

# Land South of Milton Road, Bloxham 12/01139/OUT

**Ward:** Bloxham and Bodicote  
Thirzie Smart

**District Councillor:** Cllr C Heath, Cllr L

**Case Officer:** Caroline Roche

**Recommendation:** Refusal

**Applicant:** Mintondale Developments Ltd C/O Framptons

**Application Description:** OUTLINE – Residential development comprising up to 85 dwellings with access and associated infrastructure

**Committee Referral:** Major development and Departure from Development Plan

## 1. Site Description and Proposed Development

- 1.1 The application site is a 5.4 hectare site on the south side of Milton Road on the eastern edge of the village. The site is opposite a new development on the north side of Milton Road and on its western boundary adjacent to an existing bungalow and the new development also accessed off Milton Road known as Woodland Gardens. The red line includes an arm of land between Bloxham Mill Business Centre and another proposed development site on Barford Road. The site is agricultural land and appears to be largely retained for grazing. Small parcels of the site close to Milton Road and the eastern boundary have however been separated from the remainder of the site by post and rail fences and are being used to keep (water)fowl or as paddocks. There are hedgerows and trees along the boundaries of the site. A public footpath crosses the site which runs in a north-south direction from Milton Road to Barford Road. There are two existing ponds (one wet and one dry) within the site and other small bodies of water which are believed to have been created in association with the use of the land for the keeping of fowl. There is also a further pond outside of the site but close to the western boundaries.
- 1.2 The application seeks outline consent for a residential development of up to 85 dwellings. Given the nature of the application it is the principle of the development which the applicants are seeking approval for along with the details of the access. Other matters such as layout, design and landscaping are reserved for future consideration in the event of this application being approved.
- 1.3 With the exception of a full assessment of the landscape and visual impacts of the proposal the application was submitted with an appropriate suite of documentation and reports, although the quality of some of the submissions has been questioned and further information and clarification sought where appropriate. A landscape and visual impact assessment has been submitted since the initial submission of documents but there are still outstanding issues as to its adequacy.

## 2. Application Publicity

- 2.1 The application has been advertised by way of site notice, press notice and neighbour notification letters. The final date for comment was the 20 September 2012 although representations received after this date have been taken into consideration.

In the region of 140 letters/emails have been received objecting to the proposal. Some letters have been signed by two or more residents effectively increasing the number of individual objections. The following Issues were raised in objection to the proposal.

Material planning comments:

- The Council lacks an up to date plan which would help prevent these developments
- Development outside of village boundary
- Development contrary to local plan policies
- Council already met its affordable housing targets
- Site not allocated in any adopted or emerging planning policy
- Development not sustainable, residents isolated from village centre
- Fails tests of sustainable development set out by government
- Bloxham already had enough development, over its allocation and disproportionate to other villages
- Schools, nursery, doctors, already at capacity
- School has no room for expansion
- Not acceptable for children to have to travel long distances to alternative schools
- Roads at capacity, regularly congested, used by HGV's and unsafe – will worsen with development at M40 junction
- Structural problems with existing bridge and properties adjacent to the highway – caused by increasing traffic
- Conflict with different types of traffic and increasing amounts of it (some photos submitted seeking to demonstrate this)
- Dangerous access in relation to other access points
- Pollution associated with increased traffic
- Increasing number of traffic movements from Bloxham Business Centre
- Pedestrian access around the site and village inadequate and unsafe – no full length of footpath along Milton Road
- Lack of decent bus service
- Flooding within the locality will worsen
- Misrepresentation within the application and survey work carried out inappropriately
- Proposed houses not in keeping with nature of surrounding development
- Social housing requirement already been met
- Ponds may be dangerous for unsupervised children
- Density too high
- Inappropriate mix of dwellings proposed
- Brown field sites should be encouraged by policy
- Loss of agricultural land
- Impact on ecology and wildlife
- Blight the rural countryside and Area of High Landscape Value
- Long term damage to historic village
- Views of local residents should be key consideration

Progress being made towards production of new Neighbourhood Plan  
Insufficient facilities for teenagers in the village  
Other new developments are an eyesore  
Insufficient recreation facilities  
Insufficient shops  
Poor water pressure and loss of water  
Sewerage capacity  
Impact on other villages in the locality  
Loss of power  
Additional pitches allowed at Smiths site putting added pressure on village  
Cherwell has met its housing target but the developments have not been built  
No support for the proposal and public exhibition  
Impact on character of public footpath  
Lack of local employment  
S106 money from previous developments not being spent to improve highway network around school

Non material comments:

Purchasers been put off on Milton Road sites due to proximity of travellers site  
Potential of future closure of the shops due to potential parking restrictions will adversely affect the village  
Recently built houses still unoccupied  
Existing affordable houses not being utilised by those with genuine village connection  
Impact of construction traffic  
Social unrest caused by non-locals moving into the affordable dwellings  
More development would be irresponsible  
Greed of developers  
Speculative proposals

One letter has been received expressing support for the proposal. In summary it made the following points;  
Only 300 residents out of the whole of Bloxham attended the meetings.  
Nobody likes to see estates go up and they'll upset someone but people need houses.  
Schools will need money and roads will need improving but a large proportion of this money will come from developers.  
Makes sense to build houses now rather than put off the inevitable.  
Traffic will increase but Bloxham and Milton aren't what they used to be.  
Who wouldn't put land forward for development if they owned it?  
Grateful for the opportunity to have an affordable home in the 60s – give others a chance  
New houses may help qualify for a new bus service  
Housing have to be on the edge as infilling has been done

### **3. Consultations**

#### **3.1 Bloxham Parish Council:**

Bloxham Parish Council is mindful of its duty, to the present residents of Bloxham, to ensure that they can benefit from the current village infrastructure and not suffer any further deterioration of their environment.

Aware of the need to ensure the safety of residents and view this proposal, due to its location, as placing residents of the development at risk, especially the children travelling to school.

In recent years Bloxham has experienced a regeneration in the numbers of families with young children moving into established areas and existing homes in the village.

Schools in the village provide education facilities not only for children from Bloxham but also the surrounding villages - additional housing will severely impact on the availability of places for their children in Bloxham schools.

The need for further growth beyond the residential boundary of the village is not evidenced.

Consider this opportunist, speculative development, if approved will destroy the current fragile infrastructure of Bloxham village, and be contrary to the policies at present held by Cherwell District Council, and put forward in the Draft Local Plan, without showing any benefit to the majority of Bloxham residents.

The NPPF in Para.17 states that all new developments should be "genuinely plan led, empowering local people to shape their surroundings, with succinct Local and Neighbourhood Plans, setting a positive vision for the future".

Bloxham is an attractive village with considerable history and does not have the services and facilities of an urban area. We have experienced a comparatively high level of development in recent years. This development (and other planning applications being processed) would result in Bloxham disproportionately contributing to the proposed rural housing distribution. Further developments in Bloxham MUST be considered as part of a Neighbourhood Plan which would be consistent with objectives set out in the CDC Proposed Submission Local Plan. The Proposed Submission Local Plan seeks to carefully manage housing distribution in rural areas in the interests of meeting NPPF's objectives. It is clear that the proposed development would be contrary to the sustainability objectives of the NPPF.

