

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:	28 September 2017
Recommendation:	Approval subject to conditions and legal agreement		

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 Ambrosden 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 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 a 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 was originally reported to the 13th April 2017 Planning Committee with a recommendation for refusal. Members resolved to defer the application against officers' advice in order to engage with the applicant/agent to look for solutions that may overcome the concerns identified by officers. In response to this, further meetings took place and a suite of amended proposals were submitted in early July and then subject to public re-consultation. Further amendments were then submitted in mid-August but these were not consulted upon as the changes proposed were minor. It is on the basis of these latest submissions that the application has now been considered by officers and on which this report is based.
- 2.3. 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 relating to the site that is relevant to the proposal.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. Pre-application discussions have taken place with regard to this proposal under the below reference number. Officers raised concerns about the scale of housing and the rate of housing development within Ambrosden as well as connectivity of the proposed development to the adjacent housing as well as some detailed design and layout concerns. Concerns were also raised about the effect on the public footpath that passes through the site.

<u>Application Ref.</u>	<u>Proposal</u>
-------------------------	-----------------

15/00228/PREAPP	Pre-application advice - development for 95 dwellings with associated landscaping, public open space and servicing
-----------------	--

5. RESPONSE TO PUBLICITY

- 5.1. This application was originally 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. Further amended proposals were received in July and were subject to further publicity and consultation with the final date for comments being 27.07.2017. Both the representations made in response to the original submission as well as the amended proposals have been taken into account.
- 5.2. The comments raised by third parties in response to the original proposals are as follows:
 - 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.
- 5.3. One third party representation was received in response to publicity of the amended proposals, the following matter was raised:
- It is noted from the plans that it is intended to divert public footpath Blackthorn FP7. The plan does not state that a diversion is required. Please ensure that a route for the footpath is available during construction.
- 5.4. 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. Where comments have been received in response to re-consultation on the amended proposals, these have been included instead of the original comments. Where no further consultation response was received, the representations on the original proposals have been set out. Responses are available to view in full on the Council's website, via the online Planning Register.

Ambrosden Parish Council

The Parish Council is significantly more favourable towards the revised proposals than the previous proposals to which an objection was made, and we note that Archstone/ Bloor have now honoured their issues in relation to provision of allotments at the Springfields site which was a major bone of contention within the village.

- House designs are better, the mix of materials is more appropriate, and the layout improved.
- We particularly like the use of wooden play equipment which we consider is more suitable for this location compared to garish painted cheap metal play equipment and we really support this sensitive approach to the LEAP and LAP.
- We do have concerns however about the idea of putting Sheffield bike stands around the site. They are a good idea by the LAP and LEAP, but due to the high amount of bike crime within the locale, the other ones dotted around the site, will not be used, will be the source of continual complaints and will end up being climbing frames for youths in the village.
- We would also like to see tree planting along the frontage and provision of a landscaping plan would be appropriate in this instance.
- The proposals for the s106 payments for community buildings and sporting facilities to be combined will allow us to build a modest changing room facility for the sports common at Springfields Farm which is due to be conveyed to the Parish Council by Bloor Homes.

Blackthorn Parish Council

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. Officers should also take into consideration the affect that the routing of the new Oxford-Cambridge 'motorway' will have on any planning decisions In order that the two 'villages' do not merge together that; no further building should be permitted beyond this new building line towards Blackthorn. Provision should also be made for a new bus stop and the routing of the S5 through Blackthorn should be considered as part of any consent which would provide Blackthorn with a bus service that would link the two halves of the village.

Cherwell District Council

Landscape/Arboricultural Officers

Play Area

In consideration of the Proposed Drainage Strategy Drainage Option 2. I am very concerned that the only location and the design layout of the linear LAP and LEAP is strongly influenced by the wayleave and the 100 year flood extent. The location of the LAP/LEAP appears to be an afterthought. This is a concern. As a result access and connect-ability is problematic. There should be footpaths to connect the play facility with the wider area. The LAP only has one access gate which is inappropriate because children need another means of 'escape' if they feel threatened.

The housing area has pushed the LAP/LEAP toward the flood area. I can imagine the high water table will provide drainage issues for the play facility which will restrict children's playing experience. The timber play equipment footing will rot more readily due to the wet soil condition. Replacement play equipment within 15 years will be the unfortunate outcome. Please note that a raised terrace is not a valid solution because of the associated spoil shrinkage and surface cracking in the future.

The housing layout must be revised to ensure the play facility is located well away from the flood area and within a central space borders by housing. The separation of the LAP from the LEAP should to be considered to provide a workable layout (in which case the commuted individual sums are: LAP £27,501.52 and LEAP £108,761.690).

Play area requirements:

1. A clearly defined asphalt path system to each play area to allows safe and level access for children, parents, disabled relatives and child carers.
2. Steel equipment with the urban envelope i.e. the LAP
3. The edge of the urban realm with a semi-natural influence to have timber equipment, but only if galvanised steel shoes are fixed to concrete foundations.
4. All seating to have armrests for the purpose of providing support and stability for less able members of the public.
5. 2 points of access with self-closing gates in accordance with BS EN 1722.
6. All self-closing gates are to open away from the play activity area to prevent the gate from opening onto a running child. A transitional space for buggies and wheelchairs between the main path and the play area must be large enough to accommodate the opening gate.
7. A double leaf maintenance gate to be included with one leaf down-bolted and padlocked closed to prevent the down-bolt from scoring the ground.
8. A divided play area fence with gate between the LAP and LEAP.
9. A slide to be orientated in a northerly aspect to reduce the potential increase in temperature of the slide's surface to prevent the burning of children's sensitive skin.

10. Litter bins to be located near to the entrance of each play area.
11. The ground under low level play equipment and features should not be grass because of the problem of mowing, strimming and damaging the support structures. Eco-mulch surfacing is preferred.
12. The LEAP should include a swing suitable for 4 to 8 year old children for their enjoyment.

The landscape consultant should be conversant with the Draft Planning Obligations Supplementary Planning Document in regard to design and quality standards for informal open space and play provision – refer to Local planning and design guidance on the CDC planning website.

The separation between the hedgerow and the play areas fence seem to be the result of mitigation the thorny problem of hedge outgrowths catching children's face, etc. The space between the hedge and the play fence will encourage children to enter it with possible entrapment issues. It is paramount to ensure that there is adequate surveillance of the play areas from the public realm and this is impossible the hedgerow.

All play area planting must be non-toxic (refer to Elizabeth A. Dauncey's Poisonous Plants: A guide for parents and childcare providers).

Planting to be perceptually very interesting in respect of movement, scent, texture and colour.

Tree Strategy

The tree planting list:

The species *Betula utilis* is preferred over the *B.u. jacquemontii*. It is a variable species with peeling, usually copper-brown or pinkish bark and dark green leaves up to 12cm long. In early spring it produces long, yellow-brown male catkins. Delete the problematic/bacterial canker prone *Prunus padus*. Swop out the *Salix alba x chermesina* for the native *S. alba*. Add *Sorbus tomentalis* which must be planted in the shade of other trees. Include *Nyssa sylvatica* in 4 of 5 locations along the roadside corridor within the informal open space.

