

Application 09/01346/OUT	No:	Ward: Ambrosden and Chesterton	Date Valid: 30.10.09
Applicant:	Norman Collison Foundation Trustees		
Site Address:	Ambrosden Court Merton Road Ambrosden Bicester Oxfordshire OX25 2LZ		

Proposal: Erection of 9 dwellings to the West and South of Ambrosden Court and replacement garage. Alterations to existing access to Merton Road. Access and layout only.

1. Site Description and Proposal

- 1.1 This 0.66ha site is located on the south side of Merton Road on the southwestern outskirts of Ambrosden. Immediately to the west of the site is a single detached dwelling (Roman Way) beyond which is open countryside and to the east are further detached dwellings which front onto Merton Road. Opposite on the north side of Merton Road are a pair of semis and detached property which similarly front onto the main road and an intimate housing scheme (Home Farm Close) comprising a small row of established terraced properties partly set back from Merton Road behind a wide grass verge and footway. Beyond these buildings are large fields forming the countryside south-west of the village.
- 1.2 The site is accessed directly from Merton Road through a gated entrance which is walled either side. The entrance opens onto a double garage and long single storey outbuilding all located to the west of the main property. Much of the built form of the site is situated towards the front (northern) end of the site and also includes a swimming pool. The remainder is garden land associated with Ambrosden Court including tennis court, greenhouses and other outbuildings located at the far (southern) end of the site, all enclosed by a stone boundary wall. It is also noteworthy that the site contains a wide range of trees of varying age and interest and the supporting documentation identifies and categorises 40 of these.
- 1.3 Although the application has been submitted in outline, matters of access and layout are to be determined at this stage. The application proposes the erection of 9 No. dwellings on the majority of the site including a row of 3 No. terraced properties to the front adjacent to Ambrosden Court which will be retained and 6 No. large detached or link detached dwellings with associated garaging to the rear of the site. The layout features large individual plot sizes to the rear of the site to accommodate the detached dwellings, private garaging and gardens facing onto a new shared access road. The access road will utilise the existing access point but it is proposed to be widened.

2. Application Publicity

- 2.1 The application was advertised in the local press and a site notice was posted. The final date for comment is 7 December 2009.

2.2 At the time of writing 13 letters of objection have been received from neighbours full details of which are available through the public access system but précised below, raising the following material planning reasons:

- Highway safety. The proposed development adjoins a narrow and dangerous road already overloaded with traffic particularly at peak times. Merton Road is used as a rat run to and from Oxford. No thought has been given to pedestrians which need to be wider. Incorrect data has been used.
- Access: The access to Merton Road at this point (junction with Home Farm Close opposite the junction to the site) is substandard and narrow requiring you to cross over the other side of the road to make a turning.
- House type. The plans provide for substantial dwellings with garages. There will be no benefit to first time buyers and no help towards the current housing shortage.
- Effect on rural character. The proposed development is out of place and out of keeping with the rural character of the area which at this particular position is wholly agricultural. Views of the countryside will be obscured.
- Loss of trees: Two in particular (the Blue Cedar and Dawn Redwood) are mature and attractive trees which will be lost. The scheme is therefore environmentally insensitive.
- Flooding will be become far worse.
- This type of housing is not 'much needed' because locals cannot afford luxury housing.
- Excessive overlooking and loss of sun light into garden belonging to The Barn and additional noise and disturbance.
- Development like this is urban sprawl which is what the planning system was meant to prevent.

Non-material objections raised:

- No attempt is made to enforce the speed limit and commuters in particular race through (Merton Road) with impunity. Making the speed limit 25 mph will make no difference as people don't even abide by the 30mph limit.
- Currently services such as gas, water, drainage, sewerage and electricity appear to be overstretched and there have been consequent interruptions to supply.
- Low water pressure.
- The garage to Roman Way is part of the surrounding stone wall.
- Many essential services are supplied through the site which will be interrupted during building works
- There are legal covenants affecting the site.
- The sort of people who buy these houses do not contribute to the village but will be commuters.
- More development in villages is a constant battle against plans and planners.

3. Consultations

3.1 Ambrosden Parish Council – **Object**, on the following grounds:

- Highway safety: The highway survey on traffic speeds is not adequate with insufficient sample at the wrong times. There is on-going concern about traffic speeds opposite the site entrance even before this application was submitted and there have been 3 recorded accidents in the last 5 years. Traffic speeds already exceed 30 mph in excess of the suggested speed of 25mph. The

survey was taken when there were obstructions so traffic would have been going slower at that time than usual so it is not accurate. Despite the report saying that the footpaths are adequate, the footpath opposite the application site narrows to 660mm and there is no footpath on the Ambrosden Court side. This is a danger to pedestrians with children or buggies who have to walk on the road. Nevertheless, the highway issues maybe overcome with the provision of suitable traffic calming scheme.

