

5 December 2022
Letter - 5 December 2022.docx



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By email only to: Natasha.McCann@cherwell-dc.gov.uk

Dear Natasha,

Planning Application Reference: 22/02866/OUT

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

On behalf of Archstone Ambrosden Ltd, Bellway Homes Ltd and Rosemary May

I would be grateful if you could accept this submission under the above planning application and undertake appropriate re-consultation.

This submission comprises the following documentation in addition to this letter:

- Aerial Red Line Plan, drawing number: PL 02, prepared by Barton Willmore now Stantec. This should be substituted for the existing drawing of the same reference.
- Framework Plan, drawing number: FP-01, prepared by Barton Willmore now Stantec. This should be substituted for the existing drawing of the same reference.
- Archaeological Evaluation Report, reference: AMPREV, prepared by Oxford Archaeology.
- Phase 2 Site Investigation, reference: B05927-CLK-XX-XX-RP-GT-002, prepared by Clarke Bond.
- Technical Note – LLFA Planning Comments Response, reference: B05927 – TN0002, prepared by Clarke Bond.
- Transport Assessment Addendum, reference: B05927, prepared by Clarke Bond. Please note this includes a revised proposed access plan, being Site Access Sketch, drawing number: 0007 revision P05, which supersedes the same drawing revision P03, contained as appendix D in the submitted Transport Assessment.
- Noise Assessment and Mitigation, prepared by LF Acoustics Consulting Engineers.

Principle of the Proposed Development

The principle of the proposed development within the planning policy context is unchanged from the Planning Statement submitted under the planning application as a result of this submission.

There is an extensive assessment of the proposed development against planning policy and material considerations.

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The Site is not allocated for development, but it partly adjoins the current built-up edge of this part of Ambrosden.

In planning policy terms, the site is unremarkable, not being covered by any national or regionally significant policy restrictions.

We consider that the proposed development accords with relevant development plan policy overall. Therefore, paragraph 11.c) in the National Planning Policy Framework is relevant in that the presumption in favour of sustainable development requires decision-taking to approve development proposals that accord with an up-to-date development plan without delay.

Even if the decision-maker were to conclude that the proposed development conflicts with relevant development plan policy, paragraph 11.d) is relevant and should lead to the granting of planning permission. This paragraph states in part that where the policies which are most important for determining the application are out-of-date, planning permission should be granted subject to consideration of limbs i. and ii. Whilst some minor adverse impacts are identified as a result of the proposed development at the site, there are no adverse impacts that would bring the proposals into conflict with the development plan as a whole, or that would significantly and demonstrably outweigh the benefits of the proposals. The proposals should therefore be allowed in accordance with paragraph 11 of the NPPF.

Excellent place-making is at the heart of the proposed development. This is achieved as a result of taking time to understand the site and local context and preparing a vision for development that is appropriate to the location. This submission simply updates the planning application to address relevant matters arising since submission of the planning application in September 2022.

Planning Performance Agreement

This submission sits within the Indicative Project Programme within the agreed Planning Performance Agreement. During week commencing 5 December 2022 is a planning review and appraisal with re-consultation to be confirmed (if required). This submission follows our planning review and we request appropriate re-consultation on the submitted documentation.

The PPA includes draft planning conditions and heads of terms for planning obligations to be issued for review and comment by 16 December 2022 and hence we look forward to engaging on this.

The PPA includes a target committee date of 12 January 2023. By making this submission now, re-consultation can be held and relevant responses received to inform preparation of the planning committee report well-ahead of the 12 January 2023.

Plans

The enclosed Aerial Red Line Plan and Framework Plan comprise a very minor change to the red line along the north boundary of the application site. This is simply to address a point of consistency in the alignment along this boundary. The application gross site area remains unchanged at 9.46 hectares following this very minor change.

