

**Applicant:** Gladman Developments Ltd

**Proposal:** OUTLINE - Erection of up to 84no dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Merton Rd - All matters reserved except for means of access

**Ward:** Bicester South And Ambrosden

**Councillors:** Cllr David Anderson  
Cllr Dan Sames  
Cllr Lucinda Wing

**Reason for Referral:** Major Development

**Expiry Date:** 27 February 2019

**Committee Date:** 14 February 2019

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: REFUSE PERMISSION**

#### **Proposal**

Outline planning permission is sought for the erection of up to 84 dwellings, with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point from Merton Road. The application leaves all matters reserved apart from a new access proposed off Merton Road.

#### **Consultations**

The following consultees have raised **objections** to the application:

- Ambrosden Parish Council and CDC Landscape Services and CPRE.

The following consultees have raised **no objections** to the application:

- OCC Archaeology, OCC Education, OCC Highways, OCC Minerals and Waste, Natural England, Thames Valley Police Design Adviser, CDC Building Control, CDC Ecology, CDC Economic Development, CDC Environmental Health, CDC Rights of Way and CDC Strategic Housing.

15 letters of **objection** have been received and 0 letters of support have been received.

#### **Planning Policy and Constraints**

The nearest listed building to the site is approximately 100 metres to the north east, this being Holly Tree Cottage. The Grade II\* listed St Mary's Church is located approximately 300 metres to the north east of the site. The site has some ecological potential as the site is located within 2KM of Arncott Bridge Meadows SSSI and legally protected species have been recorded within the vicinity of the site. The site is in an area of archaeological potential and is on land that is potentially contaminated.

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

#### **Conclusion**

The key issues arising from the application details are:

- Principle of the Development;
- Landscape and Visual Impact and Local Character;
- Site Layout and Design Principles;
- Impact on the Historic Environment;
- Transport and Highways Impact;
- Ecology and Trees;
- Impact on Residential Amenity;
- Flooding Risk and Drainage;
- Affordable Housing;
- Impact on Local Infrastructure;
- Other Matters;
- Human Rights and Equalities.

The report looks into the key planning issues in detail, and officers conclude that the proposal is unacceptable for the following reasons:

- 1) Unnecessary, undesirable and unsustainable housing development beyond the built up area contrary to the development plan.
- 2) Adverse effect on the character and appearance of the countryside and area, as well as less than substantial harm to the significance of the Grade II\* listed St Mary's Church.
- 3) Absence of the completion of a satisfactory legal agreement.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site comprises part of an agricultural parcel of land and is approximately 4.1 hectares in area. The site is located to the south west of the village of Ambrosden. Merton Road runs adjacent to the south east boundary of the site, and a hedgerow runs along this same boundary. There is a gated access to the site from Merton Road at the eastern end of this highway. To the north of the site is a railway line which runs from Bicester to the MoD Depot at Arncott. Housing and agricultural fields bound to the north-west boundary of the site, whilst to the west of the site is open countryside (including a former pond). The site and the surrounding landscape is relatively flat.

### **2. CONSTRAINTS**

- 2.1. The application site is not within a conservation area. The nearest listed building to the site is approximately 100 metres to the north east, this being Holly Tree Cottage. The Grade II\* listed St Mary's Church is located approximately 300 metres to the north east of the site. The site has some ecological potential as the site is located within 2KM of Arncott Bridge Meadows SSSI and legally protected species have been recorded within the vicinity of the site including the West European Hedgehog and Red Kite. The site is in an area of archaeological potential. The site is on land that is potentially contaminated.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. Outline planning permission is sought for the erection of up to 84 dwellings, with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point from Merton Road. It is noted that application leaves all matters reserved apart from a new access proposed off Merton Road.
- 3.2. However, The Town and Country Planning (Development Management Procedure) (England) Order 2015 states that: *“in relation to reserved matters, (access) means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of positioning and treatment of access and circulation routes and how these fit into the surrounding network; where ‘site’ means the site or part of the site in respect of which outline planning permission granted or, as the case may be, in respect of which an application for such a permission has been made.”* As it has been specified within the submission that approval is being sought at this stage for the point of access, the precise alignment of internal access roads, pedestrian and cycle routes etc. is to be considered at reserved matters stage. This can be made clear by condition in respect of the detail to come forward at reserved matters stage, should permission be granted.
- 3.3. The Design and Access Statement and Planning Statement which have been submitted alongside the application discuss the matters of access, layout, scale, appearance and landscaping and an indicative layout plan is included within the Design and Access State
- 3.4. The following technical documents have also been submitted in support of the application:
- Transport Assessment;
  - Topographical Survey;
  - Flood Risk Assessment;
  - Ecology Report;
  - Air Quality Assessment;
  - Landscape and Visual Impact Assessment;
  - Arboricultural Report;
  - Archaeology Report;
  - Noise Assessment Report;
  - Foul Drainage Report;
  - Soils & Agricultural Report.

### **4. RELEVANT PLANNING HISTORY**

- 4.1. The following planning history is considered relevant to the current proposal:

18/00091/SO	OUTLINE - Erection of up to 84 No Screening dwellings with public open space, Opinion not landscaping and sustainable drainage requesting EIA system (SuDS) and vehicular access point from Merton Rd - All matters reserved except for means of access
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### **5. PRE-APPLICATION DISCUSSIONS**

- 5.1. No pre-application discussions have taken place with regard to this proposal.

## 6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 24.01.2019, although comments received after this date and before finalising this report have also been taken into account.

6.2. 15 letters of **objection** have been received and 0 letters of support have been received. The comments raised by third parties are summarised as follows:

- Not allocated for housing development;
- Unnecessary over-development of the village following other recent development in the village;
- Services within village are inadequate to support the development;
- Out of proportion with existing development in the village;
- The site is outside the village and unconnected with Ambrosden;
- Development of greenfield land is inappropriate and would harm the setting of the village;
- Unacceptable visual impact;
- Obstruct views of the Grade II listed church;
- Highways safety concerns including:
  - Concerns with additional traffic on Merton Road and roads within Ambrosden;
  - Lead to congestion in the village;
  - Merton Road is in poor condition;
  - No complete pedestrian pavement along the road from the site;
  - Access from the site would be dangerous
- Light pollution;
- Harm to biodiversity, especially as there is a pond to south west of the site;
- Increase the flooding risk;
- No capacity at village school;
- Pressure on utilities (sewerage, water, internet, electricity);
- Construction disruption;
- Economic benefits in the submission are exaggerated;
- Loss of sense of place;
- Loss of view from property;
- Devaluation of property prices.

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

## 7. RESPONSE TO CONSULTATION

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

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. AMBROSDEN PARISH COUNCIL: **Objects** to the application on the following grounds:

- Impact upon visual amenities;

- Set a precedent for further development beyond the limits of the settlement and could lead to coalescence with Merton;
- The development would be very dense;
- Obscure the view St Mary's Church;
- Highways safety concerns;
- No capacity at the schools;
- There is not a consistent GP;
- Flooding studies are incorrect.

### CONSULTEES

7.3. OCC ARCHAEOLOGY: **No objections** subject to conditions.

7.4. CLINICAL COMMISSIONING GROUP: **No comments received.**

7.5. CPRE: **Objects** to the application for the following reasons:

- The site is beyond the built limits of Ambrosden and would encourage further development following the road to Merton;
- Adds the potential for coalescence of villages;
- Contrary to Policy Villages 1 of the Cherwell Local Plan (2011-2031) Part 1 as the development is not infilling or minor development;
- Contrary to Policy Villages 2 of the Cherwell Local Plan (2011-2031) Part 1;
- Ambrosden has had a large number of houses recently and the development would destroy the character of the village;
- Ambrosden does not have the amenities able to cope with the present developments;
- There is not a significant need for housing in this area;
- Highway safety issues;
- Ecological harm.

7.6. OCC DRAINAGE (comments provided through OCC HIGHWAYS): Initial comments received but still under discussion at the time of writing.

7.7. ENVIRONMENT AGENCY: Do not wish to be consulted on such an application. Refer to Flood Risk Standing Advice (FRSA).

7.8. OCC HIGHWAYS: **No objections** subject to:

- S106 Contributions – required towards the capacity enhancements of the A41/Ploughley Road junction, the enhancement of the S5 bus route, travel plan monitoring and improving the connection to public rights of way;
- An obligation to enter into a S278 and S38 agreement;
- Planning conditions.