- Flooding: Part of the site, plots 8 & 9 are within Zone 2 and the parish Council has noticed that in the past 30 years the garden land has been flooded. The existing boundary walls mentioned in the report are not completely waterproof and impede water flows. Despite the report stating that there is no particular problem with foul drainage the PC considers that there is between the site and Arncott Road where the drains become surcharged with surface water in wet weather leading to flooding. The proposed dwellings in the flood zones will need to be much higher therefore increasing their dominance in the open countryside far more than as is shown in the elevation drawings.
- Layout and design: Insufficient bin storage and too close to Merton Road and not close enough to the homes. Inadequate parking for the social units which require disable parking provision and turning space so the layout does not work. No turning space for refuse, delivery or fir. The social housing should comply with Lifetime Homes but the layout and scale of these does not show that. Siting of houses is incongruous in the street scene and will damage views across the open countryside. The development will clearly extend past the rear building line established by Romans Way, Ambrosden Court and The Barn. The history behind Park Farm Close establishes the building line of the village and in that case there were a significant number of large outbuildings extending further into the open countryside and a consolidation of development was allowed on an area of land closer to the core of the village settlement.
- Trees. A number (seven in particular) will be lost which provide valuable screening and are visible in views from the open countryside. Other trees will be threatened.

- 3.2 Oxfordshire County Council (Highway Authority) – **No objection**, subject to conditions relating to provision of parking spaces and access specification details.
- 3.3 Environment Agency – **Comments awaited**
- 3.4 Thames Water – **No objection** subject to conditions to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 3.5 Planning & Affordable Housing – The policy position here is that Ambrosden is a Category 1 village under saved policy H13 of the adopted Cherwell Local Plan (Policy H15 of the non-statutory plan). It also features as a well performing village in the recent Cherwell Rural Area Integrated Transport and Land Use Study which means that it could, in principle, accommodate some new development in a sustainable way (in terms of access to services and facilities) with minimal impact on the transport network. At present Amborsden is considered to be one of Cherwell's most sustainable villages and the current policy permits infilling, conversion and minor development comprising small groups of dwellings on sites within the built up limits. This raises the principle question as to whether the proposal represents minor development in terms of the sites location partly within

and adjoining a small enclave of development south west of the railway line. There is also the question of the boundary of the built up limits. The Urban Housing Potential Study 2005 did not establish formal boundaries but it did suggest that land south of the tennis court may fall outside what might reasonably be considered to be the built up limits. If this is considered to be the case then the application needs to be judged against policies for the countryside.

The proposal needs also to be considered against policies in PPS3, the South East Plan (Policy H5) and the Non Statutory Local Plan (Policy H3) for making efficient and effective use of land. The site area should produce a density of 18 dwellings per hectare but the character of the area and the location of part of the site within an area of countryside may be restraining factors but the density is currently very low. The mix of housing may be a factor in achieving efficient use of land and should also be considered in light of the advice in PPS3, Policy H4 of the South East Plan and Policy H4 of the Non-Statutory Plan.

With regard to housing supply, the current position is that each case should be considered on its merits. Being a site for just 9 dwellings, it would not contribute to the districts measured supply of deliverable site (the monitoring threshold for assessing whether specific sites are deliverable is 10 dwellings). Therefore, although new housing on this site would contribute to overall supply, unless the number of dwellings changes, this is not a case where the district's supply of deliverable should be given much weight.

3.6 Conservation Officer – **comments awaited.**

3.7 Housing Strategy Officer – **comments awaited**

3.8 Landscape Services Manager - **Object**

This development will be quite visible on the approach to the village from Merton, particularly where the wall of the walled garden drops lower (not shown by the architects). For this reason I am not keen on the garage to plot 9 being adjacent to the boundary. Plots 8 and 9 could be moved NE to allow some planting on the boundary.

There will be the loss of quite a few trees, particularly the Blue Atlas Cedar and Dawn Redwood which are attractive features on this boundary. But there may be room to plant some interesting specimen trees to replace those lost.

I think it would be a great shame to lose so much of the stone wall along Merton Road to allow the necessary visibility splays but consideration needs to be given to retaining more of this wall by, for example, backing the rear gardens of the affordable housing onto the road.

To conclude, there would be a long virtually unbroken line of large houses visible from Merton Road which are not in keeping with the form of the surrounding properties. It is unfortunate that this scheme results in the loss of the most attractive trees on the site and quite a number of others.

