

**Land West Of Church Ley Field Adjacent To  
Blackthorn Road, Ambrosden**

**22/02455/OUT**

**Case Officer:** Natasha McCann

**Applicant:** L&Q Estates

**Proposal:** Erection of up to 55 new dwellings including affordable homes; formation of new pedestrian access; formation of new vehicular access from Blackthorn Road; landscaping and associated works

**Ward:** Launton And Otmoor

**Councillors:** Cllr. Cotton, Cllr. Holland and Cllr. Nedelcu

**Reason for Referral:** Major development

**Expiry Date:** 14 July 2023

**Committee Date:** 13 July 2023

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**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located approximately 800m to the east of the centre of Ambrosden and approximately 4.4km to the south-east of the centre of Bicester. The comprises an area of approximately 3.52ha of agricultural land (greenfield site), which lies to the south of Blackthorn Road and is situated between residential development in the west and agricultural land to the east of the B4011.
- 1.2. The Site lies within the 'Clay Vale' Landscape Character Type (LCT), and within that the 'Launton' Local Character Area (LCA). The 'Launton' local character area description observes several features which reflect the local character, particularly the pattern of thick hedgerows around fields of grass and alongside ditches which contribute to substantial enclosure of the landscape to the south of the site.
- 1.3. The site is enclosed by typical field boundaries made up of hedgerows, trees and shrubs on all sides. A larger tree and shrub group is located on the southern boundary. The northern boundary is formed by a belt of vegetation along Blackthorn Road, which is sparse in places, including where there is an access track and so views across the site can be seen. The Public Right of Way (PRoW) 131/7/20 crosses the site from south-west to north-east.
- 1.4. A mature hedgerow and trees form the north eastern and south eastern boundaries of the site with Blackthorn Road forming the north western boundary, connecting to the village centre and the B4011. The southwestern boundary of the site adjoins a recently developed residential scheme (16/02370/F) of 85 homes. The boundary features create a sense of enclosure on the site, limiting visual connectivity with the wider landscape. Particularly along the southern boundary, the dense vegetation restricts views towards the wider countryside. The site is generally contained by its vegetated boundaries and the boundary features are generally representative of local patterns.

## 2. CONSTRAINTS

2.1. The application site has the following constraints:

- Within Flood Zone 1 – i.e., the land is the lowest flood risk
- The Site does not fall within a Conservation Area, nor does it contain any designated heritage assets
- The site is covered by the Ray Conservation Target Area, in addition to three Local Wildlife Sites within 1km of the site including, Blackthorn Meadows LWS (around 270m north-east), Fields by River Ray LWS (around 520m south-east) and Fields south of Ambrosden Cherwell District Wildlife Site (around 800m south west), as well as a Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust reserve (around 900m south west).

## 3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The proposal seeks outline planning consent for the development of the site up to 55 new dwellings including affordable homes; formation of new pedestrian access; formation of new vehicular access from Blackthorn Road; landscaping and associated works. All matters are reserved except access.

3.2. Access would be maintained off Blackthorn Road served by a single point of access in the form of a priority T-junction. The proposed development would have a mix of terraced, semi-detached and detached homes with an average density of 35dph lowering to 25dph along the southern border.

3.3. The illustrative masterplan (Drawing P01) proposed an area of LEAP between the dwellings and southern boundary of the site which is split by the existing Public Right of Way. The green space would also include attenuation as part of the proposed SUDS strategy and wildlife ponds in contribution to the proposals biodiversity net gain. The site would provide 35% affordable housing. The proposed development seeks to deliver a net gain of 2.70 habitat units (11.69% net gain) and 2.79 linear hedgerow units (18.69% net gain).

## 4. RELEVANT PLANNING HISTORY

4.1. Other Policy Villages 2 residential development in Ambrosden

**Application: 13/00621/OUT**      Appeal Allowed      2 April 2014  
(Against Refusal)

Address: Ambrosden Court, Merton Road, Ambrosden, Bicester

OUTLINE - Demolition of Ambrosden Court and erection of 45 No residential units with access off Merton Road

**Application: 16/02370/F**      Permitted      25 January 2018

Address: Church Leys Fields  
(Located to the west of the proposed site)

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

**Application: 16/02611/OUT**

Refused

4 August 2017

**Address:** OS Parcel 0005 South Of Hill Farm And North Of West Hawthorn Road

(Located to the northeast of the proposed site)

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

1. That cumulatively with other recently approved/delivered new housing developments, the proposed development would cause the level, scale and intensity of new housing growth in the village of Ambrosden to be inappropriate and significantly prejudicial to the objectives of the strategy inherent within the Cherwell Local Plan 2011-2031 Part 1 and Policy Villages 2 to distribute limited housing growth across the rural areas over the plan period to enable all settlements to participate in sustainable growth.
2. Having regard to the District's strong housing supply and delivery position both generally within the urban and rural areas, the proposals would result in the unnecessary development of greenfield land forming part of the open countryside and are therefore detrimental to the intrinsic natural beauty of the countryside causing undue visual intrusion into the open countryside. The proposals therefore conflict with the requirements of Policy Villages 2 and ESD13 of the Cherwell Local Plan 2011-2031 Part 1 as well as Policy C8 of the Cherwell Local Plan 1996 and Government guidance contained in the National Planning Policy Framework.
3. In the absence of a satisfactory completed legal agreement, the development fails to adequately provide for on and off-site infrastructure necessary to mitigate its impact including in terms of provision/maintenance of the following: affordable housing, play and public amenity facilities, indoor/outdoor sports facilities, community facilities, access and transport mitigation, on-site drainage features, primary and secondary education and library book stock. As a consequence the proposed development would lead to unacceptable on-site conditions as well as significant adverse impact on wider public infrastructure to the detriment of the local community contrary to the requirements of Policies BSC9 and INF1 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance in the National Planning Policy Framework.

**Application: 18/02056/OUT**

Appeal Allowed

20 February 2019

(Against Refusal)

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

**Application: 22/01976/OUT**      Approved subject to S106

Address: OS Parcel 3489 Adjoining and South West Of B4011 Allectus Avenue, Ambrosden (Land to the northeast of the site)

Outline Application (except for access) for residential development of up to 75 dwellings including bungalows; open spaces (including children's play space); community woodland and other green space; new vehicular and pedestrian access off Blackthorn Road; and associated landscaping, earthworks, parking, engineering works, demolition, and infrastructure.

**Application: 22/02866/OUT**      To be determined

Address: Land East of Ploughley Road, Ambrosden

Outline planning application for up to 120 dwellings, vehicular and pedestrian access off Ploughley Road, new pedestrian access to West Hawthorn Road, surface water drainage, foul water drainage, landscaping, public open space, biodiversity and associated infrastructure. Access off Ploughley Road is not reserved for future consideration.

## **5. PRE-APPLICATION DISCUSSIONS**

### **5.1. Application 21/01786/PREAPP**

The erection of approximately 70 dwellings and other associated works

## **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 15 September 2022, although comments received after this date and subsequent comments relating to additional information/amendments received and before finalising this report have also been taken into account.

6.2. A total of 44 letters of objection letters have been received from local residents. The comments raised by third parties are summarised as follows:

- Overdevelopment/over intensification of Ambrosden
- Cumulative impact from three housing developments in the village
- Loss of green space which is used for recreation
- Loss of agricultural/countryside land
- Lack of facilities for the growth of the village – resulting in increased pressures on the existing community
- Concerns of merging with Bicester
- Detrimental impact to education provision
- Noise pollution
- Increased traffic congestion
- Detrimental to local wildlife and habitats
- Setting an unwelcomed precedent for future developments in the area

- 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 grounds of lack of community engagement, current local circumstances i.e.: water supply and telephone lines, contrary to policy, loss of open space, detrimental visual impact, harmful impact to biodiversity, brownfield sites and lack of education provision leading to increase traffic congestion.*

- 7.3. Blackthorn Parish Council: **Comments as follows**

Whilst the Parish Council recognises that the proposed amended plan shows the formation of a new vehicular access from Blackthorn Road; it previously advised that the speed limit on the B4011 and the visibility splay drawing were incorrect and still has concerns about the additional cars that will be leaving the proposed access onto the B4011.

