

SUPPLEMENTARY INFORMATION

Planning Committee

13 April 2017

Agenda Item Number	Page	Title
16.	(Pages 1 - 31)	Written Update

If you need any further information about the meeting please contact Aaron Hetherington, Democratic and Elections aaron.hetherington@cherwellandsouthnorthants.gov.uk, 01295 227956

CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

13 April 2017

WRITTEN UPDATES

Agenda Item 7 16/01780/F Land west of M40, Kirtlington Road, Chesterton

- The Local Planning Authority has received a further letter of objection in relation to 16/01780/F and this is available to view on public access. In summary, this raises the following issues:
- Limited bus service in Chesterton;
- The A4095 has become increasingly dangerous;
- Dangerous parking within the village already due to parents parking to drop off/pick up children; and
- There is no indication of who would manage the site and how it would be managed.

The committee report addresses these issues

Agenda Item 8 16/02370/F Church Leys Field, Blackthorn Rd. Ambrosden

- Following the publication of the Agenda, a number of representations have been received. These are detailed as follows:
- The applicant has circulated a letter to Members in advance of Planning Committee seeking deferral of the application rather than refusal as recommended by officers. For completeness, the letter from Bellway dated 7.4.17 is included as Appendix 1 to these written updates.
- The applicant's agent has also submitted a letter directly to the case officer setting out in detail why they are of the view that the application should be deferred at Planning Committee to enable further discussion with officers. This letter from Barton Willmore dated 11.4.17 is included as Appendix 2 to these written updates .
- A representation has also been received from the Chairman of Ambrosden Parish Council that also provides support for deferral of this application. The content of the email is replicated below:

“Further to our meeting, discussions with the Parish, applicants and a review of the well written officer's reports, Ambrosden Parish

Council is very mindful of the stance of each applicant to appeal if refused. The Parish still supports the principle of development to obtain community facilities, and would request that you defer the applications for later consideration, as we don't consider it fair that council tax payers should have to incur costs in defending applications at appeal and potential cost claims. I would also ask the Chair of Planning Committee to remind the District Councillors where Ambrosden is, and that many of the extensions to Bicester such as Graven Hill, Wretchwick Green, and the warehouses at Symmetry Park are located in the Parish of Ambrosden. Last week it rather rubbed salt into the wounds, and many in the village were upset by the PR photographs in the local paper of lead member of Clean and Green at the turf cutting of a major warehouse scheme on the A41, claiming that the site was good news for Bicester. It's not clean, green or in Bicester! That site was of course in Ambrosden and Blackthorn Parishes, and one which the Parish Council objected to on visual impact and traffic impact/ highways safety grounds. I am getting many complaints about how the District Council can celebrate building warehouses on fields which give a huge detrimental impact to Ambrosden, and the junction of Ploughley Road with the A41, yet applications supported by the village, because they provide much needed community and sporting facilities which are clean and green are being rejected."

- Officers have given consideration to these late representations. However, officers cannot see any merit in this application being deferred for further consideration and later determination. Officers have raised fundamental concerns regarding the principle of the proposed development that could not be overcome through further consideration and discussion with the applicant. Moreover, any amendments necessary to overcome some of the other concerns raised by officers would need to be substantial and there is no evidence that these would be forthcoming or ultimately acceptable. As a result, deferral of the application would only lead to officers returning the application to Planning Committee at a later date with another recommendation for refusal. Furthermore, and in response to the Parish Council's concerns, officers would not be recommending refusal without at least reasonable confidence that any decision could be robustly defended in the event of an appeal. Officers therefore continue to recommend that Members resolve to refuse planning permission for the reasons set out in the report.

Agenda Item 9 16/02505/OUT Oxford Rd. Bicester

- 4 additional letters of support from local residents bringing the total to 7
- Further objection from Barton Wilmore dated 7.4.17 on behalf of BSA (attached as Appendix 3)

- LPA Response to Barton Willmore letter:
In respect of OCC's recommendation, the NPPF advises at paragraph 32 that development should only be refused or prevented on transport grounds where residual cumulative impacts of the development are severe. Whilst OCC still have a number of concerns with the proposal as highlighted in their consultation response, the proposal is considered to be in accordance with the NPPF as the impacts have not shown to be severe and therefore a refusal on highway grounds cannot be justified.
Sequential Approach: the submission from BSA is at pre-application stage only, there is no current planning application, no guarantee that [planning permission would be forthcoming and the site cannot therefore be considered to be currently available within a reasonable timescale. This site is also outside the town centre.
- Objection on behalf of Tesco from MRPP dated 10.4.17 (attached as Appendix 4)
- LPA Response to MRPP's letter:
Procedural Omissions and Abnormalities – this application is not directly comparable to Tesco. The outline consent at Kingsmere has already been implemented and development on the site is well underway. This is a stand-alone application that is being considered on its own merits.
Transport and Section 106 Agreement – as above, this is a stand-alone application which is being considered on its own merits. OCC as highway authority do not consider that additional highway infrastructure contributions are required over and above the highway mitigation scheme being proposed and the provision of bus stops as set out in the report.
Other Planning Obligations – The existing Section 106 Agreement for Kingsmere includes a requirement to market the site until 1,500 occupations in accordance with the marketing strategy. It does not however, require the delivery of the employment land. A section 106 agreement can be varied at any time if there is agreement by all parties. Countryside are well aware of the application and support the proposal.
Design Considerations – this is a matter for the LPA to make a judgement on
EIA Development – this is a stand-alone application and not a subsequent application for the purposes of EIA . A Screening Opinion carried out by the LPA concluded that this was not EIA development.
- OCC response to MRPP letter
You asked for comments regarding the above letter, and the question as to why we are not seeking a strategic transport contribution on top of the mitigation scheme proposed.

Strategic mitigation covering development at this site, as it was previously proposed (i.e. employment site within Kingsmere) was secured via the 2008 S106 for the Kingsmere development as described in the planning applications (06/00967/OUT & 06/02225/OUT).

It included

- The provision of the link road (Vendee Drive) between A41 and A4095 – Middleton Stoney Road
- A financial contribution to rail improvement works between Oxford and Bicester
- A financial contribution (in addition to the provision of Vendee Drive) towards strategic transport
- The delivery of both strategic (Bicester to Oxford) and local bus services
- Provision of a P&R site

The marginal impact of this current proposal over and above the impact the already permitted employment development at the application site (the 2008 permission) if implemented, would likely have had, would, we consider, be satisfactorily mitigated by its proposed 'nil detriment' highway scheme

- In response to comments from the applicant's agent, **condition 25 is RECOMMENDED to be amended** as follows

The retail units hereby approved shall be used for the sale of comparison goods only as specified in the application, with some ancillary food retail and café facilities in units 2 and 3, strictly in accordance with paragraphs 3.5 and 3.6 of the Planning and Retail Statement prepared by Mango dated December 2016. The units shall not be subdivided without the express planning consent of the Local Planning Authority.

- **Additional conditions also recommended**

The A3 unit in Block B hereby approved, shall be used only for A3 purposes and for no other purpose whatsoever

Reason – To enable the Local Authority to retain control over the development, which is in an out of town location, to safeguard the vitality and viability of the town centre and Kingsmere Local Centre and to comply with Government guidance contained in the NPPF.

The first floor to Block B hereby approved, shall be used only for the purposes of a gym and for no other purpose whatsoever, including any other purpose in Class D2 of the Schedule of the Town and Country Planning (Use Classes)(Amendment)(England) Order 2005.

