

Case Officer: Nathanael Stock

Applicant: Deeley Homes

Proposal: Outline planning permission for up to 30 dwellings including access off Ells Lane and demolition of the existing stabling on site - All Matters Reserved except for access

Ward: Adderbury, Bloxham and Bodicote

Councillors: Cllr Bishop, Cllr Hingley and Cllr Nell

Reason for Referral: Major development of 10+ dwellings

Expiry Date: 11 April 2023

Committee Date: 9 March 2023

SUMMARY RECOMMENDATION: REFUSE PERMISSION

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is comprised primarily of fields in a mix of agricultural and equestrian use, with trees and hedgerow vegetation to its perimeter especially on its eastern boundary adjacent the A361. The site, which is mainly Grade 1 agricultural land, is accessed via Ells Lane, a classified road, immediately to the south. No public rights of way cross the site or are affected by the proposal. The site slopes up from east to west and particularly from north-east (c.117m AOD) to north-west (122.8m AOD); the steeper slopes are closer to the A361.
- 1.2. The site, which in total measures approx. 1.37 ha, is bounded to the east by the A361, to the south by Ells Lane, and to the west and north by open countryside, with trees and other vegetation lining the latter boundaries.

2. CONSTRAINTS

- 2.1. None additional to that mentioned in Section 1 of this report

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The current application seeks outline consent for the erection of up to 30 dwellings and associated infrastructure, with means of access to be assessed. Access is proposed to be taken north from Ells Lane.
- 3.2. The application is accompanied by a location plan, various drawings including a topography survey, access drawings, parking survey zones and restriction drawings, drainage strategy, landscape strategy and proposed illustrative site plan ('PI003 D'), along with the following documents: a Design & Access Statement, Planning Statement, Statement of Community Involvement, Education Assessment, Agricultural Land Classification Assessment, land contamination assessment, Transport Statement, Flood Risk Assessment, Drainage Strategy, Air Quality Assessment, Ecological Appraisal, Landscape and Visual Assessment, Arboricultural Impact Assessment, and Biodiversity Net Gain Plan/Metric.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no relevant planning history to the site, though there was a planning application in 2015 for a similar scale of development on land south of Ells Lane adjacent to Crab Tree Close that was withdrawn prior to consideration by Planning Committee.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:
- 5.2. 22/02329/PREAPP – up to 30 dwellings – advised that the proposal was unacceptable in principle given its location at some distance from the village centre, loss of Grade 1 agricultural land, visual and landscape impacts including to the character of Ells Lane, archaeology, and lack of primary education capacity, and bearing in mind the Council's ability to demonstrate a five year housing land supply

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 (amend as appropriate). The final date for comments was **28 February 2023**.

- 6.2. Letters of objection have been received from 45 separate households. The comments raised by third parties are summarised as follows:

- Impact on the village – speeding cars, pollution and noise
- Location – those living on the outskirts tend to drive to the local shops rather than walk
- Visual/environmental impact – more unattractive buildings, more trees disappearing; impact on the beautiful countryside that surrounds the village; loss of agricultural land; the applicant proposes a 2m footpath on the northern side of Ells Lane – it is not clear if the intention is to pave over the existing drainage ditch along Ells Lane, or to reduce the width of the carriageway to 3m.
- Contrary to the Bloxham Neighbourhood Plan, which must be upheld to sustain any trust within the Bloxham community and their district council. The proposal is beyond the northern limit of the village boundary created by Ells Lane and Bloxham Grove - there has been no development other than conversions/extensions on land north of these roads. Would not comprise infill. Para 11d of the NPPF should not apply in the case of this application because Bloxham has a Neighbourhood Plan; the site is beyond the built up limits of the village and is not allocated for development; speculative development should not take precedence over Neighbourhood Plans and Local Plans.
- Contrary to the Cherwell Local Plan – Policy Villages 2 and saved policy H18.
- Contrary to the NPPF – paras 79, 174.

- Need – Bloxham does not need any more houses; there are enough houses being built along Salt Way up to the Bloxham/Banbury Road; there has been so much development over the years in Bloxham / overdevelopment of the village; the application is yet another opportunistic land grab / speculative development proposal
- Infrastructure – the village does not have the services to cope; children in the village are being sent to other schools as our village schools are full, the GP is not taking new patients nor is the dentist (the chemist is also at maximum capacity); impact on the local electrical infrastructure (power cuts would become a regular feature); utilities, transport; employment; cultural / social centre facilities
- Ells Lane – very poor condition; single lane width in places, not big enough for the additional traffic; not safe; impact on walkers using Ells Lane
- Highway safety – volume of traffic, which will only increase with the new school being built adj the Warriner; it is a prime pick up and drop off location for The Warriner; the junction with Ells Lane is already a major bottleneck; access would be difficult as it is situated on a junction and near to existing development where there is already traffic congestion; would put an already busy and accident prone junction under more pressure; acknowledged that some road structure changes have been made, but by no means does this solve the problem only slightly reduce it;
- Road Safety Foundation report (Sept 2015) which places the stretch of the A361 between Chipping Norton and Banbury - the main road through Bloxham - as the 8th most dangerous road in the country, with the report identifying 46% of the accidents being cyclists or pedestrians and the situation has worsened in the 4 years since the report was issued.
- Impact for refuse vehicles – The cul-de-sac access is long and sinuous . this will be difficult for refuse collection and servicing / deliveries as these vehicles would need to reverse the full length (inadequate turning head)
- Archaeology – the site is of archaeological interest (EOX2056)
- Flood risk – losing more land than floods so the road would be flooded even more; water run off from the site would add to flooding problems across the A361/the flood plain at Bloxham Mill
- Drainage - impact on the local drainage and sewerage system
- Implications – would push the village closer to Banbury and open up development for the other side of The Grove and Ells Lane; approval here would set an undesirable precedent for more houses to be built, joining the village with the expanding conurbation of Banbury;
- Alternatives – how about rejuvenating the centre of Banbury instead. There are so many brownfield sites where buildings are falling into ruin and the infrastructure exists within Banbury

