

Applicant: Bellway Homes Limited And Archstone Ambrosden Limited

Proposal: Erection of 85 dwellings with public open space, associated parking, landscaping, new vehicular accesses and servicing

Ward: Launton And Otmoor

Councillors: Cllr Tim Hallchurch
Cllr Simon Holland
Cllr David Hughes

Reason for Referral: Major development

Expiry Date: 10 March 2017

Committee Date: 13 April 2017

Recommendation: Refuse

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site relates to 5.61ha of relatively flat arable land to the south of Blackthorn Road at the southeast of Ambrosden. Whilst adjacent to the established built up limits of the village the site actually lies within Blackthorn Parish despite this village being further to the southeast and separated by further farmland.
- 1.2. The site comprises arable farmland and which features varying densities of hedgerows and hedgerow trees along its northern, western and eastern boundaries. The southern boundary is not defined by a hedgerow and blends into another wider field parcel. The site features two farm vehicle accesses from Blackthorn Road – one is formed via a culverted ditch and gap in the hedgerow whilst the other features a metal field gate. There is a small naturally formed pond and cluster of surrounding vegetation in the site's north-eastern corner.
- 1.3. A public footpath passes through the site from its north-western boundary with Blackthorn Road across to the eastern boundary which then continues through further arable fields to Blackthorn village.
- 1.4. The site is not located in or in close proximity to any locally or statutorily designated heritage or landscape assets. The entirety of the site does however lie within an area designated for ecological protection and enhancement as the River Ray Conservation Target Area. Part of the site lies within areas found to be in Flood Zones 2 and 3 and so at higher risk of flooding.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application proposes 85 new dwellings on the site comprising a mixture of 2, 3, 4 and 5 bedroom house as well as 1 and 2 bedroom flats with all of the buildings being either 2 or 2 ½ storeys in height. The sole vehicular access is proposed mid-way along the site's northern boundary with Blackthorn Road before splitting into

estate roads serving the new dwellings. New built development is contained to the northern half of the site with the remainder proposed for public amenity space comprising a formal play area, balancing ponds, new tree planting and general open green space. The existing public footpath is proposed to be realigned so that it runs along the site's northern and eastern edges.

- 2.2. The application is made in full rather than in outline. As a result, the proposals must be considered exactly on the basis of the plans, drawings and documents submitted.

3. RELEVANT PLANNING HISTORY

- 3.1. There is no planning history directly relevant to the proposal.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
15/00228/PREAPP	Pre-application advice - development of 95 dwellings with associated landscaping, public open space and servicing

- 4.2. In response to the pre-application enquiry officers raised concerns about the principle of residential development of the scale proposed given recent housing growth in Ambrosden as well as the wider housing delivery position in the rural areas under Policy Villages 2. Concern was also raised about connectivity with surrounding development, the unduly urban appearance of some of the proposed parking areas within the development and the need to preserve the public footpath on or close to its existing alignment.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 12.01.2017, although comments received after this date and before finalising this report have also been taken into account. Two third party representations have been received and the comments raised are summarised as:

- Proposed plots 69 and 70 are too close to the adjacent house and garden of 24 Poppy Close in the new Springfield Farm development;
- This would cause a significant reduction in privacy for its occupants resulting from overlooking;
- The rear garden of 24 Poppy Close is well used by the whole family which includes a hot tub and raised decked area which would be susceptible to harmful overlooking;
- Five Acres Primary School is already operating close to capacity – the school requires expansion to match the expected intake resulting from this proposed development;
- It is essential that footways are provided linking the proposed development with Ambrosden Village to ensure pedestrians do not walk along the verge of Blackthorn Road and so that there is safe access to the primary school;
- The junction between Blackthorn Road and the B41011 has poor visibility and junction improvements should be considered.

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

6. RESPONSE TO CONSULTATION

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

Ambrosden Parish Council – Objection

The scheme needs to be redesigned along the western boundary, on balance we consider enhancements to the village offered in particular replacement railings, addressing parking issues on Merton Road, funding sports pavilion and large open space outweigh the harm caused by additional development. The Parish would like to see revised plans for the south western corner and demonstration that a legal agreement can be provided to the Parish Council's satisfaction prior to removal of the objection.

Blackthorn Parish Council – No objection but raise following comments:

When considering the application the Parish Council would ask that the planning officers do not look at this scheme in isolation, but consider all the additional building works which drain into the River Ray. As dredging of the River Ray has stopped and it is controlled, along with the River Cherwell, to protect Oxford from flooding, the risk of severe flooding in Blackthorn will rise with each additional building scheme.

In order that the two 'villages' do not merge together no further building should be permitted beyond this new building line towards Blackthorn. Provision should also be made for a new bus stop associated with the development and the proposals made by Blackthorn Parish Council to re-route the S5 through Blackthorn be considered as part of any consent which would provide it with a bus service that would link the two halves of the village.

Cherwell District Council (Internal Consultees):

Strategic Housing - It is noted that there is 35% affordable housing being proposed on site that totals 85 units of which 30 are itemised as affordable in accordance with the requirements of the local plan, and there is a good mix of houses and flats making up this provision. However, there is no affordable housing tenure split identified, and there should be a mix of tenure within that affordable housing provision in the ratio of 70/30 rented and shared ownership or other low cost home ownership which should be agreed with this authority.

There is a good mix of houses and flats making up the affordable provision comprising of 1, 2, and 3 bed units. However I would like to see an increase in 2 bed houses and a reduction of 3 beds. The 2 x 1bed 2 person and 2 x 2bed 3 person apartments (plots 76-79) need to re-designed so that they are delivered as maisonettes with separate access.

The affordable units should be in clusters of no more than 10 units of one tenure and 15 units in all. Particular attention is drawn to plots 11-22 as this represents a cluster of 12 units and may need to altered, depending on affordable housing tenure type.

For clarification we would seek the following unit types and split;

Rent
4x1b2p Maisonettes
1x1b2p FOG
2x2b4p maisonettes
8x2b4pH
6x3b5pH

SO
7x2b4pH
2x3b5pH

The affordable units will need to meet all of the requirements of the National Space Standards, and there appears to be a good level of lifetime homes provision within these units. However, to ensure that the authority is more in line with national standards we will now except the Lifetime Homes standard to be replaced by Building Regulations Requirements M4(2) on affordable housing units. If the applicant wishes to maintain the lifetime homes standards then this is also supported.

There appears to be sufficient car parking around the site, but it is not clear on plan where the allocation of the second car parking space relating to plot 38 (2 bed 4 person house) on the housing schedule is located and confirmation of this requirement is needed.

The registered provider that takes on the affordable housing will need to be agreed with the authority.

Recreation and Leisure – The following infrastructure is necessary to be secured to mitigate the impact of the development:

Sports Facilities Provision: Off-site contribution towards providing additional outdoor sports facilities capacity within the locality of Ambrosden. Based on 85 residential dwellings x 2.39 persons x £466.03 per person = £94,673.99.

Off-site contribution towards creating additional indoor sports facilities within the locality of Ambrosden. Based on 85 dwellings x 2.39 persons x £314.26 = £63,841.92.

Community Halls Provision: A contribution towards helping the local community hall accommodate an increase in capacity will be based on a sum per dwelling. These are:

Unit	Contribution
1 bed	£104.73
2 bed	£151.21
3 bed	£235.39
4+ bed	£323.70

Community Development: A contribution of £23,287.64 will be sought to support the establishment / strengthening of community infrastructure in Ambrosden.

Community Development Worker: Contribution to a community development worker to be considered based on the need to help new residents settle into their new community. A contribution of £36,402.32 based on 2016/17 figures (plus any additional inflation as appropriate) is based on a community development worker for 15 hours per week for 30 months.

Landscape Officers - The potential landscape and visual impact and effect will need to be mitigated with woodland mitigation planting on the southern boundary.

A BS5837 Tree survey is required to indicate the extents of the RPAs on the western boundary, because the proposed parking layouts and proximity of new housing is a constraint and a revised layout will be necessary because of this.

Planning obligation needed to secure provision and long term maintenance of public open space, play areas, SuDS features, ditch, existing trees and new woodland.

Ecologist - The survey has been undertaken in accordance with appropriate methodology and I generally agree with the assessment of the potential impact of the proposals on existing sites and species. As the site is part of the Ray Conservation Target Area (CTA), I would recommend that every effort is made to provide biodiversity gain as a result of the proposed works to support the habitats and species associated with the CTA in line with policy ESD11. As the proposals involve the loss of arable habitat, which is of low ecological value, and the habitats of high value in particular the boundary hedgerows, all trees and the pond in the north west corner are proposed to be retained, I agree with the conclusion of the report that the proposals are not considered to impact significantly on biodiversity. However there is potential for protected species to be impacted during construction, in particular nesting birds (including ground nesting species) and reptiles. Appropriate measures have been outlined in section 6.5 to safeguard protected species and we would recommend that full details (including a pre-commencement survey for badger) are provided via submission of a Construction Environmental Management Plan (CEMP) prior to commencement of any site clearance (please see condition below). The CEMP should include further checks of the trees, should any be affected by the works, including the trees with existing bat boxes in the north west of the site, should these be affected by works.

