

Applicant: Hallam Land Management Ltd

Proposal: Up to 130 dwellings; open spaces for recreation (including children's play spaces and outdoor sports); a sports pavilion; community orchard and allotments; new vehicular and pedestrian access off Blackthorn Road and associated landscaping, parking, engineering works (including ground re-modelling), demolition and infrastructure

Ward: Bicester South And Ambrosden

Councillors: Cllr David Anderson
Cllr Nick Cotter
Cllr Dan Sames

Reason for Referral: Major development

Expiry Date: 24 March 2017

Committee Date: 3 August 2017

**Extension of Time
agreed:** 4 August 2017

Recommendation: Refuse

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises 17.1ha of generally flat agricultural land on the north eastern edge of the village of Ambrosden. The site is bound by Blackthorn Road to the south east and the B4011 to the north east. The site adjoins existing (former MOD) residential development and the Bicester Garrison Officer's Mess to the south and south west. The site extends into agricultural fields to the north west and the wider surrounding area to the north east and south east beyond the B4011 are also in agricultural use.
- 1.2. The site is bound by established mature hedgerow with some trees and tree groups and a drainage ditch runs along the boundary with Blackthorn Road.
- 1.3. A public bridleway runs from Ploughley Road up through and to the rear of houses on West Hawthorn Road and through the north western part of the application site towards the B4011.
- 1.4. Part of the site is designated as an area of archaeological interest.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks outline planning consent for the development of the site for up to 130 residential dwellings. All matters are reserved except access.

- 2.2. The Illustrative Concept Plan proposes that the development would be split into two areas with a defined residential development area of 4.2ha located closest to Blackthorn Road. This indicates a density of 31dph and assumed provision of 46 affordable homes (35%).
- 2.3. The remaining 13ha site area is proposed to provide landscaping and community facilities in the form of formal and informal leisure and recreation including sports pitches and associated sports pavilion, allotments and community orchard.
- 2.4. The application was scheduled to be considered by Planning Committee members at the April 2017 Planning Committee meeting but was deferred at the request of members to enable further negotiations to take place.

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>
16/00190/PREAPP	Pre-Application Advice - Residential development of up to 130 new dwellings open spaces for recreation including children's play spaces and outdoor sports a sports pavilion community building community orchard and allotments new vehicular and pedestrian access off Blackthorn Road and associated landscaping, parking, engineering works, including ground remodelling and infrastructure

- 4.2. Officers raised concern regarding the extent of the site and the number of houses proposed relative to recent rates of construction within the village. Concern was also raised relating to the landscape and visual impact of the development and transport and highway matters. Officers concluded that positive support could not be given based on the planning policy considerations.

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 02.02.2017, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. No comments have been received by third parties.

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 – No Objection

The Parish Council support the application subject to confirmation and guarantee that the proposed community facilities are provided for the Parish. The provision of traffic calming and road humps on Blackthorn Road is also supported.

Blackthorn Parish Council – Objection

The Parish Council has concerns over the impact on drainage due to the gradient of the land and increased demand on existing culverting from new developments.

Cherwell District Council (Internal Consultees):

Planning Policy – Ambrosden is one of the district's more sustainable villages and has been making a contribution to both meeting overall plan requirements (2011-2031) and Policy Villages 2 requirements (2014-2031). There is some concern that the current proposal would result in over-dependence on Ambrosden for meeting rural housing needs over the plan period, thereby providing less opportunity for homes to be provided in other sustainable rural locations in accordance with the Local Plan. There is no pressing housing need for additional land release at this time. Detailed consideration would need to be given as to whether the proposed development would be out of scale with the village (having regard to any cumulative impact) , and to whether it could lead to some coalescence with neighbouring Blackthorn, The proposals would also result in the loss of open countryside.