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. BLOXHAM PARISH COUNCIL: **Objects** on the following grounds

- This development does not comply with the Policies in the Bloxham Neighbourhood Development Plan 2015 – 2031, made 2016. This Plan is valid and was referenced in a Planning Inspectorate appeal decision dated 9th February 2023.
- The Cherwell District Council's Housing Land Supply Statement (February 2023) states that the Council can demonstrate a 5-year housing land supply of 5.4 years (2022 -2027). Given this statement, "tilted balance" is not relevant and should not be applied to this application.
- This development is not indicated as a strategic site in the Cherwell District Local Plan 2011 – 2031 and has not previously been highlighted as a potential development site or included as part of the 2040 review.
- The site is located outside the built form of the village, within an area of agricultural land and open countryside. Allowing this application would set a precedence for residential developments to the North of Ells Lane and Bloxham Grove.
- In a response to a Banbury planning application 22/03868/OUT, dated 07.02.23, Cherwell District Council's Planning Policy make the following comments, which it would not be unreasonable to apply to this application:

"The application site, if developed, will extend the current built up limits of Banbury into open countryside. The site is not allocated for development in the development plan. The proposals are therefore contrary to saved policies C8 and H18."

OTHER CONSULTEES

7.3. OCC HIGHWAYS: No comments received to date

7.4. OCC ARCHAEOLOGY: **objections / comments:**

The site lies in an area of archaeological interest and potential, immediately north of a site, which during predetermination archaeological evaluation, recorded evidence of an Early – Middle Iron Age settlement. The resulting conditioned archaeological excavation recorded evidence from the Mesolithic, Neolithic and Bronze Age, which suggested that there could be earlier prehistoric settlement activity in the area. The NPPF 2021 paragraph 194 requires the applicant to describe the significance of any heritage assets which might be affected by the development, with the historic environment record being consulted at the minimum.

An archaeological desk-based assessment will need to be submitted along with any planning application for the site in line with the National Planning Policy Framework (NPPF 2021) paragraph 194. This assessment will need to be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for desk-based assessments including the submission of an appropriate written scheme of investigation to agree the scope of the assessment.

The Desk Based Assessment will need to be supported by a geophysical survey. This investigation must be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for archaeological evaluation including the submission and agreement of a suitable written scheme of investigation.

The results of the DBA and geophysical survey will be taken into account when determining whether further archaeological work needs to be taken.

- 7.5. CLINICAL COMMISSIONING GROUP – **Comments:** Bloxham Surgery has “significant” capacity issues - Insufficient Consulting rooms to cope with increased population growth as a direct result of the increase in dwellings. This PCN area is already under pressure from nearby planning applications, and this application directly impacts on the ability of the Bloxham surgery 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. Financial contribution requested of £25,920
- 7.6. CDC LANDSCAPING – No objections in respect of landscape and visual impact; tends to agree with the submitted LVA in respect of the evaluation of potential landscape effects. Notes some omissions or deficiencies in the LVA but that these do not affect his overall conclusions.

Financial contributions requested for any Section 106 agreement:

| | |
|----------------------------|--------------|
| LAP | £36,135.03 |
| Public Open Space | £12.65/sqm |
| Hedge Maintenance | £26.60/lm |
| Mature Tree Management | £280.04/tree |
| Swale Maintenance | £120.32/lm |
| Balancing Pond Maintenance | £66.05/sqm |

- 7.7. CDC ARBORICULTURE – **Comments:**

The AIA highlights mitigative replanting of the x5 individual trees plus x1 group of trees Category C removals, however, these are not shown on the AIA.

The submitted AIA does not reference- Location and installation of services/ utilities/ drainage.

The AIA highlights protective measures which will be afforded however, as is the nature of an AIA this doesn't provide the full level of detail expected in an AMS.

Prior to commencement an arboricultural method statement in line with BS5837:2012 is to be submitted for review, outlining protective measures, and working practices to allow retention of the trees.

A scheme for landscaping

1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;

2) location, type and materials to be used for hard landscaping including specifications, where applicable for:

a) permeable paving

- b) tree pit design
 - c) underground modular systems
 - d) Sustainable urban drainage integration
 - e) use within tree Root Protection Areas (RPAs);
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
 - 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise.

7.8. CDC ECOLOGY – **Comments**

An ecological appraisal has been submitted which is generally acceptable in scope. There are no major protected species issues on site which cannot be overcome with mitigation. Some of the trees may need checking for bats prior to removal, vegetation clearance would need to be outside the bird nesting season and there will need to be a mitigation scheme in place for swallows which are confirmed as nesting within the stables.