The habitat restoration and enhancement measures detailed in section 6.2 to 6.7 of the report are welcomed, including sensitive management of existing hedgerows and the proposed hedgerows, and sensitive management of the grassland and restoration of the existing pond. I don't necessarily agree with including a non-native dogwood species *Cornus stolonifera Flaviramea* in the species mix of the native hedgerow on the southern boundary of the site, and would recommend this is replaced by a native species local to the local landscape area. We would also recommend including a higher percentage of blackthorn in the hedgerow planting as the larval foodplant for the UK BAP Priority species brown and black hairstreak for which there are local records.

Just to note that the pond isn't shown on the Landscape Masterplan, however it is understood it will be retained within the development. If possible it would also be more beneficial if the SuDs basins were designed to be permanent water features (either to hold water all year round or most of the year round) for wildlife such as amphibians, reptiles, invertebrates etc. This would also contribute towards the Oxfordshire Biodiversity Action Plan Targets to create ponds within this CTA. Increased areas of wildflower grassland cut twice a year would also be recommended rather than proposed amenity grassland areas where possible. I note that Charlotte Watkins suggested contacting Christopher Williams at BBOWT who is the lead person for this CTA in case he has any valuable suggestions / comments on the landscaping and proposals. I would recommend that a combined ecological and landscaping scheme is secured by condition of any approval granted. The LEMP should identify who is responsible for the long-term management of the site to secure future appropriate management and monitoring. The LEMP should also include details of locations/types of bat and bird

boxes as an enhancement for these species in line with the NPPF and local plan policy with the aim of achieving a net gain in biodiversity.

Any lighting strategy should be sensitively designed to avoid the existing field boundary hedgerows and proposed hedgerow on the southern boundary to retain dark corridors for commuting/foraging bats. I would be happy to provide further comments on any lighting scheme submitted in future.

As such I would recommend that the following conditions be attached to any approval granted:

K20 Landscape and Ecological Management Plan (LEMP)

Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

K21 CEMP for Biodiversity

Prior to the commencement of the development hereby approved, including any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, 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 CEMP.

Oxfordshire County Council:

Transport - Objection

- The version of TEMPRO used to take into account background traffic growth is out of date. Version 7 is now available. We are also not confident that version 7 takes appropriate account of the scale of traffic growth as a result of the unprecedented levels of development coming forward in Bicester. Traffic data from the council's updated SATURN model should be used to help assess the future performance of the Ploughley Road/A41 junction.
- Future year of 2022 for testing junctions not considered realistic – this should be 2024, five years after a realistic first occupation date of 2019 (as opposed 2017).
- It has not been possible to check the modelling of the assessed junctions as the full PICADY inputs and outputs have not been submitted with the application.
- Despite advice from the county council, the existing public right of way (PRoW) through the site has been diverted away from its current route. The applicant has not given adequate justification for the diversion let alone whether any investigation has been made about the likelihood of the success of the necessary separate process to allow the diversion. The surface treatment of the diverted PRoW is not suitable for the inevitable intensification of the footpath if the development goes ahead.
- The site access needs to make use of land that is neither highway nor in the control of the applicant – as indicated by the red line on the planning layout drawing. Until the applicant has clarified that they are in control of this land, the site access cannot be provided and as such the development should not be approved.
- To provide the necessary footway/cycleway on the south side of the road, no detail is given about its construction where it runs close to the highway ditch. This is significant given that construction will be needed outside of the highway – ownership is unclear in those locations.
- Tracking drawings for the layout have been completed for a refuse wagon that is not big enough. Latest advice from the council's Road Agreements Team is that an 11.4m long (4 axle) refuse wagon must be tracked.

The applicant has therefore not demonstrated that the development is compliant with the National Planning Policy Framework

Notwithstanding the above, in the event that the local planning authority is minded to grant planning permission, that the following be secured as well as conditions be imposed (list provided but not included below):

S106

- Updated Travel Plan with travel information packs for first residents will be needed.
- A contribution of £1,000 per additional dwelling i.e. total sum of £85,000 towards the improvement of public transport serving the site, to procure additional or improved services.
- £15,000 towards the improvement of the public footpath 131/7 to include the surface as it runs through the site, nearby signage and replacement of stiles with gates - as a result of the proposed development increasing its usage.
- £1,240 for the monitoring of the site's Residential Travel Plan.
- To secure the necessary off-site highway improvements – see S278 below.

S278:

To deliver:

- Access to the site from Blackthorn Road as shown on drawings WB03884 SK12 Rev F and WB03190 SK03.
- A 2.5m wide footway/cycleway along the southern side of Blackthorn Road from a point close to the site's western boundary as far as the junction of Ploughley Road as shown indicatively on drawing number WB03884 SK04 Rev A.
- Relocation of the start of the existing 30mph speed limit on Blackthorn Road to a point approximately 170m to the north east and for the speed limit change to be from 40mph to 50mph. Also, therefore, the removal of the section of 60mph speed limit to the north east of the proposed site access. The revised location of the 30/40mph speed limit transition would be accompanied by a village entry treatment. These proposals are shown indicatively on drawing number WB03884 SK13.

Education

The proposed development is expected to generate additional pressure on schools in the locality. The following financial contributions should be secured to mitigate the impact of the development:

Primary education:

£415,632 Section 106 required for the necessary expansion of permanent primary school capacity serving the area, at Five Acres Primary School in Ambrosden.

Secondary education:

£623,800 Section 106 required for the necessary expansion of permanent secondary school capacity serving the area, contributing to the cost of new secondary capacity planned for construction in Bicester.

Property

The majority of off-site infrastructure impacts cannot be mitigated due to pooling restrictions imposed through the CIL Regulations 2010. As library book stock is not considered to meet the definition of infrastructure, a financial contribution of £5,312.60 (index linked) should be secured to mitigate additional impact in this respect.

External Consultees

Thames Water – No objection

With respect to foul water discharge, confirmation is required of the pumped flow from the proposed private pumping station to Officers Mess pumping station. This is needed to assess the impact on the downstream pumping station and network.

No concerns raised with regard to surface water run-off management.

Environment Agency – No comments received as of the date of writing this report.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- BSC1 - District Wide Housing distribution
- BSC2 - The Effective and Efficient Use of Land
- BSC3 - Affordable Housing
- BSC4 - Housing Mix
- BSC10 - Open Space, Outdoor Sport & Recreation Provision
- BSC11 - Local Standards of Provision - Outdoor Recreation
- BSC12 - Indoor Sport, Recreation and Community Facilities
- BSC9 - Public Services and Utilities
- ESD1 - Mitigating and Adapting to Climate Change
- ESD2 - Energy Hierarchy
- ESD3 - Sustainable Construction
- ESD5 - Renewable Energy
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11 - Conservation Target Areas
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built Environment
- ESD17 - Green Infrastructure
- VIL1 - Village Categorisation
- VIL2 - Distributing Growth Across the Rural Areas

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C8 - Sporadic development in the open countryside

- C28 - Layout, design and external appearance of new development
- C31 - Compatibility of proposals in residential areas

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- DEFRA Circular 1/09

8. APPRAISAL

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

- Principle of Development;
- Access and Transport Impacts;
- Design, Layout and Appearance;
- Affordable Housing and Mix of Dwellings;
- Flood Risk and Drainage;
- Ecology;
- Trees/Landscaping;
- Impact on Neighbouring Properties;
- Quality of New Dwellings;
- Energy Efficiency/Sustainability
- On/Off Site Infrastructure.

Principle of Development

8.2 Through its planning policies the Cherwell Local Plan 2011-2031 Part 1 (CLPP1) recognises that new homes outside the largest settlements in the District will be further from the facilities, services, leisure, employment and transportation links necessary to achieve genuinely sustainable development. As a result, the CLPP1 seeks to limit new housing in the rural areas whilst concentrating new housing growth to Bicester, Banbury and to a lesser extent Heyford. Through its planning policies the CLPP1 seeks to ensure sustainable delivery of sufficient number of new homes to meet the objectively assessed needs of the District through to 2031 and as a result is consistent with national planning policy contained within the NPPF. Furthermore, as the supply of new homes within the District has recently been strong and is projected to be similarly strong over the next five year period, the Council can demonstrate in excess of a five year supply of housing with the consequence that the housing supply policies in the CLPP1 are up-to-date and attract full weight.