Reason – To enable the local planning authority to retain control over the development, in order to maintain the character of the area and safeguard the residential amenities of the occupiers of adjacent dwellings and in the interests of highway safety and to comply with Government guidance within the NPPF.

It is also requested that **Delegation** be given to officers to make any further minor adjustments to the conditions deemed necessary before final approval.

Agenda Item 10 16/02586.OUT Land N of Promised Land Farm, Bicester

- Officers' recommended in the report that Members resolve to grant outline planning permission subject to caveats including the successful resolution of outstanding concerns in relation to **ecological impact** including on statutorily protected and priority species as well as biodiversity generally.

The applicant has not sought to amend the scheme but has submitted a further bat survey as well as a rebuttal to the concerns raised by the Council's ecologists. The Council's ecologists however are still highly concerned about the potential for the scheme to result in significant harm to biodiversity as a result of habitat loss and because of unresolved issues concerning the potential impact upon bats, otters, barn owls and reptiles. Whilst it is possible that further surveys for bats and otters could be required to be undertaken by condition in advance of submission of reserved matters applications, this is not the case with the other concerns.

In light of the continued concerns regarding ecological implications of the proposed development, it is **recommended** that the Committee resolve to grant outline planning permission in accordance with the recommendation in the report (together with the additional condition below), but delegate to the Head of Development Management the issuing of the decision subject to the satisfactory resolution of the outstanding concerns regarding the ecological implications.

Members should be aware however that the ecological concerns raised are significant and if no further information is submitted by the applicant and/or amendments made to the scheme that officers are unlikely to be able to conclude that the ecological concerns have been resolved and the application would need to return to Planning Committee potentially with a recommendation for refusal.

- At the time of writing the report, Oxfordshire County Council (OCC) had an objection to the proposals in relation to its transport implications. This objection has now been withdrawn subject to the conditions and planning obligations recommended in the report. OCC's revised consultation response has been posted on the online.
- Officers have noticed an omission in the list of recommended conditions at the end of the report. In the event that Members were to resolve to grant planning permission, officers also recommend that the following **condition** is imposed:

"All applications for reserved matters approval relating to Phase 1B shall be accompanied by details of the proposed alignment and treatment of public footpath 161/8/20 within the site unless the local planning authority has confirmed in writing beforehand that such details are not required for that reserved matters application. The development shall thereafter be carried out in accordance with the public footpath details approved as part of the grant of reserved matters approval.

Reason – To ensure that the existing public footpath is adequately incorporated into the development where possible in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the Planning Practice Guidance."

Agenda Item 11 16/02611/OUT Land N of West Hawthorn Road, Ambrosden

- Letter received from applicant requesting deferral – see appendix 5 for letter from Hallam Land Management dated 11.4.17

- A representation has also been received from the Chairman of Ambrosden Parish Council that also provides support for deferral of this application. The content of the email is replicated below:

“Further to our meeting, discussions with the Parish, applicants and a review of the well written officer’s reports, Ambrosden Parish Council is very mindful of the stance of each applicant to appeal if refused. The Parish still supports the principle of development to obtain community facilities, and would request that you defer the applications for later consideration, as we don’t consider it fair that council tax payers should have to incur costs in defending applications at appeal and potential cost claims. I would also ask the Chair of Planning Committee to remind the District Councillors where Ambrosden is, and that many of the extensions to Bicester such as Graven Hill, Wretchwick Green, and the warehouses at Symmetry Park are located in the Parish of Ambrosden. Last week it rather rubbed salt into the wounds, and many in the village were upset by the PR photographs in the local paper of lead member of Clean and Green at the turf cutting of a major warehouse scheme on the A41, claiming that the site was good news for Bicester. It’s not clean, green or in Bicester! That site was of course in Ambrosden and Blackthorn Parishes, and one which the Parish Council objected to on visual impact and traffic impact/ highways safety grounds. I am getting many complaints about how the District Council can celebrate building warehouses on fields which give a huge detrimental impact to Ambrosden, and the junction of Ploughley Road with the A41, yet applications supported by the village, because they provide much needed community and sporting facilities which are clean and green are being rejected.”

- As in Agenda Item 8 above officers have given consideration to these late representations. However, officers cannot see any merit in this application being deferred for further consideration and later determination. Officers have raised fundamental concerns regarding the principle of the proposed development that could not be overcome through further consideration and discussion with the applicant. Moreover, any amendments necessary to overcome some of the other concerns raised by officers would need to be substantial and there is no evidence that these would be forthcoming or ultimately acceptable. As a result, deferral of the application would only lead to officers returning the application to Planning Committee at a later date with another recommendation for refusal. Furthermore, and in response to the Parish Council’s concerns, officers would not be recommending refusal without at least reasonable confidence that any decision could be robustly defended in the event of an appeal. Officers

therefore continue to recommend that Members resolve to refuse planning permission for the reasons set out in the report.

- The Council's Design and Conservation Team Leader has provided the comments that she provided at pre-app stage which are considered to be still relevant

The 4.2HA site is currently open farmland located to the northern edge of Ambrosden. The site is adjacent to mid-century residential development to the south and bounded by Blackthorn Lane to the east and the B4011 to the east.

The site comprises five fields of mixed agricultural use, with some hedgerows, trees and tracks along the edges. The site slopes gently down to Blackthorn Lane to the east. There are open views over the site from the B4011 and local footpaths.

The Local Plan Policy on Category A Villages supports minor developments in these locations. The proposals are for a substantial amount of development, which would lead to a substantial increase to the village limits.

Scale of Development

- *The scale of development is significant and far exceeds the Local Plan Policy for Villages. The current proposals will significantly increase the village limits.*
- *130 units are proposed for this small site, which represents a large increase in the overall scale of the village*
- *While I feel that the scale and form of development as proposed will have a negative impact on the character of the settlement, some development in this area is likely to be acceptable. I would recommend that a substantially smaller scale development is considered in this area, containing development to a single field to the east of the existing settlement. While this would reduce the overall quantum of development, it would significantly reduce the impact of the development.*

Masterplanning Principles

- *The illustrative layout promotes a suburban estate character, based upon a long cul-de-sac layout. It is not clear how this approach would reinforce and enhance the character and morphology of the village*
- *I am concerned that the illustrative material submitted with the proposals shows a poor relationship with the existing settlement. We would expect development in this area to establish connections with adjacent residential development. Dwellings onto Blackthorn Lane also need to have a clearer relationship with this route and should be brought closer to it.*
- *In expanding the village limits along Blackthorn Lane a new gateway to the village is being established. Thought needs to be given as to*

how this should be done

- *The development close to the B4011 has an awkward relationship with this road. I strongly feel that extending the boundary of Ambrosden would be inappropriate. Notwithstanding this point, the design solution set out in the illustrative plan for this edge does not offer an appropriate solution to this edge.*

Conclusion

There are a number of concerns about the proposed development. The scale and form of development is inappropriate for this site and settlement. I do however believe that a reduced scheme could come forward that would have significantly less impact.

Agenda Item 12 17/00133/F Rookery Barn, Lower End, Piddington

- One additional comment from a member of the public raising an objection to the scheme was received on 31 March 2017 and the comments are summarised as follows (please refer to electronic file for full version):
 - Detrimental to wonderful views of fields and undulating hills from back garden
 - More than happy to comment on a smaller building that is less intrusive

A total of 9 objections to the scheme have been received.