The assessment of great crested newts determined that an offence was likely. I note that there is little suitable terrestrial habitat on site; however, I would have recommended that they pursue a district licence for great crested newts to ensure any issues ongoing are covered under the scheme. As it stands a mitigation scheme for great crested newts will need to be conditioned to ensure they will not be impacted by construction or operation of the site.

The applicants have submitted a biodiversity gain plan. The development would entail the loss of grassland on site. This is largely proposed to be compensated for by the creation of a small buffer of grassland and swales to the East. The biodiversity metric shows a small net gain in habitats of less than 1.5%. This falls some way short of CDC's corporate target of a minimum of 10% net gain in line with the Environment Act and emerging legislation.

In addition, I have some reservations as to whether the grassland could be managed to the condition stated given it is the only public space on site, there is not an additional open space within easy walking distance and access to footpaths involve walking along the road. This area of land therefore will need to serve as both 'kick-about' space, general amenity space and as the dog walking area. I do not agree that this will have minimal footfall. There could be upwards of 60 + people walking over it everyday. In my opinion 'fairly poor' may be a more realistic score than 'moderate' condition for the modified grassland, neutral grassland and even the 'heathland and scrub category' in this area unless it is to be managed by ecological specialists or access is restricted. Changing the condition of even one of these created habitat types from moderate to fairly poor leads to a clear loss for biodiversity which demonstrates the necessity for a higher level of net gain as contingency. Should permission be granted a LEMP should be conditioned which guarantees a net gain of 10% will be achieved from the proposals with demonstration of how this will be managed for a minimum of 30 years. This should be discussed further as without this I do not believe a net gain will be achieved. Any LEMP should also include integrated measures for bats and birds within the dwellings such as bat access panels and swift bricks.

A CEMP for biodiversity will be required and a lighting strategy also.

7.9. CDC ENVIRONMENTAL HEALTH – **No objections** subject to conditions on air quality, noise and contaminated land

7.10. CDC STRATEGIC HOUSING – **Comments:**

This proposal is for the development of 30 new homes, on the outskirts of the village of Bloxham. Due to this being a rural settlement 35% affordable housing is required in order to comply with Local Plan Policy BSC3: Affordable Housing with a tenure split of 70% rented and 30% affordable home ownership.

The development will be expected to primarily meet the needs of households with a local connection to Bloxham, and thereafter the wider Cherwell area – taking fully into account the Bloxham Neighbourhood Plan 2015 – 2031.

The applicant has not submitted a schedule of the proposed housing types and sizes, Strategic Housing wish to make the following comments:

The total number of units proposed is 30, with 11 as affordable housing [which meets the 35% required by policy]

Size and type: Whilst this Outline application does not delve into the make-up of the number and tenure of the affordable units, our indicative mix would look something akin to:

Social Rented: 3 x 1b2pF, 2 x 2b4pH, 2 x 3b5pH, 1 x 4b6pH

First Homes: 2 x 3b5pH, 1 x 4p7pH

The reasoning behind this specific mix is based upon the data from the Housing Register, to best meet the housing needs of our district.

As per the Developer Contributions SPD, all the affordable units are required to meet the NDSS requirements as a minimum, for all the affordable units to be totally tenure-blind, and to not be clustered into large groups, where is reasonable for the shape of the site.

Arrangements with the Registered Provider taking on the affordable housing units would need to be agreed with the council.

Tenure: Cherwell District Council is following Government guidance regarding First Homes, therefore 25% of the affordable provision is required as First Homes. This equates to 3 dwellings out of 11 affordable on this development (rounding 2.75 up to 3).

We expect the rented dwellings to all be Social Rented, unless it can be demonstrated that this is unviable.

Accessible & adaptable properties: The Developer Contributions SPD requires that 50% of the rented dwellings meet M4(2) requirements and 1% meet M4(3) requirements. Whilst 1% is less than one dwelling, it would contribute significantly to meeting pressing needs if one rented dwelling could be delivered to full wheelchair standard. This team welcome discussions with the applicant regarding this provision.

7.11. OCC EDUCATION – **no objections** at this time, in this instance; has reviewed the data and advises that the position has changed in Bloxham since previous applications where OCC Education objected. The data appears to show that the Bloxham housing built in the 2010s has now had its peak impact on primary school

numbers. There was a large cohort starting school in 2022, but now pressure on the school is forecast to ease over the next few years.

OCC Education would not now be objecting to the proposed scale of development but reserves its position in the case of development proposals larger than the one subject of this application.

However, OCC Education will seek s106 contributions (sums TBC) towards education impacts of this proposal, including Bloxham Primary School (capital works required to complete the expansion of the school).

7.12. THAMES WATER – **no objections**

7.13. THAMES VALLEY POLICE – **Comments.** Thank you for consulting me on the above planning application. I do not object to this application, subject a condition to require Secured by Design Silver accreditation.

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 (CLP 2015) was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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
- BSC4: Housing Mix
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C5: Protection of ecological value and rural character of specified features of value in the district
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C33: Protection of important gaps of undeveloped land
- ENV1: Environmental pollution
- ENV12: Potentially contaminated land
- TR1: Transportation funding

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Bloxham Neighbourhood Plan and the following Policies of the Neighbourhood Plan are considered relevant:

- BL2 – Types of new development permitted
- BL5 – Parking standards for existing residential development
- BL6 and BL7 – Adaptation to climate change
- BL9 – Residential amenity
- BL11 – Residential design

8.4. 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 (2021 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
- Impact on the character and appearance of the area
- Heritage impact
- Residential amenity
- Highway safety
- Drainage and flood risk
- Biodiversity impact
- Loss of agricultural land

- Pollution control
- Community infrastructure impact
- Education provision in Bloxham
- Affordable housing

Principle of Development

Policy Context

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Also, of a material consideration is the guidance provided in the National Planning Policy Framework ('NPPF') which sets out the Government's planning policy for England and how this should be applied.