1. Street Trees:
The lack of tree cover to the adopted street causes me concern. The amelioration of the heat effect and enhancement of amenity for residents and visitors are but some of the positive benefits these tree can bring.
2. Resident's Gardens:
Small ornamental trees for front gardens:
Consider the NHBC's requirements for planting trees near buildings (soil type, foundation depth, etc.) Tree should be planted at least 2 m from the edge of pavements to minimise structural damage. Plant a tree in the garden of plot 36, and a tree in the front garden of plot 1, and plot 7's rear garden. The rear gardens of plots 32 and 34 also. The proposed tree locations on the frontages of plots 25 to 26, 32 to 35, 42 to 44, 65 and 66, and 71,72 and 74 are appropriate.
3. Landscape Buffer to Blackthorn Road –plant *Acer campestres*
4. Parking courts:
Plant an additional 4 *Acer campestre* trees in the car parking adjacent to plots 12 to 14 and 16 to provide enhanced amenity and visual mitigation Also plant 2 more *Acer campestre* trees in the parking bays to the front of plots 60 to 65, and 1 tree to the parking to the north of plots 82 to 83. An additional A.c for each of the following parking areas: front of plot 80 and front of plot 71. All these trees are required to be

planted in tree pits constructed with structural crate systems to provide surface water attenuation, increase soil volumes and provide surface stability.

5. Tree Pit Details:

Tree pit details will be necessary to indicated 15 m³ of tree soil, in conjunction with containerised tree stock in urban areas (containerised establish more effectively in urban areas than rootballed trees).

Surveillance and Maintenance Access

The attenuation pond should be clear of the hedge to allow for clear unimpeded surveillance for the purpose of safety.

The contractor's maintenance access to the attenuation pond must be clearly indicated.

A robust Ascot rail fence, with a secure maintenance entrance (padlocked removable rail).

Unauthorised Vehicular Access

Unauthorised Vehicular Access is to be prevented by a continuous Ascot rail fence along the edge of the informal open space with a contractor maintenance access (padlocked removable rail).

Root Protection Areas

The dwellings on plots 14 and 20 are too close to retained trees in respect of damage to tree root systems and over-shadowing/light reduction to windows and garden. To resolve this issue relocate the dwelling ways from these trees.

Planting Design

1. Residential hedge mix is to unify disparate elements and create distinction throughout areas of the site.
2. The species should be changed to more compact species for ease of maintenance by the residents, e.g. Escallonia 'Apple Blossom', Osmanthus x burkwoodii.
3. Access for window cleaning on the front of houses via a paved surface with planting adjacent to it.
4. Aspect and cultural requirements for a range of plant species front gardens
5. The wetter areas, especially where the hedgerow is proposed, are to have the appropriate native shrub species, such as a higher percentage of blackthorn than proposed, say around 15%, also for the brown and black hairstreak butterflies. Delete the non-native Cornus stolonifera 'Flaviramea in favour of Corylus avellana and Rosa canina. Not forgetting Salix caprea.
6. The native wildflower meadow seed mix should be appropriate for the moist soil.

Landscape industry standard compliance to ensure a successful scheme:

- All plants are to be supplied in accordance with Horticultural Trade Association's National Plant Specification and from a HTA certified nursery.
- All plants and to be planted in accordance with BS3936. Trees are to be supplied, planted and maintained in accordance with BS8545.
- Delivery and backfilling of all plant material to be in accordance with BS4428/JCLI/CPSE Code of Practice for 'Handling and Establishing Landscape Plants, Parts I, II and III.
- All excavated areas to be backfilled with either topsoil from site or imported to be BS3882 – General purpose grade. All topsoiled areas to be clear of rocks and rubble larger than 50mm diameter and any other debris that may interfere with the establishment of plants.

- Tree pit detailed information for hard and soft areas is important to ensure the planting procedure is appropriate for the successful establishment of trees.

Ecologist

In general I welcome the proposals included to increase the biodiversity value of the site and I have the following comments:

I agree with the landscape architect's comments that the proposed native hedgerows should have a higher percentage of blackthorn than proposed, say around 15% for black and brown hairstreak butterflies for which there are records of in the local area. The native wildflower mix proposed should be an appropriate mix for moist soil. The marginal aquatic planting should also comprise of an appropriate mix and specify the mix or details of plug-planting and a full species list. The proposed SuDs basins should be designed to be permanent or semi-permanent wet features, holding water for all year round ideally as these will provide wildlife habitats as well as for flooding and drainage purposes.

I'm pleased to see the proposed hedgehog friendly gravel boards in the residential close boarded fencing design details.

In general, my previous comments therefore remain the same (please see comments dated 6th February 2017). Previous comments set out below:

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.

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.

Strategic Housing – The tenure mix, size and distribution of the proposed affordable units is appropriate. This needs to be secured in perpetuity through a legal agreement before issuing of planning permission.

Oxfordshire County Council

Transport – No objection subject to recommended conditions and planning obligations.

Traffic data from the county council's updated SATURN model for Bicester has now been used as the input future background traffic flows to test the performance of the local road junction of most concern to the county council - Ploughley Road/A41. This testing has been carried out satisfactorily using the microsimulation modelling tool VISSIM. This shows that in the future year (2024), the addition of the development traffic worsens the performance of the junction causing some additional delay and queueing. However, Clarkebond has designed a mitigation scheme for the junction which is shown on drawing number SK14E Rev *. When that is used in the VISSIM model for the future testing year, it is concluded that it satisfactorily mitigates the impact of the development traffic such that there is a nil detriment outcome – because of the scheme, traffic conditions are predicted to be no worse than they would have been without the development.

However, the county council has concluded that it does not actually want the nil detriment scheme to be delivered. This is because there are more fundamental congestion issues in this location not just in 2024 but further ahead at the end of the Local Plan period (2031). As such a more comprehensive scheme is needed to address these issues. Such a scheme is being developed and the county council believes that there is a realistic prospect it could be delivered by 2024. It is not desirable for the Clarkebond nil detriment scheme to be built in the short term and then to be dug up soon after. It has been agreed in principle with the applicant that a S106 financial contribution to the value of the build cost of the Clarkebond nil detriment scheme (including a commuted maintenance sum) would be paid to the county council to go towards the larger scheme for the Ploughley Road/A41 junction. The amount has not yet been finally agreed. We will update Cherwell District Council when the final figure is known.

Public Right of Way Diversion

The email discussion attached to the Clarkebond technical note demonstrates that despite initial reservations, the county council's Countryside Service team would not object to the diversion of footpath 131/7 from its current alignment across the development site. However, the applicant's landscape architect was advised to contact the district council to ascertain whether it would agree to proceed with an application to divert the footpath through the Town & Country Planning Act. I am not aware of the outcome of any approach that has been made to the district council on this matter. The applicant is strongly advised again to contact the district council to be clear on the way forward for this aspect of the development. Without the successful diversion of the footpath, the currently proposed housing layout could not be delivered.

Site access – land ownership issues

The county council no longer objects to the development for this reason. However, the information presented still doesn't demonstrate that the applicant owns the land behind the front edge of the ditch, even if in all probability it does. Therefore, in order for the site access to be delivered by means of a S278 agreement, a determined boundary application will need to have been made successfully to the Land Registry proving beyond any doubt the land ownership before the S278 can be signed. The applicant is advised to start that process as soon as possible so that the S278 process is not held up at a later stage were planning permission to be granted.