Please note that the Site Access Sketch, drawing number: 0007 revision P05, which is enclosed supersedes the version within the submitted Transport Assessment. As this is an outline planning application with access to the site not reserved for future consideration, this plan is capable of being referred to as an approved plan for the purpose of a planning condition. The additional sketch plans show wider highway works and swept path analysis intended to address the relevant consultation response. These are indicative and are not pre-planning details along the lines of the site access and hence these are not considered appropriate as approved plans but rather further details will be required of the wider highway works under a planning condition.

Archaeology

The enclosed Archaeological Evaluation Report provides further detail on the archaeological potential of the site. In September 2022, Oxford Archaeology carried out a trial-trench evaluation on the site, comprising 28 no. trenches.

The site sits on an area of higher limestone bedrock in the east, dropping down onto mudstone geology in the west. The majority of features were located on the limestone ridge, and represent a range of archaeological periods.

The consultation response from the Planning Archaeologist at Oxfordshire County Archaeological Services dated 13 October 2022 mentions that an archaeological evaluation has been carried out on this site and in effect the report is pending. This is the enclosed report. The consultation response does not object to the proposed development but rather it recommends planning conditions seeking a written scheme of investigation and a programme of archaeological mitigation to accord with the WSI.

This report has already been provided to the Planning Archaeologist but of course it is important to provide this formally under the planning application and for the Planning Archaeologist to provide an updated planning consultation response. We anticipate that some further limited and more targeted archaeological investigation might be required under a planning condition subject to the updated consultation response.

Overall, it has been demonstrated that the proposed development will not harm designated heritage assets and there is reporting on archaeology being a non-designated heritage asset where a suitably worded planning condition can ensure appropriate mitigation. This will ensure from a heritage and archaeological perspective, the proposed development will comply with relevant development plan policy and policy guidance within the NPPF.

Ground Conditions

This is an outline planning application which is already accompanied by a Phase 1 Desk Study, prepared by Clarke Bond. We note that the CDC Building Control Team has no comment to make on the planning application. The CDC Environmental Protection Officer has read the Phase 1 Desk Study and has requested consideration of a planning condition requiring further investigation prior to the commencement of development which is quite usual for such development sites.

We have anticipated that further investigation into ground conditions will be required and hence we have enclosed a Phase 2 Site Investigation report, prepared by Clarke Bond. The ground conditions following this further ground investigation including infiltration testing were generally as expected as per the geological maps, although the distribution of clay and limestone was not as expected, with the Kellaway Clay being of lower strength than is typical. There was no presence of Made Ground encountered or visual indications of contamination during the investigation. In terms of infiltration testing this showed variable results due either to the soil being clay or having a high clay component. This is as anticipated within the Flood Risk Assessment and Drainage Strategy Report which accompanies the planning application and was prepared by Clarke Bond.

We anticipate that a planning condition(s) will be required on ground conditions which is quite usual for such development sites.

Drainage

The CDC Land Drainage Officer has responded to say that in effect there are no detailed comments at this outline stage. It is noted that no infiltration tests were submitted originally with the planning application, but local knowledge suggests that the assumption of very poor soakage will be correct.

The more recently undertaken infiltration testing forms part of the submission and accords with the previous understanding/expectations in this regard.

The Lead Local Flood Authority Engineer at Oxfordshire County Council has provided comments seeking clarification on a few points which the enclosed Technical Note addresses. One comment is whether there will be more than one phase of development. This is not anticipated at this stage.

We anticipate that a planning condition(s) will be required on drainage which is quite usual for such development sites.

Transport

Oxfordshire County Council has objected to the planning application only on the grounds that the proposal has not demonstrated that the visibility splays available from the proposed site access are adequate for the vehicle speeds along Ploughley Road.

The enclosed Transport Assessment Addendum fully addresses this matter through revised plans which now incorporate traffic calming features on Ploughley Road.

The County Council's consultation response refers to potential planning obligations which are agreed in principle subject to these meeting the planning policy and legislative tests. The response does not assess the proposed Framework Plan because layout is a reserved matter. The proposal is capable of connecting to Public Bridleway 105/6/20 and there is a request for a contribution of works and/or financial contribution to the Public Rights of Way. Comments on the submitted Residential Travel Plan can be addressed through a planning condition. It is positive to see that the County Council as Local Highway Authority do not object to the proposed development on the grounds of traffic impact and that the cumulative impact of this proposed development and the other two proposed residential development sites at Ambrosden should be small as vehicle journeys will predominantly be taking different routes.