Development Plan

- 9.3. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011- 2031 ('CLP 2015'), the saved policies of the Cherwell Local Plan 1996, and the Bloxham Neighbourhood Plan.
- 9.4. The CLP 2015 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns, while also recording the need within the rural areas to meet local and district wide needs. The Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas.
- 9.5. Policy PSD 1 of the CLP 2015 states that *when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. The policy continues by stating that planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.*
- 9.6. Policy BSC4 of the CLP 2015, which covers the issue of providing housing mix on new development, states that *new residential development will be expected to provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities.*
- 9.7. Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas of the District and groups villages into three separate categories (A, B and C), with Category A villages being considered the most sustainable settlements in the District's rural areas. These villages have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Bloxham is designated as a Category A village.
- 9.8. Policy Villages 2 states that sites will be identified through the preparation of the Local Plan Part 2 (no longer taking place) and through the determination of applications for planning permission (and sets out the criteria for those) but also through the preparation of Neighbourhood Plans. Policy BL2 of the Neighbourhood Plan reflects Policy Villages of the CLP 2015 in being supportive of new development within the built up limits of the village.

9.9. Policy Villages 2 states that in identifying and considering sites, particular regard will be given to the following criteria:

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

9.10. Saved Policy H18 of the CLP 1996 covers the issue over new dwellings in the countryside. Under this policy it is stated that *planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements other than those identified under policy H1 when:*

(i) it is essential for agriculture or other existing undertakings, or

(ii) the proposal meets the criteria set out in policy H6; and

(iii) the proposal would not conflict with other policies in this plan.

National Planning Policy

9.11. 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.

9.12. Paragraph 10 of the NPPF states that: *so sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).*

9.13. Paragraph 11 defines the presumption in favour of sustainable development for decision-taking as

c) approving development proposals that accord with up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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, or*
 - ii. 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.*
- 9.14. Paragraph 12 advises that *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.*
- 9.15. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes, and paragraph 60 states that *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.*
- 9.16. 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. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period).* Paragraph 75 continues by stating that *a five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:*
 - a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
 - b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process*
- 9.17. Section E of the CLP 2015 concerns the monitoring and delivery of the Local Plan. Paragraph E.19 states that 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. In this instance the most recent published review undertaken by the Council is the Housing & Economic Land Availability Assessment (HELAA) (February 2018).
- 9.18. The application site was not submitted for review in the HELAA. However, the HELAA's conclusions in respect of sites referenced HELAA097 and HELAA099 provide a useful guide:
- 9.19. The conclusion for HELAA099 – on Ells Lane – is that the site is considered *"unsuitable for development as [it] has a poor and incongruous relationship with the form and pattern of the existing settlement. Development would impact on views of Hobb Hill from the north and the works required to Ells Lane to provide satisfactory*

access to development on the site is likely to have an adverse effect on the character and appearance of the area. There is a made neighbourhood plan... Not a suitable site."

- 9.20. The conclusion for HELAA097 – directly east of the application site – is that the site is considered *"unsuitable for development as [it] is detached from the existing village and therefore would not form a cohesive village extension. Development would not be appropriate due to the significant potential landscape and visual impacts... There is a made neighbourhood plan."*

Housing Land Supply

- 9.21. Cherwell's housing land supply as reported in the Council's 2021 Annual Monitoring Report ('AMR') concluded that the District had a 3.5 year supply for the next five year period 2022-2027 commencing on 1 April 2022. This is reviewed annually and the Council's 2022 AMR, as agreed by the Council's Executive meeting on 6 February, concludes that the district has a 5.4 year supply of housing for the period 2022-2027.

- 9.22. This updated figure is largely the result of applying the standard method housing need figure of 742 homes per year from 2022 rather than the Local Plan figure of 1,142 from 2011. The report to Executive states at paragraph 3.26, *"...economic conditions are challenging and it is important that officers continue to seek Local Plan compliant housing delivery to maintain supply and deliver the district's planned development. Having a five year land supply position does not mean that development allowed for by the Local Plan should halt. Indeed, not progressing planned development considered to be acceptable could undermine the land supply position"*.

- 9.23. In addition, the 2022 AMR, also agreed at Executive on 6 February 2023 confirms that, *"during the 2021/22 there were 184 dwellings completed at Category A Villages that contribute to the Policy Villages 2 requirement of 750 dwellings. Since 2014 there has now been a total of 703 completions with a further 165 under construction totalling 868 dwellings. A further 48 dwellings are likely to be built out..."*

Assessment

- 9.24. This application seeks planning permission for the development of a paddock for a scheme of 30 dwellings. 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 Bloxham village and therefore within the countryside. The site is bounded by countryside to the west and north by highways to the east and south with mature landscaping to the eastern (A361) boundary, albeit that the site rises steadily away from this boundary.