Footway/cycleway

Plans have now been supplied showing cross sections of the footway/cycletrack at various key points along its length from the site access to the Ploughley Road. Previously there was a concern that the 2.5m width would mean that the back edge of track would be close enough to the roadside edge of the ditch to require some reinforcement. This would in turn need third party land. However, the cross sections show that this is unlikely to be the case. In the case of cross sections CS5 and CS6 where the path gets very close to the roadside edge of the ditch the land behind this is in all probability owned by the applicant although this is yet to be proved (see comments in previous paragraph).

Refuse wagon tracking

The drawings submitted and attached to the technical note shows that a 12m long refuse wagon can satisfactorily manoeuvre where it needs to in the development.

Comments on all other matters not covered above remained unchanged from the original county council transport response. This includes the details of the conditions and content of the legal agreements set out in the original response with the exception of the addition of a financial contribution towards the improvement to the Ploughley Road/A41 junction as set out above. The scale of this contribution will be confirmed in due course. In the case of any doubt about these additional comments, please get in touch.

Drainage Engineers

Whilst the county council does not wish to object to this application on drainage grounds, we do have some reservations surrounding the SUDS design proposals and therefore recommend a condition should be applied to ensure that the SUDS proposals are satisfactory prior to construction on site.

Education

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.

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.

Property

The proposed development would, if permitted, place additional strain on existing community infrastructure. The development should contribute £5,312.60 towards additional bookstock at Bicester Library to mitigate its impact. Other impacts cannot be mitigated due to the impact of pooling restrictions pursuant to the CIL Regulations 2010 (as amended).

External Consultees

Thames Water – No objection

Environment Agency – No objection subject to the imposition of a condition requiring the development to proceed in accordance with the Flood Risk Assessment.

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
- ESD15 - The Character of the Built Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD17 - Green Infrastructure
- VIL1 - Village Categorisation
- VIL2 - Distributing Growth Across the Rural Areas
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

- C30 - Residential Amenity
- C31 - Compatibility of proposals in residential areas

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- DEFRA Circular 01/09

8. APPRAISAL

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

- Principle of Proposed 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 Proposed 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, services, leisure facilities, 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 a 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 of the CLPP1 categorises the villages of the District based on their respective sustainability merits to accommodate some housing growth over the plan period. There are three categories – A, B and C – which classify villages based on their capacity to sustainably 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 as well as being close to Bicester. 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 will be identified through the 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 to be delivered 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 23 Category A settlements, it has been established through recent appeal decisions that early delivery of most or all 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 strategy for the District inherent to Policy Villages 2 and the CLPP1 generally. With 23 rural settlements available to share in the benefits of new housing where needed, early delivery and overconcentration of new housing could 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 at Ambrosden Court with those currently being constructed and nearing completion. Whilst approved shortly prior to the 1st April 2014, the adjacent Springfield Farm development (which totals a further 90 dwellings) has recently been completed and therefore in a broadly contemporaneous time period such that it is considered to be partially relevant to considering the appropriateness of further housing growth at Ambrosden. The approval and delivery of the proposed development would see a total of 130 dwellings provided in Ambrosden under the provisions of Policy Villages 2 which – given that it is 1 of 23 Category A settlements – is a significant proportion of the total. If approved, the proposed development would leave a residual figure of only 77 dwellings left to be provided across the 23 Category A settlements of the District over the remainder of the plan period.
- 8.8 For this reason officers have concluded that the scale, timing and location of the proposed development is potentially of concern as it could prejudice the robustness of the provisions of Policy Villages 2 in the future and in turn the housing strategy within the CLPP1. Nevertheless, as the proposed development would not cause exceedance of the rural housing allocation it is not specifically contrary to the provisions of Policy Villages 2 in this respect. In considering the appropriateness of the proposals under the provisions of Policy Villages 2 it is also necessary to consider them against a range of criteria set out in the policy to determine their wider suitability. Whilst officers have some concerns about the proportion of the District's rural housing allocation that would be cumulatively provided at Ambrosden as a result of this application and the prospect of further rural housing growth at this early stage in the plan period, officers are open-minded to the prospect that development proposals that score strongly against the criteria set out in Policy Villages 2 (without exceeding its total allocation) in addition to other Development Plan policies may outweigh any wider concerns in this respect.

- 8.9 Having regard to the above, this report will assess the merits of the proposed development against the criteria set out in Policy Villages 2 which is considered to be the policy in the Development Plan of principal relevance to this case. This will help to reach a conclusion on the acceptability of the principle of the development by balancing the specific merits of the proposals against any implications for the overall strategy of the CLPP1 in order to reach a reasoned conclusion. Ambrosden is one of the larger villages of the 23 listed as being in Category A as defined through Policies Villages 1 and 2 and provides a number of services and facilities for its residents including a primary school, public house, day-care nursery, shop, post office, village hall and a regular commercially viable bus service to Bicester. The village is also close to Bicester and so even where trips by car are necessary they would often be shorter in order to reach the higher order services available in the town. A regular bus service to Oxford is also available from relatively nearby. For this reason, officers are comfortable that Ambrosden is a comparatively more suitable and sustainable village to accommodate a reasonable proportion of the housing allocation provided through Policy Villages 2 than some of the alternatives. The site is also relatively well located with respect to the core of the village and so future residents should in many cases be able to walk to the services/facilities available as well as to the existing bus stops. In this regard Ambrosden is considered to be a settlement that could sustainably accommodate a larger than equitable proportion of the District's rural housing allocation and the proposed development is considered to score relatively favourably against the criteria set out in Policy Villages 2 which requires an assessment as to *"whether the site is well located to services and facilities"*.
- 8.10 The proposed development involves direct loss of farmland that forms a pleasant part of the open countryside and therefore has intrinsic beauty. Whilst the site is not in itself of any particular landscape merit and nor is it part of a wider area of designated landscape value, the proposals cause harm to the countryside and by extension the rural context of the village which is of intrinsic beauty and such land would be lost forever. Policy C8 of the CLP 1996 resists the sprawl of built development into the countryside and Policy Villages 2 recognises that brownfield redevelopment is preferable as part of assessing the acceptability of new housing proposals as part of the rural housing allocation. Harm should not occur, even to parts of the countryside that are not of high landscape value, without support from the Development Plan or benefits that clearly outweigh the environmental harm associated with its development. 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 but this policy is essentially superseded by the up-to-date provisions of Policy Villages 2 in respect of considering housing proposals at Category A settlements.
- 8.11 Broadly speaking, without being of intrinsically high landscape value, the application site is considered to complement 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 without necessarily causing significant harm in this respect due to the comparatively ordinary landscape value of the land and its surroundings. Policy ESD13 of the CLPP1 is material in this respect and resists undue visual intrusion into the countryside as well as development that is inconsistent with local character which the proposals generally conflict with. That being said, despite the obvious incursion into characteristic open countryside, the site and therefore the proposed development is relatively well related to the existing form and pattern of the village and does not materially project beyond either the furthest southern and eastern existing built-up limits of the village. This ensures that the development would be relatively well contained within the

existing settlement pattern and reduces the likely visual experience of the development from many wider viewpoints. As a result, development of the site would not be especially incongruous with the form of the village and this helps prevent it being experienced as a substantial projection of built development into the surrounding countryside

