

Application No: 11/00617/OUT	Ward: Bloxham and Bodicote	Date Valid: 13/04/11
Applicant:	Banner Homes Ltd.	
Site Address:	Land South of Blackwood Place and Molyneux Drive and North West of Cotefield Farm, Oxford Road, Bodicote	

Proposal: Outline application for residential development of 82 No. dwellings

1. Site Description and Proposal

- 1.1 This application is for outline consent for 82 residential units of accommodation. The application was submitted for 80 dwellings but this has been amended to 82 in order to meet affordable housing requirements. The majority of the properties are proposed to be dwellings but 8 units are proposed as flats. As this is an outline application all matters are reserved with the exception of the access. The access is intended to be taken from the existing access off Oxford Road and enter the site to the south west of the garden centre.
- 1.2 The site itself consists of agricultural land of approximately 3.77 hectares. It is bounded by Blackwood Place on the northern boundary, Keyser Road on the western boundary, an open agricultural field to the south and the existing garden centre to the east. In the north western corner of the site is an agricultural access onto Molyneux Drive. It is intended that this be used for pedestrian access into Bodicote village.
- 1.3 The site rises in height from the south to a ridge that runs on a north east to south west alignment. This results in the site being elevated in comparison with the buildings that make up Cotefield Farm, but it sits either level with or lower than the adjacent houses which bound the site.
- 1.4 Whilst this application is in outline only an indicative plan has been submitted along with indicative elevations, Planning Supporting Statement, Design and Access Statement, Transport Statement, Landscape Assessment, Phase 1 Habitat Survey, Flood Risk Assessment, Phase 1 Environmental Risk Assessment, Affordable Housing Statement, a Tree Survey and Hedgerow Evaluation and an archaeological evaluation.
- 1.5 Planning History
There are two applications of significance to this site and proposal.
10/00588/OUT – Outline application for residential development of 86 No. dwellings – withdrawn prior to determination but following the publication of the Committee agenda in which it was recommended for refusal for the following reasons;

1. *The proposal represents development beyond the built up limits of the settlement and will cause harm to the character and appearance of the countryside. Notwithstanding the Council's short term inability to demonstrate that it has the 5 year supply of housing land required by PPS 3 Housing, the development of this site cannot be justified on the basis of a temporary land supply deficiency alone, a development of this scale is inappropriate at this time given the existing lack of provision of village facilities and because of the landscape impact of the proposal. As such the proposed development is contrary to the saved policies H13, H18, C7*

and C13 of the adopted Cherwell Local Plan, policy EN34 of the Non-Statutory Cherwell Local Plan, policy BE1 of the South east Plan and Planning Policy Statement 3 Housing.

2. *The Transport Statement does not sufficiently demonstrate that the access to the A4260 is adequate to serve the development without causing harm to highway safety, contrary to guidance contained in PPG13.*
3. *In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority cannot guarantee that the infrastructure directly required to service or serve the proposed development, including affordable housing, open space/play space, off-site playing pitches,, education facilities, library facilities, and transport measures will be provided, which would be contrary to Policy CC7 of the South East Plan, Policies H5, TR1 and R12 of the adopted Cherwell Local Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.*
4. *In the absence of a satisfactory archaeological field evaluation, the Local Planning Authority is not convinced that the proposed development can be undertaken without resulting in the loss of archaeological deposits which would be contrary to Policy EN47 of the Non-Statutory Cherwell Local Plan 2011 and Policy BE6 of the South East Plan 2009 and guidance contained within PPS5.*

05/02180/OUT – Outline application for residential development – Refused for the following reasons;

1. *The proposed development would be contrary to Policies H13 and H18 of the adopted Cherwell Local Plan, Policies H15 and H19 of the Non-Statutory Cherwell Local Plan 2011 and Policies G1, G2, G5 and H1 of the Oxfordshire Structure Plan 2016 which seek to guide residential development to allocated sites or sites within the existing built-up limits of settlements. In this case the site is not allocated for development in either the adopted or Non-Statutory Local Plan but lies outside the existing built-up limits of the settlement. It is therefore classed as countryside where its development would constitute an unjustified and undesirable intrusion into the countryside surrounding the village of Bodicote, which would be contrary to the policies intended to protect the character and appearance of the countryside. Furthermore, it is considered that the release of this large rural, greenfield site against Council policy would prejudice future assessments and decisions on the Council's Core Strategy and Banbury and North Cherwell Site Allocations Development Plan Document, as part of the Local Development Framework, about the most sustainable means of meeting the Council's housing requirements, as set out in the Oxfordshire Structure Plan 2016.*
2. *The proposed development would be contrary to Policy C13 of the adopted Cherwell Local Plan, Policy EN34 of the Non-Statutory Cherwell Local Plan 2011 and Policy EN1 of the Oxfordshire Structure Plan 2016. The site is situated within an Area of High Landscape Value and the location and scale of the proposed development would have an adverse visual impact upon the rural character and landscape value of this locality, increasing the outward spread of the village and intruding into the unspoilt countryside surrounding the settlement.*
3. *In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development, including affordable housing, open space/play space, off-site playing pitches, off-site indoor sports facilities, education facilities, library facilities, fire infrastructure and transport measures will be provided, which would be contrary to Policy G3 of the Oxfordshire Structure Plan 2016, Policies H5, TR1 and R12 of the adopted Cherwell Local Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.*
4. *In the absence of a satisfactory archaeological field evaluation, the Local Planning Authority is not convinced that the proposed development can be undertaken*

without resulting in the loss of archaeological deposits which would be contrary to Policy C26 of the adopted Cherwell Local Plan, Policy EN47 of the Non-Statutory Cherwell Local Plan 2011 and Policy EN6 of the Oxfordshire Structure Plan 2016.