7.9. OCC MINERALS & WASTE: **No objections.** The proposed development would not adversely affect significant materials resources and it does not have any strategic waste planning implications.

7.10. NATIONAL GRID: **No comments received.**

7.11. NATURAL ENGLAND: **No objections.** The proposed development will not damage or destroy the interest features for which the site has been notified. Suggestions are also provided in relation to the Bernwood Focus Area which the development is within.

- 7.12. OCC SCHOOL ORGANISATION OFFICER: **No objections** subject to S106 contributions towards improving accommodation at Five Acres Primary School.
- 7.13. THAMES VALLEY POLICE DESIGN ADVISER: **No objections** subject to conditions.
- 7.14. THAMES WATER: **No comments received.**
- 7.15. CDC ARBORICULTURE: **No objections** subject to a detailed landscaping plan and works being specified as set out in the Arboricultural Report.
- 7.16. CDC BICESTER DELIVERY TEAM: **No comments received.**
- 7.17. CDC BUILDING CONTROL: **No objections** on building control grounds, but raise significant concerns in relation to flooding risk and drainage grounds.
- 7.18. CDC CONSERVATION: The proposed scheme is not considered to affect Holly Tree Cottage. However, there are concerns that development would affect views of the church across what is currently an agricultural landscape, particularly when approaching the village of Ambrosden from Merton. Any development on the site going forward would need to respect these existing views and the design, form and scale of development should ensure legibility and protect the contribution the church makes visually to the landscape to mitigate the potential impacts. It is agreed that as highlighted in the Heritage Statement submitted, any development on the application site will result in a minor level of harm to the setting of the Church of St Mary The Virgin. As the application is an outline application it is felt at this stage there is insufficient information to substantiate a reason for refusal on heritage grounds. However if the proposal is pursued then the development could result in unacceptable harm, this would be subject to the form, layout and design of the proposed development.
- 7.19. CDC ECOLOGY: **No objections** subject to conditions.
- 7.20. CDC ECONOMIC DEVELOPMENT: The development would bring a standard degree of benefit to the local economy.
- 7.21. CDC ENVIRONMENTAL HEALTH: **No objections** subject to conditions relating to air quality, contaminated land and noise.
- 7.22. CDC HOUSING STANDARDS: **No comments received.**
- 7.23. CDC LANDSCAPE SERVICES: **Object** to the application. The landscape sensitivity is deemed to be high, against a magnitude of change of high, which results in substantial adverse landscape effect. Should permission be granted, contributions would be sought relating to landscape maintenance, informal open space, LAP/LEAP combined, hedgerows, attenuation pond and ditch/swale
- 7.24. CDC PLANNING POLICY: **No comments received.**
- 7.25. CDC PUBLIC ART: **No comments received.**
- 7.26. CDC RECREATION & LEISURE: **No comments received.**
- 7.27. CDC RIGHTS OF WAY: **No objections.**
- 7.28. CDC STRATEGIC HOUSING: **No objections** subject to the provision of 35% affordable housing on the site.

7.29. CDC URBAN DESIGN: **No comments received.**

7.30. CDC WASTE & RECYCLING: The developer will have to satisfy the local planning authority that they have adequate provision for waste and recycling storage before the application is agreed.

7.31. OFFICER COMMENT: Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

7.32. In this particular instance, the above financial payments are not considered to be material to the decision as they would not make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority and hence the above response from the Council's Finance department is therefore provided on an information basis only.

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. 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 2015)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC7 – Meeting Education Needs
- BSC8 – Securing Health and Well-Being
- BSC9 – Public Services and Utilities
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDs)

- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- VILLAGES 1 – Village Categorisation
- VILLAGES 2 – Distributing Growth
- INF1 – Infrastructure

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18 – New dwellings in the countryside
- TR1 – Transportation funding
- C8 – Sporadic development in the countryside
- C14 – Countryside management projects
- C15 – Prevention of coalescence of settlements
- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development
- ENV1 – Development likely to cause detrimental levels of pollution
- ENV12 – Development on contaminated land

#### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2010
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)
- Developer Contributions SPD (February 2018)
- Infrastructure Delivery Plan (IDP) Update (December 2017)
- Countryside Design Summary (1998)
- Cherwell Design Guide SPD (July 2018)
- Cherwell District Council: Home Extensions and Alterations (2007)
- Oxfordshire Wildlife & Landscape Study 2004
- Annual Monitoring Report (AMR) (December 2018)
- Housing Land Supply in Oxfordshire: Ministerial Statement of 12<sup>th</sup> September 2018
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)
- Historic England: The Setting of Heritage Assets (Historic Environment Good Practice Advice in Planning Note 3 (Second Edition))

#### 8.4. Council Corporate Priorities

Cherwell District Council and South Northamptonshire District Council’s Joint Corporate Strategy for 2018-19 sets out the councils three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2018–19. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the districts.

The three corporate priorities are to ensure the Districts are “Protected, Green & Clean”, are places which support “Thriving Communities & Wellbeing”, and are Districts of “Opportunity & Growth”. All three priorities are of significance to the

determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plans for CDC & SNC; (2) increase tourism; (3) protect the built heritage; (4) reduce our carbon footprint & protect the natural environment; (5) mitigate the impact of High Speed 2; and (6) deliver affordable housing.

The remaining key actions are also of significance to the determination of planning applications and appeals in particular delivering the Bicester, Banbury, Kidlington, Brackley, Towcester and Silverstone Masterplans.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

## **9. APPRAISAL**

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

- Principle of the Development;
- Landscape and Visual Impact and Local Character;
- Site Layout and Design Principles;
- Impact on the Historic Environment;
- Transport and Highways Impact;
- Ecology and Trees;
- Impact on Residential Amenity;
- Flooding Risk and Drainage;
- Affordable Housing;
- Impact on Local Infrastructure;
- Other Matters;
- Human Rights and Equalities.

### Principle of the Development

#### *Policy Context*

- 9.2. Planning law requires that planning decisions are made in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 2 of the National Planning Policy Framework (NPPF) makes clear that it does not change the statutory status of the development plan as the starting point for decision making. However the NPPF is a significant material consideration.
- 9.3. Paragraph 11 of the NPPF explains the Government's presumption in favour of sustainable development. For decision-taking this means approving proposals that accord with an up to date development plan and in cases where there are either no relevant development plan policies or those policies important for determining the application are out of date; granting permission unless the NPPF policies provide a clear reason for refusal or any adverse impacts significantly and demonstrably outweigh the benefits.
- 9.4. The Development Plan comprises the saved policies of the 1996 adopted Cherwell Local Plan (CLP 1996) and the 2015 adopted Cherwell Local Plan (CLP) (2011-2031) Part 1. The policies important for determining this application are referenced above in Section 8.
- 9.5. The CLP 2015 spatial strategy is to direct most growth to locations within or immediately adjoining Banbury and Bicester. Other than RAF Upper Heyford and

Kidlington, growth across the rest of the District will be much more limited and directed towards the larger and more sustainable villages. Development in the open countryside will be strictly controlled.

9.6. Policy ESD1 of the CLP 2015 states that: *“Measures will be taken to mitigate the impact of development within the District on climate change. At a strategic level, this will include:*

- *Distributing growth to the most sustainable locations as defined in this Local Plan.*
- *Delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.”*

9.5. Policy Villages 1 of the CLP 2015 sets out that proposals for residential development within the built up limits of villages will be considered having regard to the categorisation set out in Policy Villages 1. Policy Villages 1 then groups villages into three separate categories (A, B and C), with Category A villages being considered the most sustainable settlements in the District’s rural areas which have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Minor development, infilling and conversions are considered acceptable types of development within Category A villages.

9.6. Policy Villages 2 of the CLP 2015 states that: *“A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site ‘windfalls’ and planning permissions for 10 or more dwellings as at 31 March 2014”.* This Policy notes that sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission.

9.7. Policy Villages 2 then sets out that when identifying and considering sites, particular regard will be given to the following criteria:

- *“Whether the land has been previously developed land or is of less environmental value;*
- *Whether significant adverse impact on heritage and wildlife assets could be avoided;*
- *Whether development would contribute in enhancing the built environment;*
- *Whether best and most versatile agricultural land could be avoided;*
- *Whether significant adverse landscape impacts could be avoided;*
- *Whether satisfactory vehicular and pedestrian access/egress could be provided;*
- *Whether the site is well located to services and facilities;*
- *Whether necessary infrastructure could be provided;*
- *Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period;*
- *Whether land the subject of an application for planning permission could be delivered within the next five years; and*
- *Whether development would have an adverse impact on flood risk.”*

#### *Assessment*

9.8. Cherwell District Council can demonstrate a five-year supply of deliverable housing sites. In addition to this, the Written Ministerial Statement of 12th September 2018 now considers important policies for determining the application to be out of date

only where a 3 year supply of deliverable sites cannot be demonstrated. The presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.