- Members have received a request from a neighbour for a formal site visit in the following form

I am writing following my email last night regarding the above development. I will be making a personal plea to you at the planning committee to request that you kindly defer a decision on this application until you have visited the site as it has a huge impact upon us and our property which I do not feel has been given due consideration in your officer's report. The report makes no reasoned analysis or judgement as to the impact of the building on the rural surrounds and settlement characteristics and as I said in my email last night, there has been no visit to our property to consider the impact upon us.

- Following discussion with the case officer it has been concluded that it would be appropriate if a formal site visit was held and therefore it is **RECOMMENDED that the application be deferred** for this purpose
- Email received from the applicant on 05 April 2017 summarised as follows (please refer to electronic file for full version):
 - With regard to comments on the exterior of the building, we have been guided by our professional advisor and proposed construction is similar to other such local buildings
 - Happy to have landscaping conditions, we are keen to ensure the landscaping is dealt with sympathetically and are happy to take advice from the Council on this, we are very aware of the

importance of providing appropriate landscaping for us and all concerned

- Consulted our nearest neighbours, Mr & Mrs Swift, on more than one occasion over several months and made it clear that we are happy to work with them on the planting of appropriate trees etc. close to the boundary of the property
 - Would like to confirm that this is a private facility and not a business, equestrian or otherwise, therefore not leading to an increase in traffic in the village. Comments to the contrary are pure speculation and assumption. Property was bought so we could train out horses to a higher level. We are both professional people who do not make a living from the equestrian industry and will not do so in the future.
-
- Additional response from the Landscape Architect received 04 April 2017 suggesting that if the management of the hedgerow to the north to 3.5 metres above ground level is going to be a problem then the building could be located 1.5 -2m further south to accommodate 6 small trees to grown. Structural foundations may have to be revised in respect of the trees. However, further verbal advice was provided on 10 April 2016 stating that no objection would be raised if the building was not relocated.
-
- Email received from the agent on 06 April 2017 addressing comments that have been raised, summarised as follows (please refer to electronic file for full version):
 - With regard to traffic – There appears to be a concern that the facilities are intended for commercial or intensified use and may result in greater traffic. Dr Brener is a highly respected doctor in the Psychiatric Medical field and works much of the time in London. Mrs Brener's time is limited at Rookery Barn and they therefore have to employ a full-time groom. They are at a stage in life where the prospect of running an equestrian business is out of the question. The concern that the premises will subsequently change hands and pass to a buyer with other ambitions is a more realistic concern but the limit on parking, access and location all suggest that the premises would be unsuitable but it is agreed that a planning condition restricting use to private would be sensible. The amount of traffic will not increase as the usage will remain by Dr & Mrs Brener only. In reality, the amount of traffic may be slightly reduced as the all year round, all weather facility will obviate the need for horses to be moved to offsite facilities for training during unsuitable periods of weather.
 - With regard to size and materials – The size of the building on plan (60metres by 20metres) is governed by the need to train for dressage and is typical for this type of building and is the size of the current outdoor manège. The height will be approximately 5.8 metres to ridge. This is not a industrial size building as typical two-storey houses are approximately 8 metres tall and the three-storey

house adjacent (64 Lower End) is in excess of this and dwarfs Rookery Barn.

- With regard to impact and materials – There are suggestions that a building of this type is not suitable in this location. The building is essentially agricultural in nature and the proposed materials are typical of many modern local agricultural buildings. The position of the building is such that it will be visible only with difficulty and at a distance from highways and public rights of way. There are agricultural and industrial buildings in the area which are much more prominent. Photographs attached of a taller industrial building close to Ludgershall Road and an agricultural building visited from Lower End constructed from similar materials.
- If considered appropriate, the upper walls could be clad with timber weather board. Landscaping with trees is considered to result in minimal impact to immediate neighbour at 64 Lower End. Other properties in Lower End have significant vegetation to their rear, presumably to reduce the impact of the railway line to the east, and these will screen the proposed building. New building would be constructed at a lower level than the existing building in order to reduce impact and note that the Landscape Officer has raised no objection.
- With regard to noise and light - Clearly the noise from the facility will be reduced by the building. Currently the outdoor manage will produce very little noise. It has been suggested by the Planning Consultant (3CPC) that noise will 'echo' within the building. If this were the case then it would only affect the user within the building. In reality, of course, the floor of the manège will be sand and rubber which absorbs and softens sound. It is also suggested that the rooflights will give rise to light pollution. The facility is only likely to be use for 1-2 hours in hours of darkness and only in the earlier part of the evening. If there are concerns about the facility causing a problem through the night then a condition could be included that lights should be turned off at say 10pm. I note however that Lower End has streetlights and the lights from the building will be insignificant compared to this.
- With regard to drainage – a comment has been raised about water run-off from the existing facility causing a problem. This issue has not been raised before and Dr & Mrs Brener are not aware of a problem. However, surface water drainage from the new building will have to be dealt with by a SUDS compliant method. Dr & Mrs Brener have a large area of land where a soakaway would be located and there is a water course at a distance of about 40 metres.

In a further e-mail from the agent received 12.4.17 the agent has commented as follows

It has been brought to my attention that Oxfordshire County Council's drainage consultant has raised a query regarding drainage of the building, suggestions that no information had been provided

We advised on the planning application that the surface water drainage

will be disposed to an existing watercourse. The watercourse is located approximately 40 metres from the building the Applicant has ownership of the intermediate land to provide a connection.

In order to discharge the water to the water course, it will be necessary to provide attenuation to limit the discharge to a greenfield rate. We will, as a matter of course, first check to see whether discharge to soakaway(s) will be feasible. The site is underlain by Mudstone which has weathered to clay at shallow depth. It is possible that fractioned Mudstone exists at a depth of 2-4 metres and if this is the case and the fissures provide a suitable percolation value, then soakaways will be used.

We would assume, of course, that drainage details will be a pre-commencement condition.

- Comments received from Oxfordshire County Council Drainage Engineer on 11 April 2017 raising no objection to the scheme subject to Condition 6 in the Committee Report.

Agenda Item 13 17/00257/F 9 Deers Close, Bodicote

- One further letter of objection received raising no new issues

Your Ref: 16/02370/F
7th April 2017

Members of the Planning Committee
Cherwell District Council
Bodicote House
Bodicote
Banbury
OX15 4AA

Dear Members

Land at Church Leys Farm, south of Blackthorn Road, Ambrosden
Full Planning Application for the erection of 85No. dwellings and public open space,
associated parking, landscaping, new vehicular accesses and servicing
Application Ref: 16/02370/F

We write in respect of the above proposals due to be considered at the 13th April Planning Committee (Item 8). The application is currently recommended for refusal. We respectfully request that the application be **deferred** for further consideration and later determination. For the reasons we set out below, we seek additional time for discussion on outstanding matters with your officers and consultees. We are confident that a scheme which meets with your Council's expectations on layout, design and overall benefit is achievable with an opportunity to further our discussions.

The application is submitted in full, supported by a reputable national 5 Star housebuilder successfully delivering quality homes elsewhere in the District (at Kingsmere, Bicester (2 phases) and Southam Road, Banbury).

The scheme constitutes non-strategic development (being less than 100No. homes) and could contribute a further 85No. deliverable units to your housing land supply at a sustainable location.