Strategic Housing – The application is subject to a 35% affordable housing requirement equating to 46 units. Of those 46 units, 70% should be for affordable rent and 30% for shared ownership. An indicative mix is provided as follows;

Affordable Rented

8x1b2pM
16x2b4pH
6x3b5pH
1x4b6pH
1x3b5pB

Shared Ownership

12x2b4pH
2x3b5pH

The units should be in clusters of no more than 15 units. The 2, 3 and 4 bed units should have a minimum of 2 parking spaces each.

The affordable units will need to be built to the government's Nationally Described Space Standard (Technical Housing Standards).

50% of the rented units will need to meet Building Regulations Requirement M4 (2) Category 2: Accessible and Adaptable Dwellings requirement. The bungalow will need to meet Building Regulations Requirement M4 (2) Category 3: full wheelchair dwelling standards.

The Registered Provider which takes on the affordable housing should be discussed and agreed with the Council.

Recreation and Leisure – The following contributions will be sought for on-site and off-site provision as follows;

Sports Facilities Provision: A minimum on-site requirement of 0.351ha. The proposed sports pavilion is to be built in line with current Sport England guidelines

and sports pitches must have adequate drainage and meet all other Sport England guidelines.

An off-site contribution is required towards increasing the capacity of Bicester Leisure Centre or other indoor facilities in Bicester. Based on 130 dwellings x 2.39 person x £314.26 per person = £97,640.58

Community Halls Provision: A contribution is required 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.

Public Art Provision: There will be a requirement to provide public art either on site to enhance a new communal area of community resource or off site to encourage community cohesion and improve cultural infrastructure. A sum of £150 per dwelling will be sought with an agreed public art plan, sited on all public art commissioning or a £200 per dwelling contribution to enable CDC to take on development and delivery of appropriate public art intervention.

Landscape Officer – Initially responded that the Landscape and Visual Impact appraisal is a comprehensive landscape study that requires further clarification of the landscape and visual effects with photomontages/visualisations in respect of the localised views from the PRoW 131/6/10 to the east. This evidence then needs to be assessed against the current Masterplan with proposed ridge heights, scale and massing of the dwellings including informal open space, sports pitch, play area etc..

Following this response, further information was provided by the applicant which the landscape officer considered to have clarified the potential landscape and visual implications and the mitigating growth of the proposed planting on the eastern boundary and agreed that there would be no adverse visual impact.

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

Tree Officer – The tree survey gives adequate consideration to the scheme, yet we would hope to see further liaison between the developer/Authority to ensure adequate delivery of the scheme over the course of any works.

Ecology Officer –
Biodiversity impact

The ecological appraisal states that the overall biodiversity value of the retained open space will be maximised via the creation of adjacent attenuation ponds. These

will be designed to have shallow margins that will either be planted using a wetland/marginal seed mix such as British Seed Houses WFG9 or similar or alternatively marginal vegetation will be allowed to establish naturally. The BIA indicates that the proposed attenuation ponds will be acid/neutral flush habitat; however this is unlikely to be achievable as flush habitat typically supports species-poor vegetation consisting of Sphagnum (moss) carpet and typically is found in mire habitats and associated with water flow. Similarly the existing habitat adjacent to the southern boundary hedgerow is likely not to be flush habitat from the description in the report, but swamp habitat. However, overall this does not have an impact on the BIA calculation and the development is still expected to result in an overall net gain to biodiversity, which is welcomed in line with NPPF.

The habitats on site of most value include swamp habitat, semi-improved grassland and the existing hedgerows, which provide suitable habitats for a number of protected species. The grassland of the south-eastern grassland has a moderate species diversity, containing species including ragged robin, meadow buttercup and red clover. The two new attenuation ponds should be carefully designed and managed to provide biodiversity gain, by providing water bodies which provide standing water all year round, as habitat for species such as amphibians, reptiles and invertebrates.

The BIA also proposes the creation of 3.45 ha of semi-improved grassland in moderate condition and the enhancement of 3.6 ha of existing improved grassland to restore this to semi-improved grassland in good condition. It is not clear where the grassland habitats are located, however I presume that the grassland in good condition is within the northern open space area of the site where there is scope to reach the target condition of "good". The grassland will need to be appropriately managed through cutting/mowing after the wildflowers have set seed to allow a species diverse sward to develop, and all arisings removed. Full details of the management for the site should be provided in a Landscape and Ecological Management Plan (LEMP) and secured by **condition**.