5. *In the absence of an accompanying Transport Assessment, the suitability of the site in terms of a sustainable impact on the adjacent highway network and the adequacy of the site access cannot be assessed. The Local Planning Authority therefore is not convinced that the proposed development can be undertaken without detriment to highway safety, which would be contrary to Policies TR2 and TR3 of the adopted Cherwell Local Plan, Policies TR2, TR3 and TR5 of the Non-Statutory Cherwell Local Plan 2011 and Policies T1 and T8 of the Oxfordshire Structure Plan 2016. An appeal was submitted but subsequently withdrawn.*

An appeal was submitted in relation to application no. 05/02180/F but was subsequently withdrawn.

2. Application Publicity

2.1 The application was advertised by way of a site notice and press notice. Site notices were located at the vehicular entrance to the site, Blackwood Place, the agricultural access on Molyneux Drive and by the Public Rights of Way on Austin Road. The final date for comment was 19 May 2011. However correspondence received after this date but prior to determination has been taken into consideration.

2.2 65 letters of objection have been received from neighbouring residents. In some instances two letters have been received from one household and a number of responses appear to be based on a standard letter. The main reasons for objecting are summarised below;

- Destruction of natural beauty of area and loss of countryside which cannot be replaced
- Loss of light from the rear of properties due to proximity of houses and new planting
- Loss of privacy to adjoining properties
- Loss of views, vistas and landmarks from private houses and village, including views of steeple of Adderbury Church
- Impact on footpaths and bridleways
- Loss of agricultural land which produces food crops
- Character of the copse will change
- Bodicote is already having to cope with new build at Bodicote/Bankside and has been developed to its capacity, plus proposed transfer of football club to the rugby club
- Unfinished development in Weeping Cross, is there a need for further housing?
- Will the affordable housing truly be affordable
- Future merging of settlements
- Impact of higher traffic movements on Oxford Road and smaller roads through village
- Problems with access exacerbated by existing uses utilising the access
- Not sustainable as cars would be needed to reach employment and other facilities
- Potential for traffic to use the northern access which is wide enough to accommodate emergency vehicles
- Development not within a community, it's on the edge

- Increased demand on school places and insufficient capacity
- Impact on wildlife that currently exist on site
- Intrusion into landscape will take away character of area. Study commissioned by CDC in 1995 stated that the land immediately south of Bodicote is an area 'where landscape character is still reasonably strong and worthy of conservation'.
- The site is not allocated in any Policy document
- Site lies beyond the built up limits of the settlement.
- Departure from local plan
- Incorrect statements in Planning Statement and Transport Statement
- Allocated or brown field sites should be used first
- The application is contrary to Policy H13, H18
- Increase noise and light pollution
- Higher density than Bodicote, with smaller plots, out of keeping with adjoining street scene
- Parking provision and estimated cars per household has been underestimated
- Gardens will be too small to result in pleasant environment
- Drainage into reservoir and Sor Brook is concerning as the area does flood in times of heavy rainfall
- Drainage system for waste water is old and inadequate
- The garden centre tea room will be affected as customers will not want to sit and view a building site
- Local facilities will not be able to cope, especially the school which is already at capacity and NHS services.
- Two storey homes are proposed to the rear of bungalows
- Lack of public consultation prior to the application being submitted
- development would set a precedent
- The houses are not needed as there are already a number of vacant properties in and around Banbury and Bodicote
- Consideration has not been given to The Red House and Cotefield House, two of the most important houses in Bodicote
- No link through to Bodicote therefore not sustainable
- Effect on home run business and holiday accommodation business
- Reduction in house values

3. Consultations

The consultation responses are summarised below, the full versions can be found on the council's website.

3.1 **Bodicote Parish Council** has strong objections to the proposal, these are summarised below;

- The land is not allocated for development within any adopted, Non-Statutory or draft core strategy
- The proposal conflicts with Policies H13, H18 of the adopted Local Plan and
- Insufficient parking provision and an underestimation of the number of cars in each household
- Although the development contains some form of affordable housing it is not considered that 3 bedroom dwellings are affordable
- Insufficient capacity in local school