- 8.12 The application site is however neither considered to constitute previously developed land nor land of lesser environmental value and the proposals would, as a consequence, give rise to harm to the natural landscape such that the proposals do not score especially favourably against the first criterion set out in Policy Villages 2. Notwithstanding that, it is not clear whether there are many previously developed larger sites within or on the edge of Category A villages of the District that are likely to become available within the plan period and there are certainly many greenfield sites on the edge of such villages that are of greater environmental value than the application site. Such factors do count in favour of the proposed development as it is considered rather too presumptuous to assume that waiting until later in the plan period would see more suitable sites being brought forward.
- 8.13 In further considering matters of principle and the environmental value of the site, 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. 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 and the proposals score favourably against this criterion of Policy Villages 2.
- 8.14 In summary on matters of principle, officers have concluded that if the proposed development was to take place the amount and distribution of housing within Ambrosden together with its early stage in the plan period could, to an extent, adversely affect the ability to respond appropriately to rural housing needs elsewhere in the District later in the plan period in a manner consistent with the Development Plan. However, the amount and location of the proposed new housing would not specifically conflict with the provisions of Policy Villages 2 as they constitute residential development on the edge of a Category A settlement with the overall rural housing allocation not being exceeded. Where the proposals ultimately score highly favourably against the criteria set out in Policy Villages 2 there may be scope for concluding that the benefits associated with the delivery of the proposed housing outweigh concerns regarding early delivery and overconcentration of the rural housing allocation. The site is not considered to be previously developed nor of lesser environmental value and the proposals would cause harm to the landscape though not result in the loss of good quality agricultural land. These matters will be need to be weighed in the wider balance associated with considering the proposals against the provisions of Policy Villages 2 as well as the Development Plan more generally. The remainder of the report will go on to consider this further and then reach a conclusion on the acceptability of the principle of the development.

Access and Transport Impacts

- 8.15 Policy SLE4 of the CLPP1 reflects Government guidance 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 cumulative 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. Policy Villages 2 also includes a further criterion against which this application needs to be assessed

relating to whether proposals would be served by satisfactory vehicular and pedestrian access.

- 8.16 Vehicular access to the development is proposed to be directly onto Blackthorn Road approximately 150m to the east of the junction with Akeman 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 local highway authority such that there are no doubts regarding its deliverability. The proposed vehicular access and associated estate roads have also been tracked to show that they can accommodate all typical vehicles including a refuse collection lorry and OCC as local highway authority has confirmed their satisfaction with the layout in this regard.
- 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 the existing 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 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, financial contributions should be sought through a planning obligation to fund OCC's costs associated with the TRO procedure as the speed limit changes would assist in integrating the development into the village.
- 8.18 In order to achieve connectivity with the village, a new combined 2.5m wide footway/cycleway is proposed along the southern side of Blackthorn Road as far as its junction with Ploughley Road. There appears to be sufficient space in the verge to deliver this. The application also proposes a short stretch of new footway/cycleway with dropped kerb that enables suitable linkage with the MoD housing development on the opposite side of Blackthorn Road. Subject to this pedestrian/cycle provision being secured by condition, 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 which would be about a 500m walk for most new residents which is considered to be suitable within a village environment. The village is already served by a commercially viable bus service (the S5 between Bicester and Oxford) and, in the event that the application was to be approved, officers recommend that a financial contribution of £1000/dwelling (index linked) is secured via a planning obligation towards improving the frequency of the service through 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. Since the previous Planning Committee meeting, officers have explored whether it is reasonably possible to incorporate the public footpath on its existing or similar whilst achieving a suitable

quality design and layout of the development but concluded that the public footpath would significantly compromise the scheme and also lead to the public footpath being far less legible to its users. The diverted public footpath would have a relatively pleasant and generous green buffer to preserve its amenity value and would also be more durably surfaced to make it more usable. The proposed diverted route is also not substantially more inconvenient in its alignment and would at least be clearly marked and legible to pedestrians. It is also worthy of note that OCC's rights of way officer has not raised significant concern about the proposed realignment.

- 8.21 Policy ESD15 of the CLPP1 requires, inter alia, the promotion of permeable and accessible places that promote pedestrian movement. Guidance contained in Circular 01/09 supports the retention and improvement of public rights of way and resists their diversion onto estate roads or where they would be ambiguous. The need to divert the existing public footpath as part of the proposed development is disappointing but officers have concluded that there is no other reasonable alternative for the applicant and that the proposed new alignment would be of a satisfactory quality without being significantly less convenient for its users. Consequently the proposals would not be unacceptable in this regard but the need and effect of the diversion does weigh slightly against the proposals. Conditions are recommended that require the diverted public footpath to be available for use prior to obstructing or stopping up the existing footpath. A separate legal process is required to formally authorise the diversion of a public footpath and the Council cannot guarantee this outcome this even if planning permission is granted. There remains the possibility that the development would not be able to proceed if this process was not successful. In the event that planning permission is to be granted, officers recommend that a financial contribution of £15,000 is sought towards upgrades to the public footpath either side of the development to ensure that it is suitable and able to withstand likely additional use.
- 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, a condition is recommended that requires the submission, approval and implementation of an updated travel plan.
- 8.23 On the basis of the above, officers are 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 did however have concerns about the wider cumulative transport impact of the development when report to the April Planning Committee. The Transport Assessment (TA) originally submitted alongside the application was not considered to be robust for reasons previously set out, principally due to the fact that it did not utilise up-to-date and therefore robust traffic modelling which should include expected background growth in traffic including that arising from committed developments. Further modelling has taken place which has identified that severe congestion is likely to occur at the Ploughley Road/A41 junction at the completion of the development and which would be exacerbated by traffic generated from the proposed development. Increases in queueing at the junction not only further adversely affects existing commuting times for drivers 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 worked with highway officers at OCC to determine whether any mitigatory highway improvements at this junction could overcome the harm associated with the additional congestion. Following discussions with highway officers at OCC, a scheme for improvement works to the Ploughley Road/A41 junction has been proposed and OCC considers that with these works the proposed

development would not cause detriment to the functioning of the junction beyond that likely to occur through predicted background increases in traffic. However, OCC is not keen for these works to take place as a far more substantial redesign of the junction is necessary to mitigate greater traffic impacts both from committed development and background increases in traffic. As a result, OCC is content that a financial contribution equivalent to the cost of carrying out the improvement scheme should be secured through a planning obligation if the application was to be approved so that this could be pooled with other funds to deliver a far more comprehensive improvement to the junction. Subject to this being the case, OCC as the local highway authority is satisfied that the cumulative transport impacts of the proposed development would be acceptable.

- 8.25 In conclusion and having regard to the above, officers are content that the proposed development would be served by a safe and suitable means of access and that the scheme adequately promotes sustainable modes of travel and, subject to securing mitigation, would not have an unacceptable cumulative impact on the wider local highway network. The proposals are therefore considered to accord with the requirements of Policy SLE4 of the CLPP1 in this regard and scores favourably against the relevant criterion set out in Policy Villages 2.