Justification for a Deferral

We believe a deferral is appropriate for a number of reasons, but principally because we believe an acceptable scheme is achievable with the benefit of further detailed discussions with officers, consultees and the Parish Councils. The Committee Report signals perceived shortcomings with the submitted proposals. We would counter these as follows:

Principal of Development under Local Plan Part 1 Policy Villages 2

The site lies on the edge of Ambrosden, close to the centre of the village (though in the Parish of Blackthorn). Ambrosden is a Category A settlement under Local Plan Policy Villages 1 and is acknowledged to be one of the more sustainable villages in this category. It has a good level of local facilities and benefits from sustainable links to Oxford and Bicester. The village is one that can take and indeed has been positive towards new development; with a large MoD population looking to settle locally with their families, there is a need for new family housing to provide for long-term stability. This will also aid Five Acres Primary School in planning for sustainable growth into the future.

It is acknowledged that 162No. dwellings of the 750No. total for the Category A village in the Local Plan remain to be identified. There is no phasing requirement in the policy; nor does it restrict the proportion of the total to be provided in any one village (as the Secretary of State has concluded). From the recently

published Annual Monitoring Report (March 2017), it is understood these dwellings are included in District's housing trajectory for the next 3 years and therefore forms part of the 5 year housing land supply. This is in addition to the allowance for 754 dwellings as windfall developments of less than 10 dwellings. If planning permission for this full application is forthcoming, the development, being backed by a major housebuilder, could be delivered over a 2yr construction period, boosting the supply of housing in a sustainable manner. This is also in accordance with the AMR and the Council's drive to sustain a 5 year housing land supply (which currently does not yet account for the acknowledged share of Oxford City's need).

Accordingly, we do not see that the development of this site would fall contrary to the aspirations of the Local Plan and those of the Council to achieve sustainable new homes for its residents.

Support from the Community

The proposed development has been promoted by Archstone who were also the joint applicants for the neighbouring Springfield Farm development delivered by Bloor Homes. This completed development is worth visiting to appreciate the quality and scale of the community facilities it delivers. Archstone has taken the same considerate approach for the planning application at Church Leys Farm, engaging extensively with both Blackthorn (which the site falls within) and Ambrosden Parish Councils, understanding the further community benefits the site could deliver for future enhancement of the village.

Following this engagement, it should be noted that Blackthorn Parish Council has confirmed that it does not object to the planning application. Ambrosden Parish Council has indicated that it will support the application, subject to some detailed changes to the layout, which we are working on, and agreement on a package of community benefits.

It is also worth noting the exceptionally few public comments on the application with just two objections to date. Compare this to the 162No. objections received for an application for 60No. dwellings at Cropredy (Application Ref: 16/01468/OUT), which is the more typical response from the Category A villages, and it is clear that there is little local resistance to the proposal for further housing. Indeed, a number of approaches have been made to Bellway for detail on price and timescales for delivery, evidencing local demand.

Community Benefits

The development could secure a number of tangible community benefits to enhance the social infrastructure in the village, subject to final agreement, including:

- Creation of some 2No. hectares of new public open space;
- A new footpath along the southern edge of Blackthorn Road, of benefit to the existing residents of Springfield Farm also;
- A new gateway feature to Ambrosden, with reduced speed limits along Blackthorn Road;
- Public realm improvements within the village;
- £85,000 towards improved public transport contributions;
- Delivery of a new community building/pavilion within the adjacent Springfield Farm development.

The above is in addition to the delivery of financial contributions in excess of £1 million towards education and wider infrastructure provision.

High Quality Design

Archstone and Bellway are both committed to the delivery of a successful, high quality residential development at the site. Bellway, as abovementioned, are currently delivering largescale residential projects in the District – at Kingsmere, Bicester and Southam Road, Banbury. Both schemes achieved local level consent, where we worked positively and constructively with your officers to ensure that your aspirations for high quality design were met in full. We are equally committed to the same objective in this case, and believe officers were premature in withdrawing from communications on the scheme, when it was made clear that, time, opportunity and consideration allowing, we would continue to work with officers to ensure a successful scheme for this site.

Submission of Revised Information

We have continued to work on revisions to the layout and housetype design, as well as on outstanding technical matters. To this end, an updated Transport Assessment has been issued to Oxfordshire County Council and an amended layout has been issued to Cherwell District Council. The latter looks to address comments relating to the relationship of dwellings to existing properties, retained trees and the Blackthorn Road frontage, concerns over the distribution of affordable units and mix in general, as well as the relationship of development to the floodplain. We are confident the amendments can address the Council's concerns and would welcome the opportunity of time for further consultation. These are our first amendments to seek to address consultation responses, which are submitted within the life of the application (being extended to the 21st April) and show consistency with our positive approach to engagement to date.

In summary, we are disappointed that your officers suspended discussions on the scheme at such an early stage, particularly when we have made it clear throughout our willingness to work with them, and the community, towards the mutual objective of sustainable, high quality development. We believe this remains achievable, if we can continue to work together in a positive way. Accordingly, we ask that Members consider a deferral for future determination the most appropriate course. This will afford an opportunity for further constructive engagement, as well as allowing Members an opportunity, if willing, to visit the site and Springfield Farm, and appreciate the extent of benefits that existing development offers. We would also be happy to present our proposals in greater detail so that you can be assured on our desire for quality sustainable development at the site.

We thank you for your time in considering this request.

Yours sincerely

Matthew Gough
Director
Archstone

Elaine Connolly
Planning Manager
Bellway Homes Ltd

Cc: Cllr Timothy Hallchurch – Ward Member Launton and Otmoor
Cllr Simon Holland – Ward Member Launton and Otmoor
Cllr David Anderson – Ward Member Bicester South and Ambrosden
Cllr Nick Cotter – Ward Member Bicester South and Ambrosden
Cllr Dan Sames – Ward Member Bicester South and Ambrosden
Cllr Barry Wood – Ward Member Fringford and Heyfords

Enc: As detailed above.

Matthew Parry
 Principal Planning Officer
 Cherwell District Council
 Bodicote House
 Bodicote
 Banbury
 OX15 4AA

Our Ref: 22685/A3/FW

11th April 2017

Dear Matthew

LAND SOUTH OF BLACKTHORN ROAD, AMBROSDEN - REF: 16/02370/F

We write further to the publication of the officer's report to committee in relation to the above application, which is scheduled to be considered at Planning Committee this Thursday 13th April. As you will be aware we are seeking deferral of the application from this week's Planning Committee agenda, to enable us to respond to the reasons for refusal to work towards a positive outcome. We have written to members of the Planning Committee to this effect. To assist, we set out below how we consider the scheme, and the revisions as submitted to the Council on 7th April, respond to the draft reasons for the refusal as included in the officer's report:

Reason	Our response
Reasons 1 & 2 - principle of development under Local Plan Part 1 Policy Villages 2	<p>Ambrosden is a Category A settlement under Local Plan Policy Villages 1 and is acknowledged to be one of the more sustainable villages in this category. It has a good level of local facilities and benefits from sustainable links to Oxford and Bicester. The village is one that can take and indeed has been positive towards new development; with a large MoD population looking to settle locally with their families, there is a need for new family housing to provide for long-term stability. This will also aid Five Acres Primary School in planning for sustainable growth into the future.</p> <p>It is acknowledged that 162No. dwellings of the 750No. total for the Category A village in the Local Plan remain to be identified. There is no phasing requirement in the policy; nor does it restrict the proportion of the total to be provided in any one village (as the Secretary of State has concluded).</p>