- Existing traffic problems will be exacerbated and it is not clear how the traffic assessment has concluded that there will be no additional problems
- The site is not sustainable in terms of access to jobs, shopping, leisure facilities and services.
- The flooding issues have not been fully explored as downstream conditions are unknown
- The proposal will not enhance the southern edge of Bodicote and the Landscape Assessment argument is spurious
- More work is required in relation to Archaeology and ecology
- Do not believe that this development is needed for housing land supply and do not consider it can be delivered quickly
- Development will cause harm to topography and character of landscape, contrary to Policy C7
- Due to densities and small gardens the development is out of keeping with the adjoining street scene and looks more like a holiday village
- Will cause noise and light pollution to neighbouring properties
- Approval of this scheme will set a precedent

3.2 The comments of **Council's Head of Planning Policy and Economic Development** have been amended to take account of the decisions received in relation to the appeals at Chesterton and Adderbury and are summarised as follows;

- Bodicote is one of the District's most sustainable villages in terms of the presence of local facilities, including a regular bus service, and in view of its proximity to a large urban area. It is a category 1 village therefore it is a reasonable location in which to consider accommodating limited development in the interests of meeting the needs of rural communities, particularly the need for affordable housing.
- The application's proposal for 40% affordable housing is higher than the Council's current requirement of 30% and is in line with the requirement of South East Plan Policy HE3.
- The 2010 Annual Monitoring Report notes that the Council remains on track to meet Housing Strategy target of at least 600 dwellings from 2005 to 2011.
- Adopted and Non-statutory plans both resist development beyond the built up limits of settlements
- Council's Draft Core Strategy carries little weight but sets out proposed directions for growth. The proposed development is unlikely to prejudice the continued preparation of the Core Strategy. Although site lies outside the built-up limits Bodicote is one of the districts most sustainable villages and has been identified as a village at which it would be sustainable to accommodate some additional housing. The scale of development proposed in this application is also in keeping with the draft policies for rural areas. Careful consideration should be given to detailed issues.
- PPS3 requires a flexible supply of land for housing by, amongst other things, maintaining a five-year rolling supply of deliverable (available, suitable and achievable) housing land. LPAs are required to monitor the supply of deliverable sites on an annual basis, linked to the Annual Monitoring Report review process.
- Housing delivery projections from the 2010 AMR (as amended in February 2011 and updated in June 2011) show a 5.2 year supply of deliverable sites for the five year period 2011-2016. On this basis, it is considered that there

is not a housing supply justification for the proposed development ahead of the site's examination through the Local Development Framework.

- 3.3 The **Council's Urban Design Officer** has made the following comments;
- The changes to the approach to street design is welcome
 - Scheme could benefit from further landscaping or even home zone approach
 - The formality of the arrangement of dwellings that leads the eye into the central open space has been lost
 - Indicative layout demonstrates that the number of dwellings can be accommodated satisfactorily on site
 - Access isn't traditional approach to extension of village and makes integration difficult
 - Access is overdesigned and should be integrated more into the immediate landscape
- 3.4 The **Council's Landscape Planning Officer** has not commented in detail about the wider landscape impact of this proposal but endorses the assessment made at paragraphs 5.4.2 and 5.4.3 and has also made some specific comments in summary;
- Layout has been improved by relocating garages
 - Landscaping should not be provided in private gardens
 - LAPs and LEAPs are still not shown on plan but there appears to be sufficient space to provide them, as well as public open space
- 3.5 **Oxfordshire Country Council as Strategic Planning Authority** has no comments to make as the development falls below the threshold that requires a strategic response.
- 3.6 **Oxfordshire County Council as Local Highway Authority** has made the following comments;
- The proposed access is appropriate in terms of visibility and geometry.
 - During peak times parts of the local highway network are subject to delay due to increased demand; the proposal will add to these pressures but it is not considered that the proposal would have a significant impact, with trip generation being significantly less than expected daily fluctuation on the existing network
 - site relatively sustainable in transport terms
 - provision of a travel plan to further encourage use of sustainable modes of transport recommended
 - Appropriate cycle storage should be provided for all units
 - detailed layout of the development should be designed in accordance with the guidance of Manual for Streets
 - Appropriate provision must be made for parking, not only in terms of number but in terms of size, convenience and location
 - Appropriate levels (in terms of numbers) of parking spaces are quoted by the supporting documentation
- 3.7 **Oxfordshire County Council's Developer Funding Officer** has made the following comments;
- Expected that development will result in increase of population of Bodicote by

239 people including at least 11 pensioners. There is likely to be about 67 young people aged 4-17 years old, 51% of those will firstly attend primary school, 48% will be pupils of secondary school age, or VI form students; the rest will attend separate schools for those with special educational needs.

- OCC wishes to secure legal agreement for appropriate financial contributions to mitigate the effects of this development if implemented
- As the primary school is at 98% capacity and not suitable for expansion contributions would help provide improvements at nearby schools and cover the cost of transporting pupils to these schools, which runs counter to County Council's aims of providing education at the heart of the community.
- Other standard County Council contributions have been requested

3.8 **The Council's Strategic Housing Officer** states that she is happy with the affordable housing proposal. Current applicant numbers with a local connection to Bodicote is 51. However due to its proximity to Banbury the scheme will also be relevant to Banbury applicants, who form a major part of the numbers on the overall waiting list with very few new properties coming forward in Banbury currently.