Development not plan led and has not involved local people in shaping it, nor does it evoke any positive vision for the future. Bloxham's heritage is as a much valued farming community;-The Warriner School is complemented by having its own working farm, the village is surrounded by working farms.

This development seeks to build on agricultural land that should be viewed as a valuable and precious resource, not just a commodity to improve a speculative developer's bank balance.

Contrary to Cherwell District Council's Draft Local Plan, Policy ESD13 Local Landscape Protection and Enhancement, as it would extend into the countryside past the settlement boundary causing a visual intrusion.

Bloxham - Category 1 village suitable for minor development, infilling and conversions – not complied with.

Cherwell District Council's Local Plan 1996 (saved) H13 (ii) states minor developments within the built up area of the settlement. This development is outside the settlement of Bloxham.

The South East Plan policy SP3 - urban focus for all development, to make employment accessible and avoid unnecessary travel. This development does not demonstrate accessible permanent employment, will result in increase in travel, and it is not in an urban area.

Cherwell District Council has in recent months reached its affordable homes allocation target.

There is no evidence that the dwellings shown in this development are required – houses on woodland gardens have not sold, and affordable units not taken up by those with links to Bloxham.

Since 2005 Bloxham has had approximately 205 extra new houses.

Cherwell District Council's apparent lack of an adequate supply of housing should not be the reason for approval of this application.

This proposed development will extend the village residential boundary, and further encroach into the countryside surrounding Bloxham.

Bloxham has already contributed disproportionately to Cherwell District Council's rural housing.

Additional reasons for objecting to this application:-

Roads; The Milton Road connects the villages of Adderbury, Milton and Bloxham to the A361 and the A 4260 in a rural setting. It already has entrances to two large residential developments, one small development, one traveller's residential site that has had approval for an increase in pitch number from 20 to 36 including 8 touring caravan pitches, and one Waste Management site. The entrance to this proposed development is shown to be located opposite the entrance to a residential development, at a point on the Milton Road where visibility is limited due to the road configuration and could be further obscured by large commercial vehicles turning at the Waste Management site entrance. The Milton Road is at present heavily used by HGV vehicles (from the Waste Management site), agricultural vehicles servicing the farm land adjacent to the Milton Road, cars originating from the existing residential sites on the Milton Road and traffic from Milton and Adderbury.

Residents from the proposed site wishing to travel into Banbury for their employment would either:-

1. Turn left and travel along the Milton Road to a T junction with the Barford Road (this junction has seen numerous accidents, one of which resulted in the vehicle demolishing a house wall). The traffic then negotiates a mini roundabout on the A361. This roundabout is over capacity at peak times (OCC Highways response 04/09/12 to Barford road 12/00926/OUT). Any additional traffic heading East to Banbury would increase the flow of traffic along the A361, that is also congested at peak times. Several accidents have occurred at the junction at the Wykham cross roads (this road is also notoriously bad in winter in causing many serious traffic accidents). It should also be noted that Traffic going to the West will add to the congestion experienced in South Newington.

2. Or they turn right and travel along the Milton Road through Adderbury to join the A4260. This road is also a busy route, is already severely congested at peak times, and this can only increase following the additional housing development approved for the Oxford Road in Bodicote and the possible relocation of the football club to this area.

Pedestrians; pedestrians leaving the site on the Milton Road to go into Bloxham for school, shopping or the public transport, will have to either cross the Milton Road directly opposite the proposed site entrance or further down at the junction with the Barford Road. Each of these points could expose pedestrians to danger from both cars and Heavy Goods Vehicles. There is a waste management facility located past the proposed site entrance on the Milton Road, this facility is subject to vehicles of all types and weights accessing and leaving the site throughout the day. The Milton Road is the main access route for the emergency service vehicles stationed at the Banbury Business Park.

There is no complete pavement along one side of the Milton Road. The junction of the Milton Road with the Barford Road has been subjected to a variety of traffic incidents. Once pedestrians have traversed the Milton Road, should they wish to walk to the Primary School, they need to negotiate the narrow pavements over the Old Railway Bridge to the crossing on the A361. To access the village facilities they must walk along the A361 using narrow pavements by Dovecote House, with heavy goods vehicles travelling within inches of either themselves and/or their children. They would not walk by choice along the route shown by Frampton's (which is a designated cycle route by Oxfordshire County Council - not a walking route).

Ponds; it appears that the developer is determined to use ponds as a method of alleviating the drainage problems associated with these sites. There is no information as to how or by whom these "ponds" will be serviced, cleaned and maintained free from potentially harmful insects and algae. Frampton's do not show how small children will be prevented from accessing the ponds and play safely in this area.

Education; the primary school is at capacity ( endorsed by OCC response to this application 06.09.12 ) in all years apart from 2 places in years 5 & 6. The Warriner School is at capacity (endorsed by OCC response to this application 06.09.12). Children with Special Educational Needs would not be able to access the Frank Wise School in Banbury as this is at capacity (endorsed by OCC response to this application 06.09.12). The other Further Education schools that Frampton's indicate could be used, are either a private school, or two schools based in Banbury. It does not seem logical that use of these schools would attract home buyers to this proposed development.

To address the lack of primary school facilities Frampton's are quite happy to place the burden onto the tax payers via Oxford County Council to seek suitable provision. This would mean transporting children to schools outside the village.

Should this development proceed then the impact would be felt not only in Bloxham but in neighbouring villages that do not have their own village school.

Utilities; The existing fragile nature of the water and electricity services received by Bloxham residents would not be improved by an extra 85 dwellings using them.

Water ;Thames Water has already stated in it's response to this application (submission 11/09/12 " has identified an inability of the waste water infrastructure to accommodate the needs of this application ") it would require additional infrastructure being put in place (via a Grampian Agreement – this is a negative agreement and as such does not seem to be considered as a suitable agreement by certain Planning Authorities ). Thames Water has concerns that there is a strong possibility of an increase in sewage overflow (this has already occurred in the village), and it can only guarantee to meet the minimum requirements for water pressure and water flow (1 bar and 9 litres/min). Residents are already subject to frequent loss of water and reduction in water pressure.

In the Cherwell District Draft Local Plan ESD 8 "development will only be permitted where adequate water resources exist, or can be provided without detriment to existing uses".

Electricity; Bloxham is already subject to frequent power cuts. A further 85 dwellings placing the additional burdens on the supply of electricity that modern living requires will not improve or benefit residents, both existing and new.

Flood Risk; The risk of flooding in this area of Bloxham is growing, due to the recent increase in dwellings along the Milton Road. The two recently developed

estates rely on pumps and balancing ponds to cope with the excess drainage problem. The swale running alongside the development on the North side of the Milton road has shown an increased tendency to overflow. This is a problem that Frampton's clearly acknowledge in their documents (Flood Risk Assessment Page 17 states "this site is more vulnerable to flooding").