### CONSULTEES

- 7.4. CDC LANDSCAPE OFFICER: **No objection** subject to conditions.
- 7.5. OCC HIGHWAYS: **No objection** subject to conditions and S106 contributions.
- 7.6. LEAD LOCAL FLOOD AUTHORITY: **No objection** subject to conditions.
- 7.7. CDC DRAINAGE: **No objection.**
- 7.8. THAMES WATER: **No objection** subject to pre-commencement condition.
- 7.9. OCC ARCHAEOLOGY: **No objection.**
- 7.10. CDC ECOLOGY: **No objection** subject to conditions.
- 7.11. CDC STRATEGIC HOUSING: No comments received.
- 7.12. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to conditions relating to CEMP, Noise and air quality.
- 7.13. OCC EDUCATION: **No objection** subject to financial contributions towards secondary (including land contribution) and SEN school provision in Ambrosden and surrounding area.
- 7.14. OCC WASTE MANAGEMENT: **No objection** subject to a contribution for the expansion and efficiency improvements of Household Waste Recycling Centre capacity.

- 7.15. OXFORDSHIRE CLINICAL COMMISSIONING GROUP: Request contribution of £360 per person generated by development. This area is already under pressure from nearby planning applications, and this application directly impacts on the ability of the Alchester Medical Group practice in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services. The funding will be invested into other capital projects which directly benefit this PCN location and the practices within it if a specific project in the area is not forthcoming.
- 7.16. CDC PLANNING POLICY: **No comments received.**
- 7.17. CAMPAIGN TO PROTECT RURAL ENGLAND: **Objects.** Raised concern for sustainability of the site, cumulative impact from surrounding planning applications, biodiversity net gain, loss of arable land and impact on ecology of the site and adjacent Ray Conservation Target Area.
- 7.18. NATURE SPACE: **Objection** on the grounds of impact on great crested newts.
- 7.19. NATIONAL HIGHWAYS: **No objection**
- 7.20. CDC ARBORICULTURE: **No objection** subject to condition.
- 7.21. NATURAL ENGLAND: **No objection**

## **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
- ESD4: Decentralised Energy Systems

- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD5: Renewable Energy
- ESD8: Water Resources
- 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: Distribution Growth Across the Rural Areas
- Villages 4: Meeting the Need for Open Space, Sport and Recreation
- INF1: Infrastructure

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

- H18: New dwellings in the countryside
- C8: Sporadic development in the open countryside
- C15: Prevention of coalescence of settlements
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C32 – Provision of facilities for disabled people
- ENV1: Environmental pollution
- ENV2 – Redevelopment of sites causing serious detriment to local amenity
- ENV12: Potentially contaminated land
- TR1: Transportation funding
- TR7 - Development attracting traffic on minor roads
- R1 - Allocation of land for recreation use R1 (part replaced)

#### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Developer Contributions SPD (February 2018)
- Infrastructure Delivery Plan (IDP) Update (December 2017)
- Countryside Design Summary (1998)
- Cherwell Design Guide SPD (July 2018)
- Oxfordshire Wildlife & Landscape Study 2004
- Annual Monitoring Report (2022 AMR) (February 2023)
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)
- Cherwell District Council Housing & Economic Land Availability Assessment (February 2018)

## 9. APPRAISAL

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

- Principle of Development
- Landscape and Visual Impact
- Design, and Illustrative Layout
- Residential Amenity

- Highway Safety
- Flood Risk and Drainage
- Ecological Implications
- Housing Mix/Affordable Housing
- Noise, Contamination and Air Quality
- Sustainable Construction and Energy Efficiency
- Impact on Local Infrastructure

## **Principle of Development**

### *Policy Context*

- 9.2. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 Part 1 (CLP 2015) and the saved policies of the Cherwell Local Plan 1996.
- 9.3. Policy PSD1 of the CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, *'The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*.
- 9.4. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states, *'The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car'*.
- 9.5. Policy BSC1 states that Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.
- 9.6. Paragraph E.10 of the Plan states, *'Housing delivery will be monitored to ensure that the projected housing delivery is achieved. The District is required by the NPPF and the NPPG (to maintain a continuous five year supply of deliverable (available, suitable and achievable) sites as well as meeting its overall housing requirement'*.
- 9.7. Paragraph E.19 of the Local Plan states, *"If the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic Housing Land Availability"*.
- 9.8. The Council's latest assessment of housing land availability is its 'HELAA' published in 2018. This is a technical rather than a policy document but provides assessments of potentially deliverable or developable sites; principally to inform plan-making. The application site was not considered suitable or achievable for housing within the 2018 HELAA. However, it is considered important to note that the site directly adjacent to the West, Church Leys Field, was identified as site HELAA015 as being suitable or achievable for housing stating;

*Greenfield site outside the built-up limits. Ambrosden is a Category A village in the adopted Local Plan Part 1, the category of the most sustainable villages in the*

*district. The adopted Local Plan makes provision for some development (10 or more homes and small scale employment) at Category A villages. The adjacent site to the west has recently been redeveloped for 97 homes. There are frequent bus services to Bicester and Arncott with several facilities and services such as a primary school, post office, food shop and a doctor's surgery. Although the majority of the site falls within the Ray Conservation Target Area, the development to the west in effect establishes a precedent for development on the southern side of the road. The area that is in line with the adjacent development (3 ha approx.) is considered suitable in principle if the Council requires additional development land outside the built-up area of Ambrosden. This will need to respect Ambrosden's development pattern but also achieve satisfactory relationship with the approved development to the west. A soft built edge would need to be designed in view of the openness of the countryside to the south. The site could accommodate 90 dwellings based on 30 dph on 3 ha. With regard to assisting Oxford with its unmet housing need, Ambrosden lies outside Areas of Search A and B.*

- 9.9. This site was subsequently approved for 85 homes under application 16/02370/F which has since been built out. Furthermore, the site directly to the northeast of the site, referenced as HELAA252 was also identified as a site which would be suitable or achievable for housing. This site was also subsequently approved for 75 homes under application 22/01976/OUT in February 2023. This site has not yet been built out. Whilst it is recognised that each application is assessed within its own merits, the above HELAA considerations and subsequently planning approvals are considered important factors in the context of the both the proposed site and immediately surrounding sites.
- 9.10. Policy Villages 1 of the CLP 2015 provides a framework for housing development in the rural areas of the district and groups villages into three separate categories (A, B and C). The categorisation of villages was informed by a defined range of sustainability criteria (CLP 2015 para C.255). Ambrosden is a Category A village and is considered among the most sustainable villages in planning terms.
- 9.11. Policy Villages 2 of the CLP 2015 states, '*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, '*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*'.
- 9.12. Policy Villages 2 states that in identifying and considering sites, particular regard will be given to the following criteria:
- i. 'Whether the land has been previously developed land or is of less environmental value';*
  - ii. 'Whether significant adverse impact on heritage and wildlife assets could be avoided';*
  - iii. 'Whether development would contribute in enhancing the built environment';*
  - iv. 'Whether best and most versatile agricultural land could be avoided';*
  - v. 'Whether significant adverse landscape and visual impacts could be avoided;*
  - vi. 'Whether satisfactory vehicular and pedestrian access/egress could be provided';*
  - vii. 'Whether the site is well located to services and facilities';*

- viii. *'Whether necessary infrastructure could be provided';*
- ix. *'Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period';*
- x. *'Whether land the subject of an application for planning permission could be delivered within the next five years';*
- xi. *'Whether development would have an adverse impact on flood risk'.*

9.13. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG).

9.14. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

9.15. So that sustainable development is pursued in a positive way, the NPPF includes a 'presumption in favour of sustainable development' (para. 10). Paragraph 11 states that applying the presumption to decision-making means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
  - ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

9.16. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'.

9.17. Paragraph 12 advises, *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

9.18. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes and states, *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward*

*where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay’.*

- 9.19. Paragraph 74 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to require updating as in Cherwell’s case). The supply of specific deliverable sites should, in addition, include a buffer - 5% in Cherwell’s current circumstances (moved forward from later in the plan period).

#### *Housing Land Supply*

- 9.20. In February 2023 Cherwell District Council approved a review of their adopted planning policies carried out under regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. This review concluded that, due to the publication of more recent evidence on Housing Needs to support the preparation of the Cherwell Local Plan Review 2040, policies, including Policy BSC1 need updating. Paragraph 74 and footnote 39 of the NPPF requires that in such circumstances the 5-Year supply of land should be calculated using the government’s standard methodology.
- 9.21. As set out in the Council’s Housing Land Supply Statement (February 2023), the use of the standard method has the effect of reducing the annualised requirement from 1,142 dpa to 742 dpa for the purposes of calculating the land supply and consequently Cherwell District Council is able to demonstrate a 5.4-year supply. However, whilst it is for the Local Plan Review to set the revised requirement, the delivery of homes across the district remains an important material consideration in the planning balance.
- 9.22. The merits of providing additional homes (including affordable homes) on this site is therefore noted and the proposal would assist in delivering new homes and meeting overall Policy BSC1 housing requirements to 2031.