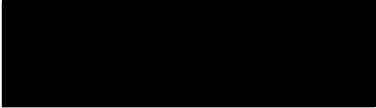
	<p>From the recently published Annual Monitoring Report (March 2017), it is understood these dwellings are included in District's housing trajectory for the next 3 years and therefore forms part of the 5 year housing land supply. This is in addition to the allowance for 754 dwellings as windfall developments of less than 10 dwellings. If planning permission for this full application is forthcoming, the development, being backed by a major housebuilder, could be delivered over a 2yr construction period, boosting the supply of housing in a sustainable manner. This is also in accordance with the AMR and the Council's drive to sustain a 5 year housing land supply (which currently does not yet account for the acknowledged share of Oxford City's need).</p> <p>Accordingly, we do not see that the development of this site would fall contrary to the aspirations of the Local Plan and those of the Council to achieve sustainable new homes for its residents.</p>
Reasons 3, 4 & 9 – design	<p>A revised package of drawings was issued to the Council on 7th April. The design team have conducted a thorough review of the scheme following receipt of officer comments and have produced a revised layout and revised house type design package. The following points have been address in the re-plan:</p> <ul style="list-style-type: none"> • Blackthorn road frontage revised so that the frontage presents a single build line, creating a stronger frontage and built form to the main road. This amendment strengthens the scheme presence along this important road and is treated as an all recon. stone and slate frontage; • The overall mix of the development has been revised to provide greater amount of three bedroom dwellings in the private market mix, we have also introduced 2-bed market units into the mix. The mix is now more representative of Policy BSC4 of the Cherwell Local Plan 2011-2031 Part 1; • A revised mix of affordable units which reflects the Council's desire for more smaller units in line with Policy BSC3 of the Cherwell Local Plan 2011-2031 Part 1 has been provided. The revised layout also distributes the affordable units across the site such that cluster sizes are smaller, aiding to the creation of an inclusive and mixed community. The affordable mix has been signed off by the Council's Housing Enabling Officer; • Development has been removed from Flood Zones 2 and 3, providing clear and safe access for all residents. Therefore there is no longer a need for a sequential test approach; • Development backing onto the existing Springfield Farm development boundary (West) has been revised and back-to-back distances have been significantly increased, allowing for the retention of all boundary hedgerows and trees while providing ample rear amenity gardens to these dwellings; • Affordable units have been designed to be tenure blind and will share the same revised materials palette and detailing as open market dwellings;

	<ul style="list-style-type: none"> The road structure throughout the development has been revised and features a clear hierarchy of street types, maximising vehicle and pedestrian permeability through the scheme. Secondary streets have been revised to Shared Surface Roads which provides areas for informal visitor parking and landscape intervention; Housetypes designs and detailing have been revised so that all eaves and verges have been simplified in line with the urban design officer's requests. We have also removed the projecting gable to the Misbourne housetypes and roof pitches have been varied slightly. We have also removed all references to render across the site. The mix of reconstituted stone to brick has been revised to approximately 70% / 30% respectively; The apartment unit to the front of Blackthorn road has been completely redesigned to present 4no. 1 bedroom maisonettes in a traditional simplified block shape. Fenestration patterns to affordable house types are agreed; Play provision on the scheme has been amended to 1no. LEAP and 1no. LAP as requested. <p>Any other design comments are equally capable of being accommodated, and for which we would welcome continued engagement so that we can secure the best possible scheme.</p>
Reason 5 – flood risk	The revised layout as issued removes all housing from areas at most risk of flooding (flood zones 2 and 3). All proposed dwellings and safe dry access are accommodated in Flood Zone 1, and as such there is no vulnerable uses within the floodplain or Flood Zone 2.
Reason 6 – transport	An updated Transport Assessment Addendum has been prepared and submitted to the County Council. This is supported by the modelling requested by OCC and incorporates mitigation to the Ploughley Road and A41 junction. OCC have confirmed receipt of the TA Addendum but are awaiting instruction from Cherwell District Council to review it.
Reason 7 - PROW	We have had constructive discussions with the Countryside Officer at OCC who is satisfied by the alternative route of the PROW with further assurances about detailed landscaping. This is in addition to support from local residents for the PROW in this location.
Reason 8 – landscape	A revised landscape plan is enclosed which includes strengthened planting along the southern boundary.
Reason 10 – section 106	Clearly if a positive resolution for the planning application is forthcoming, an acceptable Section 106 package will be agreed with officers.

We remain committed to continuing to work with officers and your consultees to resolve these outstanding matters which we feel we are close to doing. We reiterate that we are keen to work

with the Council to address your comments and any outstanding issues and work towards an acceptable scheme. To allow this, we respectfully request that the application be deferred for further consideration and the application be deferred for further consideration and later determination, and therefore omitted from the agenda for Thursday's meeting.

Yours sincerely



FAITH WRIGHT
Senior Planner

cc: Mr Bob Duxbury – CDC Head of Planning

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SUBMITTED VIA EMAIL

22391/A3/PN

7th April 2017

Dear Linda

CPG – BICESTER GATEWAY (LPA REF: 16/02505/OUT)
OBJECTION ON BEHALF OF BICESTER SPORTS ASSOCIATION AND U & I GROUP PLC

We write in relation to the above planning application which we understand will be reported to Members of the Planning Committee at their meeting on 13th April 2017. The application is recommended for approval, despite a number of outstanding matters/concerns.

You will be aware that we submitted an objection to the application on behalf of Bicester Sports Association (BSA) and U & I Group Plc, by letter dated 28th February 2017 (further copy attached).

The objection focussed on three fundamental matters, namely that:

- the application is contrary to the Council's recently adopted planning policy strategy for Bicester (as set out in the Cherwell Local Plan (Part 1) adopted in July 2015);
- failure of the applicant to demonstrate compliance with the sequential test; and
- failure of the applicant to undertake a full, robust and up to date retail impact assessment.

We have now had the opportunity to review your Officers Report and it is clear that these fundamental issues, which go to the root of the acceptability of the application proposal, have not been fully addressed.

In addition, we note that whilst Oxford County Council as highway authority has withdrawn their objection to the application they maintain a large number of '*transport concerns*' which are shared by other 3rd party representations. WYG on behalf of U & I Group Plc have also reviewed the submitted highway information and believe there are fundamental flaws in the approach and justification of the scheme, including a significant under provision of car parking which would have a resultant impact on queuing and/or congestion on the adjacent highway. It is unclear how/why the OCC objection has been removed, with these substantial concerns outstanding.

Local Plan Position

The adopted Local Plan position is clear and up-to-date. The retail strategy for Bicester is to encourage new retail development within the town centre or the defined town centre expansion 'Area of Search'. The application site is located within neither area. Members are therefore presented with a relatively stark choice of supporting the adopted Local Plan approach or allowing the future spread of retail facilities in disparate out-of-centre locations around Bicester at the expense of the town centre and its agreed area for expansion. We believe members should support the adopted Local Plan.

Sequential Approach

The applicants have not submitted a sequential assessment (as noted by your policy colleagues) which is itself a reason for refusal, instead relying on the assessment submitted in relation to the previously refused application. This has not taken into account any material change in circumstances that have occurred since that time, namely:

- U&I Group Plc has entered into a PPA with the Council to bring forward a retail led, mixed use scheme on the BSA Oxford Road site (which sits within the town centre 'Area of Search');
- U&I Group Plc has submitted a formal pre-application request (LPA Ref; 17/00082/PREAPP) in relation to the Oxford Road site, and BSA's existing site at Chesterton; and
- U&I Group Plc has submitted a formal planning application for the redevelopment of the former St Edburg's School for a mixed use residential and commercial scheme (LPA Ref: 17/00696/OUT) as a precursor to a forthcoming application on the wider BSA Oxford Road site, which will further enhance the link between Bicester Village and Bicester Town Centre.