The Design Statement shows the use of balancing ponds on the site: - this would appear to be raising further the prospect of a hazard, in a public area.

Transport Public; The bus service has a £122,000 subsidy from Oxford County Council and is the subject of a current review. At present there is no Sunday service and no late night service. Frampton's suggest that their Travel Plan will allow for buses to co-ordinate with trains for distance working, no other Travel Plan for the existing new developments in Bloxham has managed to achieve this. The bus service at present does not accommodate the varying patterns of the working day, so cars are a necessity. It is not practical to maintain that there are cycle paths into Banbury and neighbouring villages. The cycle paths are mainly for leisure.

At present there appears to be a total lack of a cohesive transport strategy for Bloxham.

Transport Waste vehicles; there does not appear to be a "tracking Plan" to indicate that the Waste/Recycling collection vehicles will be able to navigate on this site.

Pollution; The proposed development will lead to an increase in pollution of the atmosphere by the exhaust fumes of the cars that the residents will use (despite short term bribes to encourage them to cycle or use the bus), and the street lights that will be placed on the development.

Employment; Bloxham is not a major centre for mass employment neither are its neighbouring villages. The main centres for employment are further afield and as such would require the use of a car given that the present bus service does not allow for linking to the train service from Banbury. The Banbury Master Plan at present seems to indicate that the major centres for local employment will be to the North and East of Banbury town centre. The congested roadways through the centre and outskirts of Banbury would place an additional burden on the motorist travelling to these centres of employment. This situation will be perpetuated, unless the public transport system is improved to provide a reliable alternative to the car.

o Right of Way; This development shows a Right of Way, this is normally viewed as a place where you can "admire the view, stop for a rest, have a small picnic on the verge" how will this be possible through a housing estate?

Documentation provided by Framptons;

o The Design and Access Statement; shows minimal evidence of "off street" parking, OCC Highways recommend at a minimum 2 off street parking spaces to be either garage or car port at least 6m x 3m.

o The Design and Access Statement; page 11 indicates that the majority of the dwellings will not exceed 2.5 storeys, is this an indication of the need to go "up" to reach the necessary recommended square footage? It further states that the higher buildings will be positioned adjacent to the Milton Road;- such dwellings will not enhance this aspect of the village.

o The Design and Access Statement; page 13 this diagram appears to show the footpath in an incorrect location. Has approval been sought for the change of location of the footpath?

o The Design and Access Statement; page 9; a bus service to Banbury passes along the Barford Road;- if this service still exists it only stops at Manning Close and runs once a week.

o Energy Statement; page 7; There appears to be confusion here - the second bullet point discusses 75 dwellings (the Outline planning is for 85 dwellings).

o Outline Drainage and Utilities report (Framptons) 3c ; this reports appears to offer conflicting information to that provided by Thames Water, with regards to foul drainage.

Bloxham Parish Council wish to draw the attention of Cherwell District Council's Planning Committee to the following:-

Despite the Parish Council having had no dialogue with Framptons, they displayed the following at their recent exhibition at the Jubilee Hall (23rd August 2012):-

"We are aware of the issues raised by the Parish Council alleging that the existing facilities are full. These are matters which may potentially be addressed by planning obligations."

Bloxham Parish Council does NOT allege! The Primary School is full in all years apart from years 5 & 6 where there are 2 places. Bloxham Parish Council are aware, as are residents, that there is no space to enlarge the Primary School, and do not advocate a potential solution of transporting children to other schools, neither does the Parish Council wish to see the catchment area of the schools condensed, excluding our neighbouring villages. Framptons do not state how these matters can be addressed by planning obligations, they simply state:-

"In the event that CDC considers that existing facilities for example schooling need to be enlarged to accommodate needs arising from this development the planning obligations will be sought in accordance with the statutory requirements at Section 122 of the Community Infrastructure Levy Regulations 2010 and secured through a legal agreement entered into under Section 106 of the Town & Country Planning Act 1990."

The main purpose of living in a village is the sense of community; this begins at the Primary School. The village Primary school has already increased class room numbers to the maximum of 30, which detracts from the commonly held interpretation of a village primary class size.

The Doctors surgery is at capacity resulting in longer waiting times for appointments. The Dentist is full, new patients are being treated at the Banbury extension of the practice.

Framptons are unable to provide a solution in these areas.

"The Parish Council also raises concerns about the adequacy of pavement widths within the vicinity of the site. This matter will be considered by OCC as the local Highway authority."

Bloxham Parish Council does raise concerns over the adequacy of the pavements. As in the previous response to the application on the Barford Road, the pedestrian access into the heart of the village is in several locations hazardous for pedestrians, push chair and wheel chair users. Examples in common use are the narrow pavement over the Old Railway Bridge and the pavement on the A361 by Dovecote House. These are the main access routes that are, and would be, used by present and future residents living on the Milton Road.

The pedestrian route advocated by the developer is indicated as NR5 and recommended by OCC: - it is in fact NCN Route 5 a proposed cycle route from Oxford to Banbury, not a walking route.

Pedestrians would not make a circuitous route from the Milton Road via Kings Road to reach the shops!

"Concerns raised by the PC as to loss of electricity, Water supply, low water pressure and recurrent sewage overflow problem. Concerns noted ...awaiting

Statutory Consultees. It is likely however that these issues can be satisfactorily dealt with by the imposition of appropriate Grampian or Planning Conditions.”

Bloxham Parish Council does not agree with this statement, if this development were to gain approval it should not rely on “Grampian Agreements “– these are negative agreements and do not insist that the remedial work is done prior to the development commencing.

In conclusion

Bloxham Parish Council's view is that:-

The village of Bloxham has had a disproportionate number of houses imposed on it during the past few years.

The Affordable / Social Houses provided to date do not appear to have been utilised by families with local links.

The present infrastructure is fragile.

Present residents will have to continue to suffer poor water services, risk of flooding, interruptions to electricity supply, increases in traffic and pollution.

The traffic going through Bloxham is already close to breaking point, the mini roundabout is over-capacity at peak times, the A361 narrows in places due to both the houses built close to the road (creating narrow pavements), and the increase in on-road parking by home owners and shoppers. The increase in HGV traffic and cars together with the existing agricultural traffic is a hazard.

It will cause parents in neighbouring villages to seek education for their children elsewhere, at additional cost ( to them as individuals and as rate-payers).

This application is opportunistic and will not benefit the village.

It will destroy valuable green space and farm land.

It extends the settlement boundary of the village.

It does not comply with either the NPPF, South East Regional Plan, the Adopted (saved) Cherwell Local Plan 1996 or Cherwell District Council's Draft Local Plan.