Design, Layout and Appearance

- 8.26 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 has further requirements including that new developments reflect local distinctiveness through their materials and design detailing whilst also promoting permeable and accessible places. Policy Villages 2 includes a criterion that requires an assessment as to "*whether development would contribute in enhancing the built environment*".
- 8.27 Following the reporting of the application to the April Planning Committee, the applicant has submitted significant amendments to the application including changes to the detailed design and layout of the proposed development. 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. Following amendments, the building line along this northern edge is now more uniform and legible in common with surrounding development rather than undefined as previously shown. Architecturally the houses along the northern edge have now been refined so that the form, style and detailing of the houses is now more reflective of traditional vernacular architecture which officers welcome. Furthermore, the external materials now proposed have a greater sense of cohesiveness rather than the seemingly random distribution shown previously. That being said, the houses proposed along Blackthorn Road are all very similar in form, scale and materials and could perhaps be perceived as a little bland. However, overall and following the amendments made, officers are now satisfied that the proposed development would form an appropriate interface with the Blackthorn Road interface.
- 8.28 Similarly the southern built development line has now been refined as part of the amendments so that it is more consistent rather than awkwardly jutting backwards and forwards as before. This ensures a more organic building line that better reflects the layout at the adjacent Springfield Farm development. The houses along the

southern development edge are invariably large detached buildings 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. Officers therefore consider this approach to be appropriate.

- 8.29 To the western boundary the houses proposed are more 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. Following amendments the new houses and associated parking areas are proposed to be more sensitively sited in relation to existing trees of significance so that they can be preserved in the interests of ecology as well as the quality of the development. The eastern boundary of the proposed development has been subject to amendments with the previously shown short terraces of two storey homes now featuring a more mixed house typology that is better broken up with reduced parking areas and greater soft landscaping. As a result, the interface to the wider countryside is now softer and more sympathetic to reduce wider landscape impact.
- 8.30 Within the development, the layout itself still has the feel of a suburban estate character which is not necessarily reflective of the traditional village form and pattern. It is therefore difficult to argue that the proposals would enhance the character and morphology of the village. Nevertheless, the amendments submitted remove a number of the awkwardly positioned private drives to improve permeability through the development which is welcome and should lead to it feeling more integrated and inclusive for future residents. There is however no direct integration with the adjacent Springfield Farm development and there is little opportunity to do so given that this existing development was not designed with further adjacent development in mind. As a result, pedestrian connectivity is not as strong as it ideally should be and the development does represent another piecemeal addition to the village that is again designed as its last.
- 8.31 The development itself still features a high proportion of large detached houses though a more balanced housing mix has now been proposed as part of amendments. These amendments have enabled the introduction of more variation throughout the development, particularly within the more central parts of the site, so that there are smaller character areas and changes in building typology that help to better define key parts of the site. Furthermore, the amendments have also reduced the amount of frontage parking which previously gave the effect of an unduly urban appearance and which did not sit comfortably within the remainder of the low density detached suburban character of the development. Given that this was mainly associated with the affordable dwellings, this now helps them to better integrate within the development.
- 8.32 The application proposes a number of house types for both private and affordable dwellings. A combination of external materials are proposed to include a red brick as well as predominantly 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 amendments remove the previously proposed render which officers welcome given that it is not traditionally found within the immediate local area. The amended proposals significantly improve the form and detailing of the various house types proposed so that the fenestration, doors, porches, bay windows, verges/eaves and dormer windows all now better reflect traditional local architecture rather than the more generic house types previously proposed. Officers are now satisfied that the buildings proposed have been appropriately designed so that they are broadly in keeping with the local context.

- 8.33 That being said, officers still have some reservations about the use of overly uniform detached houses along both the northern and southern edges of the development which could appear a little bland. The external materials proposed would exacerbate this as it is shown to be predominantly reconstituted Cotswold stone and some more considered use of clusters of brick houses could assist in adding interest.
- 8.34 Consequently, whilst officers continue to have some reservations about the design and layout of the proposed development, the amended proposals are considered to result in a development that is now of adequate quality that takes the opportunities available to respond to both its built and natural context and as such accords with the requirements of Policy ESD15 of the CLPP1, C28 of the CLP 1996 as well as Government guidance set out in the NPPF. With respect to considering the proposals against the provisions of Policy Villages 2, the proposals are not considered to go so far as to contribute towards enhancing the built environment (as set out in the relevant criterion) but neither are they considered to adversely affect it. The proposals are therefore considered to score neutrally in this respect.

Affordable Housing and Mix of Dwellings

- 8.35 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. Policy BSC3 requires this to be a mix of affordable rent and intermediate tenure. The applicant is proposing 35% of the dwellings to be affordable units and this is welcomed by officers. Following amendments, the proposed tenure and size mix of the affordable dwellings is considered to be appropriate as confirmed by the Council's Strategic Housing team. As previously described in this report, the amended proposals also improve the design and treatment of the proposed affordable dwellings as well as their distribution throughout the development. The amendments to the overall housing mix also help reduce the distinguishability of the smaller affordable dwellings from the larger detached market homes. As a result officers are now satisfied that, subject to securing the affordable housing through a planning obligation, the proposals now respond appropriately to affordable housing needs and that such housing would be adequately integrated within the development in order to meet both Development Plan requirements as well as Government guidance.
- 8.36 Policy BSC4 of the CLPP1 reflects national policy set out in paragraph 50 of the NPPF by providing for a mix of housing (both market and affordable) to meet current and projected future need. The affordable housing proposed serves a different purpose than the market housing and, as set out above, would be met by the proposals. The conclusions derived from the Oxfordshire SHMA indicate that the need in Cherwell District over the next 15-20 years is particularly for 3 bedroom dwellings with moderate need for 2 and 4 bedroom homes too as set out in the supporting text to Policy BSC4. The original proposals included 75% of the market homes as 4+ bedroom dwellings which is far removed from the identified need for the District. The number of 4+ bedroom market dwellings has now been reduced as part of the amended proposals and the number of 3 bedroom market dwellings increased. This takes the proportion of 3 bedroom market dwellings to 38% and the 4+ bedroom homes to 58%. Whilst this is closer to the policy requirement, it still shows a material overprovision of larger homes at the expense of smaller dwellings. This would typically be considered to be unacceptable in the absence of material considerations to indicate otherwise. In this case however, officers are persuaded that this revised mix is on balance acceptable given the particular characteristics of the housing stock and population profile of Ambrosden. It is of course recognised that these homes are not to serve the housing needs of Ambrosden and only a small proportion of the future residents are likely to be existing residents of the village with

many coming from elsewhere within Cherwell District, the wider Oxfordshire housing market area or even beyond. However, Ambrosden is a village that has a high proportion of smaller housing stock given that it includes a large number of former MoD housing and, even with recent developments at Springfield Farm and Ambrosden Court, the proportion of larger housing within the village falls below the average within Cherwell District. Census data also indicates that the village includes a higher than average proportion of younger people which reflects its ties with the MoD. A higher proportion of larger houses would give opportunity for those with families living within smaller homes in the village to remain in the village as well as introduce a greater proportion of families from elsewhere to improve the overall demographic balance of the village. Having regard to this information and the move within the amended proposals towards a market housing mix that is closer to the normal BSC4 policy requirement, officers consider the housing mix proposed within the development to be, on balance, acceptable.