Bats

The bat survey was undertaken in line with Bat Conservation Trust survey guidelines and included five transect surveys undertaken during 2014 - 2016 and use of static bat detectors in the same period. A number of bat species were recorded on site, comprising common pipistrelle, soprano pipistrelle, noctule, *Myotis* species, brown long-eared, barbastelle and indeterminate species. Barbastelle is a nationally rare species and listed on Annex II of the Habitats Directive. Although the majority of the existing hedgerows are proposed to be retained, all of Hedgerow H2 and sections of H4 and H7 will be removed. I generally agree with the conclusions drawn in the bat report. The site boundaries were found to be the most important foraging and commuting features for bats and these should be retained and enhanced through additional native planting within the development. I would also recommend a buffer zone of at least 2m from the hedgerows are maintained within the development to protect the hedgerows and maintain these as wildlife corridors.

One tree within the site, a semi-mature ash, was identified with bat roosting potential. An ash in the same location at the northern end of the southern boundary (T1) has been identified in the arboricultural report to be removed. We would recommend that should this tree require removal, a bat survey will be required prior to any works in line with the details of paragraph 4.13 of the ecological appraisal. Provided that the lighting design across the whole site is strictly controlled both during construction periods and within the design of the development, the proposals are not expected to have a significant impact on local bat populations. We would also recommend a bat box scheme for integrated bat boxes within the new buildings

(details to be included within the LEMP). We would recommend that the detailed lighting scheme is secured by **condition** of any approval granted.

Bird survey

Four red-listed bird species and three amber-listed bird species (species of conservation concern due to significant declines in populations) were recorded on site, including song thrush, linnet, skylark, yellowhammer, dunnock, reed bunting and willow warbler. These were all either probably or possibly breeding on site. As such the proposals will result in the loss of suitable habitat for farmland species skylark, yellowhammer, linnet and reed bunting. It will be important to ensure that works to remove trees and the hedgerows and also grassland (due to presence of skylark) are timed to avoid the nesting bird season (approx March to August). I would recommend such timing of works, along with appropriate mitigation measures for other protected species and the existing hedgerows, can be covered by a **condition** for submission a Construction Environmental Management Plan (CEMP) to be written by a suitably qualified ecologist in line with the British Standard for Biodiversity 42020:2013. Suitable mitigation to provide habitat enhancements for nesting birds, such as appropriate management of the existing hedgerows should be provided in the overall LEMP. A nesting bird box scheme, ideally to include integrated bird boxes on the proposed new buildings, should also be included within the LEMP with the aim of achieving no net loss for biodiversity. In light of nearby records, I would recommend this includes swift nest boxes or bricks, and the swift conservation officer would be happy to provide further advice to the applicant on this (www.cherwell-swifts.org/).

As such we would recommend that the following conditions be attached to any permission granted to safeguard protected species and sites and to achieve a biodiversity net gain as a result of the development:

K12 Nesting Birds: No Works Between March and August Unless Agreed

No removal of hedgerows, trees or shrubs nor ground clearance works, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

K20 Landscape and Ecological Management Plan (LEMP)

Prior to the [commencement of the/first occupation 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 Construction Environmental Management Plans (CEMP) for Biodiversity

Prior to the commencement of the development hereby approved, including any demolition and 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.

Waste and Recycling – The developer will have to satisfy the local authority that they have adequate provision for waste and recycling storage, before the application is agreed. If the developer needs any more advice please refer to: Waste and Recycling guidance which can be found on the Cherwell District Council website

<http://www.cherwell.gov.uk/index.cfm?articleid=1735> Section 106 contribution of £106.00 per property will also be required. Thanks

Oxfordshire County Council:

Transport – Initially a strong objection was raised in respect of the proposals based on the severe impact which would result on the highway network. Concerns were also raised regarding the access to the site and the distance of the site from bus stops meaning safe and suitable access cannot be provided for all people, including older people and others who cannot walk far.