8.3 Policy Villages 1 categorises the villages of the District based on their respective sustainability merits to accommodate some housing growth. There are three categories – A, B and C – which relatively crudely classify villages based on their capacity to accommodate new housing by assessing matters such as their size and access to services, facilities, employment and public transport. Whilst the application site is technically in Blackthorn Parish, this is irrelevant for the purposes of considering its planning merits and officers consider that the proposed development would be part of the village of Ambrosden rather than Blackthorn. Policy Villages 1 classifies Ambrosden as a Category A settlement given that it is one of the larger villages in the District with a shop, post office, primary school and public house. It is also served by a commercially viable bus service that runs between Oxford and Bicester.

8.4 Policy Villages 1 however only provides policy support for conversions, infilling and minor residential development in the Category A settlements. As the application site

cannot reasonably be described as minor and is clearly outside the Ambrosden settlement boundaries, Policy Villages 1 does not provide support for the proposed development.

- 8.5 Policy Villages 2 however provides a general housing allocation of 750 dwellings (on top of those dwellings approved under Policy Villages 1) at Category A settlements from 2014-2031. It further adds that the sites comprising the 750 dwellings would be identified through preparation of development plan documents or, where applicable, the determination of applications for planning permission. As of 31st March 2016 a total of 538 dwellings had been completed under the provisions of Policy Villages 2 with extant but unimplemented planning permissions for a further 50 dwellings. A total of 588 dwellings have therefore been committed/delivered under the Policy Villages 2 allocation leaving only a residual figure of 162 over the remainder of the plan period.
- 8.6 Whilst Policy Villages 2 does not include specific requirements relating to phasing or distribution of the housing across the 24 Category A settlements, it has been established through recent appeal decisions that excessively early delivery of the rural housing allocation in the plan period together with overconcentration of housing in a small number of settlements would be prejudicial to the overall sustainable housing growth strategy inherent to Policy Villages 2 and the CLPP1 generally. With 24 rural settlements available to share in the benefits of new housing where needed, early delivery and overconcentration of new housing would remove the ability to be able to respond appropriately to housing needs in the future without creating a situation where there this would be in direct conflict with the development plan.
- 8.7 The provisions of Policy Villages 2 apply from the 1st April 2014. Since this date, 45 dwellings have been approved in Ambrosden with those currently being constructed. Whilst approved shortly prior to the 1st April 2014, the adjacent Springfield Farm development (which totals a further 90 dwellings) was recently constructed and therefore completed in a broadly contemporaneous time period which totals a further and is therefore considered to be material albeit not directly part of the 750 allocation. The approval and delivery of the proposed development would see a total of 130 dwellings provided in Ambrosden through Policy Villages 2 which – given that it is 1 of 24 Category A settlements – is a very substantial proportion of the total. If approved, the proposed development would be expected to take approximately two years to complete meaning that by 2019/20 there would only be a residual figure of 77 dwellings left to be provided across the 24 Category A settlements over the next 11 years of the plan period. This also assumes that no further planning permissions are granted in the intervening period under the provisions of Policy Villages 2. Planning application reference 16/02611/OUT also proposes residential development in Ambrosden (up to 130 dwellings) and is similarly scheduled to be reported to the 13th April Planning Committee. If both planning applications were to be approved, taken together the total allocation in Policy Villages 2 would be exceeded very early in the plan period and would see 260 of the allocated 750 homes delivered (i.e. 35%) in just one of the 24 Category A settlements. Officers suggest that this would be a highly undesirable position for the Council to find itself in and would fundamentally prejudice the housing growth strategy of the CLPP1.
- 8.8 For this reason officers have concluded that the scale, timing and location of the proposed development is therefore inappropriate bearing in mind the above and consequently in direct conflict with the objectives of the CLPP1 and Policy Villages 2.
- 8.9 In considering the acceptability of the principle of the proposed development, in addition to the strategy implicit within CLPP1 generally, it is specifically Policy Villages 2 that is the development plan policy of primary relevance. In this regard

there is a set of criteria against which planning application proposals need to be considered to determine whether they are suitable to deliver part of the rural housing allocation. Through its various chapters and heading this report will appraise the proposals against these criteria as well as other relevant considerations.

- 8.10 It is however necessary to consider that the proposed development involves direct loss of farmland that forms part of the open countryside and therefore has intrinsic beauty. Whilst not within an area of designated landscape value, such harm should not occur without benefits that clearly outweigh the environmental harm associated with its development. Indeed Policy C8 of the Cherwell Local Plan 1996 (CLP 1996) resists sporadic development into the open countryside in order to protect its attractive, open and rural character. Whilst this policy pre-dates the publication of the NPPF, it forms part of the development plan and has material (if not full weight) given that the Council has a 5+ year supply of housing. The proposals would evidently result in encroachment into the open countryside and as such they are in conflict with the requirements of Policy C8 of the CLP 1996.
- 8.11 Policy ESD13 of the CLPP1 is also material and resists undue visual intrusion into the countryside as well as development that is inconsistent with local character. Policy Villages 2 also includes an assessment criteria relating to whether development proposals would give rise to significant adverse landscape impacts. The Oxfordshire Wildlife and Landscape Study of 2004 (OWLS) is the most detailed and up to date assessment of landscape character types within the District. It defines the site as lying within the Alluvial Lowlands landscape type which is typified by flat arable and pastoral fields together with densely scattered hedgerow trees and a large number of ditches. Similarly, the Cherwell Landscape Assessment (1995) defines the site as lying within the Otmoor Lowlands landscape character area which it concludes is comprised primarily of flat, wet, low lying arable field network surrounded by ditches and hedges.
- 8.12 Broadly speaking, without being of intrinsically high landscape value, the application site is considered to complement the identified local landscape character given that it comprises a large open arable field, hedgerows, trees, ponds and ditches which in turn supports the rural character and setting of Ambrosden as a village. As a result, its development in the manner proposed would undoubtedly be harmful to local landscape character and the natural beauty of the countryside. Having regard to the strong housing supply position within the District and the amount of housing approved already under the provisions of Policy Villages 2, the benefits associated with delivery of further housing (notwithstanding other concerns about the proposals as expressed elsewhere in this report) is not considered to be sufficient to outweigh the unnecessary harm caused to the natural landscape as a result of its development. Consequently officers have found that the principle of the proposed development is also unacceptable in this regard.
- 8.13 In further considering matters of principle, Policy Villages 2 requires consideration to be given as to whether the proposals would result in the loss of best and most versatile agricultural land as defined in the NPPF. Such land is more agriculturally productive and the NPPF places importance on its retention. However, an agricultural land quality survey has been submitted as part of the planning application and has concluded that the site is not comprised of land that meets the NPPF definition of best and most versatile land. As such, there is no objection to the principle of developing the site in this respect.
- 8.14 In summary on matters of principle, officers have found that having regard to the amount and distribution of housing delivered and committed within Ambrosden and across the District's Category A, the scale, location and timing of the development proposed would be in conflict with the objectives and strategy for housing growth

inherent within the CLPP1 as well as Policy Villages 2. Together these seek to redistribute new housing away from the District's villages with only limited new housing provided at the 'more sustainable' villages over the plan period to meet residual need. Furthermore, the proposals would result in direct encroachment into the open countryside to the detriment of local landscape character and the inherent beauty of the natural landscape with such harm not being outweighed by the benefits of the scheme given the sufficient supply of new housing within the District. In this respect the proposals are therefore considered to be contrary to the requirements of Policies Villages 2 and ESD13 of the CLPP1 as well as Policy C8 of the CLP 1996.

Access and Transport Impacts

- 8.15 Policy SLE4 of the CLPP1 reflects national policy set out in the NPPF by requiring new development to facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. It also seeks to resist development where it would have a severe traffic impact. The NPPF also adds that planning decisions should take account of whether safe and suitable access to development can be achieved for all people.
- 8.16 Vehicular access to the development is proposed to be directly onto Blackthorn Road approximately 150m to the east of the junction with Quintan Avenue. The site access road is shown to be 5.5m wide and the applicant has demonstrated that the appropriate visibility splays can be provided within the highway verge without the need for removal of vegetation to ensure safety for road users. After further investigation, it appears that all of the land necessary to construct the vehicular access is within either the control of the applicant or highway authority such that there are no doubts regarding its deliverability.
- 8.17 The applicant is proposing alterations to the speed limits along Blackthorn Road in the vicinity of the site access with the 30mph limit being extended to the northeast and then a change to 50mph (rather than 60mph). These would need to be the subject of a Traffic Regulation Order (TRO) made by the local highway authority and is a separate legal procedure with its own public consultation and decision process so its outcome is cannot be guaranteed. Nevertheless, the proposed access is shown to be safe even at current speed limits and so is considered to be acceptable in this regard even if the proposed speed limit changes were to fail. In the event of Members resolving to grant planning permission against officer recommendation, financial contributions should be sought through a planning obligation to fund the costs to OCC associated with the TRO procedure.
- 8.18 In order to achieve connectivity with the village, a new combined 2.5m wide footway/cycleway is proposed on the southern side of Blackthorn Road as far as its junctions with Ploughley Road. There appears to be sufficient space in the verge to deliver this. The application also proposed a short stretch of new footway/cycleway with dropped kerb that enables linkage with the housing development on the opposite side of Blackthorn Road. Subject to this pedestrian/cycle provision being secured by conditions and/or planning obligations, officers are satisfied that the proposed development would enable suitable pedestrian/cycle connectivity with surrounding development.
- 8.19 The proposed footway/cycleway described above would enable residents of the proposed development to reach the existing bus stops on Ploughley Road. The village is served by a commercially viable bus service (the S5 between Bicester and Oxford) and, if the application were to be approved, OCC has requested a financial contribution of £1000/dwelling (index linked) towards improving the frequency of the service to Ambrosden. This will ensure that the opportunities for residents to use

sustainable modes of transport are maximised in accordance with the requirements of Policy SLE4 of the CLPP1.