- 8.37 Consequently officers have found that the mix of market and affordable homes proposed are acceptable having regard to the requirements of Policies BSC3 and BSC4 of the CLPP1 as well as Government guidance set out in the NPPF and that, as a consequence, the proposals would adequately respond to identified local housing need.

Flood Risk and Drainage

- 8.38 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.
- 8.39 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. Site specific hydraulic modelling determined that the original proposals included a handful of new dwellings within Flood Zone 2 (1 in 1000 year flood event) and Flood Zone 3 (1 in 100 year flood event). The layout of the proposed development has now been revised as part of the amended proposals to remove all new dwellings from the higher risk flood zones. As a result, the dwellings proposed are not considered to be at risk of fluvial flooding and as such comply with the requirements of Policy ESD6 of the CLPP1 in this respect. It is however important that building materials and spoil are not stored within Flood Zone 3 as part of construction works as this could affect flood water storage and flows. A condition is recommended in this respect as well as a condition that requires the development to be carried out in accordance with the submitted FRA.
- 8.40 The proposals are shown to incorporate a sustainable drainage scheme that accommodates flooding in storm events so that there is no increased risk of surface water flooding above pre-development levels and that homes are not at risk up to the 1 in 100 year storm event standard. OCC's drainage engineers have confirmed that, in principle, the drainage scheme proposed despite some concerns about the detail but this could be resolved through submission of further details by condition. A condition is therefore recommended in the event that the application is approved.
- 8.41 Consequently, subject to conditions, the proposals are considered to be acceptable in flood risk and drainage terms in accordance with the requirements of Policies ESD6 and ESD7 of the CLPP1. Policy Villages 2 also includes a criterion relating to *"whether the proposals would have an adverse impact on flood risk"*. As the

proposed dwellings would not adversely affect flood risk either locally or elsewhere the proposals score favourably in this respect

Ecology

- 8.42 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.
- 8.43 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.
- 8.44 An ecology report was 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. The provision of new grassed and wildflower amenity areas, new tree/hedge/shrub planting as well as residential gardens should more than outweigh the loss of arable farming with respect to biodiversity value. However there is the potential for protected and national priority 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. Following the submission of the amended proposals and an updated arboricultural assessment, all trees of value on the site should be able to be safeguarded as part of the development and conditions are recommended in this respect.
- 8.45 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 proposed hedgerows, and sensitive management of the grassland and restoration of the existing pond. If planning permission was to be granted, conditions are recommended requiring approval of a soft landscape scheme to ensure the proposed new planting is appropriate to sustain/enhance the species found in the CTA.
- 8.46 In line with planning policy objectives to enhance biodiversity within the CTA, 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 would be required as part of the condition requiring 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 are also

recommended in place of some of the amenity grassland areas where possible within the soft landscape scheme. In order to achieve suitable long term management of retained and new habitats on the site, a combined ecological and landscaping scheme (LEMP) is recommended to be secured by condition if planning permission is 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 requirements of Policy ESD10 of the CLPP1 with the aim of achieving a net gain in biodiversity.

- 8.47 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 also needs to be secured by condition to ensure that it is sensitively designed to retain dark corridors for commuting/foraging bats.
- 8.48 In conclusion on the subject of ecological impacts, officers are satisfied that subject to the recommended conditions, existing habitat of value can be conserved and enhanced as part of the development as well as new habitat created to achieve a net gain for the CTA, biodiversity generally and protected/priority species in accordance with the requirements of Policies ESD10 and ESD11 of the CLPP1 as well as national policy contained in the NPPF. The proposals therefore score favourably in this respect against the relevant criterion set out in Policy Villages 2.

Trees/Landscaping

- 8.49 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.
- 8.50 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 and this would need to be secured through a condition relating to soft landscaping.
- 8.51 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 soft landscaping.
- 8.52 Following the submission of the amended proposals, the mature Oak and Ash trees located along the western boundary are now shown to be sited sufficiently far away from proposed building works that their health would not be affected. Furthermore, the gardens proposed to serve dwellings along the western boundary are sufficiently large and oriented in such a way as to prevent the existing trees from dominating or overshadowing them which could have put them under future pressure for lopping or felling. All areas of hardsurfacing have now been removed from the root protection areas of trees proposed for retention and so no harm should occur in this respect. For these reasons officers are satisfied that subject to a suitable landscape scheme being submitted and approved via condition, that the proposals respect existing landscape features on the site and include appropriate new landscape features to ensure a suitable quality of development and minimise visual impact on the

surrounding countryside in accordance with the requirements of Policies ESD10 and ESD15 of the CLPP1.

Impact on Neighbouring Properties

- 8.53 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.
- 8.54 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. There would also be retained mature trees separating some of the new and existing dwellings which should provide some additional screening. Whilst Plot 14 is closer to the boundary, it is orientated in line with and parallel to the adjacent existing houses and so there is no potential for direct overlooking or overbearance.
- 8.55 Consequently officers have concluded that the proposed development properly 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

- 8.56 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 8-16 constitute 1 bedroom flats and together share small private gardens. 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 private gardens are shown to be enclosed by combinations of stone/brick walls or close boarded fencing to ensure privacy with all publicly visible boundaries being screened by walls rather than fences to ensure that they are more visually appropriate. 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 as well as bin collection points where necessary.
- 8.57 Consequently, subject to appropriate conditions regarding means of enclosure and provision of car parking, officers have concluded that the standard of living for future occupants of the proposed dwellings is appropriate and in accordance with the requirements of Development Plan policies.

Energy Efficiency/Sustainability

- 8.58 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 is recommended to this effect.

- 8.59 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 is recommended to this effect in the event that planning permission is to be granted.

On/Off Site Infrastructure

- 8.60 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. Policy Villages 2 also requires an assessment as to whether the necessary can be provided.
- 8.61 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) for a residential development of this size. The applicant has proposed a large area of general public amenity space which satisfies the requirements of Policy BSC11 in this regard. A combined LAP/LEAP is also shown to be provided as part of the amended proposals. Officers are content that such a facility can be provided on the site in an appropriate way but there are some concerns about the layout and detailing of the currently proposed play area. As a result, a condition is recommended requiring the submission and approval of further details prior to the first occupation of any dwelling. Such provision and ongoing maintenance would also need to be secured through a legal agreement. 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. This could adversely affect the public amenity area particularly when the ground is wet and could occasionally disrupt its use. Officers will need to be satisfied that this is appropriately accommodated as this is not usually considered to be an acceptable use of a public green space and legal agreements will typically include clauses that prohibit such occurrences.
- 8.62 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 that the proposed development would increase demand on existing provision which will need improvement in order to mitigate the increased use and projects within the locality of Ambrosden have been identified for which financial contributions are sought through a planning obligation.
- 8.63 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 capital cost of such a facility together with maintenance costs. Only infrastructure that is directly necessary and proportionate can be secured to mitigate the impact of new development and as such a further financial contribution (approximately £20k index linked) towards the cost of providing the community hall on the vacant land is recommended to be secured through a planning obligation. However, when pooled with the existing sum this will still be far short of the likely cost of any project. However, the land for the community hall was not required as part of making the Springfield Farm development acceptable and was not taken into account in the

decision making. Whilst such land now exists, it would not be lawful to require a full contribution towards funding the capital and maintenance costs of a new community hall which was only provided as an 'additional benefit' as part of the Springfield Farm development.