The applicant has worked with the local highway authority since the submission of the application to overcome their concerns through the submission of further information and the proposed provision of a highway improvement scheme to mitigate the impact of the development at the B4011/A41 (Ploughley Road) junction.

OCC highways have now confirmed that they are satisfied with the proposed mitigation scheme subject to a safety audit.

A financial contribution equating to £7,333 per year for five years for the provision of a community-style transport service is also required to mitigate the fact that the site is well beyond the recommended walking distance of 400m from the bus stop.

The following contributions/obligations are also required (as well as appropriate conditions):

- A contribution of £1000 per dwelling to enhance the bus service linking Arncott, Ambrosden and Bicester.
- Travel plan monitoring fees of £1,240 to allow the travel plan to be monitored and reviewed for a five-year period.
- Highway works to deliver the site access junction, a 2.5m footway/cycleway linking the site access and Ploughley Road, and cycle parking at the nearest bus stops on Ploughley Road – these works to be carried out by the developer under a S278 agreement.

Drainage – No objection

There are some issues with the FRA. A condition is recommended to secure a surface water drainage scheme for the site.

Education – No objection

Based on the unit mix stated in the application, this proposed development has been estimated to generate 8.12 Nursery Pupils, 39 primary pupils, 28 secondary pupils and 0.7 pupils requiring education at an SEN school.

Primary education

£493,896 Section 106 required for the necessary expansion of permanent primary school capacity serving the area, at Five Acres Primary School.

Secondary education

£699,776 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.

Special Educational Needs (SEN) education

OCC is not seeking Education contributions to mitigate the impact of this development on SEN school infrastructure. This is solely due to Regulation 123 of

the Community Infrastructure Regulations 2010 (as amended), and the need to reserve our ability to seek contributions from larger developments than this in the area in future.

Early Years education

OCC is not seeking Education contributions to mitigate the impact of this development on early years education. Existing nursery education provision is forecast to be sufficient, taking into account this proposed development and other development already approved.

Legal Agreement required to secure:

£493,896 Section 106 developer contributions towards the expansion of Five Acres Primary School. This is based on Department for Education (DfE) advice weighted for Oxfordshire, including an allowance for ICT at £12,664 per pupil place and 39 pupils being generated. This is to be index linked from 4th Quarter 2014 using PUBSEC Tender Price Index. £699,776 Section 106 developer contributions towards the cost of building a new secondary school in Bicester. This is based on the current cost estimate for a 600 place school of £14.995m, equivalent to £24,992 per pupil place, and 28 secondary pupils being generated. This is to be index linked from 4th Quarter 2014 using PUBSEC Tender Price Index.

Property – No objection

Fire and Rescue Service

Provision of fire hydrants to be secured through planning condition and it is recommended that new dwellings should be constructed with sprinkler systems.

Local Library

This development is served by Bicester Library.

This provision is significantly under-size in relation to its catchment population and this development will therefore place additional pressures on the library service.

The development proposal would generate the need to increase the core book stock held by 2 volumes per additional resident. The price per volume is £10.00; this equates to £20 per resident.

- The contribution for the provision of library infrastructure and supplementary core book stock in respect of this application would therefore be based on the following formula:

$$£20 \times 324 \text{ (the forecast number of new residents)} = £6,480.00$$

Archaeology – No objection

The site is located in an area of archaeological interest as identified by an archaeological evaluation. A programme of archaeological evaluation and mitigation will need to be undertaken ahead of any development. This can be secured through an appropriately worded condition on a planning permission.

Other External Consultees

Natural England – Based on the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. We have not assessed the application for impacts on protected species. Natural England has published Standing Advice on protected species which should be applied to the application as a material planning consideration.