3.9 Oxfordshire County Council (Archaeological Services) – **No objection** subject to conditions. There is some archaeological interest located in proximity to the site and it is recommended that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction. This can be ensured by a condition on the permission.

4. Relevant Planning Policies

- 4.1 Government Guidance
 - PPS1: Delivering Sustainable Development
 - PPS3: Housing
 - PPG13: Transport

- 4.2 Regional Spatial Strategy for the South East (The South East Plan) 2009
 - Policy CO1: Core Strategy
 - Policy CC1: Sustainable Development
 - Policy CC6: Sustainable Communities & Character of the Environment
 - Policy H4: Type and Size of New Housing
 - Policy H5: Housing Design and Density
 - Policy T4: Parking
 - Policy T5: Travel Plans and Advice
 - Policy C4: Landscape & Countryside Management

- 4.3 Adopted Cherwell Local Plan – November 1996
 - Policy H13: The Category 1 Settlements
 - Policy C13: Areas of High Landscape Value
 - Policy C28: New Developments
 - Policy C30: Design Controls

- 4.4 Non-Statutory Local Plan 2004
 - Policy H3: Making Efficient Use of Land
 - Policy H4: Types of Housing
 - Policy H15: The Category 1 Villages
 - Policy TR4: Mitigation Measures
 - Policy TR5: Road Safety
 - Policy TR11: Parking
 - Policy EN34: Landscape Character
 - Policy D1: Urban Design Objectives
 - Policy D3: Local Distinctiveness
 - Policy D5: The Design of the Public Realm
 - Policy D6: House Extensions and Alterations

5. Appraisal

- 5.1 The key issues to consider in this case are:
 - The history of the site
 - Assessment against principle policy H13
 - Housing delivery
 - Design, layout and settlement pattern
 - Impact on the landscape character and visual amenities of the area
 - Effect on the setting of the listed building
 - Highway safety

- 5.2 The only planning history relevant to this site since 1975 is as follows:
 - 03/01839/CLUE – Related to the continued use of 2 No. outbuildings for office purposes. This certificate of lawfulness was refused and dismissed at appeal. It is this appeal decision which is referred to in the applicant's Design & Access

statement.

- 03/01974/F – Refused application for a gravel surface access track from existing field access to existing access gates. This decision relates to the area of land outlined in blue on this current application and was refused on grounds of visual amenity and character of the open countryside.
- 05/00545/CLUE – This certificate of lawfulness for the use of a side outbuilding to the rear of Ambrosden Court as office accommodation was permitted.

- 5.3 Policies H13 of the adopted Cherwell Local Plan and the similarly worded Policy H15 of the non-statutory Local Plan address the issue of residential development within Category 1 settlements. Policy H13 of the adopted Cherwell Local Plan states:

RESIDENTIAL DEVELOPMENT WITHIN THE VILLAGES OF ...AMBROSDEN.....WILL BE RESTRICTED TO:-

- (i) INFILLING;
- (ii) MINOR DEVELOPMENT COMPRISING SMALL GROUPS OF DWELLINGS ON SITE WITHIN THE BUILT-UP AREA OF THE SETTLEMENT;
- (iii) THE CONVERSION OF NON-RESIDENTIAL BUILDINGS IN ACCORDANCE WITH POLICY H21.

IN EACH INSTANCE DEVELOPMENT PROPOSALS WILL BE SUBJECT TO THE OTHER POLICIES IN THE PLAN.

- 5.4 This policy is the main policy consideration for this application because it is considered that this site is part of the village which is considered to be Category 1, i.e. one which may accommodate some limited housing growth provided it meets with the criteria. Given that infilling is very clearly regarded as being the development of a small gap in an otherwise continuous built up frontage suitable for one or two dwelling, this proposal does not fulfill this first criterion. Also criterion (iii) can be disregarded because it is not a conversion proposal. Consideration is given to criterion (ii) relating to minor development comprising small groups of dwellings on site within the built-up area of the settlement. The key component here is whether or not the site can be regarded as being 'within the built-up area of the settlement'.
- 5.5 It is accepted that the site is not in an isolated location within the open countryside because of its relationship to the village and the fact that it is garden land associated with Ambrosden Court. However, it is officer's opinion that the development of this site would extend the boundary of the village protruding oddly into the landscape with open land on the east, south and west, and by definition cannot be regarded as being **within the built-up area**. All pre-application advice has consistently stated this position. The application, therefore, fails to comply with the adopted Policy H13 of the Cherwell Local Plan.
- 5.6 Having established that the site conflicts with the policy it is relevant to consider whether or not there are any other material considerations which would outweigh the level of harm that would result from allowing the development here. Other material considerations would include housing delivery, design, layout and settlement pattern, impact on the landscape character and visual amenities of the area. Other matters arising include the effect on the setting of the listed building

and highway safety.