As a result, and notwithstanding the lack of an up to date assessment, it is evident that the BSA Oxford Road site is available, suitable and viable for the proposed development. The application must therefore be refused against NPPF paragraphs 24 and 27 as it fails the sequential test.

Impact

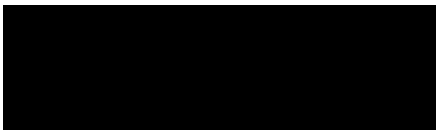
The applicants have not submitted a new retail impact assessment to support the application instead relying on the February 2015 assessment which is now over two years old. It is clearly out-of-date, does not take into consideration any changes in circumstances since that time (such as population and/or expenditure growth changes) and clearly does not provide an appropriate basis against which the Council can properly assess the impacts of the scheme. As it stands, failure to undertake an appropriate assessment constitutes a further reason for refusal of the application (as set out in the NPPG).

Conclusion

Based on the above, as matters currently stand the Council has no alternative but to defer the determination of the application to see if the deficiencies can be rectified or refuse the application on the above grounds.

In the meantime we would be grateful if you could acknowledge receipt of this letter and confirm that it will be drawn to the attention of Members of the Planning Committee, if the application is to be considered at the meeting on 13th April.

Yours faithfully



BARTON WILLMORE

cc. All Members of the Planning Committee

Enc. BW objection letter dated 28th February 2017

Our Ref: 2766/MY/LT20170410

10th April 2017

Mr Bob Duxbury
Head of Development
Bodicote House
Bodicote
Banbury
OX15 4AA

MRPP
**MARTIN ROBESON
PLANNING PRACTICE**

*Town Planning Consultants
Development Advocacy*

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By Email & Post

Dear Mr Duxbury,

BICESTER GATEWAY (REF: 16/02505/OUT)

Further to our recent conversation we now set out Tesco's formal objection to the above application. The objections are both substantive and procedural and we imagine the Council may well wish to take advice pending consideration of this letter.

Procedural Omissions & Abnormalities

No attempt is made to reconcile this application with the operation of the underlying outline consent. This is a fundamental omission which threatens the validity of the existing permission. Tesco at Lakeview Drive engaged a similar issue, in terms of superimposing a detailed permission on land benefitting from outline consent. Great care was taken by officers in this respect, confirming that in terms of the outline consent, "*amendments would be required in order to allow the consent to be implemented*" (see paragraph 5.25 of the Committee Report for application ref. 12/01193/F). It was quite appropriate for officers to view that process as one requiring future amendments. However, at Kingsmere, reserved matters applications have been approved and the outline permission implemented. This now necessitates consideration, as part of considering the present application, as to whether amendments (i.e., pursuant to s73) are required to conditions attached to the outline consent, and whether such amendments are desirable or even possible. It would be wholly inappropriate for the present application to be considered until there is certainty that such tensions can be resolved; the risk otherwise is that the underlying outline consent becomes unlawful.

Transport and s106 Agreement

The Officer's report identifies a number of outstanding concerns. The future year assessment of the 'with development and mitigation' scenario is said to lead to broadly the same position as the situation without the proposed development. Whilst that maybe the case, the future 'without development' scenario is an unsatisfactory one where practical capacity is reached and exceeded. Thus any development which adds traffic to

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this, whether or not mitigation is proposed at source, must contribute to addressing traffic growth on the network generally. Indeed, the Kingsmere s106 agreement which binds the application site included substantial contributions to local infrastructure, including road and rail improvements. The starting point therefore, is an apportionment exercise, whereby contributions arising from the land use now replaced by the proposed development must be 'taken-on' by the proposed scheme; an exercise which underpinned the approach to the Tesco s106 Agreement in terms of reapportioning the substantial capital payments towards road improvements between the detailed Tesco consent, and the remaining Bicester Business Park outline consent. This must then be supplemented by an appraisal of the traffic impact differential between the uses. That the CPG scheme should not contribute towards highway improvements is inconceivable.

Other Planning Obligations

The Officer's report confirms that the underlying s106 agreement is extant and amendments are required to prevent breaches. Yet the report stops there, offering nothing of the nature of the amendments and whether bilateral agreement will be forthcoming. It is perverse that such critical considerations should be absent from the report and no application pursuant to s106A submitted alongside the substantive application. As a particular example, the extant s106 requires the employment component (on which the CPG proposal sits) to be marketed using best endeavours until occupation of the 1,500th dwelling. No consideration is given to the actual reason the original obligation was imposed (i.e., the aspiration for Kingsmere to include a balance of homes and skilled B1 employment opportunities as a reluctant solution to the inability to bring land east of the A41 into the wider urban extension). This objective is quite distinct from the wider employment land supply position erroneously appraised within the Officer's report.

Design Considerations

The proposed scheme is fundamentally unaltered. Although assisting the sequential case, the site is overdeveloped and places significant blocks in unacceptably close proximity to residential dwellings. More importantly, local design objectives seeking to secure an attractive southern gateway to Bicester are ignored. Policy ESD 15 states that "*new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design*". The explanatory text to Policy Bicester 3 identifies that the second phase of development provides an opportunity to extend upon existing "*green corridors*", as this site falls within the first phase, it follows that it too should take the opportunity to extend existing green corridors. Bicester Business Park has achieved this through a notable buffer between the highway and Tesco, and this is repeated at Bicester Village and Bicester services in terms of the notable stand-off between the highway and adjacent development. The CPG scheme breaches policy objectives by placing substantial units against the site boundary and some way off the building line created by the existing Premier Inn hotel and Brewers Fayre. Countryside Properties also note that the application site sits partly on residential land, yet the Officer's report offers no consideration of the potential implications of a grant of permission. Overall, the revised scheme makes no ground towards addressing the

earlier Inspector's concerns and "*fails to take the opportunities available for improving the character and quality of an area and the way it functions*" (i.e., NPPF Paragraph 64).

EIA Development

The Kingsmere urban extension was 'EIA Development' and accordingly was accompanied by an Environmental Statement. Whilst the current proposal was the subject of a Scoping Opinion confirming that the proposed development was not of itself EIA Development, no consideration has been given to the impact of the proposal on the outcomes of the underlying Environmental Statement. This was expressly considered at Bicester Business Park whereupon Tesco, albeit not in itself EIA Development, was accompanied by an Environmental Statement given that the underlying outline consent was EIA Development. This approach ensures the environmental effects of any development superimposed on an underlying consent are identified and assessed. Indeed, it may be that the intensification of part of an outline development has effects which would fundamentally alter the outcomes of the base Environmental Assessment.

Summary and Actions Required

No consideration is given to whether the grant of planning permission invalidates components of the underlying Kingsmere consent; issues which would be of considerable interest to potential occupiers of the proposed development, and existing freeholders, vis a vis, enforcement of planning conditions, etc. Similar issues arise in respect of the existing s106 Agreement and obligations which need to be varied before permission can be granted. Without confirmation that the LPA and other signatories agree to the merits of releasing earlier obligations, there is a considerable risk that a decision on the present application is ultra-vires.

In respect of highways, the applicant concedes that its mitigation may only achieve nil detriment on a highway network already anticipated to operate below acceptable conditions. Yet no wider mitigation is offered, either in respect a reapportionment exercise or assessing the impact of intensified development above that mitigated by the extant s106 Agreement. This is a well-established principle and a matter addressed by other recent development in the vicinity.