Thames Water – No objection

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)

- PSD1 – Presumption in favour of sustainable development
- 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
- INF1 - Infrastructure
- VIL1 - Village Categorisation
- VIL2 - Distributing Growth Across the Rural Areas

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18 – New dwellings in the countryside
- 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)

8. APPRAISAL

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

- Principle of Development;
- Access and Transport Impacts;
- Design, Layout and Appearance;
- Landscape and Visual Impact;
- Flood Risk and Drainage;
- Ecology;
- Archaeology;
- Trees/Landscaping;
- Energy Efficiency/Sustainability
- On/Off Site Infrastructure
- Planning Obligations
- Other Matters

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. 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 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. Currently only 179 of the 750 dwellings remain to be identified over 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 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 175 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 three years to complete meaning that by 2020/21 there may only be a residual figure of 32 dwellings left to be provided across the 24 Category A settlements over the following 10 years of the plan period.
- 8.8. This also assumes that no further planning permissions are granted in the intervening period under the provisions of Policy Villages 2. Planning application reference 16/02370/F also proposes residential development in Ambrosden (85 dwellings). That application was also reported to the 13th April Planning Committee but was also deferred to enable further negotiations. It is expected that this other application will be reported back to Planning Committee in the near future.
- 8.9. 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.
- 8.10. 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 is consequently in direct conflict with the objectives of the CLPP1 and Policy Villages 2.
- 8.11. 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 sections and headings this report will appraise the proposal against these criteria as well as other relevant considerations.
- 8.12. 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 is material (if not carrying 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.

- 8.13. 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

- 8.14. 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.
- 8.15. Vehicular access to the development is proposed to be directly onto Blackthorn Road with a new 2.5m shared pedestrian and cycle connection proposed along Blackthorn Road. Whilst it is noted that walking distances from the site to local services within the village would be longer than is desirable, the provision of a 2.5m pedestrian and cycleway along Blackthorn Road coupled with the proposed reduction in the speed limit along this route would improve options for walking and provide a much safer and appealing route for pedestrians and cyclists to walk to access services in the village and particularly to access the school which is much closer to the application site.
- 8.16. In addition to the proposed pedestrian and cycle route along Blackthorn Road, the existing bridleway which runs along the north western boundary of the site provides a link in to the centre of the village. It is proposed as part of the development to upgrade the surface of the bridleway to the application site to improve access along this route. A surfaced footpath is also proposed across the area of open space, which forms the western half of the application site, up to the adopted highway to further improve accessibility. This will provide for a further connection in to the village.
- 8.17. 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.

- 8.18. In response to the County Council's concerns about walking distances to the bus stop, a further contribution has also been agreed with the applicant for the purposes of providing a community-based travel scheme to Bicester for those residents unable to access public transport due to disability/mobility issues equating to £7,333 per year for five years.
- 8.19. The wider transport impact of the development was initially raised as a significant concern. Traffic modelling undertaken identified 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.
- 8.20. As a result the applicant has worked with the County Council highway team to develop a scheme of mitigation to the B4011/A41 junction which extends the right turning lane on the A41, to help accommodate additional queueing vehicles. The County Council highway officers have confirmed that they are satisfied with this approach subject to the submission of a safety audit. If that is positive their objection on traffic impact grounds will be removed.
- 8.21. Whilst Planning and Highway Officers had previously raised strong concerns and objections to the scheme on the basis of connectivity and traffic impact, through further negotiation with the applicant and the submission of additional information by the applicant, it is considered that these matters have been satisfactorily resolved and the application would be in accordance with the requirements of Policy SLE4 of the CLPP1 as well as national policy set out in the NPPF in this respect.

Design, Layout and Appearance

- 8.22. 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.
- 8.23. The application seeks outline planning consent and no details have been submitted as to the detailed design and appearance of the proposed built form. The illustrative concept layout concentrates the housing in a 4.2ha parcel adjoining Blackthorn Road and the B4011 with an extensive area of open space including formal and informal opportunities for sports and recreation. Green spaces are also incorporated within the residential area of the site and the Design and Access Statement indicates predominantly 2 storey development with the opportunity for 2.5 storeys.
- 8.24. Given the location of the site and the proposed arrangement of residential development within the site, it is unlikely that detrimental impact would occur to neighbouring residential amenity as a result of the proposal. As an outline proposal it is considered that there is adequate scope within the application site to bring forward an acceptable detailed reserved matter application that would safeguard the amenity of existing residential occupiers as well as the neighbouring MOD Officer's Mess in conformity with of Policy ESD15 of CLPP1, Policy C30 of the CLP 1996. Similarly adequate standards of residential amenity for new occupiers should also be able to be achieved through an appropriately designed layout.