- 3.2 Barford St John & St Michael Parish Council:** Strongly objects. Agrees with objections set out by Bloxham Parish Council. Also consider that it will have a seriously detrimental effect on Barford St John and Barford St Michael;

Children from Barfords may be denied school places as a result of the distance from the school and the lack of places elsewhere

Housing needs – dispute between approvals and completions not giving accurate impression of actual need

Bloxham already had its share of new housing

Loss of agricultural land will have diverse impact on character and appearance of the area

- 3.3 Milcombe Parish Council:** Seriously concerned about any further development in Bloxham which has already had more than double its allocation. Reasons summarised as follows;

Totally unsustainable with regard to infrastructure – both villages suffering low water pressure, frequent power cuts, a sewage system causing problems

Traffic congestion in both villages, particularly from HGVs – little likelihood of highway improvements for either village

Main concern is that of shared facilities between the villages, doctors, dentist and schools which are at capacity

Horton General Hospital will be hard pressed to cope with additional approved developments in the pipeline

Further development in Bloxham will impact on the residents of Milcombe

**3.4 South Newington Parish Council:** Objects to the application for the following reasons;

Within open countryside beyond built up limits  
Development will be visible from east and southeast – undue visual intrusion into open countryside – contrary to policy ESD13 of Draft Local plan 2012  
Development over what is specified in Policy for villages 2 on draft Local Plan  
Schools and other facilities already under pressure, effecting sustainability of the village and South Newington as a satellite village reliant on facilities in Bloxham  
Not admitting children from South Newington into the schools in Bloxham could affect the cohesion between the villages  
Further increase in traffic will lead to further delays in Bloxham and more traffic through South Newington  
Walking and cycling is not safe from South Newington, therefore cars must be used to reach facilities in Bloxham, increase in population will increase congestion and ability to park within the village.

**3.5 Milton Parish Meeting:** Received a number of comments summarised as follows;

Bloxham taken fair share of development  
Further development threatening rural character  
Village expanding beyond its capacity – facilities not able to cope  
Roads congested  
Inadequate public transport  
Schools not able to meet the local needs  
Lack of recreational facilities  
Ribbon development means new residents are further from local facilities – encouraging short car journeys  
Affordable housing not been used for local residents but instead allocated to problem families from nearby towns – make up and character of village changing  
Speed and quantity of traffic becoming increasingly dangerous  
No positive responses were received by Milton Parish Meeting.

**Cherwell District Council Consultees**

**3.6 Head of Strategic Planning and the Economy (Planning Policy):** The response was 4 pages long so has been summarised for the purposes of this report;

Provision of 35% affordable housing complies with Proposed Submission Local Plan (August 2012)  
South East Plan – Urban focus, plan positively to meet defined rural needs and define approach to villages based on their function  
Adopted and Non-Statutory Local Plans – Site not allocated for development, lies within an area of countryside to which policies of restraint apply.

Bloxham is Category 1 village but as site lies outside the built up area categorisation policies do not apply

Proposed Submission Local Plan – Published for consultation 29 August 2012 and supersedes Housing Land Supply Position Statement approved in February 2012 and Draft Core Strategy 2012.

The Plan Carries limited weight.

Policy (Villages 2) allows for the distribution of 948 homes to 23 villages. Of the 948, a total of 500 homes is distributed to a group of 6 villages including Bloxham.

Precise number of homes to be allocated to an individual village, and the allocation of sites, will be set out in Local Neighbourhoods Development Plan Document which will take account of levels of house building that have already taken place in each village to avoid over development - will possibly include further measures to control the supply of housing

Plan anticipates that within each group of villages the total number of homes will be divided broadly equally (approximately 83 homes per village)

In advance of the Local Neighbourhood Document necessary to consider district's current housing supply situation, to be mindful of the amount of rural housing that has been allowed in particular locations and the likely impact of proposed developments on a case by case basis

Bloxham had 163 recorded housing completions from 2001 to 2011. 142 of these were built between 2006 and 2011. At 31 March 2011, another 73 had planning permission but had not been built (including 61 on land south of Milton Road). This is 10 dwellings less than the indicative pro rata total of 83 homes per village in Policy Villages 2. The only rural village with a higher number of completions between 2001 and 2011 is Yarnton with 191 homes. This includes 103 homes built during 10/11 on a large site allocated in the Non-Statutory Plan in 2011 and where development continues.

While housing requirements should not be considered a ceiling on development, Bloxham has experienced a relatively high level of development in recent years and the completion of the site to the south of Milton Road (61 homes) and the other 12 homes with permission at 31 March 2011 would reduce the village's indicative requirement to 10 homes (a separate allowance for windfall development (less than 10 dwellings) in urban and rural areas after 31 March 2011 is included in the housing trajectory)

85 homes as proposed in this application would exceed Bloxham's indicative figure by 75 dwellings. This becomes particularly significant in the context of the village's recent level of delivery.

#### *Housing Land Supply*

The district does not presently have a five year supply. The current supply to 3.2 years (2012-2017)

The NPPF states that local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply

Although an allowance has not yet been formally incorporated for small sites of less than 10 dwellings, the housing trajectory in the Proposed Submission Local Plan identifies a supply of some 70 homes per year from sites of less than 10. An estimate of some 129 homes per year was included in the (now superseded) Housing Land Supply Position Statement. In either case, this would not be sufficient to return the district to a 5 year supply (3.6 years in the case of the former and to 4.0 years in the case of the latter.

The proposed development, if shown to be deliverable, could therefore contribute in the district moving back to a 5 year supply. The Proposed Submission Local Plan identifies new housing sites in the interests of both increasing near term supply and maintaining supply over the long-term.

*National Planning Policy Framework (NPPF)*

The NPPF introduces a presumption in favour of sustainable development and states that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] Framework taken as a whole*” (para’ 14).

Paragraph 17 of the NPPF sets out twelve core planning principles

Paragraph 47 requires LPAs to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements, with an additional buffer of 5% to ensure choice and competition in the market for land (or 20% where there has been persistent under delivery).

Para’ 40 states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

The NPPF also states (para’ 150) that Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities, that they must be prepared with the objective of contributing to the achievement of sustainable development and should be consistent with the principles and policies set out in the NPPF.

At the current time the district has not yet returned to a five-year land supply position and a detailed assessment will need to be made as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, including the provision of new homes and affordable housing. The Proposed Submission Local Plan seeks to carefully manage housing distribution in rural areas in the interests of meeting the NPPF’s objectives.

*Conclusion*

From a Planning Policy perspective conscious of the need to increase housing supply, the merits of Bloxham as a location for limited new development relative to other villages and the rural housing distribution suggested in the Proposed Submission Local Plan

Note that Bloxham’s population is higher than other villages (other than the urban area of Kidlington).

Nevertheless, Bloxham remains a village with a rural character and setting and does not have the services and facilities of an urban area. It has experienced a comparatively high level of development in recent years, including the very recent release of a large site in 2010 to help address district wide under supply. Completion of that site contributes to meeting Bloxham’s indicative requirement and the development now proposed would result in that requirement being exceeded by some 65 homes. I am concerned that the development of a significant number of additional houses at this time would result in Bloxham disproportionately contributing to the proposed rural housing distribution without further detailed examination of village and site options through the Local Neighbourhoods DPD (formerly the Delivery DPD and the Banbury and North Cherwell Site Allocations DPD) or through a Neighbourhood Plan. I am

also concerned that this would be contrary to the sustainability objectives of the NPPF

Note that at the time of writing another application for some 85 homes on a site nearby is with the Council

Consequently, at this time there is a policy objection to this application.