- 8.20 A public footpath runs from the northwest corner of the site in a diagonal alignment to the eastern boundary and then onwards towards Blackthorn village. The proposed development has been designed in such a way that a significant diversion of the public footpath is required so that it follows the field boundaries rather than its current direct alignment. This is a less convenient route for members of the public and also results in a significant change in its nature – users would follow the path in a corridor between houses on one side and the road on the other rather than the current more natural setting. Officers are not satisfied that due regard has been had to the desirability of preserving the public right of way in as close to its existing alignment as possible to provide either a similar or improved level of convenience and experience for users. In this respect the proposals are considered to be contrary to the requirements of Policy ESD15 of the CLPP1 as well as guidance contained in Circular 01/09. Having considered alternative permutations for the layout of a similar development, officers are confident that a more suitable and direct route is available that would both deliver an appropriate layout of development whilst also better preserving the amenities associated with the public footway. OCC as the local highway authority responsible for management of the public rights of way network support this position and similarly object to the proposals in this respect. Notwithstanding the above, if Members were minded to resolve to approve the application then a more robust surfacing would be needed for the diverted footpath due to expected increased use. Furthermore, a separate legal process is required to formally confirm the diversion of a public footpath and the Council cannot guarantee this outcome of this even if planning permission is granted. In the event that planning permission was to be granted, officers would recommend that a financial contribution of £15,000 is sought towards upgrades to the public footpath either side of the development to help it be more suitable and able to withstand additional use.
- 8.21 OCC has raised a number of queries regarding the design of some of the internal roads within the development. The roads indicated as proposed for adoption are generally considered to be acceptable in principle subject to later technical approval by OCC. Whilst OCC has commented that the roads have not been tracked on the basis of a sufficiently large refuse collection vehicle (11.4m), Cherwell District Council's bin lorries are only 10.5m in length and there is no suggestion that the proposed new roads are not capable of being safely navigable by such a vehicle.
- 8.22 The application has been accompanied by a travel plan. Officers welcome this and it generally sets out appropriate objectives but further refinement is necessary to include commitments such as distribution of travel information packs and a programme of review and actions. Nevertheless, if approved a condition could be imposed that requires the submission, approval and implementation of an updated travel plan.
- 8.23 Whilst officers are therefore satisfied that safe and suitable access can be provided to serve the proposed development and that it would sufficiently facilitate use of sustainable modes of travel, officers have concerns about the wider transport impact of the development. The Transport Assessment (TA) submitted alongside the application is not considered to be robust as it does not utilise up-to-date traffic modelling which should include expected background growth in traffic including that arising from committed developments. Furthermore, even the latest nationally endorsed traffic model (TEMPRO v7) may not accurately project traffic levels on the network in and around Bicester over the next few years given the unprecedented level of planned growth. As a result, OCC commissioned its own Bicester SATURN model. On re-running the traffic modelling there is identified to be severe congestion during peak hours at the junction between Ploughley Road and the A41 both at the

expected completion date of the development and particularly by 2024. The severe congestion would occur irrespective of whether the proposed development proceeds or not but the traffic generated by the proposed new homes would only exacerbate this severe impact. Increases in queueing at the junction not only further adversely affects existing drivers commuting times but also increases the prospect of drivers becoming impatient and taking unnecessary risks to exit the junction thereby prejudicing highway safety.

- 8.24 The applicant has not proposed any highway works that would mitigate the adverse impact on this junction. Nevertheless, a comprehensive re-engineering of this junction is unlikely to be proportionate to the impact of the proposed development and could well affect the overall financial viability of the scheme as well as the Council's ability to lawfully secure it through a s106 agreement. However, in the absence of a scheme of highway works that can be shown to effectively mitigate the impact of the proposed development, officers have concluded that the proposals would exacerbate existing severe traffic impacts on the local highway network and so should be resisted in accordance with the requirements of Policy SLE4 of the CLPP1 as well as national policy set out in the NPPF.

Design, Layout and Appearance

- 8.25 Policy ESD15 of the CLPP1 requires new development to complement and enhance the character of its context through sensitive siting, layout and high quality design. Furthermore, Policy ESD15 replicates national policy in the NPPF by requiring all new development proposals to be designed to improve the quality and appearance of an area and the way it functions. Policy ESD15 also requires new development to contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting the natural landscape setting. Policy ESD15 includes further requirements including that new development reflect local distinctiveness including through materials and design detailing whilst also promoting permeable and accessible places.
- 8.26 With respect to its northern edge, the proposed new housing would be set back from Blackthorn Road to ensure the existing hedgerow is preserved whilst enabling vehicular access to houses along the frontage via driveways that run parallel to the road. Broadly speaking this relationship is consistent with the existing approach at Springfield Farm development to the west. However, the detail of this proposed relationship is awkward and lacks clear definition to the rhythm of the layout of the houses. The cluster of bland looking affordable dwellings at the northwest of the site is shown to then make way to large detached homes set further back and served by parallel private drives. From there the houses are set back further still and the rhythm carved up by an internal road that causes greater gaps to development and thereby prevents a consistent relationship along the site frontage. As a result, whilst the principle of setting houses back from Blackthorn Road is considered to be appropriate and in keeping with the established approach, the weak and variable manner in which this is shown to be achieved fails to create a clear sense of character that would deliver an identifiable and legible character along the Blackthorn Road interface.
- 8.27 By contrast, the southern built development line is shown to jut backwards and forwards in a rather contrived fashion – partly to avoid development encroaching further into Flood Zone 3. Whilst awkward, this follows the wavy southern development line evident in the adjacent Springfield Farm development though the 2 or 3 plots in the southwest corner appear as a small bulge in the housing layout which is particularly contrived and does not complement the attempt at creating a more organic building line. The houses along the southern development edge are large detached structures though they are limited to two storeys whilst should avoid them appearing unduly prominent within wider landscape views. Being detached in

their form should also provide gaps between buildings and thus reduce the apparent density and visual mass of the development at its countryside edge.

- 8.28 To the western boundary the houses proposed are varied in form given their mixed affordable/private tenure. The scheme proposes predominantly rear gardens along the western boundary which would abut the existing boundary fence of the Springfield Farm development. A handful of mature trees are dotted along the boundary. For reasons discussed later in this report, some of the new houses and associated parking areas are proposed to be close to these existing trees which would lead to future pressure to carry out works to the trees thus prejudicing their long term health. The eastern boundary with the wider countryside sees predominantly short terraces of two storey affordable homes with tertiary estate roads to the front and associated parking. This does not present such a soft and low-key development edge which is disappointing.
- 8.29 Within the development, the layout itself has a distinctly suburban estate character and it is not clear how this approach would reinforce and enhance the character and morphology of the village. The development includes a significant number of private drive cul-de-sacs which are often in relatively central parts of the site and do not promote an integrated and permeable layout for both pedestrians and vehicles. There are also numerous circumstances of poor connectivity for pedestrians which in places could see occupants of some new houses having to walk circuitous routes to their houses due to poor connectivity of roads and paths. For example, occupants of Plots 1, 44 and 84 could not walk directly to their homes when walking from the village without needing to walk over grass strips between paths. This is not appropriate particularly if this is solely to ensure that they can remain private drives rather than be designed to OCC's highway adoption standards.
- 8.30 The development itself is dominated by large detached houses. The absence of a significant number of semi-detached and terraced homes prevents the ability to form character areas within the development and results in buildings that struggle to hold and define corners within the development as well as leads to a repetitive typology of building form. Where variations in building typology are used, this is generally in relation to the affordable dwellings which only serves to distinguish them from the private dwellings within the development. Furthermore, the scheme proposes large areas of unbroken frontage parking to serve the affordable dwellings which would not sit comfortably within the remainder of the low density detached development where front gardens are common. This is particularly the case with respect to the cluster of affordable housing found along the eastern site edge which creates an enclave of higher density housing segregated from the rest of the development and which would feature a noticeable change in building typology and a streetscene dominated by hardsurfacing.
- 8.31 The development also proposes the diversion of an existing public footpath that runs from the northwest corner through to a mid-point along the eastern boundary which then continues through neighbouring fields down to Blackthorn. The newly aligned public footpath is proposed to be rather unceremoniously routed from its current alignment so that it instead runs around the edge of the development along the site's northern and eastern boundaries. Officers concur with the views of OCC in finding this approach to be objectionable given that it clearly fails to respect this existing public route and officers see no reason why the development could not be designed to properly incorporate this existing site feature on a similar alignment so that it could be embraced in the interests of amenity and permeability rather than seek to relegate it outside of the main development on a far less commodious route. Officers do not accept that such an approach engenders accessible and permeable new development that respects existing routes contrary to the requirements of Policy ESD15 of the CLPP1 as well as Government guidance set out in Circular

01/09. Notwithstanding officers' position on this planning application, in the event that planning permission was to be granted, a footpath diversion order would still be required before any work took place to the public footpath and this follows a separate legal process, the result of which cannot be guaranteed.