Insufficient steps have been taken to resolve earlier design objections. Proposed changes are minimal and inconsistent with important local policy objectives in terms of greening road corridors and creating a gateway to Bicester. The proposal represents overdevelopment and fails to address national policy requirements on design; matters sufficient by themselves to advance refusal.

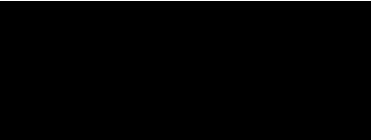
There are also important issues relating to EIA Regulations and whether the development ought to be subjected to statutory assessment and to ensure cumulative impacts are properly considered.

It is clear the Council is sailing close to the wind on several fundamental matters of process and procedure. EIA and s106 considerations in particular are fertile ground for

judicial challenge and it is suggested that until appropriate advice is taken on these and other matters, the application must be removed from the Committee agenda.

Bearing in mind the gravity of the matters raised herein, a copy of this letter has been provided to all relevant Ward and Committee Members.

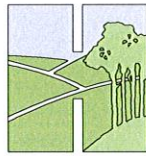
Yours sincerely,



Miles Young

milesyoung@mrpp.co.uk

Cc: Justin Lawrence – Tesco Stores Ltd
Steve Price – Countryside Properties
Linda Griffiths – Cherwell District Council
Nigel Bell – Cherwell District Council
Planning Committee Members – Cherwell District Council
Ward Councillors – Cherwell District Council



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11th April 2017

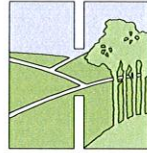
Dear Councillor

Outline Planning Application South of Hill Farm and North of West Hawthorn Road: 16/02611/OUT

I am writing to you directly ahead of the Planning Committee on 13th April 2017 to request a deferral to the decision on item 11 regarding the above site in Ambrosden. Hallam is the sole landowner and applicant. I wrote to the Planning Officers (24th March) to request an extension of time, although we only received a response to this request on 4th April, the day before the Committee Report was published, informing us that their intention was to take the application to committee. The exceptional circumstances of this planning application are such that we believe it is entirely reasonable to allow more time to fully explore the solutions to the issues raised and, if progress can be made, re-assess the overall planning balance.

Allowing for more time to address the issues would be wholly consistent with national policy where it states that: *"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area."* (NPPF paragraph 186.)

What makes this application different from many housing proposals that have been brought to your committee in recent years is the firm and continued support of the Parish Council and the absence of any objections from the public – a rare situation. We have been talking to the Parish Council over the last three years, and have undertaken public consultation, to ensure the planning application is responsive to local needs. This is what the Localism Act 2011 intended. At its meeting on 19th January 2017, the Parish Council agreed unanimously to offer support for the proposed development. The officers met with the Parish Council and confirmed to us in writing (17th March 2017) that: *"it is clear that the scheme would bring community benefits for the parish hence their support of the application."*



The village is not covered by a Neighbourhood Plan, but were it to be, we believe there is a very good chance that the scheme would be supported. It seems unreasonable to penalise a community for not having the time or resources to embark upon a Neighbourhood Plan.

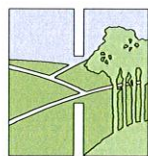
The Committee Report

The Committee Report has significantly underplayed both the local support and the proposed benefits of the scheme. Indeed, the response from the Parish Council states 'Support' rather than the 'No Objection' summarised in the report. The report lacks a balanced assessment of the local support and benefits as material considerations. The proposed development would deliver substantial social, environmental and economic benefits and achieve sustainable development through delivering:

- A range of new homes to meet local needs, including affordable homes and provision for bungalows and self-build.
- A sports pitch and sports pavilion, for which there is an acknowledged need as identified in the Cherwell Playing Pitch Strategy and Policy Villages 4.
- Allotments and community orchards with picnic area.
- A substantial area of new informal public open space (responding in part to the fact that many of the open spaces in Ambrosden are owned by MOD).
- A Local Area of Equipped Play.
- A new 2.5m pedestrian and cycle connection along Blackthorn Road to offer safe and convenient access to and from the primary school and village centre.

The on-site community benefits would be fully funded by the development. A Unilateral Undertaking has been prepared to give security to the Parish Council that the benefits will be delivered, and Hallam would be willing to sign this in the run-up to a committee where the scheme is positively recommended. This would absolutely secure the scheme benefits. The Parish Council feel let down by other schemes in their village and so we understand their scepticism about developer promises.

The scheme benefits have not only been significantly underplayed in the Committee Report, but it is also inaccurate regarding how much weight or otherwise is applied to the proposed community facilities. A review of the proposed obligations has been undertaken by Bickley Martin solicitors and they have prepared a Community Infrastructure Levy (CIL) Regulation compliance note which demonstrates that the application scheme is reasonable and proportionate in its offerings. The consultee response from recreation and leisure requires contributions towards recreational and sports facilities, but a key point, ignored in the report, is that contributions do not always deliver facilities, and Ambrosden has first-hand experience of this. There is a desire and need for new facilities in the village, which, by virtue of the Local Planning Authority's (LPA) interpretation of the policy position and clear intention to restrict housing, means that these facilities will simply not be delivered. We feel that it's an odd position for the LPA to suggest that approving this application might prevent housing in some smaller villages coming forward.



We fundamentally disagree that offering outdoor recreation provision to meet local needs fails the test of a planning obligation, as the attached compliance note confirms. We therefore believe the Committee Report should fairly reflect this.

It is also the case that the economic benefits of additional council tax revenue and New Homes Bonus *can* constitute a material consideration in favour of the proposals (with reference to paragraph 8.74 of the Committee Report), as was confirmed in recent appeal decisions for housing at Ploughley Road, Arncott (10th October 2016) and Land to the West of Northampton Road, Weston Green (8th February 2017). The New Homes Bonus which the scheme will generate should therefore weigh in its favour. This point in itself should require the Committee Report to be revisited.

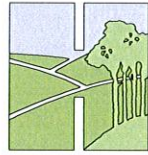
Highways

The main technical criticism relates to impact on the A41/Ploughley Road junction. More time should also be allowed to further explore this. Discussions have been on-going with the County Council but the latest response was only made available on 31st March allowing us little time to respond. Contrary to the assertion in the Committee Report that the development would “compound existing severe traffic congestion”, the Transport Assessment demonstrates that this is not case. The concern over the A41/Ploughley Road junction relates primarily to the future operation of the junction because of other significant Bicester developments taking place (including Bicester 12), which themselves do not offer a solution to the junction. If we were offered the opportunity to explore the potential solutions on the A41 junction, Hallam would be willing to pay its share towards such a solution.

In terms of connectivity, we do not agree that the development would create an isolated and disconnected community. The Parish Council’s view at its meeting on 19th January was that this site would be part of the village. A new footpath/cycle path along Blackthorn Road and improvements to the bridleway connection to West Hawthorn Road would provide good pedestrian connectivity to and from the site. All the facilities are within Chartered Institute of Highways and Transportation preferred walking distances. For example, Five Acres Primary School is only 650 metres (less than 10 minutes’ walk) from the site entrance. The proposed sport and recreational facilities would be within 10-15 minutes walking distances of many homes in the village. Currently villagers would need to drive to the nearest facilities in Bicester or elsewhere. The OCC Officer’s response states: *“I am reasonably confident that the proposed footway/cycleway could be implemented which should help encourage sustainable travel into the village”*.