### 3.7 **Design and Conservation Team Leader:**

#### Site Character and Context

- The Design and Access statement contains limited information on the site analysis. The site has a strong landscape character, with mature trees, hedgerows, ponds and an undulating topography; all of which are an important consideration to the development principles and layout approach.

- It is of great concern that a number of pages in this section are identical to a recently submitted planning application for an adjacent site.

#### Development Approach

- The Council expects there to be a consistent approach between site analysis, concept development and site layout. The scheme is not supported by clear analysis and development principles. This has led to a Layout Plan that does not maximise the opportunities of the site.

- Issues of particular importance are the density, building height and mix. It is expected that Design and Access Statements should demonstrate the development rational, including the distribution of units across the site. Setting out where apartments, terrace houses, detached and semi detached units are most appropriate.

- The layout should reflect the natural and man made conditions of the site. The site has a distinctive topography and aspects such as this and the existing vegetation structure should be reflected in the layout.

#### Concept Plan

- No concept plans have been produced. The Council would expect to see a series of plans that set out how the design principles are being applied to the site. This would include density, building heights, movement network and public realm / landscape.

#### Layout Plan

While the final configuration of streets and development is a matter for a Reserve Matter planning application, the Council does expect that a clear framework for development is set out alongside an explanation of the design principles. In the absence of this being clearly set out in the Design and Access statement, we have to base our critique on the illustrative masterplan submitted as part of the application.

- There is no explanation as to the structure of the plan. While the text makes reference to the character being derived from the morphology of the village, this does not correspond to the layout presented.

- There has been little thought to the layout of buildings and where different building types might be best located according to the site context and constraints. This reflects the limited consideration of the site and its layout principles early in the process.

- The density varies substantially across the site, which corresponds with a great variation in garden size. Gardens and private amenity space are important for the quality of life of inhabitants and a number of units to the west of the site are too tight to the site boundary with back gardens in some locations being around 5/6m deep.

- There is no explanation of the logic of the landscape framework and the layout does not seem to correspond with the site constraints. The ponds are

located at a high point of the site and the location of existing ponds is not acknowledged in the layout. It would be appropriate for a SUD strategy to be considered at this stage.

#### Movement network

- The structure of the movement network is based on a long cu-de-sac accessed from Milton Road. The layout has limited permeability limiting movement through the site.
- Opportunities to make connections with the adjacent development site have not been considered.
- Opportunities to increase permeability along the southern boundary should be considered. This would support connections between the open spaces.
- Has there been any coordination with OCC on whether one or two junctions are appropriate in this location?
- The junction geometry onto Milton Road does not correspond to the advice set out in the Manual for streets for a 30mph zone.
- Little information is shown on the proposals for the streets and the Council would expect to see cross sections and an indication of materials and edge details.
- Information on the parking strategy for the site should be set out.
- There is no indication of the relationship between the dwellings and the street and the boundary threshold / front garden. These elements are critical to establishing a high quality scheme and the Council would expect to see information relating to this.

#### Buildings and Mix

- There is little explanation as to the spatial arrangement of the plan. The majority of units are low density detached and semi detached, with some terraced / townhouse types grouped in small areas of the site.
- The illustrative layout shows more dwellings than are proposed in the application.
- It would be helpful to have some more information on the principles being applied to the appearance of the development. While the specification of materials is something that is best approached at a Reserved Matters stage, setting out the palette that is being considered and whether there will be variation through the scheme would be helpful at this stage.
- Site sections would be helpful to explain how units (especially the terraces) relate to the site topography.

#### Landscape and Public Realm

- Information setting out the existing landscape features and how these would be integrated within the scheme, alongside information on why some elements are being removed. This goes back to having a robust site analysis.
- There is no clear planting strategy and this will be important to support the landscape setting and articulate the public realm.
- If properties are to back onto hedgerows a clear scheme for their future management and retention will be required - especially where they have ecological and screening benefits.

#### General

- It has been noted that several sections within the Design and Access Statement are identical to those submitted for an adjacent site in Bloxham. The use of another DAS calls into question the level of analysis actually carried out specific to this site?

3.8 **Housing Officer:** There is a housing need in Bloxham. 25 households on the housing register currently live in Bloxham and there are 84 people registered

with a local connection to Bloxham. The people in these groups are likely to overlap. 56 of the applicants on the register with a local connection are currently in band 5 which is not generally a priority group for rented housing but would be considered for intermediate housing such as shared ownership. Our current allocation policy gives priority for 50% of units on rural section 106 sites to applicants with a proven local connection. There has been no specific housing needs survey carried out in Bloxham to date.

By far the majority of the need on the housing register is for one and two bedroom units. There is a reasonably high level of need from older people and I have therefore included some downsizing units in the mix. These will be units that will be designed to appeal to older people and be age restricted to 55 years and over.

The site would generate a requirement for 35% affordable units. On a development of 85 units this would generate 30 units of which 30% (9 units) would be shared ownership and 70% (21) would be rented.

Based on housing register information I would propose the following indicative mix

**Shared ownership**

4 X2 bed (3 person) flats for downsizing

3 X 2 bed (3 person) houses

2 x 3 bed (5 person) houses

**Rented**

6 x 1 bed (2 person) flats for downsizing

2 x 2 bed ( 3 person) flats for downsizing

4 x 1 bed (2 person) maisonettes for working people

6 X 2 bed houses (4 person)

3 x 3 bed house (6 person)

50% of the units (including all the downsizing flats) would be required to meet lifetime homes standards and all units will be required to meet HCA Design and Quality standards. The units should be well integrated and dispersed in small clusters with the private housing.

- 3.9 **Landscape Officer:** Prior to the submission of an adequate landscape and visual impact assessment the Landscape Officer made the following recommendations;

Landscape Visual Impact and Sensitivity

The LVIA will need to consider the wider impact of the development on the surroundings and appropriate mitigation measures. I am concerned about the nature of the visual impact of the development when experienced from the east, on and near to Milton Road. Mitigation will be achieved by the planting of a woodland belt on the eastern site boundary (Mark Harrison, Arboricultural officer agrees with this measure in principle). The woodland belt will have a number of environmental benefits: a shelterbelt to homes; a wildlife corridor link to woodland east of Bloxham Mill Business Centre; and an enhancement to GI/woodland.

The woodland belt should be planted the first stage of the development and maintained appropriately for it's establishment during the construction process. The woodland area will be protected as a construction exclusion zone.

The potential visual impact on receptors on Barford Road, namely the residents to the Gascoigne Way development is to be considered.

The existing hedgerow with associated trees on Milton Road will some provide visual impact mitigation of the development from this highway.

A planting strategy would be welcomed.

### Tree and Hedgerow Survey and Evaluation

A qualified arboriculturalist is to implement a full comprehensive tree and hedgerow survey in accordance with *BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations*. Tree and hedgerow protection measures are to be implemented on site prior to the commencement of works i.e. the erection of protective fencing and all existing ground levels and vegetation within the RPAs are to be protected in accordance with the aforementioned BS.