- 8.32 The application proposes a number of house types – both private and affordable. A variety of external materials are also proposed including mainly a red brick, light/cream render as well as occasional reconstituted stone houses. Both Policy ESD15 of the CLPP1 as well as national policy in the NPPF promote the importance of local character and distinctiveness as part of good design. The applicant proposes a generically traditional style and form of house types as part of the development which unfortunately does not take the opportunities available to ensure that the development complements traditional vernacular architecture found within Cherwell District which is generally simple in style and design detailing. Whilst some other mid-twentieth century and more modern development is found in the immediate area, this is not reflective of traditional local architecture either and both current local and national planning policy attach great weight to the importance of reinforcing and complementing local character rather than setting the benchmark as replication of the nearby lowest common denominator.
- 8.33 The houses proposed within the development however demonstrate neither the incorporation of vernacular design detailing nor any consistency or rhythm to such detailing with the result that the development lacks architectural interest and integrity. The proposed affordable units are the poorest examples of this – some of the houses have awkwardly shallow roof pitches and many of them feature peculiar fenestration patterns both in terms of siting of windows as well as their sizes. Entrance doors are also often set strangely close to side walls leaving the front elevations appearing particularly unbalanced and incongruous. Perhaps by design or perhaps more deliberately, unlike some of the private dwellings none of the affordable units feature chimneys and so lack vertical interest to break up their bland form and details. The affordable units also do not see anything other than simple flat canopy porches which does not assist in breaking up the bland elevations. Whilst the siting of affordable dwellings in a prominent position in the northwest corner of the site would normally be welcomed, in this case the bland apartments proposed are inappropriate where instead a high quality locally distinctive building should be provided to deliver an appropriate gateway to the development and interface with the public realm. All of the proposed houses – both private and affordable - feature fascia and barge boards along the eaves/verges of the roof which, whilst common to houses on the Springfield Farm development, is not locally characteristic and could be easily omitted. A handful of the house types proposed along Blackthorn Road are also proposed to be 2 ½ storeys in height and these appear to have an extensive roof slope together with flat roof dormer windows that make them appear akin to townhouses and therefore incongruous amongst other proposed houses along Blackthorn Road.
- 8.34 In addition to the inappropriate design detailing, the proposed development also lacks legibility as a result of the seemingly random use of external materials and design features. A combination of three different external materials are proposed and with no clear sense of intention through which to create either distinct or subtle character areas together with transitions between streets. Brick switches to render and then to reconstituted stone simply to add variety rather than achieve a particular underlying cohesiveness to the design and layout. The development therefore lacks a simple legibility to its architectural approach that could help prevent it from appearing otherwise than as simply another low density generic suburban housing development. The same approach is evident in the use of the proposed canopy porches. Some houses are shown to feature GRP flat roof structures, some have faux half-timber gabled canopy porches and others have expansive hipped roof

structures. New streets and developments should be designed to have an appreciable and underlying set of architectural principles rather than a random smattering of house types that have been designed in isolation rather than to integrate collectively.

- 8.35 Consequently officers have significant concerns for the above reasons about the proposed design approach which it's considered would give rise to a poorly articulated relationship with Blackthorn Road and the wider countryside whilst failing to take the opportunities available to promote a cohesive and locally distinctive character to the architecture and built form of the new development. Furthermore, officers have substantial concerns regarding the proposal's failure to successfully incorporate existing important site features such as boundary trees and the public footpath as well as the overall lack of permeability within the development itself which fails to promote pedestrian movement and integration. Therefore officers have found that in this regard the proposals fail to accord with the requirements of Policy ESD15 of CLPP1, Policy C28 of the CLP 1996 as well as national policy and guidance set out in the NPPF and PPG.

Affordable Housing and Mix of Dwellings

- 8.36 Policy BSC3 of the CLPP1 requires 35% of new dwellings on housing developments of this size to be secured as affordable housing to contribute towards meeting local priority housing needs and delivering mixed and balanced communities. Whilst the Government is looking at increasing the scope of what constitutes affordable housing, adopted planning policy requires this to be a mix of social/affordable rent and intermediate tenure. The applicant is proposing 35% of the dwellings to be affordable units and this is welcomed.
- 8.37 Whilst the application identifies the proposed affordable units, it provides no detail on what tenure these dwellings would be and so it is not possible to assess whether each would be suitable to meet current housing need or prove viable for an Registered Provider (RP) to purchase. Furthermore, the proposed mix of affordable dwellings features a comparatively high proportion of 3 bedroom homes which is not reflective of current housing need which has seen a marked reduction in demand for larger houses in light of changes to housing benefit and associated under-occupancy charge – colloquially known as the 'bedroom tax'. The mix of affordable homes proposed is therefore not suitable to make the necessary contribution towards ensuring that those with priority housing needs in the District are met and as such the scheme is in conflict with the requirements of Policy BSC3 of the CLPP1 in this respect.
- 8.38 Policy ESD15 of the CLPP1 requires, inter alia, that new development achieves high quality design that delivers attractive and durable places to live in a way that promotes integrated, holistic communities. The Planning Practice Guidance (PPG) in paragraph ID: 26-039-20140306 provides additional design guidance with respect to housing developments and adds that *'in well-designed places affordable housing is not distinguishable from private housing by its design, nor is it banished to the least attractive part of the site'*. Officers however are concerned that a large proportion of the proposed affordable homes are unduly clustered within an enclave at the eastern edge of the site and therefore not well distributed within the development to help achieve a mixed and inclusive new community. Furthermore, as a result of the substantial predominance of large detached family housing as the private dwellings, the simple terraced and semi-detached affordable units will be particularly conspicuous rather than blend in. In comparison to the private dwellings the affordable units are also of a particularly bland design and feature little of the architectural detailing added to the private dwellings such as chimneys, quoins, mono or dual pitched canopy porches, decorative brick bands etc. Whilst officers recognise that alternative parking arrangements are often proposed for affordable

dwellings given that RPs prefer not to have garages given the additional maintenance cost, the treatment of some of the proposed car parking is also rather at odds with the approach taken for the market homes given the large areas of unbroken frontage parking. This further distinguishes the market homes from the affordable homes and contributes towards the failure to successfully integrate all tenures of housing to form a cohesive new community. In this respect officers are also unsatisfied with the affordable housing provision proposed which is considered to be in conflict with the requirements of Policy ESD15 of the CLPP1 as well as Government guidance.

- 8.39 Policy BSC4 of the CLPP1 reflects national policy set out in paragraph 50 of the NPPF by providing for a mix of housing to meet current and projected future need. 75% of the proposed market housing is however 4+ bedrooms in size whereas the conclusions derived from the Oxfordshire SHMA indicate that the need in Cherwell District over the next 15-20 years is predominantly for 2 and 3 bedroom dwellings as set out in the supporting text to Policy BSC4. The large family homes that are proposed are also detached houses, often with double garages, which is far removed from the smaller more affordable dwellings that are in greatest need.
- 8.40 Consequently officers have found that both the size and type of market and affordable homes proposed would not respond to the identified housing needs of the District contrary to the requirements of Policies BSC3 and BSC4 and national policy set out in paragraph 50 of the NPPF. Any benefits associated with the provision of new housing are therefore also reduced given that the proposed housing does not make a significant contribution to addressing local need.