3.9 The **Council's Ecologist** has commented that the submitted phase 1 report highlights the need for further ecological information in order to assess the impacts that this proposal is likely to have on species on site. Further work is also required in relation to biodiversity enhancements.

Following the submission of further information the ecologist is satisfied that further survey work is not required in relation to the potential for great crested newts. However further clarification is still required in relation to the potential for the removal of trees and hedges and the impact this may have on bats.

3.10 **Oxfordshire County Council's Archaeologist** has studied the submitted archaeological report and suggests that further archaeological recording would be required prior to development therefore appropriate conditions are suggested.

3.11 **The County Council as the Lead Flood Authority and SUDs Adoption Body** has commented that they are ready to move forward and adopt non highway SUDs but at this current time no fees for this can be charged.

3.12 **The Environment Agency** raises no objections but states that without planning conditions the development poses an unacceptable risk to the environment and there would then be an objection.

3.13 **Thames Water** makes the following comments;

- Inability of the existing waste water infrastructure to accommodate the needs of the application. However this can be resolved by the inclusion of a planning condition.
- With regard to the surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer.
- The existing water supply infrastructure has insufficient capacity to meet the additional demands of the development. However this can be overcome by a planning condition.

- 3.14 **Natural England** has made the following comments (in summary)
- Ecological survey highlights need for further species specific ecological surveys – these should be submitted before determination of the application
 - More consideration should be given to biodiversity enhancements
- 3.15 **The Council's Anti-Social Behaviour Manager** has no observations or objections.
- 3.16 **The Council's Arboriculturalist** has conducted a desktop assessment of the site and land adjoining the site. Whilst no objections are raised in principle it has been suggested that further surveys be submitted.

4. Relevant Planning Policies

4.1 South East Plan 2009

- SP3 – Prime focus for development on urban areas
- CC7 – Infrastructure and implementation
- BE1 – Management for an Urban Renaissance
- BE5 – Plan positively to meet the defined local needs of rural communities for small scale affordable housing, business and services
- H2 - LPAs will work in partnership to allocate and manage a land supply to deliver both the district housing provision and the sub-regional/regional provision
- H3 – Requires substantial increase in the amount of affordable housing
- H4 – Type and size of new housing
- T1 – Manage and invest
- S3 – Education and skills

4.2 Adopted Cherwell Local Plan

- H5 – Affordable housing
- H13 – Category 1 Villages
- H18 – New dwellings in the countryside
- TR1 – Provision of highways improvements or additional public transport
- R12 – Provision of public open space
- C7 – Topography and character of landscape
- C8 – Resist sporadic development in open countryside
- C13 – Areas of high landscape value
- C28 – Standards of layout, design and external appearance
- C30 – Character of built environment

4.3 Non-Statutory Cherwell Local Plan

- H1a – Availability and suitability of previously developed sites
- H4 – Types/variety of housing
- H15 – Category 1 Villages
- H19 – New dwellings in the countryside
- EN30 – Sporadic development in the countryside
- EN34 – Conserve and enhance the character and appearance of the landscape
- D3 – Local distinctiveness
- R6 – New or extended sporting and recreation facilities
- R8 - Provision of children's play space

- R9 – Provision of amenity open space

4.4 **Draft Core Strategy**

(Regulation 25, consultation document therefore carries little weight)

- RA2 – Distribution of housing in the rural areas

4.5 **PPS 3 – Housing**

PPG13 – Transport

PPS5 – Planning for the Historic Environment

5. Appraisal

5.1 Context

As referred to above the application is a resubmission of a similar application which was withdrawn this time last year. The application was withdrawn by the applicants following the publication of a committee agenda within which it recommended the application for refusal on several grounds. The applicants set out what they believe to be the main changes in the submission compared to their previous submission;

- Shift northwards of south east facing boundary
- A reduction in the total number of dwellings from 86 to 82
- Reinforcement of the landscaping proposals to south east facing boundary and near the site entrance
- Increase in separation distance between the proposed development and properties on village edge
- Increase in number of affordable dwellings from 30 to 32 dwellings (40%)

5.2 Main Planning Considerations

The main issues to consider in the determination of this application are as follows –

- Planning Policies
- Housing delivery and need
- Landscape and historic impact
- Design and neighbouring amenities
- Highway Impact
- Other material considerations

Each of the above points will be considered in turn.

5.2 Planning Policy

5.2.1 The adopted Cherwell Local Plan contains no specific allocation for the application site. It is therefore defined as countryside (i.e. previously undeveloped land) where there is a presumption against general residential development on unallocated sites without any special justification.

5.2.2 Policy H13 of the adopted Local Plan states that new residential development within Category 1 settlements, such as Bodicote, is restricted to infilling, minor development within the built up area of the settlement and the conversion of existing buildings; subject to other policies in the Local Plan.

5.2.3 Policy H18 of the adopted Local Plan states that new dwellings beyond the built up limits of settlements will only be permitted where they are essential for agricultural or other existing undertakings.

