housing would need to be secured by a legal agreement.

### Flooding Risk and Drainage

- 9.60. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems (SUDS) to manage surface water drainage. This is all with the aim to manage and reduce flood risk in the District.

### *Assessment*

- 9.61. The current is situated wholly within Flood Zone 1 which is land which has a less than 1 in 1,000 annual probability of river flooding.
- 9.62. The applicant has submitted a Drainage and Flood Risk Technical note which outlines a potential drainage strategy for the site including an attenuation feature in the south east area of the site which would then be discharged into the underlying bedrock through infiltration. This demonstrates the feasibility of a system with sufficient capacity for the 1 in 100 year storm event (plus a 40% allowance of climate change). The Lead Local Flood Authority (LLFA) has no objection to this but notes that the site lies over a secondary aquifer and the site may be subject to contamination which may impact on the use of infiltration. The LLFA has advised that the Environment Agency be consulted; this has been undertaken but hitherto no response has been forthcoming from the latter. The Council's Environmental Protection Officer has indicated that full ground investigation be undertaken on the site as part of a planning condition. Officers consider that if this is undertaken prior to the submission of the reserved matters there can be a greater understanding of the potential for contamination to impact on the drainage arrangement and considered as part of the reserved matter, whether that be through remediation of the contamination or through an alternative method of drainage.
- 9.63. Thames Water has raised no objection to the development in regard to foul water sewage or water network provision and the development is therefore considered to be acceptable in that regard.

### Ecology

#### *Legislative context*

- 9.64. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.65. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the

exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.

9.66. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

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

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

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

#### *Policy Context*

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

9.70. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.71. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a

requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

- 9.72. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.73. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

#### *Assessment*

- 9.74. The current application has been accompanied by an Ecological Appraisal which has been considered by the Council's Ecologist. The site is not subject to any statutory or non-statutory designations. The Council's Ecologist is satisfied that there are no significant protected species issue on this site and the suggested mitigation measures in the report are all appropriate including those to avoid disturbance to mammals, reptiles and birds. A separate lighting strategy would be required which can be secured through condition. The proposals do, however, result in the loss of some habitat and hedgerow (a priority habitat) and it is not clear whether there will be an overall net gain on site for biodiversity. It is recommended that, given the outline nature of the scheme and the low density of the scheme, this can be conditioned to be submitted as part of the reserved matters.

#### Impact on Local Infrastructure

#### *Policy Context*

- 9.75. Policy INF1 of the CLP 2015 states that: *"Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities."*
- 9.76. Policy BSC11 of the CLP 2015 states that: *"Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in 'Local Standards of Provision – Outdoor Recreation'. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement."* Policy BSD12 requires new development to contribute to indoor sport, recreation and community facilities.
- 9.77. The Developer Contributions Supplementary Planning Document (SPD) setting out its position in respect of requiring financial and on site contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

## *Assessment*

- 9.78. Where on and off site infrastructure/measures need to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development;
  - Fairly and reasonably related in scale and kind to the development.
- 9.79. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.
- 9.80. Having regard to the above, in the event that Members were to resolve to grant planning permission, the following items would in officers' view need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts:

### *Cherwell District Council*

- Provision of and commuted sum for maintenance of open space (approx. 0.145ha) (existing mature trees -£198.82 per tree, hedgerow - £20.49m2, informal open space/landscape buffers - £9.74m2, balancing pond - £50.98m2)
- Provision of a commuted sum of £52,533.18 to the upgrading of local play equipment at Wimborn Close including the provision of a footpath and/or the play area at the Windmill Centre
- Off-site outdoor sports facilities capital provision – improvement of sports fields at Windmill and renovation of changing rooms- £42,357.63 -
- Off-site indoor sports facilities – Towards fitness provision at Spiceball Leisure Centre - £17,433
- Community hall facilities - £22,380.12 – To expand and/or enhance Windmill Community Centre
- £106 per dwelling for bins
- Affordable housing provision – 35%

### *Oxfordshire County Council*

- £6,263 Deddington library contribution
- £21,000 – Public transport to upgrading of bus frequency to Oxford and Banbury
- £3,400 – Traffic regulation order for relocation of speed limited and traffic calming build out.
- S278 Agreement will be required to secure mitigation/improvement works, including:
  - Formation of a new site access
  - Provision of approximately 25m of footway, eastwards from the new access
  - Removal of the 30 roundel and red surfacing

- Relocation of the village sign
- Relocation of the speed limit signs
- Relocation of the “Traffic signals ahead” warning sign
- Construction of a build-out traffic-calming feature

9.81. CDC’s Developer Contributions SPD states that new residential development will be expected to contribute towards the provision of additional health care infrastructure generated by its population growth where there is insufficient existing capacity, well located to serve the development. Whilst the Oxfordshire Clinical Commission Group has been consulted, comments have not been received from this consultee. Thus, officers do not consider that they can request contributions towards health care infrastructure.