Flood Risk and Drainage

- 8.41 Policy ESD6 of the CLPP1 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 8.42 A site-specific Flood Risk Assessment (FRA) has been submitted alongside the application. The Environment Agency's flood maps indicate that none of the proposed new homes are within a higher risk flood zone. However, such mapping is not based on detailed hydraulic flood modelling and neither does it take into account flooding from other sources than rivers and canals. The FRA indicates that a small handful of new dwellings are located within Flood Zone 2 (1 in 1000 year flood event) and two dwellings are within Flood Zone 3 (1 in 100 year flood event). The applicant recognises this and proposes level for level flood compensation storage by essentially undertaking ground works that would see flood risk increase elsewhere within the site to ensure the new homes previously in Flood Zones 2 and 3 are in Flood Zone 1 (i.e. less than 1 in 1000 year flood risk). This is a commonly adopted approach though no consultation response has been received from the Environment Agency to confirm that they are satisfied with the detail of the work proposed.
- 8.43 However, the starting point is to avoid development in higher risk flood zones and steer new development to lower risk flood zones. In accordance with both Policy ESD6 of the CLPP1 as well as the NPPF (using guidance in the PPG), it is necessary to apply a Sequential Test to determine whether there are suitable alternative sites at lower risk of flooding to accommodate the development and the area to apply the Sequential Test across needs to be defined by local circumstances having regard to the specifics of the proposal as well as development plan policies. The applicant has not attempted to assess the availability of other sites or considered the application of the Sequential Test. The PPG (Reference ID: 7-034-20140306) however states that it is the developer's responsibility to justify with

evidence what area of search has been used as part of making the application. Officers are of the view that there will no doubt be countless other suitable and available sites elsewhere across the Category A settlements that are not wholly or partly within Flood Zones 2 or 3. Furthermore, given that the Council can demonstrate 5+ years of housing supply within the District, there is no overriding reason to take a light-touch approach to considering the area of search or conclude that the needs of new housing outweigh the potential vulnerability to flooding. Given that the proposed development is considered to fail to pass the Sequential Test there is no need to apply the Exception Test to those dwellings within Flood Zone 3 as there is considered to be no demonstrated and overriding need for the dwellings to be located in such a flood zone.

- 8.44 In summary on this matter, whilst there is no evidence that the proposals would increase flood risk outside the development, some of the proposed dwellings would be susceptible to flooding in major storm events and thus within higher risk flood zones. Whilst the proposal to apply flood compensation storage is recognised, the starting point is to avoid new development in such higher risk flood zones rather than reconfigure the land to reduce flood risk in parts of a site. New development should therefore avoid development in Flood Zones 2 and 3 in preference of sites in Flood Zones 1. Officers consider it to be likely that there are a whole host of other sites at lower risk of flooding across Category A villages that might be suitable and available to accommodate residential development and therefore no need to propose new homes in areas at high risk of flooding particularly given the sufficient supply of housing in the District at the present time.

Ecology

- 8.45 Policy ESD10 of the CLPP1 seeks the protection and enhancement of biodiversity and the natural environment including trees, valuable ecological habitat and priority/protected species. This is reflective of national policy set out in the NPPF which, inter alia, seeks net gains for nature through the planning system. Policy Villages 2 is also material in this respect as one of its criteria for assessment of rural housing developments is whether the proposals would avoid significant adverse impact on wildlife assets. The Council also has statutory duties to both have regard to the purpose of conserving biodiversity as well as considering whether adequate provision is made for the preservation or planting of trees.
- 8.46 The entirety of the site also lies within the designated River Ray Conservation Target Area (CTA) and Policy ESD11 resists development that would be at odds with the purposes of the designation whilst also requiring biodiversity enhancement to help achieve the objectives of the CTA.
- 8.47 An ecology report has been submitted as part of the application and has been undertaken in accordance with appropriate methodology. As the proposals involve the loss of arable habitat which is of low ecological value and the retention of habitats of higher value (in particular the boundary hedgerows, all trees and the pond in the north east corner) the proposals should not have a significant adverse impact on biodiversity. However there is the potential for protected species to be impacted during construction, in particular nesting birds (including ground nesting species) and reptiles. Appropriate measures have been outlined in section 6.5 of the submitted ecology report to safeguard protected species though full details would be needed by condition (a Construction Ecological Management Plan) if planning permission was to be granted. On the subject of trees on and off the site, whilst it is the proposed intention to safeguard all existing trees, there remains some doubt about the potential implications for a number of the Oak and Ash trees along the western boundary given their proximity to some of the new development. Harm to these trees would reduce higher value habitat on the site and diminish ecological

benefits. This matter will however be covered in more detail in the next section of this report.

- 8.48 As the site is part of the River Ray CTA, the proposals should make every effort to provide biodiversity gain to support the habitats and species associated with the CTA in line with the requirements of Policy ESD11. The habitat restoration and enhancement measures detailed in section 6.2 to 6.7 of the ecology report are welcomed, including sensitive management of existing hedgerows and the proposed hedgerows, and sensitive management of the grassland and restoration of the existing pond. If planning permission was to be granted, conditions requiring details of a soft landscape scheme would be required to ensure the proposed new planting is appropriate to sustain/enhance the species found in the CTA.
- 8.49 In line with planning policy objectives to enhance biodiversity within the RTA, the balancing ponds/basins should be designed to be permanent water features (either to hold water all year round or at least most of the year round) for wildlife such as amphibians, reptiles, invertebrates etc. This would also contribute towards the Oxfordshire Biodiversity Action Plan Targets to create ponds within this CTA. Further details of the ponds could be secured by condition as part of requirements for approval of a surface water drainage scheme to serve the development. With respect to the public amenity space proposed to the southern half of the development, increased areas of wildflower grassland cut twice a year would also be recommended in place of some of the amenity grassland areas where possible. In order to achieve suitable long term management of retained and new habitats on the site, a combined ecological and landscaping scheme (LEMP) would need to be secured by condition if planning permission was to be granted. The LEMP should identify responsibility for the long-term management of the site to secure future appropriate management and monitoring. The LEMP should also include details of locations/types of bat and bird boxes as an enhancement for these species in line with the NPPF and local plan policy with the aim of achieving a net gain in biodiversity.
- 8.50 Artificial lighting is inevitable as part of a development of this size and nature. In order to ensure the effect on nocturnal wildlife is minimised, a lighting strategy would be needed to be secured by condition to ensure that it is sensitively designed to retain dark corridors for commuting/foraging bats.
- 8.51 In conclusion on the subject of ecological impacts, officers are satisfied that subject to conditions, habitat can be conserved and enhanced as part of the development to achieve a net gain in biodiversity in accordance with the requirements of Policies ESD10 and ESD11 of the CLPP1 as well as national policy contained in the NPPF.

Trees/Landscaping

- 8.52 Policy ESD15 of the CLPP1 requires new development to respect local topography and landscape features including significant trees, hedgerows and views. Policy ESD10 has similar requirements including the objective of protecting existing trees as well as increasing the number of trees overall within the District.
- 8.53 As already detailed previously, the vast majority of important soft landscape features are proposed to be retained as part of the development both in the interests of the character and appearance of the area as well as nature conservation. To achieve vehicular access to the development the existing central gap in the hedgerow along Blackthorn Road will need to be widened hence some loss of this landscape feature. However, a similarly sized gap further to the northeast is proposed to be closed up with new native hedgerow planting which should mitigate the impact.

- 8.54 As the southern extent of the application site is not delineated by a hedgerow (as the site is part of a larger field) there is the opportunity to include further native hedgerow planting whilst also softening the visual impact of the development in views from the countryside to the south. Such new planting would need to be secured via a condition requiring the submission, approval and implementation of a scheme of landscaping.
- 8.55 However, a number of mature Oak and Ash trees are located along the western boundary with the adjacent Springfield Farm residential development. Plots 69 and 70 feature gardens that would be significantly overshadowed by the canopies of these trees and which would see them under pressure to be lopped or even felled in the future. Furthermore, rather significant areas of hardsurfacing are proposed within the root protection areas of these trees and even if no-dig construction methods were used, this would cover a significant area and the resultant relationship would be poor. For this reason officers are concerned that the proposals would not properly safeguard existing features of landscape value contrary to the requirements of Policies ESD10 and ESD15 of the CLPP1.

Impact on Neighbouring Properties

- 8.56 Policy ESD15 of the CLPP1 requires consideration to be given to the amenity of both existing and future occupants of buildings as part of development proposals. Policy C30 of the CLP 1996 has similar requirements. These reflect one of the core planning principles set out in the NPPF – namely that the planning system should seek to secure a good standard of amenity for all occupants of land and buildings.
- 8.57 It is only at the site's western boundary that the proposed development would be adjacent to existing residential development. These existing homes are part of the Springfield Farm development and constructed in the last 2-3 years. In the main, the new dwellings along the western boundary are proposed to be separated from existing houses by a generous distance which should ensure no materially harmful loss of privacy, light or outlook for occupants of the existing dwellings. Whilst plots 73-75 are closer to the boundary they are orientated parallel to adjacent existing houses and so there is no opportunity for direct overlooking.
- 8.58 Plots 69 and 70 do however get a little closer to the western boundary and, as mentioned previously, are in close proximity to existing trees. Nevertheless, even these new dwellings are separated by approximately 25m from the rear wall of the nearest existing property – No. 24 Poppy Close. Given that the new houses are typical two storey homes, this exceeds the 22m back-to-back distances expected as part of residential developments having regard to the Council's Home Extensions and Alterations Design Guide. There are also existing mature trees separating the new and existing dwellings which should provide some additional screening albeit officers have raised some concerns about the implications for a couple of these trees in the long term but even if this is the case, this should not be sufficient to make the proposed relationships between the new and existing houses unacceptable.
- 8.59 Consequently officers have concluded that the proposed development adequately safeguards established residential amenity in accordance with the requirements of Policy ESD15 of the CLPP1, Policy C30 of the CLP 1996 and national policy set out in the NPPF.