- 8.64 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 is 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 Bicester Library to serve the increased population.
- 8.65 A combination of on and off site infrastructure needs to be secured through a legal agreement to mitigate the impact of the proposed development. 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. However, the applicant has agreed in principle to meeting these infrastructure requirements and so there is no suggestion that the proposed development would not be supported by the necessary infrastructure. As such, subject to satisfactory completion of a legal agreement, the proposals would provide sufficient on and off site infrastructure to accord with the requirements of relevant Development Plan policies and score favourably against the relevant criterion set out in Policy Villages 2.

Planning Obligation(s)

- 8.66 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 Levy (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.
- 8.67 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 unlawful. 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.
- 8.68 Having regard to the above, in the event that Members were to resolve to grant planning permission, the following items would in officers' view need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts:

Cherwell District Council

- Provision of 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 towards the cost of providing a community hall on the adjacent Springfield Farm development.

Oxfordshire County Council

- Financial contributions towards increasing primary and secondary education capacity in the local area;
- Financial contribution to increase Bicester Library book stock;
- Financial contribution equivalent to the cost of the highway improvement scheme mitigating the impact of the development at the Ploughley Road/A41 junction;
- 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 required Travel Plan;
- £15,000 (index linked) towards off-site 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.

8.69 In addition to the above, the applicant has 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. The applicant should discuss these directly with the Parish Council and perhaps honour these commitments outside of the planning application process.

8.70 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

8.71 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. 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.'*

8.72 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 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. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.
- 9.2 The CLPP1 is an up-to-date Local Plan and as such it is considered to attract full weight including its housing supply policies. The proposals would result in the delivery of a significant proportion of the total rural housing allocation for Category A villages provided for through Policy Villages 2 at Ambrosden as well as contribute towards the delivery of an even greater proportion of the total rural housing allocation early in the plan period. Such concerns are not directly related to criteria set out in Policy Villages 2 but are with respect to the overall housing strategy of the CLPP1 which has been supported by appeal decisions. However, Ambrosden is one of the larger Category A settlements in the District and offers more services and facilities than many others. As such, the delivery of a greater than equitable proportion of the total rural housing allocation at Ambrosden is not considered in itself, within reasonable limits, to be unsustainable or objectionable. The 85 dwellings now proposed together with the 45 approved and under construction at Ambrosden Court under the provisions of Policy Villages 2 would lead to a total of 130 of the 750 (17%) allocated rural homes being delivered at Ambrosden and, on balance, officers do not consider this to quite amount to an unacceptable overconcentration given the relative sustainability merits of Ambrosden. Officers do however retain concerns about the proposed development's impact on the ability to properly apply Policy Villages 2 throughout the plan period due to further delivery of homes against the total rural housing allocation which could compromise the long term rural housing strategy of the Local Plan. However, it should be noted that approval of this application would not cause an exceedance of the 750 dwelling rural allocation and would still leave some, albeit limited, capacity for a handful of smaller residential developments to take place across other Category A villages throughout the remainder of the plan period without materially conflicting with Policy Villages 2.
- 9.3 Whilst the site is not of lesser environmental value due it being part of the open countryside, with respect to other criteria relating to Policy Villages 2 the proposals are overall considered to score favourably given the limited environmental site constraints, its proximity to services/facilities, relationship to the existing settlement pattern as well as ability to mitigate its own adverse infrastructure impacts. The proposed development is also likely to be able to be delivered within the next five years given that a housebuilder is already on board and the application made in full rather than outline which also counts in the scheme's favour.
- 9.4 Officers have concluded, very much on balance, that the relative strengths of the proposed development as outlined in this report make it a suitable candidate for delivery of housing under the provisions of Policy Villages 2. The merits of the application site to accommodate some of the District's rural housing allocation and the removal of previous concerns about the detail of the proposed development are considered to result in a scheme that is acceptable when assessed against the relevant policies of the Development Plan and with housing delivery benefits that outweigh concerns about the medium-long term concerns regarding the potential

implications for the housing strategy of the CLPP1 caused by early delivery of a substantial proportion of the rural housing allocation. On balance therefore, officers have concluded that the proposed development is consistent with the provisions of the Development Plan with any material considerations indicating otherwise not being sufficient to justify departing from the Development Plan. Members are therefore recommended to resolve to approve the application subject to the conditions listed below and the satisfactory completion of a legal agreement.

10. RECOMMENDATION

That permission is granted subject to the following conditions but that the issuing of the decision notice is delegated to the Head of Development Management following the satisfactory completion of a legal agreement to secure the items listed in paragraph 8.68:

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

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

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

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

- 3 Prior to the commencement of the development hereby approved, samples of the external walls and roofing materials to be used in the construction of the buildings within the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

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

- 4 Notwithstanding any details that might be shown to the contrary in the approved plans, all windows to be installed on buildings within the development shall be flush fitting balanced casements that are recessed a minimum of 75mm within the window surrounds unless otherwise agreed in writing by the local planning authority.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 5 Prior to the commencement of the development hereby approved, a plan showing full details of the existing and proposed site levels as well as finished floor levels within the development 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 finished floor levels plan.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy ESD 15 of the Cherwell

Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 6 Prior to the commencement of the development hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, those means of enclosure shall be completed in accordance with the approved details prior to the first occupation of any part of the development that would be served by those means of enclosures.

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

- 7 Prior to the first occupation of any dwelling, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any dwelling the refuse bin storage facilities for that dwelling shall be provided in accordance with the approved details and retained as such thereafter.

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

- 8 The dwelling(s) hereby approved shall not be occupied until 3 bins for the purposes of recycling, residual and garden waste have been provided for each of the approved dwellings, in accordance with the following specification:
- One 240 litre blue wheeled bin for the collection of dry recyclable material;
 - One 240 litre green wheeled bin for the collection of residual waste;
 - One 240 litre brown bin for the collection of garden waste material

Reason - To provide appropriate and essential infrastructure for domestic waste management in accordance with the provisions of Policies INF1 and BSC 9 of the Cherwell Local Plan 2011 - 2031 Part 1.

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

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

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

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

- 11 Notwithstanding any provisions contained within the Town and Country Planning

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

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

- 12 Prior to the first occupation of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme.

- 13 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. All hardsurfacing shall be carried out prior to substantial completion of the development. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

- 14 Prior to the first occupation of the development hereby approved, a landscape and ecology management plan, to include the timing of the implementation of the plan, long term objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, other than for privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape and ecology management plan shall be carried out in accordance with the approved details.

Reason - In the interests of the visual amenities of the area and the move to a net gain in biodiversity and to ensure the creation of a pleasant environment for the development and to comply with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 15 The development hereby approved shall be constructed strictly in accordance with the recommendations and specifications set out in the submitted Arboricultural Assessment (ref: T_EDP2488_04b) and the Arboricultural Addendum Statement

(ref: T_EDP2488_06a_210617) .