#### *Assessment*

- 9.23. The Council’s housing supply position of 5.4 years means that the relevant development plan policies are up to date and that development proposals must be assessed in accordance with the Development Plan. Whilst the NPPF states the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight. However, the delivery of homes across the district remains an important material consideration in the planning balance.
- 9.24. Policy Villages 1 of the CLP 2015 designates Ambrosden as a ‘service village’ where minor development, infilling and conversions are permissible. Supporting text to the policy states that infilling refers to the development of a small gap in an otherwise continuous built-up frontage. Under such a definition the proposal would not constitute infilling. Further supporting text states that in assessing whether proposals constitute acceptable ‘minor development’, regard will be given to the size of the village and the level of service provision, the site’s context within the existing built environment, whether it is in keeping with the character and form of the village, its local landscape setting and careful consideration of the appropriate scale of development.

- 9.25. The site is an undeveloped green field site that, given its physical and visual relationship to the existing built form, is outside of the existing built form of Ambrosden village and therefore within the countryside. The proposal to build on greenfield land would have an urbanising impact, though that impact would be relatively localised. A mature hedgerow and trees form the north-eastern and south-eastern boundaries of the site with Blackthorn Road forming the north-western boundary, connecting to the village centre and the B4011. The south-western boundary of the site adjoins a recently developed residential development, built by Bellway Homes (known as Blackthorn Meadows), an agricultural field south of Blackthorn Road which has seen a number of dwellings constructed on it. It is noted that the site immediately to the north was recently approved for 75 dwellings under application 22/01976/OUT.
- 9.26. Ambrosden is identified in the Local Plan as one of 23 Category A villages intended to provide 750 homes from 2014 to 2031 (Policy Villages 2). By population size (2011 Census) Ambrosden is the 5th largest Category A settlement. It is one of the better served category A Villages and has a number of services and facilities as discussed elsewhere in this report and has a close geographical relationship to Bicester which accommodates a larger range of services, facilities and job opportunities. It was considered sufficiently sustainable by a Planning Inspector allowing the 2021 appeal for a development of 84 houses APP/C3105/W/19/3228169 on Land at Merton Road, Ambrosden, OX25 2NP.
- 9.27. Currently, 703 dwellings have now been completed at Category A villages, with 101 under construction, and 270 dwellings with planning permission on sites not yet started.
- 9.28. It is understood that development should, as a result of meeting the target of 750 houses, be focussed in Banbury and Bicester and that there should be a presumption against development in/around Category A villages unless there are benefits to the scheme, beyond that which would normally result from a S106. However, in the context of Policy BSC1 and the need to meet the overall district requirements by 2031, regard is given to the planning Inspector's comments under appeal decision APP/C3105/W/19/3228169 on Land at Merton Road, Ambrosden, OX25 2NP in relation to spatial dimension.
- 9.29. The Inspector commented that Policy Villages 2 does not contain any time dimension (i.e. at what point in time in the plan period housing in the rural areas should be permitted) nor does it have a spatial dimension (i.e. it does not specify how much development should occur at each settlement). These matters are to be considered on their own merits having regard to any planning harm that arises. Related to the Ambrosden Inspector's comment on spatial dimension, given that appeals have been dismissed at some of the smaller Category A villages on the grounds of locational sustainability it follows that the larger Category A villages would be expected to accommodate a greater share of the 750 than if equalised out over all 23 Category A villages. This is support by Policies PSD1 CLP 2015.
- 9.30. The Tappers Farm (Bodicote) 2019 appeal decision (which applied the same logic as the Launton appeal decision a year earlier) provides a useful steer as to how the decision taker should apply Policy Villages 2. At the time of the Tappers Farm decision, 271 dwellings had been delivered at Category A villages under Policy Villages 2, with a further 425 under construction. The Tappers Farm Inspector stated,

*“There will undoubtedly be a point where there will be a situation that will result in the material increase over the 750 dwellings figure and at that time there will be some planning harm arising from the figure being exceeded, for example harm to the overall locational strategy of new housing in the district. There is no substantive evidence before me to demonstrate that this is the case in this appeal. Clearly, when considering any subsequent schemes however, this matter will need to be carefully scrutinised.”*

- 9.31. As noted above, 703 dwellings have now been delivered at Category A villages under PV2 and a further 101 dwellings are under construction, with another 270 with the benefit of planning permission that has not started. Therefore, the total number of dwellings delivered under PV2 will soon exceed 750 set out in the policy.
- 9.32. Applying the conclusions of the Launton and Tappers Farm Inspectors, it is considered that that point may soon be reached where planning harm could be caused to the overall locational strategy of new housing in the district through further permissions at unsustainable locations.
- 9.33. Due to the above housing figures, scrutiny is required to be given to new proposals to ensure no harm would be carried out to the Category A villages, as the housing target will soon be reached.

#### *Policy Villages 2 Criteria*

- 9.34. The applicable criteria of Policy Villages 2 are set out above. The land has not previously been developed. The site is not within a designated landscape and does not have any statutory or local environmental designations so could be said to be of lesser environmental value. The Natural England maps appear to show the land as poor quality and therefore the site is not concluded to be the best or most versatile land.
- 9.35. Ambrosden is by population the fifth largest Category A village, with a population of in the region of 2,250. It benefits from a range of services including pre-school nurseries, primary school, food shop, post office / general store, village hall, two churches, hairdresser's, public house, recreational facilities and a limited opening doctor's surgery. It is some 4.6km from Bicester, has two bus services through the village which connect to Bicester and Oxford, the more frequent S5 providing an hourly service through the week and on Saturdays. An off-road cycle path links the village with Bicester and the proximity to Bicester is a material consideration which weighs in favour of the proposal. Officers consider that the village itself contains a suitable level of services and facilities to meet the day to day needs of residents and is one of the better served Category A villages. Furthermore, subject to other matters, officers consider that the level of growth proposed under this application could be accommodated in the village, alongside that which has already been permitted, without causing harm to the overall housing strategy in the Development Plan particularly in light of there being no spatial distribution of housing outlined in Policy Villages 2.
- 9.36. It is noted that the appeal at Land at Merton Road, Ambrosden, reference APP/C3105/W/19/3228169 was dismissed in which the planning inspector gave significant weight to the sustainability of the settlement and the appropriateness of growth in these locations under Policy Villages 2 in coming to their decision. Other appeals in smaller Category A villages such as Weston on the Green (APP/C3105/W/16/3158925 and APP/C3105/W/19/3233293), Chesterton

(APP/C3105/W/15/3130576), Finmere (APP/C3105/W/17/3169168) and Fringford (APP/C3105/W/18/3204920) were also dismissed, again with the planning inspectors give significant weight to sustainability despite these settlements have a lesser sustainability level. None of these Inspectors undertook a comparative exercise – they weighed the sustainability of the settlement subject of the appeal with which they were dealing. In the same way, officers have not compared Ambrosden to other settlements in assessing its sustainability credentials, but instead made an assessment of the settlement in relation to available amenities.

- 9.37. There are benefits of the additional housing including the provision of affordable housing in the area, the inclusion of bungalows which is in demand within the village and the sites visual relationship with the existing boundary of the settlement, as well as betterment to the existing residents through the shared woodland alongside the public right of way and LEAP. Regard is also had to the relative size of the development proposed and to the positive conclusions of the 2018 HELAA in relation to the sites immediately to the north and west of the site.

### *Conclusion*

- 9.38. The latest housing supply figure for the district is calculated at 5.4 years. Whilst the NPPF states the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and are afforded full weight. The housing strategy in the Cherwell Local Plan seeks to distribute new housing to the most sustainable locations. Whilst the application proposes dwellings at Category A village with limited facilities, and is not a main rural or urban centre, Policy Villages 2 consider that these settlements represent sustainable development, subject to complying with the criteria of that policy. In this case, whilst the 750 target of housing in these Category A villages will soon be exceeded, the provision of housing represents a significant positive material consideration to weigh in the planning balance and contributes to meeting the overall district housing figures which is needed to be delivered. Furthermore, the compliance with other parts of Policy Villages 2 will be a key consideration of the assessment of this application, as discussed below.

### **Landscape and Visual Impact**

#### *Policy context*

- 9.39. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It goes onto note that planning decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside. It also states that development should function well and add to the overall quality of the area and by sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 9.40. Saved Policy C8 seeks to resist new sporadic development in the open countryside. Saved Policy C28 of the CLP 1996 states that *control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development.* Furthermore, saved Policy C30 of CLP 1996 states *control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.*

- 9.41. Policy ESD13 of the CLP 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*. It goes on to state that proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features, be inconsistent with local character, or harm the setting of settlements or buildings.
- 9.42. Policy ESD15 of the CLP 2015 highlights the importance of the character of the built and historic environment. This Policy states, amongst other things, that *successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design*. The Policy continues by stating that new development proposals should, amongst other things, *contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views*. Development should also *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 defined active public frontages*.
- 9.43. Further, as noted above, Policy Villages 2 of CLP 2015 requires consideration of whether significant landscape and visual impacts can be avoided and whether the development would contribute to enhancing the building environment.
- 9.44. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.
- 9.45. Section 12 of the NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Paragraph 130 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*

#### *Assessment*

- 9.46. A Landscape and Visual Impact Appraisal accompanies the application. The site is within the Oxfordshire Wildlife and Landscape Study 2004 landscape type 'Clay Vale' which is described as a flat, low-lying vale landscape, associated with small to medium pasture fields, many watercourses and hedgerow trees with small to medium sized nucleated villages. The overall strategy is to safeguard and enhance the tranquil, small scale pastoral character of the area and minimise visual intrusion at the fringes of villages with planting characteristic of the area and maintain the nucleated pattern of settlements.

- 9.47. The Site lies within the 'Clay Vale' Landscape Character Type (LCT), and within that the 'Launton' Local Character Area (LCA). These areas are typified by flat low lying landform dominated by pasture land and small to medium sized hedged fields. The 'Launton' local character area description observes several features which reflect the local character, particularly the pattern of thick hedgerows around fields of grass and alongside ditches which contribute to substantial enclosure of the landscape to the south of the site. The site is not subject to any statutory or non-statutory designations for landscape character, quality or value. It is part of a pleasant but unremarkable rural landscape. The Council's Landscape Officer largely agrees that the judgement made in the design statement and the viewpoints are generally representative of the site and its surroundings and form a good basis for the visual appraisal.
- 9.48. The application site is located approximately 800m to the east of the centre of Ambrosden and would have the settlement as its backdrop. The location of the site sees a housing development immediately to the west as approved under application 16/02370/F and residential development to the northwest. The village eastern boundary immediately to the northeast of the site (adjacent the tennis courts) already extends beyond the boarder of that of the Church Leys development built out under application 16/02370/F with one third of the proposes site aligning with this furthest settlement line. This orientation results in the site being seen in conjunction with the recent development of Blackthorn Meadows immediately to the west and would not appear as an isolated plot and would read as an extension of the existing built form in visual terms. The proposed density would also be similar to that of the immediately adjacent housing development resulting in a spatially and visually comparative design. The palette of materials and design of the dwellings would be given careful consideration at reserved matters stage to ensure the new development further emphasis' the comparison and conjunction to the recent development site and would not support a completely contrasting fabric.
- 9.49. The proposal seems to use boundary vegetation to provide visual screening where appropriate which would help soften the visual amenity upon entrance to the village west along Blackthorn Road. Whilst the footprint of the site is larger than that of the neighbouring development to the west, the building line to the front and rear of the site is proportional to that of Blackthorn Meadows. This further heightens the view that the site is read as an extension of the neighbouring site. The southern part of the site has been allocated as a landscape buffer area which will include play provision of a LEAP and trim trail. A condition would be added for a strategy to be provided for the location of each to ensure they are located in the most suitable location and meet distance requirements from the residential dwellings. The landscape buffer would ensure that views from the neighbouring Public Open Space (POS) and the Public Right of Way (PRoW) in the south-east of the Site would be retained. This would ensure that an element of the visual relationship with the Site's surrounding landscape context is maintained. The proposed Public Open Space also helps to provide a soft transition between the site's vegetated boundary and proposed built form. The eastern boundary would be comparative to that of the eastern boundary of the recently approved housing development to the north (application 22/01976/OUT) creating a more flush boarder to the east of the Ambrosden which is then preserved by agricultural fields abutting the highway B4011.
- 9.50. The Landscape Officer concluded that assessment of the site has found that the effects of the proposed development will restrict a localised geographical area but would not result in substantial harm to landscape character in the wider setting. The

visibility of the site from the public right of way is limited due to the site's extensive boundary vegetation and the typical field boundaries within the local landscape. While there are views from the wider countryside looking towards the site, these would see the site within the wider landscape and within the context of the adjacent settlement boundary and development edge which has a urbanising influence on the site.

### *Conclusion*

9.51. As outlined in Policy Villages 2 there is a requirement that a number of key criteria be taken into account in considering the development of housing in the village. Of these criteria the following are relevant to this application:

- *Whether the 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 impacts could be avoided*

9.52. In considering these points, the development of this site would not be on previously development land, on land of high environmental value or attached to any landscape designations. Despite the incursion into characteristic open countryside, the site and therefore the proposed development is relatively well related to the existing form and pattern of the village. The site layout, building formation and density is similar to the adjacent residential development to the west resulting in a development which is read as an extension to the neighbouring sites rather than an isolated plot. Furthermore, as noted above, the eastern boarder would reflect that of the eastern boarder approved under application 22/01976/OUT which is considered to create an established end to the east of settlement with the mirrored agricultural land to the east of both sites buffering the contained settlement pattern improving the visual impact of the development from the wider viewpoints. On balance, the development of the site as proposed would not be considered especially incongruous against the existing or prevailing built form of this section of the village and would help create a more smooth and attractive symmetrical finish to the settlement boundary.

9.53. As outlined in the paragraphs above, the proposal would result in less than sustainable harm in terms of landscaping and visual impact and a balanced view concludes that the development would appropriately integrate within the village of Ambrosden. For these reasons, the development of the site is considered to comply with the criteria under Policy Villages 2 and the benefits of the residential development would outweigh the harm. The landscape and visual impact of the proposal has been assessed against Policies C28 and C30 of the CLP 1996, Policies ESD13 and ESD15 of the CLP 2015 and the NPPF and considered acceptable.

### **Design and illustrative layout**

#### *Policy Context*

9.54. 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 NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Saved Policies C28 and C30 echo this. BSC2 of the CLP 2015 states that

new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density. Policy BSC10 and BSC11 outline the requirements for open space provision on sites of this scale.

- 9.55. The Council's Design Guide SPD 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 principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

#### *Assessment*

- 9.56. The application is in outline with matters relating to layout, scale, landscape and appearance reserved for later consideration. The application is, however, accompanied by an Illustrative Masterplan and Development Framework Plan which demonstrate the one way the quantum of development proposed could be accommodated on the site. The application is also accompanied by a Design and Access Statement, which outlines some design principles. The proposed development includes up to 55 residential dwellings that will include the provision of bungalows. A multifunctional green infrastructure network will permeate through the development which will incorporate existing vegetation, a LEAP and other green space and Sustainable Urban Drainage (SuDS).
- 9.57. The illustrative plan indicates that the residential dwellings will be confined to the front half of the site mirroring the form of the dwellings within the immediately adjacent residential development. The site will have an average density of 35dph. The density of the residential area is in accordance with section B.102 of Policy BSC1 and represents a similar density to the residential development across Ambrosden. A strip of the site along the southern border of the residential layout will be reduced to 25dph to ensure a soft transition from the proposal with the adjacent countryside.
- 9.58. The mix of public open space, trim trail, wildlife ponds and locally Equipped area of Play is considered to be sympathetic to the rural vernacular type of development which would be required within an edge of village location. The proposal would be in accordance with Policy BSC11 as the plan demonstrates how a suitable quantum of green space can be provided. The development proposals a Locally Equipped area of Play (LEAP) in accordance with Policy BSC11. The Landscape Officer raises no objection to the proposed LEAP and a condition will be added to ensure that the necessary details are agreed regarding hard landscaping/surface, habitat/landscape typologies and management plan to ensure the public realm is maintained appropriately at reserved matters stage. It is considered that the application has now demonstrated how this quantum of development could be provided on the site, at a suitable density, and with sufficient levels of green space/play areas. A contribution for Landscape and Ecology Monitoring has been agreed. The enhancement of the existing public right of way and opening up the east of the site to the public for recreation space is considered valuable for the existing and future residents of the village.
- 9.59. The submitted Design and Access Statement does go into some design principles for the site however these both illustrative and limited with little weight to the actual proposed layout, scale, design and form of the proposed 75 dwellings. However, in the context of this being an outline planning application officers are now satisfied that the quantum of development proposed on the site could be successfully

accommodated and the detailed matters of layout, design and form could be negotiated at reserved matters stage.

## **Residential Amenity**

### *Policy Context*

- 9.60. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.

### *Assessment*

- 9.61. The application is in outline only and therefore all detailed proposals in the reserved matters applications would need to have due regard to requirements of Section 6 of the Residential Design Guide SPD with regard to appropriate standards of amenity for both existing and future residents. Appropriate positioning and scale of dwellings, boundary treatments and the nature of such treatments could be given due consideration at reserved matters stage.
- 9.62. The proposed development would be located to the west of the existing residential dwellings, Blackthorn Meadows. Due to the orientation of the sites and separation distance available, the proposal could accommodate a minimum back to back separation between neighbours and a 14m side to flank separation between neighbours which establishes that the amenity standards of the neighbouring residents can be retained. At reserved matters stage a suitable separation distance and orientation of the proposed properties can be agreed to ensure the existing neighbouring dwellings are afforded suitable protection.

### *Conclusion*

- 9.63. Given the above, it is considered that the development could 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 in accordance with the requirements of Policy ESD15 of the CLP 2015, Policy C30 of the CLP 1996 and Government guidance set out in the NPPF.

## **Highway Safety**

### *Policy Context*

- 9.64. 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." Policy SLE4 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." The NPPF advises that development should provide safe and suitable access for all and development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts are severe.

## *Assessment*

- 9.65. The site is accessed via a vehicular access onto Blackthorn Road. OCC Highways explained that the originally proposed entrance to the northern corner of the site would conflict with the entrance of the recently approved application opposite the site (22/01976/OUT) and if both were to be approved, the vehicular accesses would be unsafe. Amended plans were received which moved the entrance to the site further west, now located within the middle of the site which was considered acceptable the OCC Highways in terms of safety, functionality and could provide appropriate visibility splays. The vehicle access would necessitate the relocation of the 40mph (southbound) and 50mph (northbound) speed limit signs however it is agreed that this can be included as part of the section 278 agreement between OCC and the applicant.
- 9.66. The amended plans also overcame concerns from the OCC Highways regarding the shared pedestrian/cycle way leading into Ambrosden from the site adjacent to Church Leys Field. The amended plans demonstrated that the 3m wide shared path was deliverable. Some minor additional amendments would be required to ensure functionality and deliverability which would be dealt with via condition and ensured at reserved matters stage.
- 9.67. The site is served by bus routes 29, S5 and H5 Bus routes with the nearest bus stop 1km away at Ploughley Road or 1.2km away at Merton Road equating a 13/14 minute walk. The nearest railway station is Bicester Village, approximately 4.1km to the northwest of the site, equating to a 17-minute cycle. OCC confirmed that this distance does not comply with guidance necessary to ensure bus is an attractive option for providing a meaningful modal share of journeys generated for the proposed development which would result in a highly car dependant scheme which is not supported in terms of sustainability. In the event that the application is approved, officers recommend that a financial contribution of £1,133/dwelling is secured via a planning contribution towards improving the frequency of the service through Ambrosden. This would ensure that the opportunities for residents to use sustainable modes of transport are maximised in accordance with the requirements of Policy SLE4 of the CLP 2015. The OCC have also sought contribution for a Cantilever Shelter 5 Bus Bay at either the northbound or southbound stop at Ploughley Road to encourage the use of public transport by providing attractive waiting facilities. A contribution is also sought to mitigate against the impacts of the additional foot traffic and to improve the existing local PRow network. These can be secured through a legal agreement.

## *Conclusion*

- 9.68. In conclusion and having regard to the above, officers are content that the proposed development would be served by a safe and suitable means of access and that the scheme adequately promotes sustainable modes of travel and, subject to securing mitigation, would not have an unacceptable cumulative impact on the wider local highway network. The proposals are therefore considered to accord with the requirements of Policies ESD15 and SLE4 of the CLP 2015 in this regard and scores favourably against the relevant criterion set out in Policy Villages 2.

## **Flooding Risk and Drainage**

### *Policy context*

9.69. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 16 of which states that *when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) *the development is appropriately flood resistant and resilient;*
- c) *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) *any residual risk can be safely managed; and*
- e) *safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*

9.70. Paragraph 169 of the NPPF continues by stating that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) *take account of advice from the lead local flood authority;*
- b) *have appropriate proposed minimum operational standards;*
- c) *have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) *where possible, provide multifunctional benefits.*

9.71. 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.

9.72. 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*

9.73. A site-specific Flood Risk Assessment (FRA) has been submitted to support the application. The Environment Agency's flood maps indicate that the site is located in Flood Zone 1 at lowest risk from flooding. The Flood Risk Assessment has noted the indicated presence of surface water flood risk at parts of the site. This can be addressed and mitigated as part of the detailed drainage design.

9.74. The applicant has submitted an FRA which has been amended with further information during the course of the application process. The FRA outlines a potential drainage strategy for the site including an infiltration basin feature which also doubles up as part of the area of open space serving the development. The proposal refers to the use attenuation which is line with Oxfordshire LLFA guidance. The LLFA sought additional information regarding impermeable area inputs, ownership details of the existing ditch and permission to discharge surface water at the proposed rate, capacity for the existing surface water ditch, phasing and surface water treatment.

Following submission of said details, the LLFA raise no objection subject to detailed conditions regarding to a surface water drainage scheme and future maintenance.

### *Conclusion*

- 9.75. Consequently, subject to conditions, the proposals are considered to be acceptable in flood risk and drainage terms in accordance with the requirements of Policies ESD6 and ESD7 of the CLP 2015. Policy Villages 2 also includes a criterion relating to “*whether the proposals would have an adverse impact on flood risk*”. As the proposed dwellings would not adversely affect flood risk either locally or elsewhere subject to condition the proposals score favourably in this respect.

## **Ecological Implications**

### *Legislative context*

- 9.76. The Conservation of Habitats and Species Regulations 2017 provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites. Under the Regulations, competent authorities have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- 1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- 2) That there is no satisfactory alternative.
- 3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

### *Policy Context*

- 9.77. The NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity. It goes onto state that when determining planning applications, local planning authorities should apply the following principles:

- if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

- 9.78. The NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.79. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.80. The PPG post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that ecological assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

#### *Assessment*

- 9.81. The site is not located in any statutory or non-statutory designated sites although the Ray Conservation Target Area is located to the north and east of the site, on the opposite side of the B4011 and Blackthorn Road. The application is supported by an Ecological Assessment which has been revised in order address initial concerns of the Ecology Officer.
- 9.82. As the proposal involves the loss of arable habitat, which is of low ecological value, the retention of habitats of higher value such as hedgerows and trees and the introduction of a community woodland area which could provide refuges and corridors for wildlife. The Ecology Officer agrees that the revised Biodiversity Impact Assessment includes off setting in order to achieve a 10% net gain in biodiversity units. The Ecology Officer raised no objection to this as this would be sited on adjacent land within the ownership of the applicants and subject to this being secured by agreement within a biodiversity management and monitoring plan for a minimum of 30 years and ideally for the lifetime of the development. Specific targets relating to bats and birds' habitats will be satisfied via condition and adopted at reserved matters stage in accordance with Policy ESD10. CDC seeks the equivalent of a minimum of one provision for bats, birds or invertebrates per dwelling (though these may be clustered) with the majority integrated into the fabric of the buildings. Measures such as hedgehog highways and wildlife friendly planting should also be within the developed areas.
- 9.83. A full lighting strategy which is sensitive to the presence of commuting and foraging bats (including rarer, light sensitive species) will also be conditioned as agreed with the Ecology Officer. A full CEMP for biodiversity will also be ensured by condition to protect retained vegetation, bat roost checks for any removed trees and protect nesting bats. Furthermore, a reptile mitigation strategy including a plan of any receptor sites, details of ecological supervision required, and timing will also be ensured by condition.
- 9.84. NatureSpace objected to the proposed on the grounds of lack of information in respect of the impact on great crested newts (GCN). The site does have suitable terrestrial habitat for GCN and would require a survey of surrounding ponds to ensure that GCN

are adequately protected. This would be dealt with via a district license scheme as ensured by condition to be dealt with at reserved matters stage.

- 9.85. In conclusion, on the subject of ecological impacts, officers are satisfied that subject to the recommended conditions, existing habitat of value can be conserved and enhanced as part of the development as well as new habitat created to achieve a net gain for the CTA, biodiversity generally and protected/priority species in accordance with the requirements of Policies ESD10 and ESD11 of the CLP 2015 as well as national policy contained in the NPPF. The proposals therefore score favourably in this respect against the relevant criterion set out in Policy Villages 2.

### **Housing Mix/Affordable Housing**

- 9.86. The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need. Policy BSC4 of the CLP 2015 requires new residential development to provide a mix of homes in the interests of meeting housing need and creating socially mixed and inclusive communities.

- 9.87. Policy BSC3 requires development within locations such as Ambrosden to provide 35% affordable housing on site and provides detail on the tenure mix that should be sought. As outlined in the Cherwell First Homes Interim Policy Guidance Note there is now a national requirement for a minimum of 25% of all affordable homes to be provided as First Homes (a new discounted market sale product). As such the tenure mix for affordable homes is:

- a) 25% First Homes
- b) 70% Social/affordable rent
- c) 5% Intermediate housing such as shared ownership

- 9.88. The Planning Statement accompanying the application confirms that the proposed development is capable of accommodating a mix of house types and sizes including 2 and 3 bed units. The proposal seeks to provide a level of bungalow provision which is supported.

- 9.89. It is also set out that the development would deliver 35% affordable housing which would equate to provision of up to 20 affordable units on site which would be in accordance with Policy BSC3. The tenure mix of these would be secured in accordance with the policy and guidance outlined above and the standards outlined in the Developer Contributions SPD. This will be secured as a benefit of the scheme through S106 agreement.

### **Noise, Contamination and Air Quality**

- 9.90. The NPPF advises that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution or air pollution. Saved Policy ENV1 seeks to ensure development is appropriate in terms of contamination and does not give rise to unacceptable levels of pollution.

- 9.91. The Council's Environmental Protection Officer has reviewed the application and is satisfied that acceptable internal and external noise environments can be achieved on the site subject to detailed mitigation which can be secured by condition. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority which will be ensured by condition.
- 9.92. In relation to land contamination, the Environmental Protection Officer has raised no objection subject to a 'unexpected contamination' condition is attached. No air quality assessment has been submitted alongside the application however the environmental officer has agreed to a condition in the event of planning approval which will secure a detailed air quality impact assessment to identify the impact of the development on local air quality which will be required to give regard to Cherwell District Council Air Quality Action Plan. The condition will ensure no development shall take place until the local planning authority has given written approval that it is satisfied that the impact of the development on air quality has been adequately quantified. The Environmental Protection Officer has raised no comment/objection in relation to odour or light.

### **Sustainable Construction and Energy Efficiency**

- 9.93. Policy ESD1 of the CLP 2015 states that measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the CLP 2015 seeks to achieve carbon emission reductions. Policy ESD3 encourages sustainable construction methods. The reference to allowable solutions in Policy ESD2 and 'zero carbon' are no longer being pursued by the government so are no longer relevant. However, the water usage requirements of ESD3 are still required to be met and can be controlled by condition. In regard to energy efficiency the Council now seeks to secure in excess of that required under the 2013 Building Regulations. Details of how the buildings will achieve this can be secured through condition.
- 9.94. 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 and the County Councils Electric Vehicle Infrastructure Strategy (2021). It is considered reasonable and necessary for provision of these to be secured through a condition of any permission given.

### **Impact on Local Infrastructure**

#### *Policy Context*

- 9.95. 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."*
- 9.96. 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."* Policy BSD12 requires new development to contribute to indoor sport, recreation and community facilities.

9.97. The Developer Contributions Supplementary Planning Document (SPD) sets out the position in respect of requiring financial and onsite 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*

9.98. 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.

9.99. 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.

9.100. 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 (all contributions will be index linked)*

- Provision of and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows, woodland. SUDS etc) or details of long term management provisions in accordance with the Policy BSC11 of the CLP
- Provision of a Local Equipped Area of play and commuted sum for maintenance or details of other management provisions
- £106 per dwelling for bins
- Affordable housing provision – 35% (up to 27 units)
- CDC monitoring fee

#### *Oxfordshire County Council*

- Public transport contribution of £ 62,315 equated at £1,133 per dwelling for the provision of bus services in Ambrosden
- Public Transport Infrastructure Contribution of £15,347 to provide a bus shelter at either the northbound or southbound stop at Ploughley Road.
- Public Rights of Way of £15,000 to mitigate the impact to the PROW in the vicinity of the site.
- Delivery of an LTN 1/20 compliant pedestrian and cycleway along the south side of Blackthorn Road connecting the site access to Ambrosden and the bellmouth vehicular site access in the form of an S278 agreement
- Obligation to enter into an S38 agreement to provide a spine road as part of the highway network and an on-site right of way will be required for the development.
- £432,081 towards secondary education capacity and £45,604 towards secondary school land contribution for secondary school places secondary school places in Bicester to ensure adequate secondary school provision
- £26,922 towards special school contribution to be spent on expansion of SEN school capacity to ensure adequate SEN provision.
- £5,168 contribution towards expansion and efficiency of Household Waste Recycling Centres as existing facilities at capacity and to provide additional capacity.
- Monitoring Fee

#### Other

- OCCG group have been consulted and stated that there are significant capacity issues serving the area. They have stated there are insufficient consulting rooms to cope with increased population. They have requested a contribution to support capital projects associated with either local plans for surgery alterations or support patient services (£360 per person – circa 180 people).

#### *Conclusion*

9.101. The application is not supported by any draft head of terms for a S106 however written confirmation has been received that confirms the applicant is willing to enter into a legal agreement if the application is to be approved and do not contest any of the contributions set out above. Given the address to the S106 in the submission and written confirmation from the agent as noted to agreement of entering into an S106/S278/S38, it is reasonable to expect that the infrastructure required to mitigate the impact of the development would be secured in accordance with Policy INF1 of the CLP 2015. In the event that the application is recommended for approval at Committee, the decision will be subject to the finalisation of the agreed S106/S278/S38.

## **10. PLANNING BALANCE AND CONCLUSION**

10.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. 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.

#### *Positive benefits*

##### *Economic*

- 10.2. The proposals would contribute to the Council's Housing Supply in the short term due to the size and duration of the project. The proposals would create construction jobs and also support facilities and employment in businesses, shops and services within the area. Given the overall number of dwellings being provided these should also be afforded limited positive weight.

##### *Social*

- 10.3. The delivery of homes across the district is an important positive material consideration in the planning balance. The proposals would provide affordable housing at a tenure providing housing for those in need and a significant social benefit. Significant weight is to be afforded to the social benefits of the proposed housing.
- 10.4. The proposals would also provide significant social benefit from on-site recreation and play facilities which would be both at the level expected by policy as well as beyond the Policy requirements. The provision of this would also be of community benefit to existing residents.

- 10.5. Through s106 contributions the proposals would result in support for a range of community-based infrastructure in the area to a level expected by policy.

##### *Environmental*

- 10.6. The proposals also commit to a minimum of 10% biodiversity net gain, which also carries positive weight.
- 10.7. The proposals commit to the provision of a sustainable construction methods, which is given positive weight.
- 10.8. The proposed drainage strategy would improve the drainage on the site and have the potential to assist in reducing the issue of water logging rear gardens of properties in Health Close. This would be a positive contribution and weighs in favour of the application.

##### *Negative Impacts*

- 10.9. The application site is positioned beyond the existing built-up limits of the village. Moderate weight is attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land.
- 10.10. The weight to be afforded to the development of greenfield land would be greater than moderate if the wider impact was greater. In this instance, it is considered that the proposed development would round off the existing village. As such the development would have limited impact on the wider landscape and would not be seen as an isolated development in the open countryside.

##### *Conclusion*

- 10.11. On the basis that the Council is able to demonstrate a five-year supply of land of housing, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight.

- 10.12. The site is unallocated in the adopted CLP 2015. The proposal seeks permission for 55 houses on the edge of a Category A Village. While the total number of houses developed under Policy Villages 2 has exceeded or will soon exceed 750, the policy is reflective of the housing strategy of the Local Plan in seeking to direct residential development to the most sustainable settlements in the District.
- 10.13. The weight to be afforded to the development of greenfield land would be greater than moderate if the wider impact was greater. However, on balance, it is considered that the proposed harm to visual amenity and wider landscape impact would be less than significant given the context of the site and prevailing pattern of development. The site would be read as an extension to the neighbouring site to the west due to the comparative site layouts, building line and density and would be considered a balanced offset of the development approved immediately to the north creating an established and flush end to the settlement boundary of the village. On balance, the proposal is considered to sit comfortably within the context of the site, neighbouring sites and wider village setting.
- 10.14. Overall, it is considered that the identified harm to the open countryside and locality is outweighed by the benefits of the scheme, and it is recommended that planning permission is granted.

## **11. RECOMMENDATION**

**DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO:**

- 1. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- 2. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE INFRASTRUCTURE IDENTIFIED IN APPENDIX 1.**

*Cherwell District Council (all contributions will be index linked)*

- Provision of and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows, woodland. SUDS etc) or details of long term management provisions in accordance with the Policy BSC11 of the CLP
- Provision of a Local Equipped Area of play and commuted sum for maintenance or details of other management provisions
- £106 per dwelling for bins
- Affordable housing provision – 35% (up to 27 units)
- CDC monitoring fee

*Oxfordshire County Council*

- Public transport contribution of £ 62,315 equated at £1,133 per dwelling for the provision of bus services in Ambrosden
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- Obligation to enter into an S38 agreement to provide a spine road as part of the highway network and an on-site right of way will be required for the development.
- £432,081 towards secondary education capacity and £45,604 towards secondary school land contribution for secondary school places secondary school places in Bicester to ensure adequate secondary school provision
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#### Other

- OCCG group have been consulted and stated that there are significant capacity issues serving the area. They have stated there are insufficient consulting rooms to cope with increased population. They have requested a contribution to support capital projects associated with either local plans for surgery alterations or support patient services (£360 per person – circa 180 people).

### CONDITIONS

#### **Time Limit**

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

2. Details of the layout, scale, appearance and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

#### **Compliance with Plans**

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents: Drawing 382\_L01, 382\_P01,

382\_P02, 382\_P03, 382\_P04, 382\_P05, 382\_P06, 080633-CUR-XX-XX-D-TP-75006-p03 and 080633-CUR-XX-XX-D-TP-75004-P08 received 04/04/2023.

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

#### **Levels**

4. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed strictly in accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

#### **Contamination**

5. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy ENV12 of the Cherwell Local Plan 1996 and government guidance within the National Planning Policy Framework.

#### **Drainage**

6. Construction shall not begin until/prior to the approval of; a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
  - A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
  - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
  - A Flood Exceedance Conveyance Plan;
  - Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
  - Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
  - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and; Details of how water quality will be managed during construction and post development in perpetuity;
  - Confirmation of any outfall details.

- Consent for any connections into third party drainage systems

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

7. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
  - a) As built plans in both .pdf and .shp file format;
  - b) Photographs to document each key stage of the drainage system when installed on site;
  - c) Photographs to document the completed installation of the drainage structures on site;
  - d) The name and contact details of any appointed management company information.

Reason: In order to avoid adverse environmental impact upon the community and to ensure compliance with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

#### **Environmental Protection**

8. Construction Environmental Management Plan (CEMP) Prior to commencement of any development a Construction Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved document shall include the following:
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - e) wheel washing facilities;
  - f) measures to control the emission of dust and dirt during construction;
  - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - h) measures for the protection of the natural environment;
  - i) hours of construction, including deliveries;
  - j) the temporary site compound including temporary structures
  - k) the location and noise levels of any temporary generators or other fixed mechanical plant.
  - l) details of external lighting and proposed operation times. m) contact details for the site manager or other persons associated with the management of operations on the site. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason: To ensure the development provides a good standard of amenity for future residents in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

9. Prior to the development commencing a report should be provided and

approved in writing by the local planning authority that shows that all habitable rooms within the dwelling and external areas will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) for indoor and external noise levels (if required then the methods for rating the noise in BS4142:2014 should be used, such as for noise from industrial sources). Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details. If alternative means of ventilation are required then an overheating assessment should be carried out.

Reason: To ensure the development provides a good standard of amenity for future residents in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

10. Prior to the commencement of the development hereby permitted a detailed air quality impact assessment to identify the impact of the development on local air quality shall be submitted to and approved in writing by the Local Planning Authority. The assessment should include damage cost calculations where applicable along with a proposal for abatement measures that will be undertaken in addition to those already required from the developer. This shall have regard to the Cherwell District Council Air Quality Action Plan and no development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the impact of the development on air quality has been adequately quantified.

Reason: To ensure the development protects and enhances biodiversity and the natural environment in accordance with the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

#### **Natural Environment**

11. As part of any reserved matters for layout, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason: To protect the existing trees and hedgerows on site and in the interests of visual amenities of the area to ensure the creation of a pleasant environment for the development and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

#### **Highways**

12. Prior to the commencement of the development hereby approved, full design details of the means of access between the land and the highway, including, position, layout, construction, drainage, and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to first occupation the means of access shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

13. Prior to the commencement of the development hereby approved, full details of the improvements to footpaths including, position, layout, construction,

drainage, vision splays and a timetable for the delivery of the improvements shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety and public amenity and to comply with Government guidance contained within the National Planning Policy Framework.

14. Prior to first occupation a Residential Travel Plan and Residential Travel Information Pack should be submitted to the Local Planning Authority for approval.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

15. Prior to commencement of the development hereby approved; a construction traffic management plan shall be submitted to and approved by the Local Planning Authority. The CTMP will need to incorporate the following in detail and throughout development the approved plan must be adhered to

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction. Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing to accord with standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will park, and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved

by Highways Depot.

- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

16. No development shall commence above slab level unless and until a scheme for electric vehicle infrastructure to serve each dwelling has been submitted and approved in writing by the Local Planning Authority. The approved electrical vehicle charging infrastructure shall be provide in accordance with the approved details prior to the first occupation of the dwelling it serves.

Reason: To maximise the opportunities to promote the use of sustainable transport modes and the use of renewable energy, and to limit the impact of new development on air quality, to comply with Policies SLE4, ESD1 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996, and Government guidance contained in the National Planning Policy Framework.

#### **Water**

17. No development shall be occupied until confirmation has been provided that either: - all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development and Government guidance contained in the National Planning Policy Framework.

#### **Ecology**

18. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on Great Crested Newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

19. No development shall commence until a CEMP for biodiversity which includes measures to protect retained vegetation, bat roost checks for any removed trees and protect nesting birds is submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

20. The development shall be constructed in accordance with the details agreed within the Ecological Appraisal Reference edp7101 r001c. The enhancement measures shall be carried out in accordance with the approved details and shall be retained as such thereafter in accordance with the approved details.

Reason: To ensure the development provides a net gain in biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

21. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP), has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved LEMP. This should include how created and retained habitats on site will be managed for people and biodiversity and to achieve the habitat conditions denoted within the BIA and how this fits together with the off site plan. This should include measures within the built environment also. CDC seeks the equivalent of a minimum of one provision for bats, birds or invertebrates per dwelling (though these may be clustered) with the majority integrated into the fabric of the buildings. Measures such as hedgehog highways and wildlife friendly planting should also be within the developed areas.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

22. No development shall commence until a reptile mitigation strategy including a plan of any receptor sites, details of ecological supervision required and timing is submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

23. Prior to the installation of any external lighting, a full lighting strategy to include illustration of proposed light spill and which adheres to best practice guidance in relation to ecological impact, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

#### **Sustainability**

24. As part of any submission for reserved matters, full details of a renewable

energy strategy for the site in accordance with Policy ESD5 of the Cherwell Local Plan, shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of any building the renewable energy serves.

Reason: To encourage the use of renewable and low carbon energy in accordance with Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

25. Prior to the commencement of any works associated with the construction of a dwelling, details of the means by which all dwellings will be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations (unless a different standard is agreed with the local planning authority) shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and no dwelling shall be occupied until it has been constructed in accordance with the approved energy performance measures.

Reason - In the interests of environmental sustainability in construction in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

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

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

**APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking**

<b>Planning obligation</b>	<b>Regulation 122 Assessment</b>
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<b>Detail</b>	<b>Amounts (all to be Index linked)</b>	<b>Trigger points</b>	
Provision of and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows, woodland, SUDS etc) or details of long term management provisions in accordance with the Policy BSC11 of the CLP	Provision on site.  Commuted sum as set out in the Developer Contribution SPD (as updated by annual tendering).  Details of ongoing management company if no commuted sum	To be delegated to officers	<p><b>Necessary –</b> To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018)</p> <p><b>Directly related –</b> For the use of future occupiers of the development</p> <p><b>Fairly and reasonably related in scale and kind –</b> In accordance with the policy and guidance provisions adopted by the Council</p>
Provision of a Local Area of Play and a Local Equipped Area of play and commuted sum for maintenance or other management provisions	Provision on site.  Commuted sum as set out in the Developer Contribution SPD (as updated by annual tendering).	To be delegated to officers	<p><b>Necessary –</b> To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018)</p> <p><b>Directly related –</b> For the use of future occupiers of the development</p>

	Details of ongoing management company if no commuted sum		<b>Fairly and reasonably related in scale and kind –</b> In accordance with the policy and guidance provisions adopted by the Council
Off-site outdoor sports facilities capital provision – Towards enhancement of outdoor sporting provision at Launton playing fields	55 x £2,017.03 per dwelling = £110,936.65	To be delegated to officers	<b>Necessary –</b> The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD  <b>Directly related –</b> The future occupiers will place additional demand on existing facilities.  <b>Fairly and reasonably related in scale and kind –</b> Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.
Off-site indoor sports facilities – Towards either enhancement of indoor sports provision at Launton Parish Hall or improvements at Bicester Leisure Centre-	A sum based on a contribution of £335.32 per occupier of each Dwelling as follows: • 2.49 (Average occupancy per Dwelling) multiplied by the Composition of the Development • Result multiplied	To be delegated to officers	<b>Necessary –</b> The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD  <b>Directly related –</b> The future occupiers will place additional demand on existing facilities.

	<p>by £335.32  Example at 55  Dwellings 55 x 2.49  = 136.95 136.95 x  £335.32 =  £45,922.07</p>		<p><b>Fairly and reasonably related in scale and kind –</b>  Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
<p>Community hall facilities – To be spent on improvements/enhancements/redevelopment of Launton Parish Hall or other community building.</p>	<p>A sum based on the requirement to provide 0.185m2 community space per occupier of the Dwellings at a cost of £2,482 per m2 as follows: • 2.49 (Average occupancy per Dwelling) multiplied by the Composition of the Development  • The result multiplied by 0.185 (0.185m2 community space required per resident)   That result multiplied by £2,482.00 (cost per</p>	<p>To be delegated to officers</p>	<p><b>Necessary –</b> The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p><b>Directly related –</b> The future occupiers will place additional demand on existing facilities.</p> <p><b>Fairly and reasonably related in scale and kind –</b>  Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>

	<p>m2 of provision of community space)  Example at 55 Dwellings 55 x 2.49 = 136.95 residents  136.95 x 0.185m<sup>2</sup> = 25.34m<sup>2</sup>  25.43 x £2,482.00 = £62,893.88</p>		
Contributions to bins	£106 per dwelling	To be delegated to officers	<p><b>Necessary</b> – The dwellings will required adequate waste receptacles for future occupants and in accordance with the advice in the Developer Contribution SPD</p> <p><b>Directly related</b> – The need for these comes from the increase in the number of dwellings</p> <p><b>Fairly and reasonably related in scale and kind</b> – Costs in accordance with the advice in the Developer Contribution SPD</p>
Affordable housing provision on site	<p>At least 35% of total number.</p> <p>25% First Homes</p> <p>70% Social/affordable rent</p>	To be delegated to officers	<p><b>Necessary</b> – as would provide housing for those who are not able to rent or buy on the open market pursuant Policy BSC3 of the Cherwell Local Plan</p> <p><b>Directly related</b> – The affordable housing would be provided on-site in conjunction with open market housing</p>

	<p>-5% Intermediate housing such as shared ownership.</p> <p>To be in accordance with the standards outlined in Developer Contributions SPD</p>		<p><b>Fairly and reasonably related in scale and kind –</b> Based on the Cherwell Local Plan requirement for percentage of affordable housing.</p>
<p>Provision of Landscape and Ecological Management Plan and long term management arrangements (including funding) for the land proposed for biodiversity enhancement identified in the blue line.</p>	<p>To be provided and managed long term in accordance with the LEMP</p>	<p>To be delegated to officers</p>	<p><b>Necessary –</b> In order to provide sufficient space to allow a net gain in biodiversity to be achieved on site in accordance with Policy ESD10 and the NPPF</p> <p><b>Directly related –</b> The development will impact on the current ecological value of the site and the area of land is required to provide opportunities for a net gain in biodiversity.</p> <p><b>Fairly and reasonably related in scale and kind –</b> To off-set the impacts of the development and provide a net gain.</p>
<p>Financial contribution to Oxfordshire Clinical Commissioning Group to support capital projects associated with either plans for surgery alterations/extensions or support patient services to increase capacity</p>	<p>£360 per person generated (from SHMA occupancy) based on final housing mix</p>	<p>To be delegated to officers</p>	<p><b>Necessary –</b> The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy INF1 and advice in the Developer Contribution SPD</p>

			<p><b>Directly related</b> – The future occupiers will place additional demand on existing facilities.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Calculations will be based on the Developer Contributions SPD and evidence from OCCG based on the final mix of housing and number of occupants.</p>
Monitoring Fee Contribution towards the Council's (both district and County Council) costs of monitoring compliance with the agreement or undertaking	To be confirmed	To be delegated to officers	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.</p>
Public transport contribution of £1,133 per dwelling to maintain the operation of the bus service serving Launton	£1,133 per dwelling	To be delegated to officers	<p><b>Necessary</b> to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p><b>Directly related</b> as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development</p>
Public transport infrastructure contribution of £96,305	£15,347		

			and would be directly benefiting residents of the future development.
Public Rights of Way of £15,000 toward improvements to PROW in the vicinity of the site.	£15,000		<p><b>Necessary</b> to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p><b>Directly related</b> as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Delivery of a public footpath from the new pedestrian overbridge to Station Road and connection to existing PROW network.	New public footpath		<p><b>Necessary</b> to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p><b>Directly related</b> as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>

<p>Obligation to enter into a S278 agreement to secure:</p> <p>Delivery of an LTN 1/20 compliant pedestrian and cycleway along the south side of Blackthorn Road connecting the site access to Ambrosden and the bellmouth vehicular site access</p>	<p>To be delivered on and off site</p>	<p>To be delegated to officers</p>	<p><b>Necessary</b> to provide safe and suitable access to the site and the highway network and ensure the development does not result in unacceptable impacts on highway safety.</p> <p><b>Directly related.</b> This will provide safe and suitable access to the site and as a result of additional traffic and pedestrian movements associated with the development.</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
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<p>Secondary education capacity contribution and contribution towards secondary school land in Bicester</p>	<p>£432,081 towards secondary education capacity and £45,604 towards secondary school land contribution for secondary school places in Bicester to ensure adequate secondary school provision</p>	<p>To be delegated to officers</p>	<p><b>Necessary</b> to provide adequate education provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p><b>Directly related.</b> Will provided additional school places for children living at the proposed development</p> <p><b>Fairly and reasonably related in scale and kind.</b> In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
<p>Special School contribution to be spent on expansion of SEN school capacity</p>	<p>£26,922 towards special school contribution to be spent on expansion of SEN school capacity to ensure adequate SEN provision.</p>	<p>To be delegated to officers</p>	<p><b>Necessary</b> to provide adequate education provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p><b>Directly related.</b> Will provided additional school places for children living at the proposed development</p> <p><b>Fairly and reasonably related in scale and kind.</b> In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>

<p>Contribution towards expansion and efficiency of Household Waste Recycling Centres.</p>	<p>£5,168</p>	<p>To be delegated to officers</p>	<p><b>Necessary</b> to provide adequate waste and recycling provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p><b>Directly related.</b> Will provided additional capacity for household waste recycling centres which the occupiers of the proposed development will utilise.</p> <p><b>Fairly and reasonably related in scale and kind.</b> In accordance with the County Councils standards for provision based on build costs.</p>
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