Quality of New Dwellings

- 8.60 Policy ESD15 of the CLPP1 together with Policy C30 of the CLP 1996 require acceptable standards of amenity as part of new development. A review of the plans and drawings indicates that all new proposed homes would provide sufficient quality and quantity of internal floorspace to provide reasonable living conditions for future

occupants. Furthermore, all homes are shown to be served by private gardens and whilst a handful of the gardens shown to serve some of the affordable dwellings are a little small, they are still considered to be proportionate and appropriate to the houses they serve particularly given the proximity to a large new area of public amenity space as part of the development. Plots 71 and 72 constitute 1 bedroom flats and together share a very small private garden. However, given the size of the dwellings, likely nature of occupants as well as the close proximity to the large new public amenity area, this level of private outdoor space is considered to be acceptable. All new homes are also shown to be served by dedicated parking spaces (either on-plot or parking court) at a level proportionate to the size of the dwellings together with visitor car parking opportunities throughout the development. All new homes also have sufficient space for the provision of bin and cycle storage facilities in rear gardens to avoid unsightly clutter along streets.

- 8.61 Consequently officers have concluded that the standard of living conditions proposed as part of the new development is appropriate and in accordance with the requirements of development plan policies.

Energy Efficiency/Sustainability

- 8.62 Policy ESD3 of the CLPP1 is no longer up-to-date with national planning policy given the cancelling of zero carbon national policy as well as Code for Sustainable Homes (CfSH). However, building regulations are in the process of incorporating the energy performance standards inherent to Level 4 of the CfSH though this is not yet the case. In the meantime, and in accordance with the relevant Written Ministerial Statement, officers are recommending that development should achieve energy performance equivalent to the former Code Level 4. If planning permission was to be granted, a condition would be needed to this effect.

- 8.63 Policy ESD3 is however still up-to-date with respect to water efficiency. This requires new homes to be designed to achieve a limit of 110 litres/person/day. A condition would be required to this effect in the event that planning permission was to be granted.

On/Off Site Infrastructure

- 8.64 Policy INF1 of the CLPP1 requires development proposals to demonstrate that infrastructure requirements can be met to mitigate the impacts of the development including the provision of transport, education, health, social and community facilities.

- 8.65 With respect to on-site infrastructure, Policy BSC11 of CLPP1 requires the provision of general public amenity space as well as a Local Area of Play (LAP) and Local Equipped Area of Play (LEAP). The applicant has proposed a large area of public amenity space which satisfies the requirements of Policy BSC11 in this regard. However is not quite clear what specific type of play facility is proposed. Officers would expect to see a combined LAP/LEAP to serve a residential development of this size to ensure that there are the facilities necessary to serve the new children across a spread of age groups. Such provision would need to be secured through a legal agreement together with arrangements for future maintenance. There is no suggestion that the applicant is unwilling to provide this. It is also worthy of note that on some of the plans it is suggested that access across the proposed public amenity space is occasionally expected for farm vehicles to enable entry to an adjoining field. Officers are not satisfied that this is a suitable arrangement and could see public greenspace damaged by heavy farm vehicles which could prevent enjoyment and use by members of the public as well as maintenance liabilities. Officers therefore suggest that in the event that planning permission was to be granted that such public amenity space be secured only on the basis that it is free from encumbrances and inappropriate wayleaves/easements.

- 8.66 Policies BSC10 and BSC12 of the CLPP1 also require new residential developments to mitigate their impact on off-site indoor and outdoor sports provision in the local area where they would have an adverse impact on existing capacity. Officers have identified projects within the locality of Ambrosden for which financial contributions would need to be secured if planning permission was to be granted.
- 8.67 There is a vacant site for a community hall on the adjacent Springfield Farm development. A sum of approximately £22k was secured from that development together with the land. However, this leaves a substantial shortfall to the actual cost of such a facility together with initial maintenance costs. Seeking financial contributions in line with the Council's draft Planning Obligations SPD would deliver only about another £25k – still far short of the cost of the project. As a result, a community hall would still not exist and the development would not, in officers' view, mitigate itself in this regard. For this reason officers would recommend that if Members were minded to grant planning permission against officer recommendation that a financial contribution equivalent to the full residual sum for the community hall be sought in order to properly mitigate the impact of the proposed development. This would be likely to be in the order of £200,000. The applicant has not made a commitment to make such a contribution. The Council's Recreation and Leisure team has also sought a contribution towards the cost of a member of staff at the community hall. However, it has been established through a number of appeal decisions that such a cost is not appropriate to secure through a planning obligation given that it is not a capital project and officers therefore recommend that no such contribution is secured.
- 8.68 OCC has concluded that the proposed development would give rise to a need for increased capacity at the nearby Five Acres Primary School as well as additional demand for secondary school places. For this reason, in the event that planning permission was to be granted, OCC is seeking financial contributions towards capital projects in this respect to ensure increased capacity is delivered. OCC is also seeking a financial contribution towards increasing book stock at local libraries to serve the new population.
- 8.69 A combination of on and off site infrastructure needs to be secured through a legal agreement to mitigate the impact of the proposed development. Whilst the applicant has indicated support for provision of some of the above infrastructure, this has not been discussed in detail or informally agreed. Without the above infrastructure being secured through a legal agreement the proposed development would not deliver an appropriate quality of new residential development for its occupants and would have an unacceptable impact on existing public/community infrastructure and should be resisted.

Planning Obligation(s)

- 8.70 Where on and off site infrastructure/measures need to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development;
 - c) fairly and reasonably related in scale and kind to the development.
- 8.71 Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. To do so would potentially render any decision susceptible to legal challenge. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. The statutory

tests also ensure that planning permissions cannot lawfully be 'bought' by developers offering unrelated, disproportionate but nonetheless attractive contributions to try to achieve a planning permission that would otherwise not be granted. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.

8.72 Having regard to the above and notwithstanding officers' recommendation for refusal, in the event that Members were to resolve to grant planning permission, the following items would in officers' view need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to mitigate the impact of the proposed development:

Cherwell District Council

- Provision of public amenity space and future maintenance arrangements;
- Provision of a combined LAP/LEAP together with future maintenance arrangements;
- Maintenance arrangements for on-site trees, hedgerows, ponds, ditches and drainage features;
- Provision of 35% affordable housing together with 70:30 tenure split between affordable/social rented and intermediate housing;
- Financial contributions towards improvements to off-site indoor and outdoor sports facilities;
- Financial contribution providing the full residual sum necessary (currently undetermined) to complete the construction of a new community/village hall facility on adjacent Springfield Farm development.

Oxfordshire County Council

- Financial contributions towards increasing primary and secondary education capacity in the local area;
- Financial contribution to increase local library book stock;
- Secure £1000/dwelling (index linked) towards improving the frequency of the local bus service;
- Financial contributions to cover the legal costs associated with making TROs;
- Financial contribution towards the costs of monitoring the Travel Plan;
- £15,000 towards improvement of public footpath 131/7;
- To secure entry into a s278 agreement (Highways Act 1980) to deliver new vehicular access, combined footway/cycleway and speed limit changes together with associated village entry treatments.

8.73 In addition to the above, the applicants have offered to provide further financial contributions towards replacement railings elsewhere in the village and a scheme to alleviate on-street parking problems on Merton Road. These have apparently been discussed directly with Ambrosden Parish Council. Officers consider these financial contributions to be neither necessary to make the development acceptable in planning terms nor directly related to the impact of the proposed development. As such, they would not meet the statutory tests of a planning obligation and to attach weight to these offers would therefore be unlawful. Nevertheless, whilst Members cannot have regard to them in their decision making, if Committee were to resolve to approve the application then they could be secured within the legal agreement.

8.74 In its representation Blackthorn Parish Council asked the Council to have regard to the potential ability to seek funds towards diversion of the S5 bus service as part of considering this application so that it routes through Blackthorn. However, not only would OCC be likely to object to diverting this 'express' service through a small village (and therefore slowing its journey time) it is not clear how such a diversion

would be directly related to mitigating the impact of this proposed development. Consequently officers do not recommend that this is taken any further.