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 16 Except to allow for the construction of the means of access and associated visibility splays the existing hedgerow along the northern boundary with Blackthorn Road shall be retained and properly maintained at a height of not less than 2 metres, and if any hedgerow plant dies within five years from the completion of the development, it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 17 Prior to the first occupation of any dwelling within the development, full details of the equipment, layout, drainage, surfacing, landscaping and specification of the combined Local Area of Play and Local Equipped Area of Play (LAP/LEAP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the combined LAP/LEAP shall be provided as approved and retained at all times thereafter as a publicly available play area.

Reason - In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy BSC11 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 18 Notwithstanding anything shown in the approved plans and documents, the development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be fully implemented in accordance with the approved details prior to substantial completion of the development. The scheme shall include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features
- Sizing of features - attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS - (in a treatment train approach to improve water quality)
- Network drainage calculations
- Phasing

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of the land and property and to comply with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained within the National Planning Policy Framework.

- 19 Prior to the commencement of the development hereby approved, a detailed scheme of foul drainage for the development shall be submitted to, and approved in writing by, the Local Planning Authority (in consultation with Thames Water). Thereafter, and prior to the first occupation of any dwelling, the foul drainage scheme approved shall be completed so far as is necessary to serve that dwelling. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".
- Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
- 20 The development hereby approved shall proceed in accordance with the Flood Risk Assessment Technical Note prepared by Clarkebond (dated 21-04-2017 and ref: WB03 884 - TN06 Rev. V2) accompanying the application unless otherwise previously approved in writing by the Local Planning Authority. There shall be no built development within the area of land shown as Flood Zones 2 and 3 within the submitted Flood Risk Assessment and neither shall any spoil or materials be deposited or stored on that part of the site lying within the area shown as Flood Zone 3 (1 in 100 year flood event) within the Flood Risk Assessment.
- Reason - To prevent increased risk of flooding and impedance of flood flows as well as the reduction of flood storage capacity in order to comply with the requirements of Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained within the National Planning Policy Framework.
- 21 Prior to the commencement of the development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority which shall include details of:
- Construction traffic management and contractor parking;
 - Compound and storage details;
 - Spoil management;
 - Measures to be taken to control hours of working, noise, dust and vibration resulting from construction;
 - Details of the consultation and communication to be carried out with local residents;
 - Site Manager details and that of relevant personnel.
- Thereafter the development shall be carried out in accordance with the approved CMP at all times unless otherwise agreed in writing beforehand by the local planning authority.
- 22 Prior to the first occupation of the development hereby approved, full details of the external lighting within the site shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out prior to first occupation of the development and retained thereafter in accordance with the approved details.
- Reason - In the interests of safeguarding habitat for nocturnal species and to ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

23	<p>Prior to the commencement of the development hereby approved, full details of the means of vehicular access between the site and Blackthorn Road including position, road markings, layout, and vision splays shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied on the site until the means of vehicular access has been constructed and available for continued use in accordance with the approved details.</p> <p>Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework</p>
24	<p>Other than the approved vehicular access, no other means of vehicular access whatsoever shall be formed or used between the site and the highway.</p> <p>Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.</p>
25	<p>Prior to the first occupation of any of the dwellings hereby approved, all of the new roads and footpaths within the site (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments. Within 3 months' of the first occupation of the final dwelling along any particular new street/road, the roads, streets and paths providing access to those dwellings from Blackthorn Road shall be fully completed (including final surfacing).</p> <p>Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.</p>
26	<p>Prior to the first occupation of any dwelling, the motor vehicle parking, turning and manoeuvring areas serving that dwelling as shown on the approved plans shall have been fully laid out and available for use and shall be retained unobstructed except for vehicle parking thereafter.</p> <p>Reason - To ensure suitable car parking for residents and visitors in the interests of residential amenity and to prevent parking congestion in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.</p>
27	<p>Prior to the commencement of the development hereby approved, full specification details of the proposed new footway/cycleway along the south side of Blackthorn Road connecting the development and Ploughley Road which shall include construction, layout, surfacing, lighting and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the footway/cycleway shall be constructed in accordance with the approved details.</p> <p>Reason - In the interests of highway safety and to ensure safe and suitable access to the development for all people to comply with Policies Villages 2 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained within the National Planning Policy Framework.</p>
28	<p>No dwelling shall be occupied until cycle parking provision to serve that dwelling has been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All cycle parking shall be retained unobstructed except for the parking of cycles at all times thereafter.</p> <p>Reason -To ensure appropriate levels of cycle parking are available at all times to</p>

serve the development in the interests of sustainable travel objectives to comply with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained within the National Planning Policy Framework.

- 29 Public footpath 131/7 shall not be diverted, stopped up or obstructed in any way until the proposed diversion to the footpath as shown in the approved site layout plans has been laid out, completed and made available for public use in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Such details shall include the means of construction, surfacing, lighting and drainage.

Reason - In the interests of the amenity of the public in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the Planning Practice Guidance and DEFRA Circular 01/09.

- 30 Until such time as public footpath 131/7 has been successfully diverted in accordance with the requirements of condition 29, no development shall take place within 10m of the public footpath until it has been protected and fenced to accommodate a width of a minimum of 5m in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the existing public footpath shall remain fenced and available for use up until the diversion required by condition 29 has been successfully completed and made available for continued public use.

Reason - In the interests of the amenity of the public in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the Planning Practice Guidance and DEFRA Circular 01/09.

- 31 All new roads, streets and paths within the development shall be available for use by the public as pedestrians in the same manner as those adopted by the local highway authority.

Reason - To ensure suitable pedestrian permeability along logical desire lines as well as the creation of inclusive communities in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1

- 32 No more than 45 dwellings shall be occupied as part of the development until the visitor parking spaces shown in the approved site layout plan have been completed and made available for continued public use.

Reason - To prevent indiscriminately parked cars adversely affecting the quality of the development in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

- 33 Prior to first use of the combined LAP/LEAP facility, the cycle parking areas adjacent to it as shown on the approved site layout plan shall be fully laid out and made available for public use.

Reason - To ensure the play area is suitably access to all in accordance with the requirements of Policies SLE4, BSC11 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

- 34 Prior to the first occupation of any dwelling, a revised Residential Travel Plan meeting the requirements set out in the Oxfordshire County Council guidance document, "Transport for New Developments; Transport Assessments and Travel

Plans" shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved revised Residential Travel Plan.

Reason - To encourage occupiers to use sustainable modes of transport as much as possible in line with the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1.

- 35 All porch canopies shall feature external materials for roof coverings that match those used in the construction of the main roof of the dwelling that they relate to unless otherwise approved in writing beforehand by the local planning authority.

Reason - In the interests of the satisfactory appearance of the development in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

- 36 All roof eaves and verges on buildings within the approved development shall be finish flush with the external walls to which they connect and no barge boards or fascia boards shall be used.

Reason - In the interests of the satisfactory appearance of the development in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

- 37 Prior to the commencement of any works associated with the construction of a dwelling, details of the means by which all dwellings will be designed and constructed to achieve an energy performance standard equivalent to that contained within the former Code for Sustainable Homes Level 4 shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and no dwelling occupied until it has been constructed in accordance with the approved energy performance measures.

Reason – In the interests of environmental sustainability in construction in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.