Landscape and Visual Impact

- 8.25. Policy ESD13 of the CLPP1 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 partly within Clay Vale (typified by flat low lying landform dominated by pastureland and small to medium sized hedged fields) and partly within Pasture Hills landscape types (typified by prominent hills standing out for the surrounding landscape, predominantly small grassland fields enclosed by prominent hedges). 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.
- 8.26. Whilst the Council's Landscape Officer is of the view that there would be no adverse landscape and visual impact as a result of the proposed development, Planning Officers remain unconvinced and consider that the proposal would harm the landscape character of the area and the setting of the village itself. Without being of intrinsically high landscape value, the application site is considered to complement the identified local landscape character given that it comprises large open arable fields, established hedgerows and mature trees which 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.
- 8.27. 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 unacceptable in this regard.

Flood Risk and Drainage

- 8.28. 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.
- 8.29. A site-specific Flood Risk Assessment (FRA) has been submitted to support the application. The Environment Agency's flood maps indicate that the site is located in Flood Zone 1 at lowest risk from flooding. 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.
- 8.30. Whilst OCC have highlighted a number of points which require further clarification within the submitted FRA including concern relating to potential flooding to the ditch adjacent Blackthorn Road as well as drainage across the site, no objection has been raised and a condition is recommended to secure a surface water drainage strategy. As such it is considered that an adequate scheme could be secured and that there would be no increased risk of flooding as a result of the development.

Ecology

- 8.31. 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.
- 8.32. An ecology report has been submitted as part of the application and has been undertaken in accordance with appropriate methodology. The habitats on site of most value include swamp habitat, semi-improved grassland and the existing hedgerows, which provide suitable habitats for a number of protected species. The grassland of the south-eastern grassland has a moderate species diversity, containing species including ragged robin, meadow buttercup and red clover.
- 8.33. 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 and the Ecology Officer has concluded that the development is expected to result in an overall net gain to biodiversity, which is welcomed in line with NPPF.
- 8.34. Officers are therefore 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.

Archaeology

- 8.35. Policy ESD15 of the CLPP1 requires that new development should conserve, sustain and enhance designated heritage assets including archaeology and should ensure that new development is sensitively sited and integrated in accordance with the NPPF and NPPG.
- 8.36. The site is located in an area of archaeological interest and a series of Roam ditches and pits have been recorded through field evaluation on the site. Further Roman and Iron Age features and deposits have been found in the vicinity of the site. As such further archaeological mitigation will be required ahead of any development on the site. OCC Archaeologist has confirmed that this can be undertaken and secured through a planning condition should planning permission be approved.
- 8.37. Officers are therefore satisfied that subject to conditions, archaeological assets can be conserved as part of the development in accordance with the requirements of Policy ESD15 of the CLPP1 as well as national policy and guidance contained in the NPPF and NPPG.

Trees/Landscaping

- 8.38. 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.

- 8.39. The application proposes the retention of much of the existing and established hedgerows and trees to the edge of the site. However a small number of trees and several sections of hedgerow are proposed to be removed to facilitate the development. These are identified as being of low arboricultural value within the submitted Arboricultural assessment.
- 8.40. Given the extensive areas of open space proposed within the application and the areas of reinforced boundary planting shown on the illustrative concept plan, it is considered that the loss of trees and hedgerows could be easily mitigated as part of a comprehensive landscaping scheme for the site. Officers are therefore satisfied that the proposal safeguard existing features of landscape and provide positive enhancement of trees and hedgerows as well as other vegetation as part of the development of the site in accordance with policies ESD10 and ESD15 of the CLPP1.