- 9.9. Ambrosden is identified as a Category A village. However, the site comprises (part of) an agricultural field to the south west of the built up limits of the village of Ambrosden and is clearly not within the built up area of the settlement. Therefore the proposal cannot be considered under Policy Villages 1 of the CLP 2015.
- 9.10. That said, 'at Category A villages' as specified within Policy Villages 2 of the CLP 2015 could mean *adjacent* to the settlement boundary. As the proposal is for over 10 dwellings on land outside, but immediately adjacent to the built up limits of the village of Ambrosden, it can be considered under Policy Villages 2 of the CLP 2015.
- 9.11. Given this, the acceptability of the proposal will need to be tested against the criteria set out in Policy Villages 2 of the CLP 2015 (as set out in para 9.7 above), as well as other material planning considerations and this will be discussed below (particularly in respect to the relationship to the existing built and natural environment). However, it is first important to consider the matter of scale and quantity of development, and in particular whether the proposal is in accordance with the overarching housing strategy of the CLP 2015.
- 9.12. Paragraph 212 of the Inspector's report on the examination of the CLP 2015 Plan Part 1 (Appendix D) notes that the Plan's overall strategy sustainably directs most new development to the two towns of Bicester and Banbury and that it properly seeks to alter the local pattern of recent housing growth, given that a disproportionate percentage (almost half) had taken place in the smaller settlements. This is reinforced by the Council's AMR 2018 (published December 2018), which identifies that permission has been granted for 746 homes at Category A villages under Policy Villages 2 of the CLP 2015, and officers consider that most of these dwellings are likely to be delivered. The AMR 2018 states that at 31 March 2018 there are 4 dwellings remaining from the Policy Villages 2 requirement.
- 9.13. The 750 dwellings to be delivered at Category A villages is not an upper limit, but the policy describes it as a 'total' and significant deviation from this may result in unconstrained growth in less sustainable locations which would conflict with the housing strategy of the Development Plan.
- 9.14. This was the conclusion in various recent appeal decisions received by the Council, including appeals at Kirtlington (27 August 2015 - APP/C3105/W/14/3001612), Weston on the Green (8 February 2017 - APP/C3105/W/16/3158925) and Finmere (17 May 2018 - APP/C3105/W/17/3169168).
- 9.15. Those Inspectors found that an overprovision of the rural housing allocation at an early stage in the plan period could prejudice the sustainable growth strategy set out in the Development Plan and leave limited ability to respond to later changes in housing need in individual settlements without fundamentally compromising the overall sustainability strategy contained in the Local Plan.
- 9.16. The NPPF places great importance on the planning system being plan-led and taking account of the views of local people and paragraph 9 of the NPPF states that plans and decisions should: "*Take local circumstances into account, to reflect the character, needs and opportunities of each area.*"
- 9.17. In light of the District's relatively advanced position regarding providing for new rural housing before the mid-point of the plan period, and in the context of up-to-date 5 years housing land supply, officers consider that there is no pressing need for this

proposed large residential development. Furthermore, officers have reservations that a residential development of this scale could undermine the ability of other settlements to meet their needs and undermine the Local Plan's housing strategy. It is notable that 129 of the 746 dwellings either completed, under construction or permitted are in Ambrosden (see below).

- 9.18. Officers acknowledge that in a recent appeal decision at Blackthorn Road, Launton, which granted outline planning permission for a further 72 dwellings (18 September 2018 - APP/C3105/W/17/3188671), the Inspector commented on the relatively slow delivery of the permissions granted.
- 9.19. The current progress of sites with permission for development under Policy Villages 2, is that 124 dwellings have been completed and a further 425 are under construction, with none of those individual developments totalling more than 95 dwellings, and therefore likely to have been completed within the next three years.
- 9.20. Given its recent approval there is a strong likelihood of the Launton development being brought forward (72 dwellings); a Reserved Matters application has been submitted for 40 dwellings at Milcombe; and Discharge of Conditions applications have been submitted in relation to a development of 52 dwellings at Kidlington. Therefore it would be reasonable to conclude that within the next three years a total of at least 539 dwellings will have been delivered under Policy Villages 2 and potentially as many as 713 dwellings. In addition, a development of 10 dwellings has been approved at Kidlington, with resolutions to approve two other separate developments in Kidlington, each of 10 dwellings. Delivery of these sites would take the total to 743.
- 9.21. Even taking the conservative figure of 539 having been developed by the end of 2021, this amounts to 72% of the housing under Policy Villages 2 being completed by a point 50% through the Plan period.
- 9.22. Further, officers consider that there are specific differences between the development allowed at Launton and the current proposal before members, notably the amount of housing development that has taken place at the settlement within the plan period and the harm to the character and appearance of the area (the latter topic is discussed later in the report).
- 9.23. Ambrosden is one of the largest Category A villages in the District in terms of size and population and it is relatively sustainable in terms of the range of facilities it provides (including public house, shop, post-office, day care nursery, primary school, village hall and part time GP surgery) as well as the transport connections available.
- 9.24. The village has, however, been subject to two large developments within the plan period (2011-2031), these being Ambrosden Court, Merton Road, which comprised 44 dwellings and Springfield Farm for 89 dwellings.
- 9.25. Furthermore, consent was granted in January 2018 at Church Leys Farm, Blackthorn Road (ref: 16/02370/F) for a further 85 dwellings. In respect of this development the housebuilder advised in September 2018 that there will be a build out rate of 50 dwellings per year and the expected delivery rates are to be 2 in 2018/2019, 50 in 2019/2020, and 44 in 2020/2021. Furthermore, development has commenced at this site (it is among the 425 mentioned above as being under construction) and there is no reason to believe that this large development will not be completed.

- 9.26. This gives an overall total of 218 dwellings that will be constructed at Ambrosden by the midpoint of the plan period (2011-2031), 129 of which would be developed under Policy Villages 2 of the CLP 2011-2031.
- 9.27. Recent appeal decisions received by the Council have confirmed that if disproportionate numbers of dwellings are permitted in any one settlement, then other settlements where housing sites have yet to be identified may not be able to meet their needs, including affordable housing needs, without undermining the local plan strategy.
- 9.28. Whilst Ambrosden is one of more sustainable settlements in the District, the village will very likely accommodate a sizeable proportion of the number of dwellings allocated by Policy Villages 2 (129 dwellings), and another 89 dwellings have been approved and constructed at Ambrosden within the plan period.
- 9.29. Thus, officers have significant concerns that additional development of such a scale at Ambrosden is likely to undermine the ability of other settlements to meet their needs and undermine the Local Plan's housing strategy.

### *Conclusion*

- 9.30. As the proposal is for a residential development over 10 dwellings at the Category A village of Ambrosden, the proposal stands to be assessed against Policy Villages 2 of the CLP 2011-2031, as well as other material planning considerations which will be discussed in greater detail further below. However, given the relatively sizeable amount of residential development that has been completed or is under construction within the plan period at Ambrosden, officers have significant concerns that the proposed large scale development is likely to lead to an over concentration of new housing development in Ambrosden, which could undermine the ability of other settlements to meet their needs and undermine the housing strategy of the CLP 2015. In light of the number of dwellings already approved in the village and the Council's ability to demonstrate a five year supply of deliverable housing sites, officers consider that there is no overriding need for the proposal on housing delivery grounds.

### Landscape and Visual Impact and Local Character

#### *Policy Context*

- 9.31. Government guidance contained within the NPPF towards achieving well-designed places states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPG goes on to note that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Further, Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 9.32. Paragraph 127 of the NPPF states that planning decisions should ensure that developments:
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

9.33. The national Planning Practice Guidance (PPG) provides detailed guidance on design issues. This is supplemented by best practice guidance by CABI and set out in *By Design: Urban Design in the Planning System* (2000) and *Better Places to Live by Design* (2001). These documents provide guidance on the central urban design principles that underpin good design, including structure, layout and local distinctiveness.