The proposed highway access will impact on established trees and hedgerow fronting Milton Road. A method statement indicating the construction process and mitigation measures to protect and conserve the retained trees and hedgerow.

Because the established hedgerow and trees on the boundary to Woodland Gardens are on the garden boundaries they are at risk of being severely cut back or being removed by owner/occupiers of the homes because of lack of light issues and leaf litter. It is essential to maintain this visual and wildlife buffer between the developments and in order to achieve these objectives the hedgerow should be kept as part of POS.

The are existing ash trees on the north-western corner near to the footpath entrance have some merit the that could retained and enhanced with additional tree planting long the boundary to Milton Road, reinforcing a habitat link/GI with the woodland belt on the eastern boundary.

A continuation of the POS on the eastern boundary along the east/west Bloxham Mill Business Centre boundary will ensure that management of this boundary vegetation will not rest with the homeowner/occupier. This will ensure that problems of shade on rear gardens and properties will not be an issue and maintenance of this area will rest with the local authority. With a planting scheme this area will provide a substantial landscaped buffer between the Business Park and the development.

### Access/Circulation

If the Barford Road development is approved then it would be feasible to provide a pedestrian link between the two developments. The obvious place for this link would be from the northeast corner of the Barford Road development to connect with the existing public footpath. I would expect this path to be upgraded to an appropriate standard, with a macadam surface and concrete kerb edging so that it is robust and requires less maintenance in the future.

### Topographical Survey

The development site is on low lying, wet pastureland.

I am not convinced that the flood risk report adequately addresses the potential impact of surface water flooding to plots in the lower northern area adjacent to the southern Barford Road site boundary. I have assumed that the most appropriate place for a SUDs filtration system may be in this area. I will be a focal point /anchor of the POS. Also the effect of runoff from a developed Barford Road Site on houses proposed on the western boundary must be considered. These houses may have to be relocated elsewhere. I assume that OCC will be commenting on this matter.

Cross-sections of the topography in this area, both existing and proposed, are necessary to determine if the SUDs/POS/access and circulation proposals are going to be appropriate.

A ditch runs along the eastern boundary hedgerow for the purposes of collecting water overflowing from the ponds along the natural channel for the ponds on and near the eastern boundary of the Barford Road site.

### Proposed POS

The proposed POS between Barford Road and Woodland Gardens must remain as informal POS, not formal as implied. It will not be appropriate to have any games or formal play functions because of antisocial behaviour issues close to housing. The area is low lying, wet pasture land and will require a drainage system.

I reiterate that a continuation of the POS on the eastern boundary along the east/west Bloxham Mill Business Centre boundary is appropriate.

Commuted Sums There are a number of site features that will require sums for a 15 year maintenance period.

Further to the receipt of and reading the Landscape and Visual Assessment the Council's Landscape Officer made the following additional comments.

There is no current LVIA methodology. Given the significance of a development to an expanding urban edge in an area designated as AHLV, a current LVIA methodology is essential. Consider the following approach:

1. Methodology and approach based on Guidelines for Landscape and Visual Impact Assessment (GLVIA) published by the Landscape Institute and the Institute of Environmental Management and Assessment 2002, (also the draft 3rd edition). The Landscape Character Assessment Guidance for England and Scotland (LCA) published by the Countryside Agency and Scottish National Heritage 2002 must be consulted

2. A visual impact schedule is required for the purposes of clarity; it should address:

Location / receptor,

Distance of viewpoint to built environment,

Is the view transient (yes or no),

Duration (temporary or permanent)

Proportion of the proposed development in view (Full, partial, minimal)

Description of view

Sensitivity of receptor (high, medium or low)

Magnitude of Change (high, medium, no change)

Adverse or beneficial impact

Significance at year zero (substantial, moderate, slight, negligible)

Significance at year 15 (substantial, moderate, slight)

3. The specified viewpoints are generally acceptable, however photograph 7 does not focus on the site the northeast of Barford Road; it concentrates on the Bloxham Mill Business Park and looking southeast along Barford Road.

4. Less emphasis on the 'positive' layout proposals of the current masterplan (5050/ASP2) given that there are urban design issues where the layout is subject to improvements and revisions, which will have to be tested against the methodology. The topography of the site must be explained more accurately, especially in regard to the slope analysis and associated drainage implications as this will have implications for a revised layout.

5. Setting the scene with reference to Bloxham's developmental history and Conservation Area status, and the implications of the proposed development on the setting/urban edge.

6. An explanation of the GVIA in the appendices.

3.10 **Tree Officer:** A rural hedge surrounds the site and provides screening from the road and Bloxham Business Park. Other small trees standing within the site provide limited amenity and considered landscaping would provide better long

term sustainable tree cover throughout the site. No recommendation in relation to immediate arboricultural matters.

- 3.11 **Biodiversity and Countryside Officer:** Bloxham Footpath No 4 (136/4/20) crosses the site from the north west corner of the Bloxham Mill Business Centre to the north west corner of the site where it emerges onto the Milton Road.

Policy R4 of the adopted Cherwell Local Plan states that “The Council will safeguard the existing public rights of way network. Development over public footpaths will not normally be permitted.” Policy R4 of the non-statutory Local Plan states “The Council will safeguard and, where possible, enhance the existing public rights of way network. Development over public rights of way will not be permitted unless a suitable diversion can be secured which will not prejudice public rights”.

The Design and Access Statement states that the scheme will maintain the existing footpath route, in accordance with drawing no 5050/ASP2 Rev B. However, this is an indicative site layout plan.

If this development is approved, the existing route of Bloxham Footpath No 4 should be maintained and taken into account within the estate layout either through open space or on dedicated paths which are suitably landscaped.

A further response received;

I have just been made aware at a recent meeting that the line of Bloxham Footpath 4 shown on the applicant's plans is not accurate and is not the definitive line. Bearing in mind my previous response it is important that the applicant is made aware as soon as possible so that plans are changed accordingly.

- 3.12 **Ecology Officer:** The ecological survey report found that no protected species were likely to be affected by the proposals. Great crested newts were not found in the ponds during a survey of an adjacent site earlier in the year. The grassland is not species-diverse but the trees and hedgerows around the site are certainly worth retaining for their biodiversity and landscape value. There is no need for any further surveys to be carried out. No information on how biodiversity on the site will be conserved and enhanced (in line with national and CDC policies) has been submitted. The indicative layout shows that the existing field pond will be lost. Although two new ponds are shown, the retention of existing ponds is always preferable, and the layout should be modified to allow for the retention of this pond within a public area. The future of the ponds within private gardens cannot be guaranteed so this should not be considered an option. Recommendations for enhancing the site for biodiversity have been made within the Ecolocation report, but these should be expanded on and detailed plans submitted showing enhancement features such as native species to be planted and the type and location of artificial nest/bat boxes. Details of how the hedgerows and open spaces will be managed in the long-term should also be submitted. Conditions are also suggested.