We anticipate that planning conditions and planning obligations can adequately address transportation matters such that the proposal will comply with relevant development plan policy and policy guidance within the NPPF.

Noise

The CDC Environmental Protection Officer does not object on noise grounds and suggests an appropriate planning condition. The enclosed Noise Assessment and Mitigation report prepared by LF Acoustics Consulting Engineers presents an assessment of the noise levels within the proposed development, based upon the proposed framework plan layout. This provides the worst case noise levels within the developable areas, indicating that with the standard constructions proposed, no specific noise mitigation measures would be required for the dwellings to be constructed alongside Ploughley Road or the A41.

We anticipate that a planning condition(s) will be required on noise which is quite usual for such development sites.

Wider Consultation Responses

We note that the majority of statutory consultees do not object to the proposed development. Comments received are capable of being addressed by planning conditions and planning obligations for example comments (not objections) from Thames Valley Police, Oxfordshire Newt Officer, Sport England, Thames Water, CDC Community Infrastructure Team and wider service teams comments from Oxfordshire County Council not covered above.

Ambrosden Parish Council and CPRE The Countryside Charity object to the proposed development. Our responses to points raised are as follows:

- Scale of Growth – the proposed development is up to 120 dwellings and hence it is not fixed but a maximum amount. There is no ceiling or limit to housing development on a settlement basis. The

important consideration is that the proposed development will address the effects of the proposed development through planning conditions and planning obligations. The Parish Council have supported a proposed development of up to 75 dwellings off Blackthorn Road, Ambrosden and yet have objected to this site for up to 120 dwellings without adequate explanation as to the difference in their approach.

- Infrastructure – as mentioned the proposed development is capable of addressing its impact through planning conditions and planning obligations for example education, transportation, affordable housing, biodiversity net gain, etc. There are no objections from statutory consultees on infrastructure matters, subject to planning conditions and planning obligations.
- Landscape and visual – the Landscape and Visual Appraisal by EDP which is part of the planning application acknowledges that the proposed development would introduce residential built form into a greenfield site. This is to be expected at category A settlements within Cherwell District. There is nothing special or unusual about this site in landscape and visual terms. In the wider landscape the proposed development would read as an extension to Ambrosden. There will be noticeable changes in landscape and visual terms at a site level and hence the proposed landscape strategy incorporates extensive tree and hedgerow planting along the boundaries to reinstate historic hedgerows and to filter views from the west.
- Biodiversity – the Ecological Appraisal by EDP which is part of the planning application demonstrates that a 10% net gain in biodiversity can be achieved as a result of the proposed development, subject to securing this through a planning condition and/or planning obligation.

The proposed development is required to meet housing need, both market and affordable housing, in the context of a significant, chronic and persistent shortfall in housing land supply in Cherwell District. Policy Villages 2: Distributing Growth Across the Rural Areas, permits additional sites at Category A villages, either as Neighbourhood Plan allocations or planning permissions to meet the requirement that sites for an additional 750 units will be delivered in the Category A villages, in addition to small site windfalls. As has been confirmed in numerous appeal decisions, the 750 dwellings figure is not a ceiling or a cap, and the acceptability of development at these settlements is considered having regard to the criteria set out in the policy. The detailed assessment of the proposed development under Policy PV2 within the submitted Planning Statement demonstrates compliance with this policy.

Conclusion

I would be grateful if you could accept this submission under the above planning application and undertake appropriate re-consultation. This will accord with the agreed Planning Performance Agreement including reaching towards the target planning committee scheduled for 12 January 2023.

Please do not hesitate to contact me regarding any aspect of this submission.

Yours sincerely,



David Bainbridge MRTPI
Planning Director

Encl. As listed above

Copy. Bellway Homes Ltd