Energy Efficiency/Sustainability

- 8.41. 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.
- 8.42. 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

- 8.43. 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.
- 8.44. With respect to on-site infrastructure, Policy BSC11 of CLPP1 requires that development proposals contribute towards the provision of open space, sport and recreation. The proposal for up to 130 dwellings would trigger the requirement for the provision of general public amenity space as well as a Local Area of Play (LAP), Local Equipped Area of Play (LEAP) and Neighbourhood Equipped Area of Play (NEAP or Multi-use games area (MUGA)).
- 8.45. Policies BSC10 and BSC12 of the CLPP1 also require new residential developments to contribute towards off-site indoor and outdoor sports provision in the local area where they would have an adverse impact on existing capacity.
- 8.46. The illustrative concept plan for the development identifies areas for children's play and incorporates an extensive area of open space for outdoor recreation. This represents a significant benefit to the local community and provision would need to be secured through legal agreement together with arrangements for future maintenance in order to satisfy the requirements of Policy BSC11 in this regard.

- 8.47. A capacity issue has also been identified at the existing community hall and a short fall in the provision of a community hall on the existing Springfield Farm development within Ambrosden. The illustrative concept plan also indicates that a sports pavilion would be provided as part of the proposed development to serve the outdoor recreation facilities on the site. This would also need to be secured through a legal agreement and if secured may release the applicant from the requirement to contribute to the provision of the community hall on the Springfield Farm site/enhancement of the existing community hall.
- 8.48. 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.
- 8.49. The applicant has responded positively to discussions relating to the provision of infrastructure and how this is addressed as part of the application including the transport requirements already identified earlier in this report so that it is reasonable to expect that the infrastructure required to mitigate the impact of the development would be secured in accordance with Policy INF1 of the CLPP1.

Planning Obligation(s)

- 8.50. In continuing negotiation on the application, planning officers have engaged with the applicant to set out a draft list of heads of terms which would inform the drafting of a S106 agreement. Notwithstanding the officer recommendation for refusal, in the event that Members were to resolve to grant planning permission, the Council would seek to secure these items within in a S106 legal agreement with both Cherwell District Council and Oxfordshire County Council.

Affordable Housing

35% with a split of 70% affordable rent and 30% shared ownership

Education contribution

Primary Education - £493,896 for the expansion of Five Acres Primary School in Ambrosden

Secondary Education - £699,776 towards the cost of new secondary school capacity planned for construction in Bicester

Library contribution

Towards library infrastructure and supplementary core book stock - £6,480

Open Space and Sports Provision

General green space/amenity space (including community orchard) – 6.52ha

Allotments – 0.43ha

LAP – 400sqm and LEAP – 3600sqm (4000sqm combined provision)

NEAP – 13,100sqm

On site outdoor sports pitch and Sports Pavillion/community Facility – 1.93ha (comprising a senior 11v11 Football pitch at 1.08ha and minimum 145.18sqm Pavillion)

In addition to the above the corresponding 15 year maintenance contributions will also be applicable as follows;

Mature Trees - £334.82/tree; Allotments - £4.22sqm; Balancing/attenuation ponds - £43.81sqm; New woodland/orchard - £23.23sqm; Hedgerow £14.35sqm; Ditches £32.58/lm; Senior sports pitch - £70,195.95; LAP - £27,501.52; LEAP - £108,761.69; NEAP £249,994.49

Bus Service contribution

Towards enhancing the Arncott, Ambrosden, Bicester bus service - £1,000 per dwelling.

For the provision of a community transport service - £7,333 per year for a period of five years.

Travel Plan Monitoring

Travel Plan monitoring fee of £1,240 to allow the travel plan to be monitored and reviewed for a five-year period.

Waste and Recycling

For the provision of bins for residential households - £106 per dwelling

8.51. However, it should be noted that 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 reasonable related in scale and kind to the development.

8.52. 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.