9.34. On issues of character the PPG emphasises that:

*“Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, local man-made and natural heritage and culture, while not preventing or discouraging appropriate innovation”,*

and that:

*“The successful integration of all forms of new development with their surrounding context is an important design objective, irrespective of whether a site lies on the urban fringe or at the heart of a town centre.”*

9.35. It also advises in relation to design:

*“Design impacts on how people interact with places. Although design is only part of the planning process it can affect a range of economic, social and environmental objectives beyond the requirement for good design in its own right. Planning policies and decisions should seek to ensure the physical environment supports these objectives. The following issues should be considered:*

- *Local character (including landscape setting)*
- *Safe, connected and efficient streets*
- *A network of green spaces (including parks) and public places*
- *Access and inclusion*
- *Cohesive and vibrant neighbourhoods.”*

9.36. Policy ESD13 of the CLP1 2015 states that: *“Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:*

- *Cause undue visual intrusion into the open countryside;*
- *Cause undue harm to important natural landscape features and topography;*

- *Be inconsistent with local character;*
  - *Harm the setting of settlements, buildings, structures or other landmark features;*
  - *Harm the historic value of the landscape.”*
- 9.37. Policy ESD15 of the CLP 2015 states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.”* In terms of specific design principles Policy ESD15 states that: *“New development proposals should respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly designed active public frontages.”*
- 9.38. As referred to already, Policy Villages 2 of CLP 2015 states that in identifying site, particular regard will be given to:
- Whether land has been previously developed land or is of less environmental value;
  - Whether development would contribute in enhancing the built environment
  - Whether significant adverse landscape and impacts could be avoided
- 9.39. Saved Policy C28 of the CLP 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with existing buildings.

*Assessment of Landscape and Visual Impact*

- 9.40. The landscape around the site is located within the clay vale character type within the Oxfordshire Landscape Study 2004, and this notes the area is characterised by flat, low lying landform and mixed land uses dominated by pastureland, with small to medium size hedged field.
- 9.41. The Council’s Countryside Design Summary (1998) encourages sensitive and appropriate development across the District and sets out specific advice relevant to this case. This divides the Cherwell District into four broad areas and this site is identified as lying within the Clay Vale of Otmoor area. The landscape of the area is described as a generally flat and low-lying, which the site is. The Countryside Design Summary sets out that new development within the townscape of this landscape should:
- Not expand villages beyond constraints imposed by landform and ground water characteristics;
  - Not undermine or interrupt views and setting of churches
  - Retain trees and hedgerows in order to integrate villages into their landscape setting
  - Be designed to emphasise the existing street form within linear villages by limited backland development but maintaining open land which is intrinsic to the character of the village; and
  - Create new public space, which should be an integral part of new development and help maintain the rural character of the villages.
- 9.42. The application is accompanied by a Landscape and Visual Impact Assessment (LVIA), which has considered the potential impacts on the landscape character

and amenity of the site and surrounding area. In terms of the visual assessment carried out by CSA Environmental, fieldwork was undertaken to identify a number of viewpoints in the immediate and wider setting of the site.

- 9.43. The LVIA states that most long and middle distance views are generally limited due to the low lying and well vegetated landscape in the vicinity of the site, but it is acknowledged that some distant views are possible from the highest viewpoints (e.g. Muswell Hill to the south of Piddington and a section of raised path near Lower Arncott). The LVIA sets out that views are generally contained to the local vicinity around the site.
- 9.44. The document notes that views from Merton Road are largely confined to the stretch of road that is immediate to the south of the site. In relation to the approach to Ambrosden from the west along Merton Road, the LVIA notes that the first view onto the site is possible from where the hedgerow vegetation thins and lowers and users are then afforded filtered views of the site and of the tower St Mary's Church above the hedgerow of the vegetation. It is noted in the LVIA that when exiting Ambrosden views of the site are screened by intervening buildings until users are adjacent to the residential properties on the northern side of Merton Road.
- 9.45. The LVIA notes that views from the south of the site on Merton Road, south east of the site on Jaspers Row and Marsh's Row and north east on Home Farm Close will be substantial/adverse in the short term and moderate/adverse in the longer term.
- 9.46. Regarding the landscape impact, the LVIA concludes that the site and surrounding landscape is of a medium quality and sensitivity to residential development, as well as medium value, being typical of the vale landscape with low lying agricultural fields with good hedgerow boundaries and occasional woodland blocks. The LVIA also states that the surrounding townscape to the east and south of the site is considered to be of medium townscape quality, sensitivity and value. The LVIA then goes on to note that an appropriate and sensitive development can be accommodated at the site which respects the wider landscape character views to the Church from Merton Road and the footpath to the west, and creates a logical extension to the village. The LVIA concludes that the impact upon the landscape character of the site and the surrounding area, as well as the townscape of the neighbouring area, would be moderate/adverse in the short term and slight/adverse in the longer term.
- 9.47. The Council's Landscape Officer advises that the site has no detracting features, and that it is reprehensive of the low lying character of the large open fields in the areas and influenced by the structural vegetation on the railway with the 20<sup>th</sup> Century Housing beyond.
- 9.48. Officers agree that views of the development would mainly be localised but consider that the visual impacts immediately from the south, as indicated by viewpoint two from Merton Road, would be very harmful to roadside receptors in that the open field character of the site, especially as part of the contextual landscape is a setting to the attractive elevated Graven Hill. Officers therefore consider that the landscape sensitivity is high, against a magnitude of change of high, which results in substantial adverse landscape effect.
- 9.49. The Council's Landscape Officer advises that the landscape mitigation discussed in the submission in the open space adjacent to Merton Road would be uncharacteristic of the contextual landscape. Officers also do not consider that landscaping can appropriately significantly mitigate the harm to the landscape.

- 9.50. It is considered that the extent of built development as a result of the proposal would expand to a large extent as one travels along Merton Road. Officers also consider that Marsh Road/Jasper's Close, south of Merton Road is an incongruous residential development that extends the edge of the village in a south westerly direction beyond the railway line. It is therefore considered that when travelling eastwards on the Merton Road towards Ambrosden, the harm of the proposed development would be exacerbated by this Marsh Road/Jasper Close development.
- 9.51. Regarding visual effects, approaching Ambrosden along Merton Road from the west, owing to the slight elevation of the road and the low field hedges, the village can be made out in distant views from over a mile away. However, at this distance the appeal site and development upon it would not readily discernible. Closer to the village the site become more prominent including views of the tower of St Mary's Church.
- 9.52. Officers agree with the LVIA that receptor sensitivity is high from the south and south east of the site on Merton Road, and south east on Jasper's Row and Marsh Road. The introduction of this amount of housing, access roads and associated domestic paraphernalia onto the open undeveloped site would urbanise it, resulting in a significant change to the site and a high magnitude of change. Officers consider that the high sensitivity judged against a magnitude of change of high results in a substantial adverse visual effect. Unlike the LVIA, officers do not consider that this visual effect would improve much over 15 years.
- 9.53. Thus, and whilst it is accepted that there would not be a wider landscape harm, it is considered that there be harm to the localised landscape as well as a significant amount of harm to the character and appearance of the countryside.

#### *Assessment of Local Character*

- 9.54. The site is located to the south west of Ambrosden and is clearly within the open countryside beyond the edge of the built up area of this village.
- 9.55. When reviewing historic maps (for instance an OS Map 1892-1914), the Merton Road historically served as the main thoroughfare through Amrbosden and the village had a largely linear settlement pattern. Beyond what is the railway line today to the south west of the village stood a few buildings, including Ambrosden Court, cottages and a number of buildings in an agricultural use.
- 9.56. Since this time, Ambrosden has grown at a relatively rapid rate. This was first mainly down to housing serving MoD workers around the mid-point of the 20<sup>th</sup> Century. This MoD related development has taken place to the north and north east of the historical village. Further residential development has also taken place, for example the aforementioned development at Springfield Farm and further development to the east of Springfield Farm is very likely to undergo construction in the not too distant future. Today, Ambrosden has a nucleated settlement pattern after originally having a linear settlement pattern.
- 9.57. That said, the large majority of housing at Ambrosden has taken place on the north east side of the railway line, and before the recent construction of the Ambrosden Court development to the south east of Merton Road, residential development was relatively limited to the south west side of the railway line. The urban street scene to the south west side of Ambrosden was characterised principally by ribbon development fronting Merton Road.