*Conclusion*

9.82. A number of items would need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts.

Other Matters

9.83. Saved Policy ENV12 of the CLP1996 sets out that development on land which is known or suspect to be contaminated will only be permitted if

- (i) Adequate measures can be taken to remove any threat of contamination to future occupiers of the site.
- (ii) The development is not likely to result in contamination of surface or underground water resources
- (iii) The proposed use does not conflict with other policies in the plan.

9.84. The site is on land which is potentially contaminated and the Council’s Environmental Protection Officer has therefore recommended that phased contaminated land conditions need to be attached should permission be granted. Officers agree with this assessment.

9.85. Regarding air quality, the Council’s EPO requests that ducting is provided for the future installation of Electric Vehicle charging infrastructure in order to make resident parking places EV ready for future demand. The NPPF and Policies SLE4 and ESD1 of the CLP 2015 encourage and support the incorporation of measures into new development that promote more sustainable forms of transport. The provision of EV charging infrastructure is also reflected in the Council’s Infrastructure Delivery Plan. It is considered reasonable and necessary for this to be secured through a condition of any permission given.

9.86. Policy ESD1 of the CLP 2031 states that measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the CLP 2031 seeks to achieve carbon emission reductions. Policy ESD3 of the CLP 2031 encourages sustainable construction methods. The reference to allowable solutions in Policy ESD2 and ‘zero carbon’ are no longer being pursued by the government so are no longer relevant. However, the water usage requirements of ESD3 are still required to be met. In regard to energy efficiency the Council now seeks to secure in excess of that required under the 2013 Building Regulations. These could be controlled through a condition.

9.87. In relation to the best and most versatile agricultural land, the site falls within grade 3; therefore, it is considered to be the moderate quality agricultural land. The

development would result in the loss of this land for agriculture but this harm is considered to be relatively limited given the quality of the land and size of the site.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The current application is finely balanced when assessed under Policy Villages 2 of the CLP (2015). The proposed additional housing on the site would bring social and economic benefits and, whilst noting that the Council is in an advanced position in regard to delivering the 750 dwellings allocated under Policy Villages 2, it is noted that no sites have come forward in Deddington under this policy, which is one of the larger and more sustainable Category A settlements in the district given its size and services and facilities. The proposal would lead to more than 750 dwellings being permitted in the District under Policy Villages 2. However, it has been noted at planning appeal that this is not a cap and the current proposal is not considered to lead to a material increase in the number of dwellings which would conflict with the policy or the Council's housing strategy. Whilst it carries limited weight at the current time the fact that the Neighbourhood Plan supports growth at Deddington also weighs in favour of the development.
- 10.2. In regard to the criteria of Policy Villages 2, the land is not previously developed but it does have any significant environment value and significant impacts on heritage and wildlife assets could be avoided. The site could provide a more locally distinctive form of development at the entrance to the village than currently exists and whilst there would undoubtedly be encroachment into the open countryside and some adverse visual and landscape impacts these could be reduced through the use of appropriate landscaping and an acceptable design of development.
- 10.3. Furthermore, given the historic nature of the village of Deddington, this is considered to be one of entrances to the village which is less sensitive to change than many of the other edges of the village given the post war development along this side of Hempton Road.
- 10.4. The vehicular and pedestrian access to the site are considered to be acceptable and whilst the site is further from the bus stops and some of the facilities than may be ideal, these are still accessible on foot with the use of lit footways and pedestrian crossings. Furthermore the range of facilities is wider than most other Category A settlements.
- 10.5. The utilities companies have raised no objections to the scheme; an appropriate drainage strategy could be devised for the site to ensure the development does not have an adverse impact on flood risk; and the applicant has agreed to enter into a legal agreement to secure funds to off-set the impact on infrastructure. The site is also considered to be deliverable over the plan period.
- 10.6. Overall, having regard to all matters, it is considered that the development of the site would comply with the Development Plan when viewed as a whole and would represent a sustainable form of development.

## **11. RECOMMENDATION**

**RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY**

AMENDMENTS AS DEEMED NECESSARY):

- a) Provision of 40% affordable housing on site
- b) Provision of and commuted sum for maintenance of open space
- c) Provision of a commuted sum of £52,533.18 to the upgrading of local play equipment in the vicinity of the site
- d) Contribution of £42,357.63 toward off-site outdoor sports facilities provision –
- e) Contribution of £17,433 toward off-site indoor sports facilities
- f) Contribution of £22,230.12 towards extension/enhancement of community hall facilities
- g) £106 per dwelling for bins
- h) Affordable housing provision – 35%
- i) £6,263 Deddington library contribution
- j) £21,000 – Public transport to upgrading of bus frequency to Oxford and Banbury
- k) £3,400 – Traffic regulation order for relocation of speed limited and traffic calming build out.
- l) S278 Agreement will be required to secure mitigation/improvement works.