- 9.25. The Council's updated housing supply position means that the relevant development plan policies are up to date and that development proposals must be assessed in accordance with the Development Plan. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan.

- 9.26. The Local Plan does not allocate specific, non-strategic sites. Policy BL1 of the Neighbourhood Plan does allocate land for development and Policy BL2 states that any other new housing within the Plan period must be within the built limits of the village, comprising either conversion, infilling or minor development.

- 9.27. Policy Villages 2 (PV2) of the CLP 2015 intended to 750 dwellings for the rural area and provides criteria against which individual proposals are required to be assessed as set out above.
- 9.28. The central purpose of the PV2 was to allocate some housing to the rural areas, recognising that even with a housing strategy focused on the urban areas there would be a need to identify “sites for housing across the rural areas to meet local needs in sustainable locations”. The delivery of development granted permission under Policy Villages 2 is monitored in the Annual Monitoring Report (AMR).
- 9.29. The 2022 AMR reports that 703 dwellings have now been completed at Category A villages, with a further 165 under construction (running total 868) and 48 likely to be built out i.e. sites where part of the development has been completed (running total 916). In addition, there are approvals for a further 314 not yet commenced (running total 1230).
- 9.30. The Tappers Farm (Bodicote) 2019 appeal decision (which applied the same logic as the Launton appeal decision a year earlier) provides a useful steer as to how the decision taker should apply PV2. At the time of the Tappers Farm decision, 271 dwellings had been delivered at Category A villages under PV2, with a further 425 under construction, and an annual delivery rate of 54 dwellings per year from PV2, which would have resulted in the delivery of 750 homes by 2028. The Tappers Farm Inspector stated,
- “There will undoubtedly be a point where there will be a situation that will result in the material increase over the 750 dwellings figure and at that time there will be some planning harm arising from the figure being exceeded, for example harm to the overall locational strategy of new housing in the district. There is no substantive evidence before me to demonstrate that this is the case in this appeal. Clearly, when considering any subsequent schemes however, this matter will need to be carefully scrutinised.”*
- 9.31. As noted above, 703 dwellings have now been delivered at Category A villages under PV2 and a further 213 dwellings are under construction across 10 different sites. The delivery rate in 2021-2 was 184 dwellings, the average annual delivery rate having risen to 78 dwellings per year and 134 dwellings per year over the last 4 years. It is reasonable to expect all of these 213 dwellings to be delivered – there are none so far in the plan period at Category A villages that once commenced have not been completed – and therefore the total number of dwellings delivered under PV2 will exceed the total of 750 set out in the policy.
- 9.32. 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. Applying the conclusions of the Launton and Tappers Farm inspectors, it is considered that that point has been reached where planning harm would be caused to the overall locational strategy of new housing in the district through further permissions at unsustainable / unsuitable locations.
- 9.33. Bloxham is one of the larger Category A villages, ranks 2nd after Kidlington in terms population size and has a range of services. As such the provision of housing at Bloxham in principle is considered sustainable. However, in this instance the site is at some distance from the village centre and would be located at more than 800m (15mins) walking distance from the majority of the amenities in the village centre (e.g. food shop, post office, primary school, GP surgery, public house). The post

office / Londis, the nearest of these, would be at 820 metres from the entrance to your site. Only the secondary school (approx. 320m) is within walking distance.

- 9.34. For these reasons, it is considered that the proposal would not be well connected to existing development, and future occupiers would be overly reliant on the use of the private motor vehicle, which would not be in the best interests of sustainable development. This weighs significantly against the proposal.

Conclusion

- 9.35. 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 afforded full weight. While the planning balance will be weighed at the end of this report, the provision of housing at a Policy Village 1 village (a sustainable settlement) weighs in favour of the development, but the site's distance from the village centre and therefore relatively poor sustainability credentials weigh against the proposal.

Impact on the character and appearance of the area

Policy

- 9.36. 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.
- 9.37. 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. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.
- 9.38. PV2 of the CLP 2015 states that in considering sites for residential development in Category A villages, particular regard will be given to '*whether development would contribute in enhancing the built environment*' and '*whether significant adverse landscape and impacts could be avoided*'
- 9.39. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity. Saved Policy C33 of the Local Plan states that, "the Council will seek to retain any undeveloped gap of land which is important....in preserving a view or feature of recognised amenity or historical value".
- 9.40. 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

9.41. The quantum of development proposed would give a density of c.22 dwellings per hectare which although lower than the requirements of Policy BSC2 is more aligned to the density of residential development to the south and reflective of its relatively remote, rural location, and hence more in keeping with the character of the site's surroundings.

Assessment

9.42. The site is in open countryside and contributes to the rural character, quality and amenity of the area, in particular the rural character and setting of Bloxham village. Its open character and extensive views of the historic village and surrounding countryside also contributes to the amenity value and enjoyment of the various public rights of way either crossing or passing in close proximity to the site.

Impact On wider landscape

9.43. The Landscape and Visual Assessment (LVA) submitted with the application has considered the potential impacts on the landscape character and amenity of the site and surrounding area, and concludes limited visual impact on the wider landscape.

9.44. The Council's landscape officer tends to agree with the LVA in respect of the evaluation of potential landscape effects. The landscape officer notes omissions e.g. there does not appear to be a section in the LVA on the methodology or adherence to the guidance of GLVIA3 or current Landscape Institute guidelines, and queries the selection of some of the LVA's chosen viewpoints (e.g. no. 6), but does not disagree with the overall conclusions quoted above and does not object to the application on grounds of landscape impact.