- 5.2.4 Although the site is bounded by development on three sides it requires building on agricultural land and is considered to lie beyond the existing built limits of Bodicote and in an area of open countryside. The built up limits of the village in this case are the rear boundaries of the properties within Blackwood Place and Keyser Road. Although the development will be adjacent to the garden centre and will barely extend beyond its most southerly point this too is considered to be beyond the built up limits of the settlement therefore strengthening the argument that the application site is beyond the built up limits of the settlement and not within it.
- 5.2.5 The proposed location of the development does not comply with the Local Plan definition of infilling, nor is the site within the built up area of the settlement and the development is therefore contrary to Policies H13 and H18 of the adopted Cherwell Local Plan.
- 5.2.6 The application site has no specific allocation in the Non-Statutory Local Plan and is therefore defined as open countryside.
- 5.2.7 Policy H19 states that permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements when it is essential for agriculture or other existing undertakings, or to provide a small, low-cost, affordable housing exception site to meet a specific and identified local housing need that cannot be satisfied elsewhere. Policy H15 of the same plan identifies Bodicote as a Category 1 village and states that new residential development will be restricted to infilling, minor development comprising small groups of dwellings within the built up area of the village and conversions.
- 5.2.8 The proposal is contrary to Policies H15 and H19 of the Non-Statutory Local Plan for similar reasons to those outlined above in relation to the adopted Cherwell Local Plan.
- 5.2.9 At this time Regional Strategies, despite the intended abolition, are still part of the development plan. It is therefore relevant to consider policies set out in the South East Plan.
- 5.2.10 One of the key policies in the South East Plan relevant to this case is Policy SP3 which states that the prime focus for development should be urban areas in order to foster accessibility to employment, housing, retail and other services and avoid unnecessary travel. Local Authorities policies should seek to concentrate development within or adjacent to urban areas and seek to achieve at least 60% of all new development on previously developed land. Bodicote is not considered to be an urban area and as the application site comprises green field land it would not contribute to achieving the brown field target. Based on these facts policy SP3 is not complied with.
- 5.3 Housing Delivery and Need
- 5.3.1 When this proposal was first submitted in an earlier application in April 2010 the Council had acknowledged that it wasn't able to demonstrate a 5 year housing land supply. However, the updated Annual Monitoring Report demonstrates that it has more than a 5 year rolling housing land supply. However the applicants do not agree with this position and consider there is substantially less than a five year supply as a result of the Council being over optimistic in the delivery of housing

sites and the inclusion of extra care units in its calculations.

- 5.3.2 The Council has recently received appeal decisions for residential schemes at Chesterton and Adderbury that support the current housing land supply position. The Inspector discusses in some detail a few of the major sites and their potential for development in accordance with the timescales set out in the Annual Monitoring Report and the appropriateness of the inclusion of extra care units. On the specific matters of housing land supply concludes that, even if the Council's projections are slightly over optimistic that, with a projected supply of 5.7 years for the current 2011/12 period, and a supply of 5.6 years for the following period, there is unlikely to be a material shortfall in housing land supply at the current time, and the proposals could not be justified on this basis. In preparation for a Public Inquiry relating to an application at Talisman Road in Bicester the Council once again updated its housing figures the result of which led to the current supply figure of 5.2 years for the period 2011-2016. This is a reduction from that presented to the Inspector in relation to the sites at Adderbury and Chesterton but still demonstrates that there is adequate housing land supply. On this basis there is no case for considering this application favourably against paragraph 71 of PPS3.
- 5.3.3 Bodicote has consistently been allocated as one of the District's most sustainable villages capable of accommodating further housing development. Facilities in Bodicote include; nursery, primary school, 2 food shops (1 is a farm shop), 3 pubs, recreation area, village/community hall(s), Post Office and a regular bus service to Banbury. It continues to be allocated as such in the Draft Core Strategy. However in the Draft Core Strategy it is one of four villages within the same category that are expected to accommodate up to 350 dwellings between them up to 2026. The Delivery Development Plan Document will set out the precise level of development for each village and will make land allocations to meet the target. Therefore whilst in general terms Bodicote is a preferred location for the allocation and provision of land for housing, this site has not been considered on a strategic basis and its development would be premature in advance of the production of the Delivery Development Plan document in which other sites may be considered more favourably. As there is no allocation for the development of the application site and there is a five year housing land supply for the district. The proposal does not comply with key development plan policies the fact that Bodicote is one of the District's most sustainable villages is not sufficient to justify the development of this site.
- 5.3.4 The development proposes to provide 40% affordable housing resulting in 32 units of affordable housing. The Council's Housing department is happy with the proposal in relation to the provision of affordable units and guidance was provided in relation to the preferred breakdown of tenures of the units subject to consent being granted. There are currently 51 people with a local connection to Bodicote on the housing waiting list. However due to its proximity to Banbury the scheme would also be relevant to Banbury applicants who form a major part of numbers on the overall waiting list, with very few new properties coming forward in Banbury currently. Therefore the proposal, if approved would contribute significantly to the provision of affordable homes and complies with policies H3 and H4 of the non-statutory Cherwell Local Plan and could to an extent comply with policy BE5 of the same document.
- 5.4 Landscape and historic impact

