

SUPPLEMENTARY INFORMATION

Planning Committee

3 August 2017

Agenda Item Number	Page	Title
16.	(Pages 1 - 18)	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

3 August 2017

WRITTEN UPDATES

Agenda Item 7 16/02611/OUT Land N of West Hawthorn Rd. Ambrosden

- It is understood that Members have received a letter direct from the applicants. This is attached as Appendix 1
- OCC have confirmed that their safety audit of the proposed junction improvements is satisfactory with any remaining issues capable of resolution through the detailed design process

Agenda Item 9 17/00778/OUT Land off Spring Lane, Cropredy

- Revised conditions
 1. No development shall commence until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) of the hereby approved development 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, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

2. In the case of the reserved matters, no application for approval shall be made 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, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

4. Except where stipulated by condition, the reserved matters to be submitted under condition 2 shall be in accordance with the following plans and documents:
 - Red Line Plan 1001revC
 - Parameters Plan 3502
 - Design and Access Statement and Sketch Street Elevations 6101 and 6102
 - Arboricultural Report dated 14th March 2017
 - Noise Assessment dated 17th March 2017

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.

5. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roofs of the development hereby approved 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 schedule.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on and adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority including full details of ground levels, earthworks and excavations to be carried out near to the railway boundary. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to protect the adjacent railway and the embankment to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. Prior to the commencement of the development hereby approved, the buildings and structures on the site at the date of this permission shall be demolished and the debris and materials removed from the site.

Reason - In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of the development hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure, in respect of those dwellings which they are intended to screen shall be erected, in accordance with the approved details, prior to the first occupation of those dwellings.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. 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.

11. Prior to the commencement of the development hereby approved, full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.

Reason - To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.

12. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development Order) 2015 (and any Order or Statutory Instrument amending, revoking or re-enacting that order), all water supply, foul water, energy and communication infrastructure to serve the proposed development shall be provided underground and retained as such thereafter unless with the prior written approval of the local planning authority.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

14. Prior to the commencement of the development hereby approved, full details of both means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

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

15. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) produced by RPS Group, dated 16 March and the following mitigation measures detailed within the FRA:
- There will be no built development within the parts of the site that fall into Flood Zone 2 and/or 3 as shown on Drawing Number CAT101 – 4002, Dated 16 March 2017 in Appendix B of the FRA.

Reason: This condition is sought in accordance with paragraphs 102 and 103 of the National Planning Policy Framework (NPPF):

1. To prevent flooding elsewhere by ensuring that storage of flood water is provided.
2. To reduce the risk of flooding to the proposed development and future occupants for the lifetime of the development.

16. Prior to the commencement of the development hereby approved, a surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. Thereafter, the scheme shall be implemented in accordance with the approved details before development is completed. The scheme shall also include:
- Discharge Rates
 - Discharge Volumes
 - Maintenance and management of SUDs
 - Sizing of features – attenuation volume
 - Infiltration tests to be undertaken in accordance with BRE365
 - Detailed drainage layout with pipe numbers
 - SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
 - Network drainage calculations
 - Phasing plans

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 in accordance with Government guidance contained within the National Planning Policy Framework.

17. Prior to any demolition on the site, the commencement of the development and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

18. Prior to any demolition on the site and the commencement of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition 17, a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

19. Prior to the commencement of the development hereby approved, full details of the method of mechanical ventilation of the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the building, the mechanical ventilation shall be installed, brought into use and retained in accordance with the approved details.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

20. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing Biodiversity on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

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 and Government guidance contained within the National Planning Policy Framework.

21. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance or the translocation of any reptile, a reptile survey (which shall be in accordance with best practice guidelines) shall be carried out, and the findings, including a mitigation strategy if required, shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, all works of mitigation shall be carried out in accordance with the approved details.

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 and Government guidance contained within the National Planning Policy Framework.

22. Prior to the commencement of the development, a Construction Environment and Traffic Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

23. The dwelling(s) hereby approved shall not be occupied until domestic bins for the purposes of refuse, food waste, recycling and green waste have been provided for each of the approved dwellings, in accordance with the Council's current bin specifications and requirements.

Reason - To provide appropriate and essential infrastructure for domestic waste management in accordance with the provisions of Policy INF1 of the Cherwell Local Plan 2011 - 2031.