- 9.58. The Ambrosden Court development effectively consists of a cul-de-sac development of approximately 45 dwellings to the south east of Merton Road. This development is largely sited behind dwellings that existed before the construction of this residential scheme and does not extend much further to the south west than existing development fronting Merton Road and are therefore somewhat contained.
- 9.59. Officers consider that the buildings to the south west of the railway line read as a cluster of buildings outside the core of the village to the north east, which is substantially more developed. Whilst there have been similar scale developments in Ambrosden in the past, the south west side of the railway line has not been subject to anywhere near the same quantity of residential development as the north east of the railway line. The site is located further to the south west of existing development and the proposed large development on the site would expand this south west cluster of the village much further into the countryside. Thus, the officers consider that the proposal would be out of character with the general form of development at Ambrosden and this suburban development would fundamentally alter the character of the village.
- 9.60. Regarding connectivity, the indicative plans display two points of entry with Merton to the south east of the site, one for vehicles and pedestrians and one solely for pedestrians. However, the proposed development would fail to achieve connectivity with any other parts of the village, and so would fail to integrate the new development with the village.
- 9.61. The proposed development with its access onto Merton Road outside the built up area of Ambrosden would be somewhat disconnected from the main village structure and, together with its overall scale and location, promote an uncharacteristic addition at this part Ambrosden. This would cause considerable harm to the character of Ambrosden.

### *Conclusion*

- 9.62. Given the above, officers consider that the proposal would cause harm to the localised landscape, a significant amount of harm to the character and appearance of the countryside. Furthermore, by virtue of its siting to the south west of the village, large scale and size and poor connectivity with the village, the proposal would cause considerable harm to the character of Ambrosden. Given the conclusion reached by officers, the proposed development would conflict with Policies ESD13, ESD15 and Villages 2 of the CLP 2015 and saved Policy C28 of the CLP 1996.

### Site Layout and Design Principles

#### *Policy Context*

- 9.63. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high quality design meeting high design standards and complementing any nearby heritage assets. The National Planning Policy Framework is clear that good design is a fundamental to what the planning and development process should achieve.
- 9.64. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principle routes and adjacent to areas of the

public open space, the use of traditional building materials and detailing and form that respond to the local vernacular.

#### *Assessment*

- 9.65. The application is in outline with all matters reserved except for access from Merton Road. The application is accompanied by an indicative layout. It is expected that an indicative layout and design and access statement would demonstrate that the development proposed can be appropriately accommodated and which sets appropriate design principles so that future detailed proposals can be achieved.
- 9.66. The illustrative layout submitted indicates that up to 84 dwellings can be accommodated on the site, indicating open space to the front of the site with a main access road from Merton Road running to a circular road section with four lanes stemming from this. A singular pedestrian link is also proposed from Merton Road with a footway running around the site boundary.
- 9.67. Officers consider that the indicative layout further emphasises that the proposed development would fail to integrate sympathetically with the existing built development in the area as it would be detached from the village. Due to ownership constraints and the location of the site, it is unlikely that any other layout could be achieved that would better integrate with the village or provide meaningful connections through to the main routes in the village. Given the constraints of the site and the lack of opportunities to better integrate the development with the village, officers consider an acceptable layout could not be achieved at reserved matters stage.
- 9.68. Furthermore, the indicative layout displayed would be uncharacteristic of development on the south west side of Ambrosden. Where there are routes stemming from Merton Road on the south west side of the railway line, none are of such a large scale and have a complex layout as the scheme put forward in the indicative plans, including the Ambrosden Court development. Given the quantity of development proposed, officers do not consider that this issue can be addressed at the reserved matters stage and this further weighs against the proposal.
- 9.69. Of note, the amount of set back of the proposed from Merton Road as displayed would be somewhat uncharacteristic of development towards the south west side of Ambrosden, as most of the dwelling facing this street tend have a much closer relationship to this highway. Officers consider that the open space and LAP/LEAP should generally be incorporated within the development, rather than sit on the periphery of it so it is better overlooked. However, these matters could be addressed at the reserved matters stage, as could the matter of appearance and scale of dwellings.

#### *Conclusion*

- 9.70. The proposal would fail to sympathetically integrate with the existing built development in the area and be uncharacteristic of existing development on the south west side of Ambrosden. Given this, it is therefore very difficult to see how a locally distinctive development could be achieved.

#### Impact on the Historic Environment

#### *Policy Context*

- 9.71. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority gives special regard to the desirability of preserving a listed building or its setting.
- 9.72. Paragraph 189 of the NPPF states that: *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”*
- 9.73. Paragraph 193 of the NPPF states that: *“When considering the impacts of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”* Paragraph 194 of the NPPF goes on to state that: *“Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.”*
- 9.74. Paragraph 196 of the NPPF states that: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*
- 9.75. Policy ESD15 of the CLP 2015 states that new development proposals should: *“Conserve, sustain and enhance designated ‘heritage assets’ (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG.”*

#### *Assessment*

- 9.76. The site is not within a conservation area, nor is it within close proximity to a conservation area. The nearest listed building to the site is the Grade II listed Holly Tree Cottage which dates from the 18<sup>th</sup> Century and is approximately 100 metres to the north east of the site. This building is surrounded by existing development. Given the built up setting to this building, the Council’s Conservation Officer and officers hold the view that the proposed development would not materially alter how this heritage asset is experienced. It is therefore considered that the proposal could be designed in such a way so as not harm the significance of Holly Tree Cottage and its setting.
- 9.77. The Grade II\* listed Church of St Mary the Virgin is approximately 300 metres away from the north east of the site. The Council’s Conservation Officer has raised concerns that the development would affect views of the church across what is currently an open agricultural landscape, particularly when approaching the village of Ambrosden from Merton along the Merton Road. The Council’s Conservation Officer advises that, should a more detailed scheme come forward, the impact on these views of the church should be taken into consideration.
- 9.78. The planning officer notes the above concerns in relation to views of the listed church. It is acknowledged that residential development does sit between the site and the church and permission has been granted for 5 additional dwellings between the site and this church. Nonetheless, views of this church tower are clearly visible when travelling in a north easterly direction along Merton Road given the overall height of the tower and relatively rural and open landscape setting to the south west of this church. It was often the intention that historic village

churches were visible landmarks within the rural landscape. This visibility reflects the social importance of religion in the middle ages and the manner in which communities used the highly prominent architectural church spire to mark their presence in the landscape.

- 9.79. This undeveloped site contributes to the rural setting of the church from the south west. Officers consider that this setting contributes towards the significance of this church, especially as the view from Merton Road is one of the limited views of the church tower seen in association with the agricultural land in the foreground.
- 9.80. The Conservation Officer agrees with the conclusion of the Heritage Statement which notes that the inclusion of residential development on this open application site would result in a minor level of harm to the setting of the Grade II listed church. The Conservation Officer implies that this harm could be increased due to an inappropriate layout, form and design at the reserved matters stage.
- 9.81. Thus, the proposal is considered to cause less than substantial harm (but harm nonetheless) to the significance of this Grade II\* listed church. The matter of whether there are any public benefits which outweigh this harm will be discussed below in the planning balance section of the report (section 10).
- 9.82. The site is also located in an area of archaeological interest east of an area of prehistoric and Roman settlement. The OCC Archaeologist advises that Iron Age roundhouses were recorded along with a series of Roman linear features. The full extent of this settlement site is unknown. A number of Neolithic and Bronze Age flints were recorded immediately north east of the proposed site along with a number of undated ditches.
- 9.83. Furthermore, the site formed part of the post medieval Ambrosden Park which contained a number of lakes. The OCC Archaeologist notes that part of one of these lakes is located in the site and that this lake would have once been larger and the backfilled section also forms part of the application site.
- 9.84. Given the above, the OCC Archaeologist advises it is possible that further archaeological deposits related to the prehistoric and Roman period could survive within the site. The application could also disturb archaeological deposits related to the post medieval park. The OCC Archaeologist therefore recommends that should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This could be conditioned should outline planning permission be granted.

### *Conclusion*

- 9.85. The proposal would result 'less than substantial' harm to the significance of the Grade II\* listed Church of St Mary the virgin and its setting and therefore there would be conflict with Policy ESD15 of the CLP 2011-2031. However, it is considered that the proposal could be constructed without harming the significance or setting of any other heritage assets.