- 5.4.1 The site lies within the Ironstone Downs Area of High Landscape Value where policies C13 and C28 of the adopted Cherwell Local Plan seek to conserve and enhance the environment and require development to be sympathetic to the character of the area. Policy EN34 of the Non-Statutory Local Plan also seeks to conserve and enhance the environment.
- 5.4.2 As indicated earlier the site lies beyond the built-up limits of the village in an area of open countryside. As a result of the triangular shape of the site it is physically contained on its two northern boundaries by existing residential properties. The south western boundary is made up of a substantial existing tree planting belt which quite successfully screens the site from prominent views from the footpaths and bridleways to the south east. Since the previous application the proposed landscaping along the south/south easterly boundary has been increased to help soften the views of the proposed development from the Oxford Road. The site is set back from the main Oxford Road by approximately 145 metres which in itself reduces the prominence of the site when travelling along the road.
- 5.4.3 Given the location and scale of the proposed development it would clearly encroach into the open countryside. The adjacent housing on Keyser Road, Blackwood Place and Molyneux Drive currently defines the extent of the built up development with open countryside beyond. Notwithstanding the presence of the garden centre to the east and Cotefield Farm to the south the rural character of arable fields and planted areas contrasts with the housing which backs onto the site. Although the site is enclosed to an extent by existing development and landscaping and the surrounding topography limits views from some directions the proposal would extend built development into the countryside. Even with the existing and proposed landscaping there would be some visual impact. That impact would have an urbanising effect on the rural landscape that abuts this part of the village. It is clear that the proposal is contrary to policies restricting development in the open countryside but in terms of measuring the level of harm caused to the character, appearance and topography of the landscape the matter is more subjective. The Council has resisted development on this site in the past for reasons of landscape and visual impact, particularly in relation to its prominence in the Sor Brook Valley. However since the 2005 application was refused the landscaping belt has substantially increased in height and density and does go some way to limit significant adverse visual impact.
- 5.4.4 There are no listed buildings in close proximity to the site and the Bodicote Conservation Area will not be seen in relation the site therefore there will be no adverse impact on the setting of listed buildings and the character and appearance of the Conservation Area will be preserved.
- 5.5 Design and Neighbouring amenities
- 5.5.1 The submission suggests that the developable area of the site is 3.4 hectares. The reduction in the number of units results in a density of approximately 24 dwellings per hectare, 1 dwelling per hectare less than the previously proposed scheme. This density is likely to be greater than that found on adjoining sites but is less than the minimum of 30 dwellings per hectare which was recommended in PPS3 Housing prior to its revision in June 2010. The revised PPS3 has removed reference to a specific density and replaced it with the following statement;
- 5.5.2 ‘Local Planning Authorities may wish to set out a range of densities across the plan

area rather than one broad density range.'

- 5.5.3 As the Council has not yet set its own densities it seems appropriate that where the principle of development is acceptable the density should reflect the surrounding development whilst making efficient use of the land. If the principle of development on this site is considered acceptable it is thought that the proposed density is appropriate as in the majority of cases the gardens are of an appropriate size and the provision of an average of 2.4 spaces per dwelling there is likely to be adequate parking.
- 5.5.4 In terms of design and layout, although still indicative, the proposal provides an improved interface with its surroundings compared to what exists currently. At present the existing built form which meets the countryside is of rear facing elevations and enclosed gardens on a straight and harsh building line. The proposed layout shows frontages along the southern boundary, although screened to a certain extent to soften the views of the building line. In plan view the layout is not reflective of the character and layout of surrounding streets but some good design principles have been applied and the layout has resulted from the constraints of the shape of the site.
- 5.5.5 The proposed development would be relatively detached from the rest of Bodicote as the road link is from the Oxford Road and the only additional footpath link is in the north western corner of the site. This means that the development is poorly connected to the rest of the village and as such integration may be difficult. A strategic assessment of potential sites, necessary as part of the production of a Delivery Development Plan Document, may reveal that there are other sites that are better connected to the rest of the village.
- 5.5.6 The properties which share a boundary with the site currently enjoy an attractive open aspect, privacy and pleasant amenities as a consequence of adjoining open countryside. This would be significantly altered by the residential development of the site, although substantial landscaping and careful design and siting help to mitigate the impact of the development upon neighbouring properties. The indicative layout has altered slightly since the submission in 2010 with garden lengths being increased along the site boundary and garages being moved out of rear gardens and in many cases attached to properties. Two properties have also been removed from the northern corner off the site reducing the potential impact on neighbouring residents. In most cases the 2-storey elements of the proposed properties are set at least 15m off the boundary, 4m greater than previously. The minimum distance between a back elevation of existing properties and a back elevation of the new properties is 25 metres. This complies with the Council's informal space standards. Many of the adjoining properties are dormer bungalows which are generally smaller in scale in relation to the proposed 2 storey properties proposed on the application site, however given the distances between the original and proposed properties it is not considered that the new properties will be over bearing. Nevertheless this is an outline application and whilst the objections of the neighbours, relating to adverse neighbour impact, are noted and understood the main consideration at this stage is the acceptability of the principle of the proposal. The full effect on residential properties would need to be considered at the reserved matters stage, if outline consent were granted. This would require careful consideration to be given to house types, heights, proximity to boundaries and overlooking. However the indicative plan does indicate that 82 properties could be

located on the site without demonstrable harm being caused to neighbouring amenities.