Agenda Item 10 17/00802/F – Land to the rear of Gracewell Care Home

- Paragraph 2.3 of the report should be amended to omit the reference to render.
- Since the report was drafted an amended and updated ecology report has been received. The Council's Ecologist agrees with the conclusion of the report which indicate the ecological value of existing habitats are low. However the ecologist did request the report to be amended to include a precautionary approach to reptiles and a commitment that any trees will be removed outside of bird nesting season or in the presence of a qualified ecologist. The amended report has now been received and is considered to be acceptable. It is therefore recommended that **condition 10 in the committee report be amended** to read:

The development hereby approved shall be carried out in accordance with the recommendations set out in Section 6 of the submitted Extended Phase 1 Habitat Survey (report reference CE-AD-1224-RP01a – FINAL) carried out by Crestwood Environmental Ltd on 31 July 2017.

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.

Agenda Item 11 17/00913/F Land off Church Lane , Epwell

- Photomontages have been supplied which will be shown at Committee
- E-mail sent to all Member sby the applicant advising about site visit and giving comments on what can be seen and future planting etc.

Agenda Item 13 17/01173/OUT Land N of Blackthorn Road, Launton

- There have been further discussions and exchange of information between the applicant's agents and the Council's arboriculture officers and it has been confirmed by the latter that the latest tree and hedgerow retention proposals are broadly acceptable
- Further comments received from Launton Parish Council
Launton Parish Council holds its monthly meetings on the first Thursday of each month, but sadly this month it coincides with the CDC's Planning Committee Meeting. Whilst we would normally be able to send a Councillor to represent our very strong objections to this planning application, and support the 175 respondents who have voiced their personal objections, we find that with four Councillors away we will only just be quorate at our own meeting on Thursday. In view of this, we would be grateful if you would take into consideration the salient points (listed below) of our concerns, in addition to our previously submitted objections.
 - Broadly speaking, this proposed development is far too large for a village the size of Launton and entirely at odds with the character of the village. The local primary school is at full capacity.
 - The proposed site is partially in a flood plain (and adjacent to a sewage treatment plant), both of which have experienced severe flooding within living memory (not the 1 in 1000 year event quoted).
 - The water, sewage and electricity infrastructure is wholly inadequate to support this proposal. Manor Oak has costed the supply of mains gas to the site at £350k+VAT, but we consider this to be far too costly to be ever implemented.
 - The subsequent increase in traffic volume in the village has been grossly underestimated as has the car parking requirements of the proposal. OCC Highways have no objection to this development (adopting their seemingly default position for any new development!). Increasingly, OCC Highways consultation responses are viewed as being driven by their budgetary constraints rather than traffic and planning considerations. If this development went ahead, the reality for daily living in Launton would be near to gridlock at certain times of the day, especially around the Bicester Road/Station Road crossroads.
 - There are a significant number of objections to this development proposal from Launton villagers, which we support wholeheartedly. There are also

objections from official bodies, which detail more technical and policy reasons why this development should not be allowed go ahead.

Agenda Item 14 17/01299/F 2 Talisman Road, Bicester

- Subsequent to the publication of the agenda, the applicant has provided additional information regarding the proposed change of use and also the site selection process carried out.

It has also been clarified that the proposal is for a change of use to a mixed use rather than a flexible use. The submitted plans and supporting statements refer to a mixed use. The description should instead read: "Change of use from B1(c) (Light Industrial)/B8 (Warehousing) to a mixed use of Training Centre (Class D1) / Class B1(c) (Light Industrial) / Class B8 Warehousing).

The proposed use is correctly described at paragraph 2.1 of the officer's report as a mixed use, but the 'or' in the italicised description in this paragraph should be replaced by a '/'. Paragraph 2.2 clarifies the nature of the proposal, and that which is shown in the application submission.

Since the plans are clear as to the nature of the proposal, and the local highway authority and the ward councillor who referred the application to Committee were both aware of the nature of the proposals, we do not consider that additional publicity is required or that any other party is injured by the amendment to the description of development.

The applicant has clarified that the use is for a single purpose, with some elements falling within Class B1(c.) / Class B8 and some elements falling within Class D1. A plan has been submitted showing which parts of the building would be used for which classes of use.

- Also subsequent to the publication of the agenda, the case officer has received advice from the Council's planning policy team to the effect that, subject to conditions restricting the use, the specific use proposed here is in accord with Policy SLE1 of the CLP 2031 Part 1. This is important because since the premises have been vacant for only 8 months the applicant is unable to meet one or more of the tests under Policy SLE1 should a proposal conflict with that policy. Since the proposal is now considered to *accord* with Policy SLE1 there is no need to consider whether it meets the tests for exceptions.
- The applicant has also provided information demonstrating that the proposal would provide community benefits, through the training of front line ambulance staff, and has provided a list of sites which have been considered and discounted and the reasons for discounting those sites.

The applicant is willing to accept a condition which requires that the use is restricted to the mixed use shown in the submitted drawings and would also be content with a condition which made theirs a personal consent.