9.45. Overall, it is considered that subject to hedgerow planting on the site's north and western boundaries the proposal would not adversely affect the wider landscape.

Impact on immediate landscape and setting of village

9.46. Whilst long range views of the development may not result in an adverse impact on the wider landscape, it remains the case that the site lies outside the built-up limits of the village, would extend development into the countryside and as such is contrary to saved policies in the adopted Local Plan for protection of the countryside. Officers consider this to be a significant and demonstrable harm to be taken into account in the planning balance.

9.47. In addition, 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. Whereas the Crab Tree Close is directly adjacent to, and relates well to the Banbury Road, the application site lies to the north Ells Lane and relates much more to the countryside than to the built form of the village. Its development would therefore have an adverse effect on the character and appearance of the countryside.

- 9.48. This impact would be emphasised by the proposed improvement works required to Ells Lane which, it is considered, would in themselves have a detrimental impact on the character and appearance of the area.
- 9.49. The development therefore would not contribute in enhancing the built environment and would result in significant adverse local impact on the landscape. Therefore, the proposal conflicts with Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan 2011-2031, saved Policy C33 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework. This weighs significantly against the development.

Quantum of Development/Play Space

- 9.50. All matters other than access are reserved; this includes layout; however, an indicative site layout plan has been submitted with the application to show the site could be developed for 30 dwellings – albeit the site layout plan shows 28 dwellings. The development would not relate well to Ells Lane or to the development at Crab Tree Close south of Ells Lane; 10 of the 28 dwellings are shown in a linear pattern along the site's western edge, the last of those very close to the site's northern boundary and another 8 dwellings are shown in a linear pattern along the site's northern edge. While the indicative layout makes an efficient use of land in this respect, it would present a harsh, urban edge to the development which would not help it to integrate with its surroundings.
- 9.51. In addition, some of the dwellings are inappropriately close, e.g. Plots 10 and 11 in the north-western corner, and plots 5/6 and 27. These relationships would not be acceptable and so an alternative layout would be required. At the current time, therefore, it is not clear that 28 dwellings could be achieved on the site, and it is noted that the application is for up to 30 dwellings. This somewhat weighs against the proposals.
- 9.52. Due to the scale of the development the scheme would need to provide a play area in the form of a LAP as required under Policy BSC11 of the 2015 CLP.
- 9.53. It is considered that the level of open space / play area is in accordance with the adopted policy. The Council's landscape officer comments on what the indicative layout/submission shows in this respect and has provided guidance which would need to be followed in any future detailed design, including its location in the layout.

Heritage impact

Legislative and policy context

- 9.54. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.55. Likewise, Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.56. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed*

development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policy ESD15 of the CLP 2015 echoes this guidance.

- 9.57. PV2 states that in identifying and considering sites for development regard will be had to whether significant adverse impact on heritage or wildlife assets could be avoided.

Impact on Listed Buildings and Conservation Area

- 9.58. In this instance, the proposed development would undoubtedly diminish the countryside setting of the historic village, in views along one of the primary routes into the village, but would not have a significant impact on either the designated Bloxham Conservation Area or any listed buildings, and overall the proposal is considered acceptable in this regard.

Archaeology

- 9.59. However, the site is located in an area of archaeological interest adjacent to a Middle Iron Age settlement site, and it is considered that further information, in the form of an archaeological evaluation, would need to be provided ahead of the determination of any planning permission for the site in order that the impact on any surviving features can be assessed.
- 9.60. Paragraph 194 of the NPPF states that: '*where a site...has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation*'. The County Council Archaeologist has advised that there is high potential for significant archaeological remains to survive on site which could be damaged or destroyed by the development, and has advised that an archaeological field evaluation should be carried out prior to determination, to determine the extent of any remains and the weight that should be attached to the preservation.
- 9.61. However, no such field evaluation has been submitted and therefore officers consider there is insufficient information to establish if the archaeological impacts of the development can be made acceptable. This conflicts with PV2 and this weighs significantly against the proposal.

Residential amenity

- 9.62. Having regard to the Illustrative Masterplan, it is considered that there would be sufficient separation between the area proposed to be developed and existing and planned neighbouring dwellings to enable acceptable details of layout, scale and appearance to be agreed at reserved matters stage, without undue harm (e.g. overshadowing, an overbearing impact, or loss of privacy) resulting to the amenity of neighbours.
- 9.63. With regard to the amenity of the proposed residents, as noted earlier in this report the gross density would be 22 dwellings per hectare, although net density – taken from the indicative layout – would be approx. 30 dwellings per hectare, based on a developable area of 0.99 ha. With the caveat if para 9.50 above, it is considered an acceptable density to ensure that a satisfactory standard of amenity (e.g. distances between facing windows, outdoor amenity space) can be provided.

9.64. Overall, having regard to the above, and subject to the provisos noted above, the proposal is considered acceptable in residential amenity terms and would thus comply with CLP Policy C28 and CLP Policy ESD15. This weighs in favour of the proposal.

Highway safety

9.65. Concerns have been raised by the Parish Council and local residents with regard to the proposal's potential transport impacts, in particular the impact of additional traffic flows on the local road network.