**Oxfordshire County Council Consultees**

**3.13 Highways Liaison Officer:** The response runs to four pages therefore it has been summarised for the purposes of this report;

Footway opposite site providing pedestrian link to the rest of Bloxham, however it terminates at Collins Drive.

Street lighting provided along Milton Road to just after Collins Drive.

Milton Road is single carriage way subject to 30mph speed limit, approximately 200m to the east of the site, the speed limit increases to 60mph.

#### Summary of Transport Assessment (TA)

The proposed 85 dwellings will be located off Milton Road (classified unnumbered road). Access to the site is to be taken via Milton Road.

Submitted TA stated that there is unlikely to be an impact on the local highway network from the proposed development due to capacity within the highway network.

Review of the accident data for area has been conducted - found a few of incidents had occurred.

A review of public transport, pedestrian and cycle accessibility has been undertaken. A Travel Plan for the site is proposed.

#### Comments

From reading (and checking) the information provided (and considering the recently approved developments in Bloxham) TA shows that the mini roundabout junction of the Barford Road and the A361 is over capacity (without the proposed development). With the proposed development, there will be an increase in traffic movements on this mini roundabout at peak times. Therefore, the developer/applicant is expected to provide mitigation improvements on the public highway within the vicinity of the mini roundabout.

As an alternative option, a financial contribution may be possible towards future improvements on this junction.

Looking through the accident information provided it appears the incidents were down to driver error not the characteristics of the local highway network. In light of this considered that the proposed development unlikely to increase the number of recorded accidents in this area. Having re-checked the accident data since the TA was written can confirm the submitted data remains satisfactory.

From observations on site, the proposed access arrangements (drawing ref 14043-06) of a standard priority T-junction with a right turn lane facility is deemed acceptable in principle i.e. appropriate vision splays can be achieved subject to vegetation being cut back, site access is within 30mph speed limit etc. It was noted on site that the current street lighting infrastructure ends just after Collins Close, any new junction works to serve the proposed site will have to include additional street lighting.

All existing vehicle (gated) access points to the proposed site are to be permanently closed with the reinstatement of the highway verge, full face kerbing etc.

There is a ditch that runs along the frontage of the site - any access works that need to take place may also need to include culvert works. Proposed site is above the public highway; therefore drainage is likely to be an issue. I recommend the applicant/developer approaches the County Council's Drainage Team for advice and guidance. The proposed development is to accord with SUDS.

A new 2m section of footway is proposed along the frontage of the proposed development to link the site to the existing pedestrian network. On drawing 14043-06, this new footway terminates opposite the entrance of Exchange Lane. To avoid this entrance the new footway should be extended further and

terminate (with appropriate tactile paving) opposite No 19 Milton Road. This additional section of footway will provide a safer crossing point for the development and users of the Definitive Footpath (Public Right of Way) which begins in this location. Amended plan required.

As the submitted application is for an outline planning permission, the internal layout of the development is to be determined with a future reserved application (if this application is approved).

Access being considered as part of this outline application - important to secure pedestrian and cycle access routes to/from this site. For example, a pedestrian and cycle link should be secured into the current residential development being developed adjacent the site (new site off Milton Road). In addition, this site should also have pedestrian and cycle links to the proposed residential development to the rear (planning application 12/00926/OUT).

Parking levels – due to the location of the proposed site (edge of Bloxham) expect to see the site's parking levels to be to the maximum levels, which is around 2 off-street parking spaces per unit (up to 3 beds); 4+ units on merits i.e. 2+ spaces - the level/detail of car parking to be agreed as part of future reserved matters application. The Local Highway Authority will only consider a garage/car port as an off-street parking space when the internal dimensions are 6m x 3m.

Future layout expected to be in line with the guidance in Manual for Streets and the County Council's Residential Design Guide. In addition tracking plan(s) will be required to demonstrate refuse vehicles and cars can turn within the site. If the proposed development is to be offered for adoption to the Local Highway Authority a S38 Agreement will be required, alternatively if the development is to remain private a Private Road Agreement will be required between the developer and Oxfordshire County Council.

A Construction Traffic Management Plan (CTMP) will be required for this development, and must be agreed formally by both the Local Planning Authority and the Local Highway Authority prior to commencement of this development. This CTMP requirement needs to be imposed as a prior to implementation/commencement of work on site planning condition.

#### Rights of Way Comments

In regards to the Definitive Footpath running through the site, colleagues in the County Council's Rights of Team have confirmed that the alignment of the path shown through the site is incorrect i.e. alignment needs amending to true right of way route. Once the alignment has been corrected, they have confirmed they are happy to see this route surfaced as part of the development. Such surface works are also expected to be carried out along the remainder of the path so that it becomes an all-weather route and is available to occupiers of the site (and existing Bloxham residents) providing a direct link between Barford Road and Milton Road.

It is anticipated that the development will also have an impact on the surrounding countryside and rights of way network. This is because the residents of the dwellings will need to access the wider countryside for recreation and for exercising dogs. In order to address this the developer should supply a contribution through s106 to enable the County Council's countryside access team to facilitate the installation of gates or kissing gates and sections of surface treatments on public rights of way in the locality outside of the development site.

#### Drainage Comments

It is acknowledged that the proposal is at outline stage only. The Flood Risk Assessment refers to a generic list of SUDS features which in principal may be

suitable. The land on which the site is situated has very poor infiltration rates and therefore infiltration is not a viable option on its own.

A full drainage design will be required in order to make a proper assessment of how the surface water will be dealt with.

#### Transport Financial Contribution & Legal Agreements

The proposed development is likely to add additional pressures to the existing public transport services (stated within submitted TA); therefore a contribution towards these services is required. There is one bus service which Oxfordshire County Council currently subsidises for Bloxham – 488/489 service. At this time the County Council is reviewing this service (and others) and it's funding.

To ensure this service continues to run (with an improved frequency); it is considered essential this development provides a Public Transport Subsidy contribution.

A general transport contribution (including Rights of Way) is also to be sought by the Local Planning Authority in line with Cherwell District Council's Planning Obligation Draft Supplementary Planning Document (Chapter 19, page 65)

A general transport contribution is required.

Summary – taking the above into account, there some design issues that require further information, amended plans and consideration before any support can be given to this application. Therefore as submitted, I recommend that a “holding objection” is imposed until the above issues are resolved to the Local Planning Authority and Local Highway Authority's satisfaction.

### 3.14 **Developer Funding Officer (In summary)**

Oxfordshire County Council wishes to secure a legal agreement for appropriate financial contributions to mitigate the impact this development will cause if implemented.

This will aim to overcome what would otherwise be a potential reason to refuse this application in line with policy H5 of your adopted local plan (1996), OA1 of your Non Statutory Local Plan (Dec 2004) and CC7, S3, S5 and S6 of the South East Plan.

I have regard to your Planning Obligations Draft Supplementary Planning Document (SPD) and have considered the services for Bloxham and for Banbury as the nearest town and then from the rest of Oxfordshire:-:

#### **Education:**

##### Primary School Infrastructure:

Children living here are most likely to attend Bloxham Primary School.