The applicant is also willing to accept a condition requiring submission of a travel plan, should members consider this necessary in order to address transport

concerns, though it should be noted that this condition is not considered necessary by officers particularly since the local highway authority has not objected to the proposals. The applicant advises it has also engaged with a local residents association on the ways they can best mitigate travel impacts.

- **Revised recommendation –**

Officers now **recommend approval** rather than refusal. For the reasons set out in this report, the proposal complies with the relevant Development Plan policies and guidance listed at section 7 of your officer's report, in particular with Policies SLE 1 which governs employment development and BSC7 which encourages community services and educational needs. It is therefore considered to be sustainable development. In accordance with Paragraph 14 of the NPPF, permission should therefore be granted subject to the following conditions.

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

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

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents:

(to be completed)

3. The site shall be used for a mixed use of Class D1 (training centre), Class B1c and Class B8 and not less than 50% of the building shall be used for B1c/B8 purposes for the length of the applicant's tenancy.

Reason - In the interests of continued employment (B class) use of the site, to ensure a satisfactory form of development and to comply with Policy SLE1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. This permission shall enure for the benefit of the Applicant only and for no other persons whatsoever and shall not enure for the benefit of the land. Upon the Applicant ceasing to occupy the premises, the site shall revert to its former use namely for purposes falling within a mixed use of Classes B1c/B8.

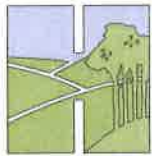
Reason - In the interests of continued employment (B class) use of the site, to ensure a satisfactory form of development and to comply with Policy SLE1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the first occupation of the development hereby approved a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved Travel Plan.

Reason - In the interests of sustainability, to ensure a satisfactory form of

development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Appendix 1



**Hallam Land
Management**

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

31st July 2017

Dear Councillor Clarke,

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

I am writing to you directly as the applicant for the above proposal to request that you deliberate over some key considerations prior to the committee meeting on 3rd August. I wrote to you previously to request a deferral to this application ahead of the April committee and we were grateful for your decision to allow more time to resolve concerns. The deferral allowed for further discussions on suitable planning obligations and for all remaining technical issues to be resolved. These technical matters have now been resolved and a rather different proposition is now before you compared to that written up for the April Committee. What you are now left with is an application with strong local support, substantial benefits and no technical objections. I respectfully request you consider the more detailed points below in favour of the application.

Local Support

What makes this application different from almost all major housing proposals that have been brought to your committee in recent years is the firm and continued support of a local 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. This should be given strong weight in the light of the Government's priority to support local communities in the planning process and deliver social facilities. Neighbourhood Planning was initiated to enable Communities to bring forward development which would facilitate their needs/desires even if it resulted in provision above a 'strategic' figure. The principle of communities having a say in development should apply whether there is a Neighbourhood Plan in place or not.

In the Ministerial Foreword to the NPPF, the then Minister for Planning bemoaned the fact that "planning has tended to exclude, rather than include local people and communities" and that planning had become "the preserve of specialists rather than people in communities". He was clear that "The National Planning Policy Framework changes that".



The Benefits

The proposed development would deliver a range of on-site facilities beneficial to new and existing residents of Ambrosden. The facilities have been included in the scheme as a direct result of the local consultation and would be fully delivered by the applicant. The main benefits should be given substantial weight and include:

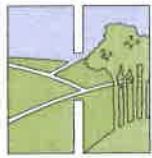
- A range of new homes to meet local needs, including affordable homes and provision for bungalows and self-build.
- A new sports pitch and sports pavilion.
- Allotments, community orchard, informal open space and equipped play area.
- A 2.5 metre pedestrian/cycle path along Blackthorn Road and an upgraded bridleway.
- Contributions to improve existing bus services and to a community transport service.
- Contributions to improve primary and secondary education provision.

To be clear, the only infrastructure with any query now being raised by the officers, in the light of CIL Regulations, is the *extent* of the informal open space offer, allotments and community orchard with picnic area. The committee report acknowledges, however, that these elements would still be a "*substantial benefit to the local community*" (paragraph 8.55). You may recall that we previously circulated legal advice which says that the elements of the scheme are compliant with CIL Regulations and I attach that again for your convenience.

The previous Committee Report, and to some extent this current one, suggests that there could be an 'over-provision' of community benefits. Indeed, the policy requirements are the minimum that a development is expected to deliver. It seems odd to suggest that a scheme can have too much Public Open Space and could create too nice an environment. The open space proposals are also associated with the ensuring the character of the development and a transition with the countryside.