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 30<sup>th</sup> MAY 2019. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of the completion of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of: safeguarding public infrastructure, education provision, community facilities and indoor and outdoor sports/recreation facilities; mitigating highway safety concerns; encouraging use of sustainable modes of transportation; delivering mixed and balanced communities by the provision of affordable housing; and securing on site future maintenance arrangements will be provided. This would be contrary to Policy INF1, PSD1, SLE4, BSC3, BSC4, BSC9, BSC10, BSC11, BSC12, VILLAGES 2, ESD1 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

CONDITIONS

**Time Limits**

1. No development shall commence until full details of the layout (including the layout of the internal access roads and footpaths), scale, appearance, and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. In the case of the reserved matters, the final application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason : To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

### **Plans**

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in broad accordance with the following plans and documents: Application form, Ecological Appraisal, Landscape and Visual Impact Assessment and drawing number A\_1807 EX100 Rev A.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

NOTE: The illustrative layout and Design and Access Statement accompanying the application are not considered to create an appropriate, locally distinctive or high quality development for the site. The applicant is advised to have regard to the Council's New Residential Development Design Guide and engage in pre-application discussions with the Council regarding the 'reserved matters'.

### **Finished floor levels**

5. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed strictly in accordance with the approved levels.

Reason: To secure an acceptable standard of development that safeguards the visual amenities of the area and the living conditions of existing and future occupiers and to ensure compliance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

### **Land Contamination Desk Study / Site Walkover**

6. Prior to the submission of any reserved matters and prior to the commencement of development a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land

Contamination, CLR 11' and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

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

#### **Land Contamination Intrusive Investigation**

7. If a potential risk from contamination is identified as a result of the work carried out under condition 6, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### **Land Contamination Remediation Scheme**

8. If contamination is found by undertaking the work carried out under condition 7, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### **Land Contamination Remediation Works**

9. If remedial works have been identified in condition 8, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 8. A verification report that demonstrates

the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

### **Drainage**

10. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- SUDS (Permeable Paving, Soakaway Tanks)
- Maintenance and management of SUDS features (To include provision of a SuDS Management and Maintenance Plan)
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- Network drainage calculations
- Phasing
- Flood Flow Routing in exceedance conditions (To include provision of a flood exceedance route plan)

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

### **Access**

11. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway including position, layout, and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of any of the development, the means of access shall be constructed and retained in accordance with the approved details. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

### **Construction Traffic Management Plan**

12. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

### **Energy Statement**

13. Prior to the commencement of any works associated with the construction of a dwelling, details of the means by which all dwellings will be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations (unless a different standard is agreed with the local planning authority) shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and no dwelling shall be occupied until it has been constructed in accordance with the approved energy performance measures.

Reason - In the interests of environmental sustainability in construction in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance in the National Planning Policy Framework.

### **Biodiversity enhancement**

14. Prior to the commencement of the development hereby approved including any demolition, and any works of site clearance, and as part of any reserved matters for layout and landscaping, a method statement and scheme for enhancing biodiversity on site such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, shall be submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason -To ensure the development provides a net gain in biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

NOTE: It is advised that this condition include a Biodiversity Impact Assessment to show how a clear net gain for biodiversity will be achieved.

### **Landscape and Ecological Management Plan (LEMP)**

15. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved LEMP.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

### **Lighting strategy**

16. Prior to the installation of any external lighting a full lighting strategy to include illustration of proposed light spill and which adheres to the recommendations set out in section MM10 of the Ecological Appraisal carried out by Aspect Ecology

dated March 2018, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

#### **Travel information packs**

17. Prior to first occupation the development a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter the first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: To ensure all residents and employees are aware from the outset of the travel choices available to them, and to comply with Government guidance contained within the National Planning Policy Framework.

#### **Water usage**

18. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

#### **Compliance with ecological appraisal**

19. The development hereby approved shall be carried out strictly in accordance with the recommendations set out in section MM1 – MM5 inclusive of the Ecological Appraisal carried out by Aspect Ecology dated June 2018.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

#### **Electrical Vehicle Infrastructure**

20. Each dwelling shall be provided with ducting to allow for the future installation of electrical vehicle charging infrastructure to serve that dwelling prior to its first occupation.

Reason - To maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework.