

Case Officer: Natasha McCann

Applicant: Archstone Ambrosden Ltd, Bellway Homes Ltd and Ros

Proposal: 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

Ward: Bicester South And Ambrosden

Councillors: Cllr. Sames, Cllr. Pruden and Cllr. Cotter

Reason for Referral: Major development

Expiry Date: 14 July 2023

Committee Date: 13 July 2023

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is c.9.46ha of agricultural land located to the north of Ambrosden, on the fringe of the village and backs onto the settlement edge. The site consists of agricultural fields and is currently accessed from Ploughley Road. Ploughley Road runs through the centre of the village linking to the A41 in the North and Arncott in the south. The land slopes gently from the eastern boundary at circa. 77-78m AOD to the western boundary, at circa. 65m AOD. The site is surrounded by established field boundaries to north, west and south, with additional hedgerows and sporadic trees forming the internal field boundaries. The site is bounded by residential development to the east and southeast.
- 1.2. Ploughley Road is subject to a 60mph speed limit which reduces to 30mph at the southern end of the frontage. A pedestrian/cycle path runs north-south adjacent to Ploughley Road and on the development site side. This connects Ambrosden with the A41 and beyond to Bicester. An existing Bridlepath/Public Right of Way reference 105/6/20 is located on the Eastern boundary of the site running from the A41/B4011 Junction at Blackthorne Farm to Ploughley Road opposite the Bicester Garrison Gym.

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 any Conservation Areas, nor does it contain any designated heritage assets

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal seeks outline planning consent for the development of the site up to 120 new 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. All matters are reserved except access.

- 3.2. Vehicle access to the proposed development will be provided via a new priority T-junction off Ploughley Road, located approximately 155m northeast of the existing Bicester Garrison access and approximately 110m north-east of the existing field access gate to the site. The proposed development would have a mix of 2, 3 & 4 bedroom homes with the site split up into two areas with higher density plots averaging 30-40dph condensed to the west and southwest area of the plot and lower density plots averaging 20-30dph surrounding the higher density area to the southwest, north and west.
- 3.3. A large part of the western half of the site would be reserved for public open space, a locally equipped area of play, planting and attenuation for the proposed drainage strategy. The site would provide 35% affordable housing and proposes a net gain in habitat units of 10.01% and a net gain of 18.17% in hedgerow units.

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

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

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)

Address: Land to the north of Merton Road, Ambrosden

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 (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: 22/02455/OUT To be determined

Address: Land West of Church Ley Field Adjacent To Blackthorn Road, Ambrosden

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

5. PRE-APPLICATION DISCUSSIONS

5.1. No pre application undertaken.

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 application went through a formal public re-consultation and the final date for comments was 3 May 2023, 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 80 letters of objection letters have been received from local residents. The comments raised by third parties are summarised as follows:

- Cumulative impact of developments in Ambrosden
- Over intensification of the site
- Loss of agricultural land
- Detrimental to wildlife/habitats
- Loss of open public green space which is used for recreation
- Potential flooding
- Lack of drainage/water pipe issues
- Increased traffic and congestion
- Noise during construction
- Dangerous road – 60mph
- Lack of infrastructure i.e.; doctors surgery, shops
- Lack of education provision in surrounding area
- Setting unwelcomed precedent for future growth in the village
- Increased pressure for existing facilities in the area
- Loss of views
- Loss of privacy
- Impact to air quality
- Loss of recreational spaces

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 no clear statement on population growth making the impact on resident amenity immeasurable, scale of development, detrimental impact to infrastructure, amenity and biodiversity and also raised concerns regarding lack of engagement.

CONSULTEES

- 7.3. CDC LANDSCAPE OFFICER: **No comments received.**
- 7.4. OCC HIGHWAYS: **No objection** subject to conditions and S106 contributions.
- 7.5. LEAD LOCAL FLOOD AUTHORITY: **No objection** subject to conditions.
- 7.6. CDC DRAINAGE: **No objection.**
- 7.7. THAMES WATER: **No objection** subject to conditions.
- 7.8. OCC ARCHAEOLOGY: **No objection** subject to conditions.
- 7.9. CDC ECOLOGY: **No objection** subject to conditions.
- 7.10. CDC STRATEGIC HOUSING: No comments received.
- 7.11. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to conditions relating to CEMP, Noise and air quality.
- 7.12. OCC EDUCATION: **No objection** subject to financial contributions towards secondary (including land contribution) and SEN school provision in Ambrosden and surrounding area.
- 7.13. OCC WASTE MANAGEMENT: **No objection** subject to a contribution for the expansion and efficiency improvements of Household Waste Recycling Centre capacity.
- 7.14. 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.
- 7.15. CDC PLANNING POLICY: **No comments received.**
- 7.16. 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.
- 7.17. NATURE SPACE: **Objection** on the grounds of impact on great crested newts.
- 7.18. NATIONAL HIGHWAYS: **No objection**
- 7.19. CDC ARBORICULTURE: No comments received.

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 (AMR) (December 2021)
- 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 put forward or identified in the 2018 HELAA as being a site suitable or achievable for housing.
- 9.9. 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.
- 9.10. 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'*.
- 9.11. 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'.*

National Planning Policy Framework

- 9.12. 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).
- 9.13. 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.
- 9.14. 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.
- 9.15. 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'.
- 9.16. 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.'*

- 9.17. 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'*.
- 9.18. 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

- 9.19. 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.
- 9.20. 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.
- 9.21. 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

- 9.22. 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.
- 9.23. 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.

- 9.24. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan. 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 allocated as an area of open countryside. The proposal to build on greenfield land would have an urbanising impact, though that impact would be relatively localised. The site is bounded by existing residential properties to the west and agricultural land to the north, east and west.
- 9.25. 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.
- 9.26. 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.
- 9.27. 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.
- 9.28. 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 falls 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.
- 9.29. 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.”

- 9.30. 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.
- 9.31. 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.
- 9.32. 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

- 9.33. 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.
- 9.34. 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.
- 9.35. 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.

- 9.36. Whilst it is accepted that there are clear benefits of the additional housing including the provision of affordable housing in the area and the inclusion of bungalows, it is nevertheless a prominent site clearly visible on the approach to Ambrosden and therefore significant weight is given to the impact of the proposal on visual amenity terms which is assessed below.

Conclusion

- 9.37. 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 has been met, 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

- 9.38. 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 on to 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 be sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 9.39. 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*.

- 9.40. 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.
- 9.41. 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*.
- 9.42. 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.
- 9.43. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.
- 9.44. 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

- 9.45. A Landscape and Visual Impact Appraisal accompanies the application. The site is located in Clay Vale LCT and Pasture Hills LCT. The site currently has a pastoral land use and fits with the description of pastureland being the predominant land use. The field patterns fit with the description of small to medium hedged fields with hedgerow trees comprising of oak, ash with some willow and field maple. The presence of tree cover associated with hedgerows filters views especially along the eastern boundary of the site. 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.

- 9.46. The site is located to the north of Ambrosden and would have the residential settlement as its backdrop. The residential developments to the west and southwest of the site are bordered by densely vegetated boundaries which detach the settlement boundary from the host agricultural land with a defined visual separation. Due to field entrance gates and a break in vegetation along the southern boundary of the host site, the discontinuation between the existing residential development at Briar Furlong and West Hawthorn Road exacerbates the sharp contrast between the existing village settlement boundary and countryside. This site forms part of the northern most edge of the village representing an important characteristic to the wider visual appearance of Ambrosden. The dissolution of this flush border which is symmetrical to the adjacent side of Ploughley Road is considered to result in detrimental harm to the character and appearance of the village edge. This weighs against the proposals.
- 9.47. Furthermore, Ploughley Road is the main approach into Ambrosden from the west and benefits from the open views towards the site appearing as a noticeable undeveloped area of land before the existing built form offers a balanced introduction to the settlement area across both sides of the road. The Landscape and Visual Impact Appraisal states that the proposal would have a moderate/minor adverse effect on views from Ploughley Road. Due to the undulating landform and rise in topography towards the east of the site, parts of the site and the established settlement edge are easily discernible. As such, the proposed extensive levels of built form would largely dilute these views creating an insensitive and disrupted end to the village settlement boundary. This northern settlement boundary is bordered by extensive agricultural land with the built form on this northern side of Ploughley Road declining in concentration from West Hawthorn Road to Briar Furlough. This adds to the slow decline in density of this side of the village to which the introduction of a large 120 residential development would negatively disrupt.
- 9.48. Along with the proposals' impact on the wider landscape, it remains the case that the site lies outside the built-up limits of Ambrosden. Criteria 'v' of Policy Villages 2 highlights the need to assess *whether significant adverse landscape and visual impacts could be avoided*. In this particular case, it is considered that, having regard to its location, residential development at this site would have a poor and incongruous relationship with the form, character and pattern of the existing settlement. The site is sensitive in terms of its relationship with the wider countryside and its position at the entrance to the village. The development would therefore have an adverse effect on the character and appearance of the countryside as well as the approach to and of the northern gateway to Ambrosden. Due to the prominent position of the site and the limited landscaping protection along the southern and partly western boundary the development would represent significant and demonstrable harm which should be taken into account in the planning balance.
- 9.49. Overall, it is considered that the development would not contribute to enhancing the built environment but would result in a significant and adverse impact on the local landscape. The proposal therefore conflicts with Policies ESD13, ESD15 and Villages 2 of the CLP 2015 and Government guidance in the NPPF. This weighs significantly against the development.

Design and illustrative layout

Policy Context

- 9.50. 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.
- 9.51. 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

- 9.52. The application is in outline with matters relating to layout, scale, landscape and appearance reserved for later consideration. The application is, however, accompanied by a parameter density, scale and land use plan which details how the site would be laid out and densities would be arranged. The application is also accompanied by a Design and Access Statement, which outlines some design principles. The proposed development includes up to 120 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).
- 9.53. The illustrative plan indicates that the residential dwellings will be confined largely to the eastern half of the site with dwelling immediately to the frontage extending to the north-eastern corner. The site will have an average density of 30dph with higher density plots between 30-40dph condensed to the west and southwest area of the building footprint and lower density plots between 20-30dph surrounding the higher density area to the southwest, north and a split boarder the western edge. The west half of the slight will be largely used to green public open space, LEAP and drainage systems.
- 9.54. 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. If the application was recommended for approval, conditions would be added regarding hard landscaping/surface, habitat/landscape typologies and management plan of the public open spaces within the site. 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.
- 9.55. 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 120 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

- 9.56. 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

- 9.57. 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.
- 9.58. The proposed development would be located to the east of the existing residential dwellings along Briar Furlong and West Hawthorne Road. Due to the orientation of the sites and separation distance available, the proposal could accommodate a minimum back to back separation between neighbours that would preserve the amenity standards of the neighbouring residents. 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

- 9.59. 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

- 9.60. 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

- 9.61. The site is accessed via a vehicular access on Ploughley Road. OCC Highways raised an objection to the initial proposal stating that the information provided did not demonstrate that the visibility splays available from the proposed site access are adequate for the vehicle speeds along Ploughley Road. Two revised Transport Assessment Addendum (TAA) were submitted and following re-consultation, OCC Highways considered that the amended scheme overcame the previous issue, and the objection was removed. The revised scheme also addressed initial concerns regarding the re-surfacing of a short length of the Public Right of Way.
- 9.62. Ploughley Road toward the north of the site is subject to a 60mph speed limit which reduces to 30mph at the southern end of the site frontage. This 30mph limit then applies throughout the built-up area of the village. In order to reduce the approach speed of southbound vehicles, a build-out traffic calming feature would be introduced to the north of the site access. This feature replicates those on the Ploughley Road at the south entrance of the village. The effect of the build-out is three-fold: 1. Some vehicles will have to slow or stop to give way to northbound traffic 2. The full-width cushion will encourage vehicles to reduce speed 3. Southbound vehicles would be diverted to the northbound lane when passing the build-out, so will be more visible from the site access. This calming feature would be visible to northbound traffic leaving the village and so will tend to dampen vehicle speeds towards and past the site access. The length of road up to and just past the feature will be reduced to a 30mph limit. OCC Highways confirmed that this was an appropriate and effective approach subject to Road Safety Audits which would be addressed during the S278 works process.
- 9.63. Ambrosden is served by two bus routes which both call at the Ploughley Road/Willow Road stops approximately 350m (4 minutes' walk) from the site entrance. The 29 route, operated by Stagecoach, offers a frequent service between Bicester and Bullingdon Prison / Arncott. The H5 route, also operated by Stagecoach, provides a service between Oxford St John Radcliffe Hospital and Bicester. A crossing point would be required to ensure a safe pedestrian route across Ploughley Road to the northbound bus stop however OCC agreed that this could be incorporated into the traffic calming measures.

Conclusion

- 9.64. 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 subject to suitably worded conditions 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 SLE4 and ESD15 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

9.65. 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.*

9.66. 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.*

9.67. 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.

9.68. 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

9.69. 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.

9.70. The applicant has submitted a Flood Risk Assessment (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 calculations for greenfield run off rate, drainage strategy, attenuation volumes, SUD's and phasing plan. 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

- 9.71. 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

- 9.72. 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

- 9.73. 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.

- 9.74. 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.
- 9.75. 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.
- 9.76. 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

- 9.77. The site is not located in any statutory or non-statutory designated sites. The application is accommodated by an Ecological Assessment which was considered acceptable by the Ecology Officer subject to suitably worded conditions. The Ecology Officer did note that no specific farmland bird surveys were carried out so the presence of a range of species must be assumed. Mitigation for species is generally considered within the design of the site. Public access across the site will need to be considered however as in order to mitigate for some species (birds in particular) there should be some areas of little or no disturbance to act as a refuge for wildlife for nesting and foraging.
- 9.78. Great crested newt habitat is likely to be impacted by the development so great crested newt licence will be required to be in place before any works commence on site. The EA recommends either using the CDC district licence or applying for an EPS licence through Natural England and this would have been agreed via condition had the application been recommended for approval. A CEMP specifically for biodiversity would also have been considered to ensure retained vegetation and protected and priority species on site will be protected during construction. The EA makes recommendations for reptiles, badgers etc, which would be required to be included in the CEMP along with identification of ecological protection zones and any ECoW that may be on site.
- 9.79. A Biodiversity Impact Assessment Summary has been submitted which states that a 10% net gain in habitats is achievable on site which would also have been secured by condition. The EA makes some recommendations for bat/bird boxes on site. CDC seeks the equivalent of one bat/bird/invertebrate provision per dwelling (albeit these may be best clustered). The majority of these should be integrated into the fabric of the buildings to ensure retention for the lifetime of the development. In addition, hedgehog highways or similar should be included on site to ensure permeability for wildlife throughout the residential areas. The location/plan for these should be included within the LEMP or a separate biodiversity enhancement scheme. In light that the application was to be recommended for refusal, these additional documents have

not been sought at this time and would have likely been dealt with via condition where appropriate.

- 9.80. 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 Policy ESD10 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

- 9.81. 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.

- 9.82. 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

- 9.83. The Planning Statement accompanying the application confirms that the proposed development is capable of accommodating a mix of house types and sizes including 2, 3 & 4 bed units. The proposal seeks to provide a level of bungalow provision which is supported.

- 9.84. It is also set out that the development would deliver 35% affordable housing which would equate to provision of up to 42 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 would be secured as a benefit of the scheme through S106 agreement.

Noise, Contamination and Air Quality

- 9.85. 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.

9.86. The Environmental Protection Officer has recommended pre-commencement conditions relating to noise (CEMP) to ensure the works do not adversely affect residential properties on, adjacent to or surrounding the site and air quality to 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. A condition was also recommended in relation to contaminated land appropriate measures are put in place in the event of contamination risk. The Environmental Protection Officer has raised no comment/objection in relation to odour or light.

Sustainable Construction and Energy Efficiency

9.87. 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.

9.88. 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 Council's 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

9.89. 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."*

9.90. 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.

9.91. 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

9.92. 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.

9.93. 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.

9.94. 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%
- CDC monitoring fee

Oxfordshire County Council

- Public transport contribution of £135,960 equated at £1,133 per dwelling for the provision of bus services in Ambrosden
- Travel Plan Monitoring of £1,558
- Public Rights of Way of £30,000 to mitigate the impact to the PROW in the vicinity of the site.
- An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including:
 1. A new site access bellmouth junction on Ploughley Road (as shown indicatively on Clarkebond drawing B05927-CLK-XX-XX-DR-C-0007 Rev. P06).
 2. Relocation of the speed limit signs, village gateway and “dragon’s teeth” road markings, including public consultation and TRO (as shown

indicatively on Clarkebond drawing B05927-CLK-XX-XX-DR-C-0012 Rev. P02).

3. Widening of the cycletrack beside Ploughley Road to 3.0m (where practical to do so) between the A41 and Briar Furlong (as shown indicatively on Clarkebond drawing B05927-CLK-XX-XX-DR-C-0007 Rev. P06).
 4. Traffic-calming measures adjacent to the site access on Ploughley Road (as shown indicatively on Clarkebond drawing B05927-CLK-XX-XX-DR-C-0012 Rev. P02).
 5. Two bus stops on Ploughley Road. Each to comprise a two-bay shelter, Premium standard pole, flag and timetable case. The shelters are to include electrical connections for a future real time information screen (by others) (as shown indicatively on Clarkebond drawing B05927-CLK-XX-XX-DR-C-0012 Rev. P02).
 6. A crossing of Ploughley Road to the northbound bus stop (as shown indicatively on Clarkebond drawing B05927-CLK-XX-XX-DR-C-0012 Rev. P02).
 7. Improvements to the bridleway between the site and West Hawthorn Road (as shown indicatively on Clarkebond drawing B05927-CLK-XX-XX-SK-C-0001 Rev. P01). This may be on a separate short-form S278.
- £963,873 towards secondary education capacity and £101,732 towards secondary school land contribution for secondary school places secondary school places in Bicester to ensure adequate secondary school provision
 - £62,819 towards special school contribution to be spent on expansion of SEN school capacity to ensure adequate SEN provision.
 - £11,275 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

- 9.95. Although the applicant has confirmed that they are willing to enter into a S106 agreement this application is not supported by any draft heads of terms. As part of the process of the application the applicant has confirmed that on granting outline planning permission work on the S106 will progress to an agreement which is policy compliant. As such it is considered that the development will comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 54 of the NPPF.
- 9.96. As such it is considered that in the event that permission was to be approved for this development it would be the subject of an agreed S106 being in place. As such it is considered that the development will comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 54 of the NPPF.
- 9.97. However, in the event of a refusal of planning permission, and in order to safeguard the Council's position and be able secure planning obligations should there be a

resubmitted application or an appeal, an additional refusal reason relating to the lack of a completed legal agreement should be included.

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.

10.2. 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

10.3. The proposals would provide a short-term benefit through creation of construction jobs and would also support facilities and employment in businesses, shops and services within the area. Given the scale of the development these should also be afforded limited positive weight.

Social

10.4. The delivery of homes across the district is an important positive material consideration in the planning balance.

10.5. 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 with very significant weight afforded to the benefits of affordable housing.

10.6. 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 on-site recreation and play facilities.

10.7. The applicant has committed to providing a Locally Equipped Area of Play which would be a benefit to the existing residents in Ambrosden as well as the new residents on this development site.

Environmental

10.8. The proposals commit to provide mitigation measure to mitigate any loss of ecological features on or near the site.

10.9. The illustrative layout plan shows that a large part of the development would be allocated as a green public open space with additional trees, landscaping and vegetation. This would have the added benefit of improving / enhancing the biodiversity on the site.

10.10. The proposals commit to the provision of a sustainable construction methods, which should be given positive weight.

Negative impacts

- 10.11. The site is located beyond the built-up area of Ambrosden and as such is located in an area of open countryside. The site is prominently located at the northern gateway to Ambrosden with limited shielding. The development would appear as a detached estate projecting the built form further into the open countryside in a manner that would be detrimental to the rural character. This adverse visual impact weighs heavily against the proposal.
- 10.12. The site is not allocated in the Development Plan and for the reasons set out in this report the proposal would be contrary to the Council's housing strategy, as set out in Policies BSC1, Villages 1 and Villages 2 of the CLP 2015 on to which significant weight is also attached.

Conclusion

- 10.13. Overall, and in accordance with the NPPF, the adverse effects are considered to significantly and demonstrably outweigh the proposal's benefits and the proposed development is considered to represent unsustainable development and planning permission should therefore be refused, for the reasons given below.

11. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW

1. The site is located outside the built form of Ambrosden and within an area of open countryside. By reason of its location and the proposed scale of development, the proposal would have a poor and incongruous relationship with the existing settlement appearing prominent in the open countryside. Its development would therefore have an adverse effect on the landscape on the approach to Ambrosden to the detriment of the character and appearance of the countryside. In addition, the Council is able to demonstrate a 5.4-year housing land supply, and therefore the housing strategies in the Local Plan are up to date. It is considered that the development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached. The proposed development is therefore contrary to Policies ESD13, ESD15, BSC1, PSD1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy H18 of Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to Policy INF1 of the Cherwell Local Plan 2011-2031 Part 1, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

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