9.66. The local highway authority (LHA) advises that, subject to conditions requiring access details, visibility splays, estate roads, drainage strategy and construction traffic management plan, and a Section 278 agreement to provide for various off site highway improvements (inc. localised widening of carriageway including new access and 'Speed Limit Review' (60mph/30mph relocation) involving Traffic Regulation Order), the proposal is acceptable in highway safety terms.

9.67. Officers have no reason or evidence to disagree with the conclusions and advice of OCC Highways, and therefore the proposal is considered acceptable in transport terms subject to conditions and completion of a satisfactory Section 106 legal agreement, as recommended in OCC Highways' response.

Flood risk and drainage

9.68. Concern has been raised about surface water drainage and the potential for the development to increase the risk of surface water flooding in the area, in particular on the highway.

9.69. A detailed Flood Risk Assessment has been submitted with the application, and having considered this information neither the Environment Agency nor Thames Water have objected to the development and appear satisfied that a satisfactory drainage scheme can be agreed. Therefore, subject to conditions to ensure a detailed foul and surface water drainage scheme is submitted, agreed and implemented, officers consider the proposal would be acceptable in this respect.

Biodiversity impact

9.70. Paragraph 99 of Circular 06/05 states that, "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision". Likewise Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that, "every public authority must in exercising its functions, have regard...to the purpose of conserving (including restoring/enhancing) biodiversity".

9.71. A detailed Ecological Appraisal has been submitted with the application. The Council's Ecology officer has not objected to the application and it is therefore considered that, subject to conditions to ensure the mitigation and enhancement measures proposed in the Ecological Appraisal and recommended by the Ecology officer are implemented, the development is considered to have an acceptable impact on biodiversity.

Loss of agricultural land

- 9.72. The Council's records indicate that the proposal would result in the loss of Grade 1 agricultural land, classed as best and most versatile agricultural land.
- 9.73. Policy Villages 2 states that in identifying and considering sites, particular regard will be given to '*Whether best and most versatile agricultural land could be avoided*';
- 9.74. Paragraph 174 of the NPPF states that, "decisions should [recognise] the intrinsic character and beauty of the countryside...and the economic and other benefits of the best and most versatile agricultural land". Footnote 58 states that, "where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality".
- 9.75. It is the case that most of the agricultural land surrounding Bloxham village is classified as best and most versatile, and as such any new housing development on the edge of the village is likely to result in some loss of best and most versatile agricultural land. However, most of the agricultural land is either Grade 2 or 3a rather than Grade 1.
- 9.76. Given that more than 750 dwellings would be provided at the category A villages under PV2 of the CLP 2015 and it has not been demonstrated that there are no other sites in the District which would be preferable in terms of using areas of poorer quality agricultural land, officers are not convinced that the loss of a further significant area of best and most versatile agricultural land is either necessary or desirable in this case. The development therefore conflicts with Policy Village 2 due to the unjustified loss of best and most versatile agricultural land. This weighs against the proposal.

Pollution control

- 9.77. Having regard to the long-established agricultural use of the land and the elevated levels of naturally occurring arsenic in the area, there is a risk of ground contamination on this site. However, conditions requiring a full ground contamination survey to be carried out and mitigation measures proposed and implemented as necessary, officers are satisfied that this risk does not present an overriding constraint on development.
- 9.78. Officers are satisfied on the basis of the information submitted with the application that there are unlikely to be significant adverse impacts in respect of air quality and pollution associated with the proposed development.

Community infrastructure impact

- 9.79. Having regard to the scale and residential nature of the proposed development, it is considered that the proposal is likely to place additional demand on existing community services and infrastructure in the local area including schools, community halls, public transport and public rights of way, health facilities, waste services, and public open space. The consultation responses have provided evidence that this would indeed be the case, with requests for contributions to be secured via a Section 106 legal agreement, to mitigate the impacts of the development in this respect.
- 9.80. 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". Contributions can be secured via a Section 106 legal agreement provided they meet the tests of Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended), which states that planning obligations should be: "(a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development".

- 9.81. Although the applicant has indicated a willingness to enter into a Section 106 agreement to secure the necessary planning obligations, a signed completed agreement is not in place that would be acceptable to meet the anticipated infrastructure requirements of the development. Therefore, officers cannot be satisfied that the infrastructure impacts of the development can be made acceptable in this case.

Education provision in Bloxham

- 9.82. Paragraph 95 of the NPPF makes clear that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to expand schools to maintain, or widen choice in education.
- 9.83. With particular regard to primary education in Bloxham, Bloxham Primary School has been expanded to the full extent of its site capacity. In recent years, it has been concluded that further population growth in the village is likely to mean that not all children who live within the catchment will be able to secure a place at the school.
- 9.84. However, *at this time*, in this instance, the County Council (OCC) advises that it has no objection to the proposed scale of development, subject to financial contributions towards education as part of a Section 106 agreement. OCC reserves its position on future and/or larger proposals.
- 9.85. With regard to secondary education provision in Bloxham, expansion of secondary school capacity in the area would be necessary as a direct result of housing development. This area feeds to the Warriner School, which is regularly oversubscribed, and effectively full.
- 9.86. Without expansion of the Warriner School, housing development would adversely impact on the operation of parental preference and result in a loss of amenity to young people already living in the area, who would be less likely to secure a place at their first preference school as a direct result. As such it would go against the intention of para 95 of the NPPF by reducing the choice of school places available to meet the needs of existing and new communities.
- 9.87. If the Warriner School is not expanded, children who would otherwise have attended the school would be displaced to other schools in nearby Banbury. These schools currently have spare places, but these places will be filled as a result of the population growth which is already evident in the local primary schools. Secondary school capacity in Banbury will need to be expanded as these higher pupil numbers feed through, and therefore should the schools also be required to accommodate growth as a result of housing development in Bloxham, the scale of expansion would be greater as a consequence. Expansion of secondary school capacity either at the Warriner School or at schools in Banbury is therefore necessary to ensure the needs of the current and future populations can be met, and to ensure the council can meet its statutory duty to ensure sufficient school places.