The development will meet local needs and also that of the Council's own Playing Pitch Strategy which identifies a requirement for a formal playing pitch. The Council's website is clear that both the Council's Playing Pitch Strategy and Green Space strategy "*are tied to the Local Development Framework, [and] will ensure Cherwell will be well provided for in the future*". Addressing the Council's aspirations for pitches and other open space is therefore fulfilling the Council's policy objectives as well as mitigating the impact of development. The fact that this is to be achieved by direct provision in accordance with the application proposals, rather than financial contributions, is simply the best means to remove uncertainty regarding the delivery of identified requirements.

Even if you prefer not to take into account this specific aspect of the proposals, we believe that the officers report is still clear that the benefits of the proposals it considers to be CIL compliant are substantial. We believe that substantial CIL compliant benefits should be weighed as significant benefits in the planning balance.



Reasons for Refusal

The first and fundamental reason for refusal refers to the harm to the objectives of the strategy *inherent* in the Cherwell Local Plan. Ambrosden is one of the largest and most sustainable of the Category A villages. The Committee Report states that “there is some concern that the current proposal would result in over-dependence on Ambrosden for meeting rural housing needs over the plan period, thereby providing less opportunity for homes to be provided in other sustainable rural locations in accordance with the Local Plan”.

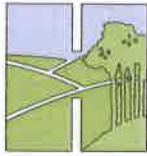
This is a curious conclusion to make as it does not provide ‘less opportunity’ for meeting rural needs. It offers more opportunity to meet needs. The housing figures in the Local Plan should not be regarded as ceilings. The recommendation for refusal seems based on a concern that it would set a precedent for other schemes to be approved. That is not what we believe planning is about. Each planning application should be determined upon its own merits. It would remain in the Local Planning Authority’s gift to refuse schemes which communities thought would harm their settlement, or indeed approve other sustainable proposals.

The Committee Report at 8.1 states a ‘general housing allocation of 750 dwellings’. This is hardly an endorsement of a ceiling beyond which none shall ever be permitted, and furthermore there are still 179 which remain to be identified. We would strongly argue that the scheme would accord with the key principles of the Local Plan even if the 750 were breached. At the heart of the NPPF is a desire to increase the delivery of new homes.

Moreover, the NPPF, a key consideration, is explicit in its support of sustainable development and “sustainable development is about positive growth” (Ministerial Foreword (MF)). Development that is sustainable should go ahead without delay - a principle which should influence “every decision” (MF). Accordingly, “planning must not simply be about scrutiny [but] must be a creative exercise in finding ways to enhance and improve the places in which we live our lives” (MF). One of the 12 NPPF principles is that planning should “deliver sufficient community and cultural facilities and services to meet local needs” (NPPF para 17). We believe that the current proposals fulfil this obligation for Ambrosden’s existing and future residents.

The second reason for refusal refers to undue visual intrusion. There is no objection from the Council’s landscape officer who commented that there would be no adverse landscape or visual impact as a result of the proposed development, or any landscape and visual impact evidence to support this reason for refusal. There is no demonstrative harm or conflict with policy on landscape or visual grounds.

Regarding the third reason for refusal, there have been constructive discussions regarding planning obligations for the site and Heads of Terms for a Section 106 agreement are set out in the committee report. A satisfactory Section 106 agreement could be signed quickly following a resolution to grant permission with the delivery of new homes, including the affordable homes to help counter the shortfall in affordable provision in the district, an early prospect.



**Hallam Land
Management**

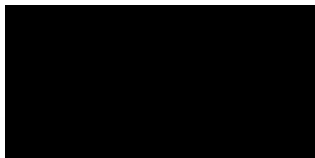
Conclusion – The Planning Balance

The scheme has Parish Council support, has not received any objections from the public and would bring significant benefits to the community. It would also deliver much needed market and affordable homes, a matter which is very much underplayed in the Committee Report. Indeed, we consider that the benefits for the village and the support by the village for those facilities are also underplayed. It seems counter intuitive and wholly contrary to the NPPF and its principal purposes, to deny a village such an opportunity on the basis that it 'might' deny a village elsewhere in the District to bring forward housing. We have argued that it would not prejudice this opportunity. In our view, the officer's view of the planning balance is heavily weighted with a negative outlook and fails to take account of the updated circumstances since the previous Committee. It is our view that the proposal should be assessed on its own planning merits and be viewed in the light of the considerable positive benefits which are not disputed by officers.

We do not believe there is any need to refuse an application which has strong local support, no technical objections and fundamentally would bring no harm to the strategy set out in the Local Plan.

Thank you for your consideration on this matter.

Your sincerely



Andy Birch
Regional manager

c.c. 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