5.6 Highway Impact

5.6.1 The Local Highway Authority had objected to the previous scheme in the absence of a satisfactory Transport Assessment to enable the full assessment of the proposal. The current application has been submitted with a full and accepted Transport Assessment and the Highway Authority considers that whilst the development would add to the pressures of delays on parts of the local highway network it is considered that the impact will not be significant as the trip generation resulting from the proposal is less than expected daily fluctuation on the existing network.

5.6.2 The indicative layout shows the provision of 194 spaces which equates to 2.4 spaces per unit. This is likely to be sufficient parking and the local highway authority have not objected to the quantity of spaces but have highlighted the fact that garages are not always utilised for parking so therefore it is important to ensure they are of an adequate size and prevented from being converted to additional living accommodation in the future.

5.6.3 Further points relating to the detail of the scheme were raised by the Local Highway Authority in their response relating to the proposal but these do not result in an objection to the scheme, simply matters which will need addressing in any future reserved matters application.

5.7 Other Material Considerations

5.7.1 The proposed development would generate a need for infrastructure and other contributions that need to be secured through a planning obligation, to enable the development to proceed. At the time of drafting the report commencement of the agreement had not commenced. However a development of this scale and nature would require contributions to the provision, improvement or maintenance of the following;

- Affordable housing
- Outdoor off site sports facilities
- Off site community facilities
- On site play space and public open space
- Surface water drainage systems
- Highways and public transport contributions (although the figures have not yet been provided by the County Council)
- Public art
- County Council Education contributions, including funding towards primary school transport
- County Council Library contributions
- County Council Day Centre for the Elderly contributions
- County Council waste recycling contributions
- County Council Museum Resource
- District Council refuse bin contributions
- District and County Council administration/monitoring fee

5.7.2 Despite not commencing with the drafting of a legal agreement the application has been submitted with draft heads of terms which covers many of the items referred

to above. Currently the proposal does not comply with Policy CC7 of the South East Plan as the scheme fails to secure the necessary infrastructure provision.

- 5.7.3 When a similar application was being assessed last year the County Council in their strategic response stated that the development was likely to result in unsustainable travel patterns as it was likely that primary school students would have to travel to schools outside of Bodicote. This would occur because the County Council indicate that Bishop Loveday School has insufficient capacity, and is not capable of further expansion. The above education contribution would therefore be used to expand capacity at the receiving schools. The County Council stated that if the district was minded to permit the development contributions should be sought to improve transport infrastructure and primary school transport costs. The contribution towards primary school travel costs aims to provide money towards communal modes of transport, which is more sustainable than if students were to be transported individually by private car. The circumstances have not changed since the previous application and the County Council are making a similar request in respect of requiring funds towards education transport. When the application was recommended for refusal in 2010 (prior to its withdrawal) the lack of village facilities formed part of a refusal reason. In order to seek to address this the applicants have submitted a statement that refers to the admissions policy for Bishops Loveday School, which as a voluntary aided Church of England school does not base its admissions on the criteria set by Oxfordshire County Council. The applicant's interpretation of the criteria is that children with a normal home address in the Ecclesiastical Parish of St John the Baptist, Bodicote are given priority. Therefore the applicants are of the view that the timing of the development, if approved, and the gradual increase in demand for primary school places it would give rise to, will enable the gradual absorption of children from the development to take place without problems of oversubscription. In light of this information, assuming the applicants willingness to contribute to school transportation and the fact that Bodicote is considered to be one of the district's most sustainable villages it would seem unreasonable to continue to use the lack of provision village services as a reason for refusal. However the current lack of a draft S106 is still a relevant consideration.
- 5.7.4 In terms of archaeological impact, the lack of an adequate assessment in relation to the previous application led to a reason for refusal. However since the earlier application an archaeological evaluation has been carried out and the County Archaeologist has concluded that further archaeological recording would be required prior to development but this does not result in an objection and is no longer a reason to recommend refusal of the application as it can be controlled through appropriate conditions. The development therefore complies with PPS5 in respect on archaeology and its impact on the historic environment.
- 5.7.5 The application has been assessed in relation to its impact on ecology, in particular the potential for great crested newts in a pond/reservoir located four to five hundred metres to the south of the site. Given the characteristic of the pond, having steep sides and a fish population within it, it is unlikely to provide an environment which supports great crested newts. In this respect the Council's ecologist is satisfied that there will be no significant harm as a result of this development. It is unlikely that bats will be affected as a result of the proposal as no hedgerows are proposed for removal.