### Transport and Highways Impact

#### *Policy context*

- 9.86. Policy ESD15 of the CLP 2015 states that: *"New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live*

*and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.”*

- 9.87. Policy SLE4 of the CLP 2015 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.”*

#### *Assessment*

- 9.88. Officers are aware that third parties have raised concerns in relation to highways safety, but the Local Highways Authority (LHA) has raised no objections to the proposal subject to conditions, S106 contributions and an obligation to enter into S278 and S38 agreements.
- 9.89. In relation to public transport, the LHA advises that the site is located some distance from the main transport axis through Ambrosden, the Ploughley Road, with its regular S5 bus service to Bicester and to Oxford. The Transport Assessment quotes 640 metres but in reality the walking distance from the centroid of this proposal is in excess of 800 metres. This walking distance is in excess of normal expectations for access to the bus network (400 metres) and propensity to use the bus decreases with distance from access to the bus route.
- 9.90. The LHA notes that the 94 is not a significant bus route. It operates only two journeys into Oxford in the morning and back again in the late afternoon on Mondays to Fridays only. Essentially these buses are positioning journeys from the Charlton-on-Otmoor depot into Oxford for school contract work. Officers agree with the LHA that this cannot be considered a strategic public transport route with a long-term future. The developer’s Transport Assessment gives the 94 service equal weight with the S5 to Bicester and Oxford and is misleading.
- 9.91. The LHA advises that the S5 bus service provides direct access into Bicester town centre, the local service centre, and central Oxford. The current frequency is once per hour, but there is a strategy to enhance this to two buses per hour, as well as providing an evening and Sunday service. Contributions towards this proposed service enhancement have already been collected from the Bloor Homes development in Ambrosden as well as from other development sites between Arncott and Bicester. Furthermore, the allocated development sites at Graven Hill and South East Bicester will tend to strengthen the Arncott-Bicester public transport axis along the Ploughley Road.
- 9.92. The LHA advises that one of the major considerations for bus service provision is access to employment for new residents. There are many new employment sites around Bicester, especially along the A41 and Oxford Road such as Symmetry Park, South East Bicester, then along the Oxford Road (Bicester Business Park and Gateway). However, there are no employment opportunities along the 94 route across Otmoor.
- 9.93. Officers agree with the LHA that proximity to the 94 bus route is an irrelevance given future prospects for that route, and that proximity to the Ploughley Road and the S5 bus service is the relevant factor for access to public transport. The LHA therefore seeks a contribution of £84,000 from this development, at the rate of £1,000 per dwelling, towards the enhancement of the S5 bus route.
- 9.94. In relation to the Transport Assessment (TA) submitted alongside the application, the LHA considers this to be a suitable level of submission for the development quantum that is the subject of this planning application.

- 9.95. The LHA note that the TA presents a detailed analysis of the likely impact on the capacity of the junction of Merton Road and Ploughley Road of the traffic generated by the development. The LHA highlights that whilst the methodology adopted for this analysis is generally sound, it does contain some minor shortcomings (for example, the trip rates appear to be on the low side). Despite this, the LHA advises that the analysis of the aforementioned junction show that it is comfortably within capacity with the proposed development in place, and that the overall outcome would be unlikely to be affected if these shortcomings were addressed.
- 9.96. However, the LHA advises that a strategic transport contribution is sought from the development towards the proposed Ploughley Road junction improvements, justified by the NPPF and Bicester Area Strategy Policy BIC4 in the County Council's Local Transport Plan 4. As noted by the LHA, the Ploughley Road/A41 junction to the north of the site suffers capacity issues. As a result, a scheme has been developed to enhance the capacity of the junction and deal with the cumulative impact of future growth. The LHA notes that the additional traffic associated with the proposed development would contribute to a further worsening of capacity issues at this junction. The LHA highlights that a similar contribution was sought for the Church Leys Field development at Ambrosden for 85 dwellings. The LHA states that a sum proportionate to the figure at Church Leys Field development is necessary from this development and this was £687.23 per dwelling. As this proposal is for 84 dwellings, this would result in a proportionate contribution of £57,727,32.
- 9.97. The LHA advises that one bus service per hour is unlikely to be an attractive option for residents considering using public transport for either commuter or leisure trips and that the car will be the default option for most. Given this, the LHA states that a full residential Travel Plan is required for this development, a matter of which can be conditioned should permission be granted, as well as a Travel Information Pack. Whilst a Travel Plan has been submitted as part of this application, the LHA notes that this requires further work for it to meet OCC's criteria as set out in the Transport for New Developments – Transport Assessments and Travel Plans (March 2014). The LHA highlight that the submitted Travel Plan has been produced at too early a stage in the development process and consequently is missing a substantial amount of the information required to ensure the document is robust and useable. For instance, reducing the need to travel has not been discussed amongst other matters. The LHA has noted that a travel plan monitoring fee of £1,240 is payable prior to first occupation to measure and maximise its effectiveness.
- 9.98. Regarding Public Rights of Way, no rights of way cross the site. However, the LHA states that in terms of walking access the settlement risks being isolated from surrounding countryside for recreation including dog walking and it needs to have better connections. The LHA states if there are not better connections residents and visitors may have to risk walking on the Merton Road between the development and the nearest public footpath. The LHA notes that Merton Footpath 295/7 lies within 500m of the site and offers the only opportunity to access the wider public right of way network to the west of Ambrosden via Home Farm. Given the narrowness of Merton Road a connecting roadside footway may not be possible. However, the LHA notes that it may be possible that a footpath link behind the hedge could be negotiated and constructed by the County Council and/or the parish council. The LHA requests a contribution of £40,000 to enable OCC to undertake the negotiation, securing and establishment of the route and associated surfacing and fencing on the ground. This calculation is based on a desk assessment of the likely costs for the measures.

- 9.99. The LHA notes that the proposed access details are acceptable and they have provided advice on what should be provided at the reserved matters stage should outline permission be granted, for instance swept path analysis for refuse vehicles for all manoeuvres in forward gear and visibility splays.
- 9.100. The LHA states that an obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including site access priority junction with Merton Road and the emergency access. The LHA also notes that an obligation to provide estate roads, parking and manoeuvring areas to adoptable standards will be required for the development. The S106 agreement would secure delivery via future completion of a S38 agreement. This matter can be progressed as part of a Reserved Matters planning application should outline planning permission be granted.

#### *Conclusion*

- 9.101. The LHA concludes that the proposal would not have an adverse impact upon the safe and efficient operation of the highway network subject to conditions, S106 contributions and an obligation to enter into S278 and S38 agreements. Officers see no reason to disagree with this assessment.

#### Ecology and Trees

##### *Policy Context*

- 9.102. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*
- 9.103. Paragraph 170 of the NPPF states that: *"The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity."*
- 9.104. Policy ESD10 of the CLP 2015 reflects the requirements of the Framework to ensure protection and enhancement of biodiversity. The Authority also has a legal duty set out in the Natural Environment and Rural Communities Act 2006 (NERC 2006) which states that: *"Every public authority must in exercising its functions, must have regard... to the purpose of conserving (including restoring / enhancing) biodiversity."*
- 9.105. Policy ESD15 of the CLP 2015 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.

##### *Assessment*

- 9.106. Natural England has raised no objections to the application and has noted that the proposal as submitted will not damage or destroy the interest features for which the Arcott Bridge Meadows SSSI has been notified.
- 9.107. An Ecological Appraisal (EA) has been submitted alongside the application and the EA states that a desktop study was conducted as well as a field survey in June 2018.
- 9.108. The EA notes that the site has been assessed as being of low ecological value at local level and that the proposed development would result in the loss of semi-improved grassland, the majority of which is species poor, as well as a small section of the southern boundary hedgerow so as to allow site access.
- 9.109. The Council's Ecologist advises that the submitted EA is acceptable, but should have included a biodiversity impact assessment using a metric to show that a net gain is achievable on site. The Ecologist advises that based on the current illustrative layout the avoidance of a net loss would be marginal when taking into account space for LAPs etc. The Ecologist notes that a metric would give the LPA confidence that an overall net gain can be achieved even if the layout subsequently changes. The Ecologist advises that a Landscape and Ecological Management Plan (LEMP) should be secured by condition in this instance to include this information and this should guarantee a net gain.
- 9.110. The Council's Ecologist has stated that in general the recommendations for enhancements are appropriate and that bird and bat boxes should all be of an integrated design. Any approved layout will need to be developed in tandem with the LEMP and not proceed it.
- 9.111. There is a pond close to the western boundary of the site and given that local records confirm that Great Crested Newts (GCN) are present in the local area, this pond was tested for its suitability to support GCN. The EA notes that the pond provided average suitability to support GCN and that the habitats within the site were considered to be of poor suitability to support GCN. The EA sets out that further survey effort is recommended to determine the presence/likely absence of GCNs from the site.
- 9.112. The Council's Ecologist has concerns that the necessary GCN surveys have not yet been carried out and that it is therefore unknown what mitigation or working methods would be required in this regard. The LPA would normally require such information at this stage, but as it is largely sub-optimal terrestrial habitat which would be affected the Ecologist advises it would be reasonable to require these extra surveys and any necessary mitigation by condition in this case (but there needs to be awareness of fitting in this mitigation into any layout).
- 9.113. A good assemblage of bats including rarer species such as Barbastelle were recorded in the EA and the Council's Ecologist has stated that protection of commuting and foraging habitat in terms of lighting and planting will be important on site.
- 9.114. Thus, the Council's Ecologist concludes that a scheme can come forward on the site without adversely affecting biodiversity. Officers see no reason to disagree with this assessment.
- 9.115. Regarding the impact on trees, there are a limited amount of trees on the site and the Council's Arboricultural Officer has noted that none of these should pose a constraint to development. The Arboricultural Officer is of the opinion that the category B trees, which are off site, are unlikely to come under any threat from the

proposals, and if works are needed within an influencing distance of these trees, appropriate protection, as specified in the Arboricultural Report should be followed. The Arboricultural Officer has raised no objection to the removal of the trees noted in the Arboricultural Report. The Arboricultural Officer also states that the report suitably details protective fencing/ground protection. Given the above, the Council's Arboricultural Officer has no objections to the scheme.