Other Matters

- 8.75 The proposed development has the potential to attract New Homes Bonus of £480,643 over 4 years under current arrangements for the Council. Local finance considerations such as this can be material in the determination of planning applications. A local finance consideration includes, inter alia, a grant or other financial assistance that would or could be provided to a relevant authority by a Minister of the Crown such as New Homes Bonus. However, Government guidance set out in the PPG is clear that whether a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. Government guidance goes on to state that *'it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.'*
- 8.76 In the case of the proposed development, it is not clear how the New Homes Bonus payment would either directly or indirectly make the development acceptable in planning terms. As a result it should not be afforded material weight in the determination of this application. In any event, officers do not think it appropriate that the harmful impacts of a development should be balanced against direct financial gain for the Council and to do so would jeopardise public confidence in the planning system.

9. PLANNING BALANCE AND CONCLUSION

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. For reasons already explained in this report, the proposed development would lead to unnecessary development of open countryside and the overprovision of new housing in a single rural settlement early in the plan period to the detriment of the sustainable housing growth strategy of the development plan. Furthermore, the proposals are not considered to result in high quality design that respects the character and appearance of its context and would unjustifiably result in new housing in areas of higher risk of flooding. Moreover, the proposed development has been found to exacerbate existing severe congestion on the local road network without proposing adequate mitigation and fails to commit to adequately mitigate its impact on other local public infrastructure. For this reason, the proposals are considered to be in conflict with the overall development plan and numerous specific planning policies within it. For this reason and in accordance with relevant legislation, planning permission should be refused unless material considerations indicate otherwise.
- 9.2 As current central Government planning policy, the NPPF is a material planning consideration of significant weight. The NPPF reinforces the plan-led system and reaffirms that the starting point is to refuse planning permission where a proposal is contrary to the development plan. The CLPP1 was produced, examined and adopted post publication of the NPPF and both its strategy and planning policies are therefore up-to-date. Moreover, as the District can demonstrate a minimum five year supply of housing delivery, the housing supply policies within the CLPP1 are also up-to-date and full weight must be afforded to them. As the proposals have been found to be in conflict with an up-to-date development plan, paragraph 14 of the NPPF is not engaged and so the harm identified does not need to significantly outweigh benefits in order to justify refusal.
- 9.3 Nevertheless, the NPPF is still a material planning consideration and it is necessary to consider where national policy within it would indicate coming to a different

decision than to follow the provisions of the development plan and refuse planning permission. At its heart the NPPF includes a presumption in favour of sustainable development and as such there may be occasions where a proposal is in conflict with the development plan but nonetheless considered to be sustainable given that it delivers a combination of environmental, social and economic benefits that outweigh its harm. Recent court judgements have however concluded that such a case must be compelling and supported by very clear evidence in order to justify overriding conflict with an up-to-date development plan given that this represents the adopted sustainable growth strategy for an area.

- 9.4 The proposals would generate some economic benefits by providing construction employment and add a new population to the local economy. The development would also add to the civilian community of the village which would add to community cohesion given the current the lack of integration resulting from the large military community. It would also add to the supply of housing and genuine weight should be attached to this though given the generous supply of housing in the District the weight should not be significant. Whilst new on-site play areas and amenity spaces as well as financial contributions towards off-site improvements would be sought, these have not yet been committed to by the applicant and in any event would technically only mitigate impact and not deliver benefits though the wider public may benefit from use of a new community hall and improved surface to the public footpath. New Homes Bonus would also be received from the Government which could potentially deliver some local social, economic and/or environmental benefits dependent on how the Council would choose to spend such funds. Some net ecological benefits could be delivered too through securing provision and management of new habitat on the site which would assist in the objectives for the designation of the River Ray CTA.
- 9.5 The proposals would however result in significant environmental, economic and social harm for reasons already discussed in this report. Officers' consider that such harm would substantially outweigh the abovementioned benefits associated with the development such that the proposals cannot be considered sustainable. As a result, the presumption in favour of sustainable development inherent within the NPPF does not apply in relation to these development proposals with the result that there is no reason for departing from the development plan. As a consequence, and in the absence of any other material planning considerations indicating to the contrary, planning permission should be refused.

10. RECOMMENDATION

- 10.1 The Planning Committee should resolve to refuse to grant planning permission for the following reasons:

1 That cumulatively with other recently approved/delivered new housing developments, the proposed development would cause the level, scale and intensity of new housing growth in the village of Ambrosden to be inappropriate and significantly prejudicial to the objectives of the strategy inherent within the Cherwell Local Plan 2011-2031 Part 1 and Policy Villages 2 to distribute limited housing growth across the rural areas over the plan period to enable all settlements to participate in sustainable growth.

2 Having regard to the District's strong housing supply and delivery position both generally within the urban and rural areas, the proposals would result in the unnecessary development of greenfield land forming part of the open countryside and are therefore detrimental to the intrinsic natural beauty of the countryside. The proposals therefore conflict with the requirements of Policy Villages 2 and ESD13 of the Cherwell Local Plan 2011-2031 Part 1 as well as Policy C8 of the Cherwell Local

Plan 1996 and Government guidance contained in the National Planning Policy Framework.

3 The proposed development would result in an inappropriate over provision of large detached family homes that does not respond to objectively identified housing need within the District. The proposals thus fail to deliver a suitable size and type of new market homes on the site contrary to the requirements of Policy BSC4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance in the National Planning Policy Framework. The proposals also fail to provide a sufficient mix of affordable housing to meet the priority housing needs of the District and fail to provide any detail on the proposed tenure mix thus preventing an assessment of the suitability of intermediate and rented affordable units for future transfer to a Registered Provider. Consequently the proposals also fail to accord with the requirements of Policy BSC3 of the Cherwell Local Plan 2011-2031 Part 1 in this regard.

4 The proposed development would result in a poor quality distribution of affordable housing throughout the site as well as such housing being overtly distinguishable from the open market dwellings by virtue of their form and appearance which in this case is only exacerbated by the predominance of large market housing throughout the development. Consequently the proposals would fail to help achieve mixed, balanced and inclusive communities contrary to the requirements of Policy BSC3 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance set out in the National Planning Policy Framework and Planning Practice Guidance.

5 The proposals would result in a number of new dwellings being located within land identified to be in Flood Zones 2 and 3. The applicant has not submitted any information to demonstrate that the proposals would accord with either the sequential or exception tests. Notwithstanding this, given the Council's ability to demonstrate at least a five year supply of housing as well as the inevitable availability of other sites in the immediate rural areas, the development in the higher risk flood zones cannot be considered to be justified and thus is in conflict with the requirements of Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance set out in the National Planning Policy Framework.

6 In the absence of a robust Transport Assessment and lack of proposed off-site highway improvements, the proposals must be assumed to give rise to additional traffic at the Ploughley Road/A41 junction which would compound existing severe traffic congestion and thus have a further adverse impact on the safety and operability of this junction to the detriment of drivers and other users of the local road network. In this regard the proposals are therefore found to be contrary to the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

7 The proposed development would result in the significant and circuitous diversion of an existing public right of way rather than seek to incorporate it successfully within the development. The proposals thus fail to safeguard the existing public right of way to the detriment of public amenity and the promotion of permeable and access places. In this respect the proposals are in conflict 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 as well as DEFRA Circular 1/09.

8 As a result of the lack of a clear consistent frontage of new development on Blackthorn Road, proximity to existing trees and vegetation along the western boundary, lack of permeability of roads/streets, absence of creating legibility through

inappropriate use of design detailing and external materials as well as large unbroken areas of frontage hardsurfacing, the proposed development fails to respect and complement the character of its context to create inclusive and high quality design contrary to the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policy C28 of the Cherwell Local Plan 1996 and Government guidance set out in the National Planning Policy Framework.

9 Having regard in particular to the external appearance of the proposed affordable units, the proposed development fails to take the opportunities available to promote and enhance local architectural character and distinctiveness and in the case of the apartments of Plots 76-79 proposes a large poor articulated and bland building in a highly prominent position within the site. Moreover, many of the proposed market homes continue aspects of the inappropriate design detailing and thus also fail to take the opportunity available to reinforce established positive local character contrary to the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance set out in the National Planning Policy Framework.

10 In the absence of a satisfactory completed legal agreement, the development fails to adequately provide for on and off-site infrastructure necessary to mitigate its impact including in terms of provision/maintenance of the following: affordable housing, play and public amenity facilities, indoor/outdoor sports facilities, community facilities, access and transport mitigation, on-site drainage features, primary and secondary education and library book stock. As a consequence the proposed development would lead to unacceptable on-site conditions as well as significant adverse impact on wider public infrastructure to the detriment of the local community contrary to the requirements of Policies BSC9 and INF1 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance in the National Planning Policy Framework.

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