- 5.7.6 In relation to trees, the comments of the Council's arboriculturalist were only received during the drafting of this report and given the likely recommendation it was considered unnecessary to delay the determination of the application for the submission of additional land and tree surveys. Given the application is in outline only and there is only one tree within the site and the others are on the boundary it is considered that in the event of an approval further surveys can be submitted with the reserved matters application when full layout plans would be submitted and considered.
- 5.7.7 In their submission the applicants refer to the Ministerial Statement dated 23 March 2011 in which it states that "*Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy*". Whilst a further letter of 31 March 2011 from DCLG's Chief Planner to chief planning officers states that the Ministerial Statement is "*capable of being regarded as a material consideration*" and the applicant's place a lot of weight on this it is not considered that in this instance it is sufficient to outweigh the relevant local and national planning policies and guidance.
- 5.7.8 Further to the original submission a letter received in the department on 18 July 2011 from the agents sets out additional reasons why they consider further consideration should be given to this planning application. The letter can be summarised as follows;
- Recent appeal decisions noted but issues of housing land supply are best examined in inquiry conditions
 - There is a more generous supply of land for housing in Bicester and Central Oxfordshire than in the District as a whole. It follows that land supply in Banbury and North Cherwell is less generous.
 - Cumulative completions are far short of the cumulative requirement.
 - The development provides a significant number of affordable units which smaller or windfall sites do not provide.
 - The Advisory Group's draft national Planning Policy Framework refers to a requirement of a five year supply plus an allowance of 20% - tantamount to a 6 year supply
 - Housing land supply requirements should not be district wide but assessed based on the subdivision of the district.
 - Consequence of focusing on land supply only at District level is that much needed housing development in and around Banbury is being held back
- 5.7.9 In response to this letter the Council's Planning Policy team have provided some clarification and is summarised below;
- The Council's view is that the PPS3 5 year supply requirement is a District (local authority) requirement and whilst the Inspector for Talisman Road referred to sub regions the Council and the appellant were of the view that the 5 year requirement was a district requirement. Unless the Council receives a definitive view to the contrary this will remain the case. This view was supported by the Chesterton and Adderbury appeal decisions which were based on district wide calculations.
 - It is accepted that there will be a greater supply of housing in Bicester in the coming years but it is considered that there will be sufficient housing land in Banbury and North Cherwell area ahead of new Core Strategy allocations.

- The completions for the north of the district are on track, ahead of the Bankside urban extension and new LDF sites. Completions for Banbury and North Cherwell were 1561 at 31/3/10 and 1749 at 31/3/11 (188 completions in 2010/11) compared to an annualised figure of 1750 (for 2006-2011).
- The Council is of the view that there is reasonable expected provision of affordable housing ahead of new LDF allocations.
- For the period 2006 to 2011 (the start of the South East Plan period) the affordable housing contribution has been 23% - a good level of supply in advance of large scale delivery on permitted major sites which will be seen over the coming years.
- It is not yet Government policy to require a 5 year supply plus an allowance of 20% (only draft for consultation)
- The proposed site is at Bodicote not Banbury.

5.8 Conclusion

5.8.1 The application is for development beyond the built up limits of Bodicote in the open countryside. As such the application is contrary to both the Adopted and Non Statutory Local Plan policies. This scheme would provide 82 new dwellings, 40% of which would be affordable which would contribute to the provision of affordable housing for people on the housing list with local connections and as such the proposal complies with affordable housing policies. Whilst the Council was in a period when it could not demonstrate a 5 year supply of housing land it had to consider applications for housing development more favourably subject to other considerations. However housing figures have been amended following the approval or refusal of applications and the Council can now demonstrate that there is more than a 5 year supply in housing land. This view is supported by recent appeal decisions which have been referred to in the report.

5.8.2 Development on this site has previously been refused or recommended for refusal and since the assessment of previous applications some of the reasons for refusal have been overcome or the circumstances have changed. For example it has been demonstrated that there is little potential for impact on archaeology, the local highway authority do not object to the proposal and the landscaping around the site has increased resulting in better screening of the site. However the principle of the development can still not be supported as the site is outside the built up limits of Bodicote, in the open countryside and is therefore contrary to policy and there are currently no justifiable reasons to set this policy aside. It is therefore recommended that this application be refused for the reasons set out below.

6. Recommendation

Refusal for the following reasons;

1. The proposed development would be contrary to Policies H13 and H18 of the adopted Cherwell Local Plan, Policies H15 and H19 of the Non-Statutory Cherwell Local Plan 2011 which seek to guide residential development to allocated sites or sites within the existing built-up limits of settlements. In this case the site is not allocated for development in either the adopted or Non-Statutory Local Plan but lies outside the existing built-up limits of the settlement. It is therefore classed as countryside where its development would constitute an unjustified and undesirable

intrusion into the countryside surrounding the village of Bodicote, which would be contrary to the policies intended to protect the character and appearance of the countryside. Furthermore the development would increase the outward spread of the village intruding into the unspoilt countryside surrounding the property, neither preserving nor enhancing the Area of High Landscape Value, contrary to Policy C13 of the adopted Cherwell Local Plan and Policy EN34 of the Non-Statutory Cherwell Local Plan.

2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development, including affordable housing, open space/play space, off-site playing pitches, education facilities, library facilities, fire infrastructure and transport measures will be provided, which would be contrary to Policies H5, TR1 and R12 of the adopted Cherwell Local Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.

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