- 9.88. At this time and in the case of the scale of development proposed here, it is considered that the effects on primary and secondary provision can be met through financial contributions secured via Section 106 agreement.

Affordable housing

- 9.89. For a development of 30 dwellings, 11 AH units would be needed in order to achieve the requisite 35% AH provision. The Council's Housing Officer advises on the required tenure split and mix (see section 7 of this report), and comments that a range of house types will be expected for the AH provision, the detail of which would be determined at reserved matter stage should the outline application be approved. The provision of affordable housing weighs significantly in favour of the proposal.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

Positive benefits - Economic

- 10.2. The proposals would 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 small-scale nature of the development these should also be afforded limited positive weight.

Social

- 10.3. 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.
- 10.4. 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.

Environmental

- 10.5. The proposals also commit to a minimum of 10% biodiversity net gain, which also carries positive weight, although the Council's ecology officer advises that it is unlikely this would be achieved on site.
- 10.6. The proposals commit to the provision of a sustainable construction methods, which should be given positive weight.

Negative impacts

- 10.7. The development would result in impacts on the area in terms of noise and disturbance as the development is completed. There would also be disruption through the implementation of the traffic mitigation. This is minimised through the development and implementation of construction management plans; however, some disturbance is expected. This carries moderate negative weight.
- 10.8. Bloxham is a sustainable location with a range of services, public transport links and employment opportunities. However, the site is at some distance from the village centre and would be located at more than 800m (15mins) walking distance from the majority of the amenities in the village centre and thus future occupiers would be overly reliant on the use of the private motor vehicle, which would not be in the best interests of sustainable development. Substantial weight is attached to the site being an unsustainable location for development of this scale and the conflict with Policies PSD and ESD1 of the CLP 2015 and the key objectives of the NPPF.
- 10.9. The application site is positioned beyond the existing built-up limits of the village and is an area of countryside. Moderate weight is therefore attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land.
- 10.10. The site has a poor and incongruous relationship with the form and pattern of the settlement, the engineering works required to Ells Lane would result in significant and demonstrable harm to the character and appearance of the area and the proposal would result in the loss of Grade 1 agricultural land. Significant weight is attached to these effects.
- 10.11. In addition, there is insufficient information to properly assess the potential archaeological impacts of the development, and there is no signed completed legal agreement that would be acceptable to secure the necessary planning obligations to mitigate the anticipated infrastructure impacts of the development and the provision of affordable housing.
- 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 and Policies BL1 and BL2 of the Bloxham Neighbouring Plan, (whilst the village is sustainable, the location of the site is not, and the development has adverse visual impact, loss of versatile agricultural land, impact on archaeology – contrary to PV2) on to which significant weight is also attached.
- 10.13. On the basis that the Council is able to demonstrate a five-year supply of land of housing, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight.
- 10.14. 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. By reason of its location, the proposal would have a poor and incongruous relationship with the form, character and pattern of the existing settlement. Its development would therefore have an adverse effect on the character and appearance of the countryside. This harm would be emphasised by the

proposed improvement works to Ells Lane - required to make the highway safe for additional residential development – which would in themselves have a detrimental impact on the character and appearance of the area. Therefore, the proposal conflicts with Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan 2011-2031, saved Policy C33 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework.

2. By reason of its location more than 800m walking distance from the village centre and any key amenities in the village (e.g. food shop, post office, primary school, GP surgery, public house), the proposal would be poorly connected to existing development, such that future occupiers would not have a realistic choice of means of travel, and would have an adverse impact on the character of the area. Therefore, the proposal conflicts with Policies ESD1, ESD15 and Villages 2 of the Cherwell Local Plan 2011-2031, saved Policies C28 and 30 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework.
3. By reason of the siting and size of the development and the resulting loss of grade 1 agricultural land, and taking into account the Council's ability to demonstrate an up-to-date 5.4 year housing land supply across the District and having delivered in excess of 750 dwellings at Category A villages under Policy Villages 2, and the lack of evidence to demonstrate that there are no other sites in Category A villages in the District which would be preferable in terms of using areas of poorer quality agricultural land to meet the District's housing needs, the proposal is considered to result in the unnecessary and unjustified loss of best and most versatile agricultural land. Therefore, the proposal conflicts with Policies BSC2 and Villages 2 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.
4. By reason of the site's location in an area of known archaeological interest with high potential for significant archaeological deposits to survive on site, in the absence of a detailed and adequate archaeological field evaluation the Local Planning Authority cannot be satisfied that the proposal would not result in unacceptable and unavoidable harm to archaeological assets. Therefore the proposal conflicts with Policies ESD15 and Villages 2 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.
5. 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 INF 1 of the Cherwell Local Plan 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

CASE OFFICER: Nathanael Stock