8.53. The current level of outdoor recreation provision proposed as part of the application is in excess of what would be considered to be strictly in accordance with the Council's local plan policies and could be considered to be reasonably required to mitigate the impact of the development. This refers mainly to the provision of green open space, allotments and community orchard and picnic area within the western part of the site.

- 8.54. In accordance with planning policies set out in the local plan only 0.85ha of general green space/amenity space would be required to mitigate the impact of the proposed development. The amount being provided is actually 4.7ha. In addition a Community Orchard and picnic area is proposed at 1.82ha and allotments at 0.43ha. This is considered to be a substantial overprovision in excess of what would normally be required and considered to be policy compliant. As such members should be cautious when considering the application and the weight they attach to this offer bearing in mind the advice set out above (para 8.51 and 8.52).
- 8.55. Notwithstanding the Council's policy position on this matter, it is clear that the proposed green space, allotments and community orchard provision would be a substantial benefit to the local community and the inclusion of these elements within the proposed scheme has been welcomed and supported by the Parish Council. The need for flexibility in determining the precise composition of provision associated with new development should also be considered. The figures generated by the policy are set out as minimum standards of provision implying that larger areas could be secured. Similarly thresholds for the provision of outdoor recreation are also intended as a guide and will depend on the details of an individual proposal and its location.
- 8.56. In considering the provision of 4.7ha general green space, the wider function of this area should therefore be considered in terms of the role it plays in maintaining the character of the area and the transition between the development and the open countryside. This area would also accommodate the proposed surfaced footpath between the proposed residential development and the existing bridleway, which is required to make the proposal acceptable in terms of its connectivity and accessibility to the existing village. Any footpath link/connection would be considered to be a more desirable route when sited within an open and publicly accessible area rather than a narrow and segregated route which could lead to anti-social behaviour and as such is less likely to be utilised. This area would also accommodate the 13,100sqm requirement for a NEAP.
- 8.57. The provision of onsite indoor and outdoor recreation should also be clarified taking into consideration the issues set out above. The proposed development would trigger the need for a contribution towards indoor sport provision. Whilst this would normally be directed towards leisure centre facilities in Bicester, policy BSC12 is not prescriptive in this respect and given the amount of development already taking place in Bicester there is an issue with pooling of financial contributions towards indoor leisure facilities in Bicester. As such it is reasonable to consider it appropriate to redirect this contribution to on-site indoor provision which would take the form of the sports pavilion proposed as part of the development. In consultation with the Council's recreation and leisure officers it has also been considered reasonable under policy BSC12 to redirect the required community hall contribution to the provision of the on-site Sports Pavilion/Community Facility. This would offer a more convenient and directly beneficial form of indoor recreation and community facility for the new development and the wider village in accordance with policy BSC12.
- 8.58. Aligned with this, it was considered reasonable to secure a senior sized football pitch to increase the desirability of the outdoor and indoor sports and recreation offer making it more sustainable and attractive to local clubs and community groups, although this would be over the minimum provision (0.35ha junior 9v9 pitch) which would normally be sought.

Other Matters

- 8.59. The proposed development has the potential to attract New Homes Bonus. It is estimated that this development has the potential to attract New Homes Bonus of

£658,771 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.'*

- 8.60. 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 would comprise development which would have an adverse visual impact within the wider landscape.
- 9.2 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.
- 9.3 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 supply of housing and genuine weight should be attached to this, given the generous supply of housing in the District the weight should not be significant.
- 9.4 Whilst new on-site play areas and amenity spaces, as well as sport and recreation facilities, are also proposed as part of the application, the level of provision proposed is considered to be in excess of what would normally be required to mitigate the impact of the development and significant weight should not be attached to this although it is clear that there would be notable community benefit as a result of these proposals which is supported by the Parish Council.
- 9.5 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.

- 9.6 However, the proposals would however constitute a departure from the local plan where there is no pressing need for the additional release of housing at this time. Officers' consider that the resultant harm associated with the proposed development would substantially outweigh any benefits 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 causing undue visual intrusion into the open 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 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.