Landscape and visual impact

Similarly, on landscape and visual impact the Landscape Officer’s comments were only made available to us on 24th March. The response requested additional information and our landscape consultant has since been in contact with the Landscape Officer, who is content with the Landscape and Visual Assessment. The officer acknowledged that the



development would be observed against the backdrop of Ambrosden and importantly would be filtered over time by our boundary planting. We are currently in the process of providing additional information.

Planning Policy

The response from Planning Policy Officers is not overwhelming, it talks of “some concern” about the scheme affecting rural housing needs; and that there is no “pressing need for additional land release”. In the context of a national housing shortage, we do not believe the Policy response reflects the onus on LPA’s to pro-actively plan for housing, especially where there is strong local support for the scheme. As for the suggestion of coalescence with Blackthorn, we would request that Members visit the site to consider this point and note that no objection about coalescence has been received from Blackthorn Parish Council or any residents of Blackthorn, with Blackthorn Parish Council’s objection relating to a general concern on drainage only.

Conclusion

The scheme has Parish Council support and has not received any objections from the public. The proposals would bring significant benefits to the community, in the form of recreational facilities for which there is an identified need. It would also deliver much needed market and affordable homes. We do not believe there is any need to refuse a proposal which has strong local support before we have explored all the opportunities to overcome the technical issues identified. The Localism Act 2011 puts a strong focus on the role of local communities in the decision-making process and their support should be given significant weight.

I write to request a deferral of this planning application to allow for further work and consideration in the context of clear local support and mindful of the Government’s priority on positive planning.

Thank you for your consideration on this matter.

Your sincerely

Andy Birch
Regional manager

Enc CIL Compliance Note

CC Bob Duxbury – Cherwell District Council
Bernadette Owens – Cherwell District Council
Mark Longworth – Ambrosden Parish Council

Application by Hallam Land Management for outline planning permission for up to 130 dwellings including on site open space at Land at Blackthorn Road Ambrosden

LPA reference: 2016/02611/OUT

SECTION 106 UNILATERAL UNDERTAKING - STATEMENT OF COMPLIANCE WITH CIL REGULATIONS

This Statement outlines the manner in which each of the proposed obligations comprised in the draft Section 106 Unilateral Undertaking would comply with the tests set down in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) (“the Regulations”).

Regulation 122 of the Regulations states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

This Statement therefore considers compliance in respect of each of the obligations comprising the obligations to the Council proposed in the draft Section 106 Unilateral Undertaking

Provision of Allotments

Relevant policy – Policies BSC10 and BSC11 Cherwell Local Plan 2011-2031

Policy BSC10 seeks to ensure sufficient quantity and quality of open space, sport, and recreation through addressing existing deficiencies and ensuring proposals contribute to open space commensurate with the needs generated by the proposals. In determining proposals for new provision the Council will consult with town and parish councils to ensure that provision meets local needs.

Policy BSC11 states that developments will be expected to contribute to open space, sports and recreation. This includes the provision of allotments.

Cherwell District Council’s Landscape Services consultation response dated 06-01-17 in relation to the above planning application states need for allotments.

The applicant consulted with the Parish Council in relation to the needs of the community and the proposed allotments reflect the Parish Council’s requirements in respect of local need.

The proposed provision of allotments is necessary. It forms part of the proposed development and is therefore directly related to the development. The scale (0.43ha) of the provision is reasonably related in scale and kind to the development site of 130 dwellings. On this basis the obligation is considered to meet the requirements of Regulation 122.

Provision of Sports Pitch and Sports Pavilion

Relevant policy – Policies BSC10 and BSC11 Cherwell Local Plan 2011-2031

Policy BSC10 seeks to ensure sufficient quantity and quality of open space, sport, and recreation through addressing existing deficiencies and ensuring proposals contribute to open space commensurate with the needs generated by the proposals. In determining proposals for new provision the Council will consult with town and parish councils to ensure that provision meets local needs.

Policy BSC11 states that developments will be expected to contribute to open space, sports and recreation. This includes the provision of sports pitches and changing rooms where appropriate.

Cherwell District Council's Landscape Services consultation response dated 06-01-17 in relation to the above planning application states need for senior sports pitch.

Cherwell District Council's recreation and Leisure consultation response dated 16-01-17 in relation to the above planning application states need for a minimum sports facility of 0.351 ha and a sports pavilion.

The applicant consulted with the Parish Council in relation to the needs of the community and the proposed sports pitch and pavilion reflect the Parish Council's requirements in respect of local need.

The proposed provision of the sports pitch and sports pavilion is necessary. It forms part of the proposed development and is therefore directly related to the development. The scale of the provision is reasonably related in scale and kind to the development site of 130 dwellings. On this basis the obligation is considered to meet the requirements of Regulation 122.

Provision of LEAP

Relevant policy – Policies BSC10 and BSC11 Cherwell Local Plan 2011-2031

Policy BSC10 seeks to ensure sufficient quantity and quality of open space, sport, and recreation through addressing existing deficiencies and ensuring proposals contribute to open space commensurate with the needs generated by the proposals. In determining proposals for new provision the Council will consult with town and parish councils to ensure that provision meets local needs.

Policy BSC11 states that developments will be expected to contribute to open space, sports and recreation. This includes the provision of play space.

The proposed provision of the LEAP is necessary. It forms part of the proposed development and is therefore directly related to the development. The scale of the provision is reasonably related in scale and kind to the development site of 130 dwellings, having regard to the Fields in Trust guidance. On this basis the obligation is considered to meet the requirements of Regulation 122.

Provision of Community Orchard

Relevant policy – Policies BSC10 and BSC11 Cherwell Local Plan 2011-2031

Policy BSC10 seeks to ensure sufficient quantity and quality of open space, sport, and recreation through addressing existing deficiencies and ensuring proposals contribute to open space commensurate with the needs generated by the proposals. In determining proposals for new provision the Council will consult with town and parish councils to ensure that provision meets local needs.

Policy BSC11 states that developments will be expected to contribute to open space, sports and recreation. This includes the provision of general greenspace which may include a community orchard.

Cherwell District Council's Landscape Services consultation response dated 06-01-17 in relation to the above planning application states need for orchard provision.

The applicant consulted with the Parish Council in relation to the needs of the community and the proposed community orchard reflect the Parish Council's requirements in respect of local need.

The proposed provision of the community orchard is necessary. It forms part of the proposed development and is therefore directly related to the development. The scale of the provision is reasonably related in scale and kind to the development site of 130 dwellings. On this basis the obligation is considered to meet the requirements of Regulation 122.

Payment of TRO Contribution and Payment of Traffic Calming Works Contribution

Relevant Policy – Policy SLE4 Cherwell Local Plan 2011-2031

Policy SLE4 relates to Improved Transport and Connections and proposes that all development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest use of public transport, walking and cycling.

These payments are required to enable the speed limit reduction and traffic calming on Blackthorn Road. These would include covering the cost of the TRO required for a speed limit change, provision of new signage and introduction of a village gateway feature to discourage speeding. These measures will reduce speeds on Blackthorn Road past the site, creating a more pleasant environment for pedestrians and cyclists and encouraging residents of the development to use the proposed footway / cycleway between the site and the village centre.

The payments therefore accord with the aims and objectives of Policy SLE4.

The proposed speed limit change and traffic calming works are proposed in locations close to the site and are therefore directly related to the development. The scale of the proposed provision is reasonably related in scale and kind to the development of 130 dwellings. On this basis the obligation is considered to meet the requirements of Regulation 122.

Bickley Martin

3 April 2017