- 9.116. The Arboricultural Officer states that a landscaping scheme detailing tree planting on the site would need to be submitted. As landscaping is a reserved matter, this information can be requested at the reserved matters stage should outline permission be granted.

#### Conclusion

- 9.117. The proposal would not adversely impact upon trees of high amenity value subject to works being completed as specified in the Arboricultural Report. Furthermore, it is considered that any adverse impacts to biodiversity can be avoided.

#### Impact on Residential Amenity

##### *Policy Context*

- 9.118. Policy ESD15 of the CLP 2015 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Paragraph B.42 in the Cherwell Local Plan Part 1 states that: *"In all cases very careful consideration should be given to locating employment and housing in close proximity and unacceptable adverse effects on the amenity of residential property will not be permitted."*
- 9.119. Saved Policy C30 of the CLP 1996 states that design control will be exercised so that new housing development or any proposal for the extension or conversion of any existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority.
- 9.120. Saved Policy ENV1 of the CLP 1996 states that: *"Development which is likely to cause detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted."*

##### *Assessment*

- 9.121. The closest residential properties to the site are those to the north east along Merton Road (No.66 being the closest and sharing a side boundary with the site) and those to the south east of the site on the other side of Merton Road on Jaspers Row (No.9-10 being the closest).
- 9.122. The above noted and even though all matters are reserved in this application, apart from access, after viewing the indicative layout submitted within the Design and Access Statement officers are satisfied that a layout could come forward which prevents undue harm to the amenities of existing residential properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.
- 9.123. Furthermore, having viewed the indicative layout plan submitted with the Design and Access Statement, officers consider that an acceptable layout could be achieved in order to provide a good standard of amenity for potential occupiers of the site.

- 9.124. The Council's Environmental Protection Officer (EPO) advises that there could be potential for Merton Road to cause noise disturbance for dwellings nearest to this highway and has therefore noted that some mitigation may be required for both internal and external areas and that this mitigation can be agreed on a plot by plot basis at the reserved matters stage should outline planning permission be granted.
- 9.125. It is acknowledged that third parties have raised concerns of the potential for nuisance to be caused during the construction phases should permission be granted. The Council's EPO recommends that a Construction Environmental Management Plan (CEMP), which sets out details of the measures to be taken to ensure construction works do not adversely affect residential properties, should be secured by condition of any permission given and officers agree. Furthermore, the matter of nuisance arising from construction sites is strictly controlled by other regimes.

#### *Conclusion*

- 9.126. Given the above, officers are satisfied that the development can be made acceptable in residential amenity terms, both for existing residents neighbouring the site and future occupiers, with acceptable details to be secured at reserved matters stage.

#### Flooding Risk and Drainage

##### *Policy Context*

- 9.127. Policy ESD6 of the CLP 2015 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.
- 9.128. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

##### *Assessment*

- 9.129. A site-specific Flood Risk Assessment (FRA) and Foul Drainage Report have 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 and are within Flood Zone 1 where residential development is acceptable in principle subject to no increased flood risk elsewhere as a result of proposal. The FRA finds a low flood risk for the site apart from ground water flooding which is deemed as moderate risk. The FRA sets out that flood risk can be mitigated to a negligible or low and acceptable level through certain mitigation techniques.
- 9.130. OCC as Lead Local Flood Authority advises that the proposed drainage strategy included within the FRA is conceptual in nature. Initial infiltration testing has been undertaken at the site on behalf of the applicant and these results are positive in three of the four locations where they were undertaken (the east and north parts of the site). It is therefore proposed to use soakaways and permeable paving to allow infiltration to ground in the eastern and northern areas of the site in order to comply with the hierarchy of disposal of surface water. However, OCC notes that design details and calculations for these areas of the site are absent from the submission. OCC notes that in connection with the use of infiltration it will be

necessary to determine the seasonal high ground water level at the site. Officers are continuing to discuss flood risk matters with OCC.

- 9.131. For the western part of the site, where infiltration will not be viable, it is proposed to use a detention basin to control runoff. Initial calculations for the sizing of the pond were provided with the application showing the storage volume required of 365 cubic metres to discharge from the site at the QBAR greenfield rate of 11.7 l/s. OCC state that further detailed calculations will be required to support the detailed design.
- 9.132. OCC advises that, as well as the consideration of the modelled events, there should be a qualitative examination of what would happen if any part of the drainage/SuDS system fails, to demonstrate that flood water would have flow routes through the site without endangering property and where possible maintaining emergency access/egress routes. OCC advises that this should be supported by a flood exceedance route plan, and that the submitted details must include a SuDS Management and Maintenance Plan for the development.

#### *Conclusion*

- 9.133. Officers are continuing to discuss flood risk matters with OCC.

#### Impact on Local Infrastructure

##### *Policy Context*

- 9.134. Policy INF1 of the CLP 2015 states that: *“Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.”*
- 9.135. Policy BSC11 of the CLP 2015 states that: *“Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in ‘Local Standards of Provision – Outdoor Recreation’. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement.”*
- 9.136. Policy BSC3 of the CLP 2015 states that: *“At Kidlington and elsewhere, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site.”* Policy BSC3 requires this to be a mix of affordable rent and intermediate tenure.
- 9.137. The Council has an adopted Supplementary Planning Document (SPD) setting out its position in respect of requiring financial and on site contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

##### *Assessment*

9.138. Where on and off site infrastructure/measures need to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:

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

9.139. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. 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. 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.

9.140. 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 on-site LAP/LEAP together with future maintenance arrangements (LAP – 100sqm activity zone; 400sqm including buffer);
- Maintenance arrangements for on-site trees, hedgerows, ponds, ditches and drainage features;
- Provision of 35% affordable housing together with 70/30 tenure split between social rented and shared ownership or other low cost home ownership which should be agreed with CDC;
- Financial contributions towards improvements to off-site indoor and outdoor sports facilities;
- Financial contribution towards the provision of new community hall facilities or the improvement/expansion of existing facilities where there is not enough space capacity in existing appropriate facilities.

*Oxfordshire County Council*

- Financial contribution towards improving accommodation at Five Acres Primary School in Ambrsoden;
- Financial contribution of £57,727.32 towards capacity enhancement at the junction of the A41 and Ploughley Road;
- Secure £1,000 per dwelling (index linked) towards improving the frequency of the local bus service;
- Financial contribution of £40,000 towards the provision of a footpath link from the development site to Merton Footpath 295/7;
- Financial contribution of £1,240 towards the costs of monitoring the required Travel Plan;
- To secure entry into a S278 agreement (Highways Act 1980) to deliver a new vehicular access and emergency access as shown on Odyssey drawing No.18166-001;
- To secure entry into a S38 agreement to provide estate roads, parking and manoeuvring areas to adoptable standards.

8.127. CDC's Developer Contributions SPD states that new residential development will be expected to contribute towards the provision of additional health care infrastructure generated by its population growth where there is insufficient existing capacity, well located to serve the development. Whilst the Oxfordshire Clinical Commission Group has been consulted, comments have not been received from this consultee. Thus, officers do not consider that they can request contributions towards health care infrastructure.