- 5.7 With regard to housing delivery within Cherwell, the current advice is that the District is short of housing land for the required 5 year period. It is clear also from the policy advice noted above that, in principle, Ambrosden village is a candidate for further sustainable growth. The type of site that may be appropriate in rural areas such as this would be previously developed sites as it is noted in PPS3 that the priority for development should be previously developed land, in particular vacant and derelict sites and buildings. This site, being within the curtilage of Ambrosden Court, may be a candidate but it is also clear that there is no presumption that such land is necessarily suitable for housing development or that the whole of the curtilage should be developed particularly if it is at odds with other material factors.
- 5.8 PPS3 also seeks housing that is affordable, high quality, of good design, open space provision, sustainable locations, all of which may be argued by the applicant as features in this application. However, the advice also seeks a mix of housing which is not simply the provision of affordable homes but a mix of house types, size, tenure, none of which feature here as the application reveals 6 No. large detached family dwellings at the rear and 3 No. small terraced 'affordable' housing facing Merton Road. Contrary to the view taken by the applicant, PPS3 does not seek more efficient use of land i.e garden to housing land. It actually seeks an efficient use of land i.e. if the site is suitable for housing then it should be used efficiently and at a higher density than that proposed, notwithstanding the site constraints.
- 5.9 Advice in PPS3 also states that the sites chosen for housing should be in suitable locations which should respect the settlement pattern. It is clear that the rest of the village built form does not intrude into the landscape as the properties face onto Merton Road with gardens to the rear in a clear linear arrangement. This proposal reveals the properties to the rear are large and spread out at low density in a cul-de-sac arrangement alien to this area with no respect for the settlement pattern of Ambrosden. This is an important aspect to the application because 'layout' is not a reserved matter. Indeed, the layout is ill conceived as the most exposed and furthest corner of the site (Plot 9) has no landscape buffer to screen its appearance and will require the loss of many of the existing trees.
- 5.10 The effect on the visual amenities of the rural landscape is an important consideration as this site is highly visible from the public domain of the Merton Road. There is no doubt that, despite the situation of the boundary wall, when viewed from the southwest across the open fields, the development would be clearly visible and in so being its urban form would be visually intrusive into the open countryside. This is an unacceptable consequence of the site not being within the built up area. At present the structures on site are at single storey level and only the trees are visible retaining that openness of character which features in this area. At the time of writing, the matter of the future of the trees was under consideration by the Tree Officer as to their relative importance.
- 5.11 Being opposite a listed building (Holly Tree Cottage) the application was advertised as affecting the setting of a listed building but having considered this matter, the view is taken that the development is relatively self contained and detached from Holly Tree Cottage. Also Ambrosden Court, which is sited directly opposite the listed building, will not be affected by the proposal. It is concluded, therefore, that the development would not cause any harm in this regard.

- 5.12 Matters of highway safety have been concluded on advice from the County as Highway Authority and provided the access and parking meets with the criteria there is no objection on this ground.
- 5.13 In conclusion, the district as a whole is short of housing and Ambrosden has been identified as a candidate for growth. The site is essentially a large garden proportionate to its host property (Ambrosden Court) but it extends beyond the built up limits and into the countryside which is clearly visible from the public domain. Also, the character and form of development is alien to this part of Ambrosden and to release the site for the provision of just 9 dwellings would be in conflict with other policy guidance. On balance it is considered that the incremental erosion of the open countryside is to its significant detriment and the application is, therefore, recommended for refusal.

6. Recommendation

Subject to the expiry of the consultation period (7 December 2009);

Refusal, on the following grounds:

- 1. The proposed development of this site for residential purposes, due to its siting outside the built up limits of a Category 1 settlement fails to comply with the adopted Policy H13 of the Cherwell Local Plan, Policy H15 of the Non-statutory Cherwell Local Plan 2011 and CC1 of the South East Plan 2009.**
- 2. The layout of the site and number of units proposed fails to respect the established settlement pattern resulting in an incongruous, prominent, urbanising and discordant built form in a backland position to the serious detriment of the established character and layout of the village and detracting from its rural setting and open countryside adversely affecting the visual amenities of the area contrary to central government guidance contained in PPS3, Policies C7, C27 and C30 of the adopted Cherwell Local Plan and Policies D1, D3 and EN34 of the Non-statutory Cherwell Local Plan 2011.**

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