#### *Conclusion*

8.128. A number of items would 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.

#### Other Matters

8.129. Saved Policy ENV12 of the CLP1996 sets out that development on land which is known or suspect to be contaminated will only be permitted if

- (i) Adequate measures can be taken to remove any threat of contamination to future occupiers of the site.
- (ii) The development is not likely to result in contamination of surface or underground water resources
- (iii) The proposed use does not conflict with other policies in the plan.

The site is on land which is potentially contaminated and the Council's EPO has therefore recommended that phased contaminated land conditions need to be attached should permission be granted. Officers agree with this assessment.

8.130. Regarding air quality, the Council's EPO has requested that ducting is provided for the future installation of Electric Vehicle charging infrastructure in order to make resident parking places EV ready for future demand. The NPPF and Policies SLE4 and ESD1 of the CLP 2015 encourage and support the incorporation of measures into new development that promote more sustainable forms of transport. The provision of EV charging infrastructure is also reflected in the Council's Infrastructure Delivery Plan. Therefore should permission be granted, a condition requesting this is considered reasonable and necessary.

8.131. Concerns have been raised in relation to light pollution and its impact upon the visual amenities of the area as well as neighbour amenity. The site is not in an intrinsically dark area and officers consider that the proposal would not cause undue harm to neighbouring properties in terms of light nuisance. Furthermore, the Council's EPO has raised no objections to the proposal on the grounds of light pollution.

8.132. In relation to the best and most versatile agricultural land, the site falls within grades 3 and 4, therefore it is considered to be the moderate to poor quality agricultural land. The development will result in the loss of this land for agriculture and but this harm is considered to be negligible given the quality of the land.

8.133. The Council's Waste and Recycling Officer has set out that the developer will have to satisfy the local authority that they have adequate provision for waste and recycling storage, before the application is agreed. However, officers are content adequate provision for waste and recycling storage could be provided and that further details of this could be requested at the reserved matters stage.

- 8.134. Third parties have raised concerns that the proposal would place further pressure on utilities that are already stretched. Whilst it is the case that the development may possibly place strain on the utilities, this is not a material planning consideration in this case and is a matter for the relevant utility providers.
- 8.135. Third parties have also raised objections on the grounds of loss of view from private property and the devaluation of property prices, but these are not material considerations in this case.
- 8.136. Concerns have been raised by third parties regarding the matter of coalescence with Merton. Whilst the proposed development would move the built up area of Ambrosden closer to Merton, the site is still over 2KM from Merton.
- 8.137. In relation to the Ambrosden Court development on the south west side of the railway line, this was allowed at appeal in April 2014 (ref: APP/C3105/A/13/2206998). The Inspector noted that the development was contrary to the development plan in that it would be contrary to the Council's housing policies at the time and would also cause harm to the character and appearance of the countryside, and therefore local landscape harm. However, the Council could not demonstrate a five year housing supply at the time of this appeal and this was a material consideration which heavily contributed in favour of allowing the appeal. The LPA can now demonstrate a five year supply of housing and the housing policies are not out of date.

#### Human Rights and Equalities

- 8.138. The Human Rights Act 1998 ("HRA") sets out fundamental freedoms which have been laid out by the European Convention on Human Rights ("ECHR"). In making any decisions, Cherwell District Council ("the Council") should have due regard to and take into account any implications that may arise under the HRA. As a public authority, it is unlawful for the Council to act in a manner which is incompatible with the ECHR.
- 8.139. The rights under the ECHR which the Council views as being the most likely to affect planning matters are Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

#### *Article 8 and Article 1 of the First Protocol*

- 8.140. Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours' property.

#### *Duty under The Equalities Act 2010*

- 8.141. S149 of the Equalities Act 2010 ("EA") sets out what is known as the Public Sector Equality Duty ("PSED"). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.
- 8.142. Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

## **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 CLP 2015 is an up-to-date Local Plan and as such it is considered to attract full weight including its housing supply policies.
- 9.3. The site is unallocated in the adopted CLP 2015. The proposal seeks permission for a large scale residential development on the edge of a Category A Village. As the proposal is for over 10 dwellings, the principle of the proposal therefore falls to be considered against Policy Villages 2 of the CLP 2015 and a full range of other policies relating to detailed matters. Policy Villages 2 is an intrinsic part of the housing strategy of the Local Plan, which seeks to direct residential development to the most sustainable settlements in the District and it includes a number of criteria in order to assess this.
- 9.4. Policy Villages 2 sets out that a total of 750 dwellings will be delivered at Category A villages within the plan period (2011-2031). It is reasonable to conclude that within the next three years a total of at least 539 dwellings will have been delivered under Policy Villages 2 and potentially as many as 743 dwellings. Even taking the conservative figure of 539 having been developed by the end of 2021, this amounts to 72% of the housing under Policy Villages 2 being completed by a point 50% through the Plan period. To permit a further 84 dwellings at a settlement which has already received 129 of those 750 dwellings and a total of 218 within the plan period of 2011-2031.
- 9.5. Given the relatively sizeable amount of residential development that has been constructed and residential development that is extremely likely to be constructed at Ambrosden within the plan period, officers consider that allowing 84 homes would lead to an undesirable over concentration of new housing development in Ambrosden that would prejudice a more even planned and sustainable distribution of housing development across the District's Category A villages and undermine the housing strategy of the CLP 2015.
- 9.6. In light of this and the Council's ability to demonstrate a five year housing land supply of deliverable housing sites, officers consider that there is no overriding need for the proposal on housing delivery grounds. The proposal therefore conflicts with the Council's rural housing strategy contained within Policy Villages 2 of the CLP 2015.
- 9.7. Furthermore, by virtue of its siting outside the built up area of the village and to the south west of Ambrosden, large scale and size and poor connectivity with the village, the proposed development on this site would result in significant environmental harm as it would cause harm to the local landscape and a significant amount of harm to the character and appearance of the countryside. In addition, the proposal would fail to reinforce local distinctiveness thereby causing considerable harm to the character of Ambrosden. The proposal development would therefore be contrary to ESD13 and ESD15 of the CLP 2015 and saved Policy C28 of the CLP 1996.
- 9.8. The site affords positive views across the landscape towards the Grade II\* listed St Mary's Church. The development of the site with 84 dwellings would erode the

rural and open setting of this this heritage asset. It is therefore considered that there would be less than substantial harm to the significance of this heritage asset and its setting, and there would therefore be conflict with Policy ESD15 of the CLP 2015.

- 9.9. When assessing whether there are any public benefits/material considerations that indicate whether the proposal should be recommended for approval, the proposal would bring some social benefits including a contribution to the District's ongoing five year supply as well as the provision of affordable housing, and in general spatial terms the site is located next to a Category A village which has services and facilities accessible by walking. New development also commonly brings economic benefits including providing some construction opportunities, but the economic benefits should not be overemphasised. However, these benefits are not considered to outweigh the conflict with the up-to-date development plan.
- 9.10. It is therefore concluded that the proposal does not constitute sustainable development and the application is recommended for refusal.

## **10. RECOMMENDATION**

### **REFUSAL FOR THE REASONS SET OUT BELOW:**

1. The development proposed, by reason of its scale and siting beyond the built up limits of the village, in the open countryside and taking into account the number of dwellings already permitted at Ambrosden as well as Cherwell District Council's ability to demonstrate an up-to-date five housing land supply, is considered to be unnecessary, undesirable and unsustainable development that would lead to an over concentration of new housing development in Ambrosden, which would undermine the housing strategy and prejudice a more balanced distribution of rural housing growth planned for in the Cherwell Local Plan (2011-2031) Part 1. Thus, the proposal is unacceptable in principle and contrary to Policy Villages 2 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.
2. The development proposed, by reason of its siting beyond the built up area of the village to the south west of the village, excessive scale and poorly integrated relationship with existing built development, would cause local landscape harm and a significant amount of harm to the character and appearance of the countryside, as well as cause considerable harm to the character and appearance of the area and would fail to reinforce local distinctiveness. It would also result in 'less than substantial' harm to the significance of the Grade II\* listed Church of St Mary and the harm stemming from the proposal is not considered to be outweighed by any public benefits. Thus, the proposal is contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of the Cherwell local Plan 1996 and Government advice within the National Planning Policy Framework.
3. In the absence of the completion of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of safeguarding public infrastructure, mitigating highway safety concerns, encouraging use of sustainable modes of transportation, delivering mixed and balanced communities by the provision of affordable housing and securing on site future maintenance arrangements will be provided. This would be contrary to Policy INF1, PSD1, SLE4, BSC3, BSC4, BSC9, BSC10, BSC11, BSC12, ESD1 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

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