This is at capacity and contributions are sought to extend primary school infrastructure serving Bloxham based on DFE [Department for Education] advice for school extensions weighted for Oxfordshire-

##### Secondary School Infrastructure:

Pupils living in Bloxham attend The Warriner Secondary School.

This is similarly at capacity and contributions are sought to extend secondary school infrastructure serving Bloxham based on DFE [Department for Education] advice for school extensions weighted for Oxfordshire

##### VI form Infrastructure:

Students living in Bloxham may have the chance to attend a new VI form in an extended Warriner School. Contributions are so sought to extend senior school infrastructure serving Bloxham based on DFE [Department for Education] advice for school extensions weighted for Oxfordshire

##### Special Educational Needs Infrastructure:

There is also likely to be an increased demand upon [SEN] special educational needs schools. 1.02% of children across Oxfordshire are educated in such separate schools.

Frank Wise in Banbury and Bardwell in Bicester provide specialist accommodation.

These are full as are other Special Needs Schools in Oxfordshire

If special educational needs schools were not provided this need would have to be borne by mainstream schools.

### **Children's Centres**

This development will fall into the Britannia Rd Children's Centre catchment area; this is seeking to expand. Children's Centres are one stop shops for young children and their parents or guardians.

### **Library Infrastructure**

Oxfordshire County Council has an adopted standard for public library floor space of 23m<sup>2</sup> per 1,000 head of population. Backroom space [19.6% of public area] needs to support this public space.

Our aim is to provide quality core facilities in town centres augmented by satellites in villages. Banbury library is significantly under-size in relation to its catchment population and a new, larger library is planned as part of a new Cultural Quarter in the Town Centre.

The proposed development would generate the need to provide 6.71 square metres of infrastructure and to increase the core stock held by the library by 2 volumes per additional resident.

### **Day Resource Care Centre for the Elderly**

Social & Community Services are looking to extend Day Care provision in Banbury because of extra demand on its infrastructure, including that caused by new development.

### **Adult Learning Centre Infrastructure:**

Banbury adult learning centre needs to relocate and a brand new facility is sought.

### **County Museum Resource Centre Infrastructure**

The Museum Resource Centre [MRC] at Standlake provides essential support for the County's Museum Service, holding exhibits in safe and controlled conditions.

This enables varied exhibitions to be organised meeting the demands of the public.

The MRC also offers IT access to various educational establishments.

The MRC is at capacity and needs to be extended to meet the educational, research and leisure demands arising from increased development in Oxfordshire.

### **Strategic Household Waste Management Recycling Centre**

The Council has statutory recycling and composting targets to meet, as well as targets to reduce the amount of waste going to landfill. New development must help rather than hinder the achievement of these targets. All developers/landowners are therefore expected to provide infrastructure and funding towards the reduction, re-use and recycling of wastes. The Waste Management Recycling Centre at Alkerton effectively needs replacement at an estimated £3m cost and will then aim to serve 20,000 dwellings.

### **Fire & Rescue**

The provision of external fire hydrants can be dealt via a S106 agreement however Cherwell District Council have widely addressed this through a planning condition and Oxfordshire County Council ask that a condition is applied in this case.

### **General**

I have assessed the financial contributions which the County Council considers should be the subject of a legal agreement before any planning approval is granted.

The contributions identified are necessary to protect the existing levels of infrastructure for local residents.

They are relevant to planning the incorporation of this development within the local community, if it is implemented.

They are directly related to this proposed development and to the scale and kind of the proposal.

I consider that they are reasonable and that they should ensure that this proposal is not subsidised by the community, except where sufficient capacity in infrastructure already exists which can absorb the expected impact of this proposed development.

For these reasons, they satisfy the requirements as set out in R122(2) of the Community Infrastructure Regulations.

- 3.15 **Archaeologist:** The proposal does not appear directly to affect any presently known archaeological sites. However, our records do indicate the presence of known archaeological finds nearby, and this should be borne in mind by the applicant. If archaeological finds do occur during development the applicant is asked to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary.

This need only be an informal notification to the applicant and does not require the attachment of a planning condition.

- 3.16 **Rights of Way Field Officer:**

The detailed rights of way comments on this application will come via OCC's Development Control Team. However, I thought I should email you directly to make you aware that Bloxham Public Footpath 4 has not been shown correctly on the landscape plan 5050/ASP2. The route shown on the plan is the walked line rather than the definitive one. The plans will need to be amended to show the path correctly.

- 3.17 **Mineral Planning Authority:** No objections on the grounds of mineral sterilisation.

- 3.18 **Drainage Authority:** It is acknowledged that the proposal is at outline stage only. The Flood Risk Assessment refers to a generic list of Suds features which in principal some of which could be suitable. The land on which the site is situated has very poor infiltration rates and therefore infiltration is not a viable option on its own. A full drainage design will be required in order to make a proper assessment of how the surface water will be dealt with.

### **Other Consultees**

- 3.19 **Thames Water:** Identified and inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application Thames water would like a Grampion Style condition imposed requiring the submission of a drainage strategy prior to

work commencing. An informative is also suggested relating to water comments.

### 3.20 **Environment Agency:**

The Flood Risk Assessment ref: 131733-R1(1)-FRA undertaken by RSK, dated August 2012, outlines the proposed drainage strategy for the development. At this stage in the planning process the drainage design is indicative but it is considered that a sustainable drainage scheme could be implemented based on the proposed site layout. We have no objection to the application as submitted, subject to the inclusion of a condition, detailed under the heading below, to any subsequent planning permission granted.

Without the inclusion of the condition we consider the development to pose an unacceptable risk to the Environment

## **4. Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policy**

#### Adopted Cherwell Local Plan (Saved Policies)

- H5: Affordable housing
- H12: New housing in rural areas
- H13: Category 1 settlements
- H18: New dwellings in countryside
- TR1: Transportation funding
- R12: Provision of public open space
- C2: Protected species
- C7: Topography and character of the landscape
- C13: Area of High Landscape Value
- C27: Development in villages to respect historic settlement pattern
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development

#### South East Plan 2009

- SP3: Urban focus and urban renaissance
- CC1: Sustainable development
- CC4: Sustainable design and construction
- CC7: Infrastructure and implementation
- H1: Regional housing provision
- H2: Managing delivery of regional housing provision
- H3: Affordable housing
- H4: Type and size of new housing
- H5: Housing design and density
- T4: Parking
- T5: Travel plans and advice
- NRM4: Sustainable flood risk management
- NRM5: Conservation and improvement of biodiversity
- C4: Landscape and countryside management
- BE1: Management for an urban renaissance
- BE5: Village management

## 4.2 Other Material Policy and Guidance

National Planning Policy Framework

Cherwell Local Plan - Proposed Submission (August 2012)

The draft Local Plan is out for public consultation. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case:

BSC1: District wide housing distribution  
BSC2: The effective and efficient use of land  
BSC3: Affordable housing  
BSC4: Housing mix  
BSC7: Meeting education needs  
BSC10: Open space, outdoor sport and recreation provision  
BSC11: Local standards of provision – outdoor recreation  
BSC12: Indoor sport, recreation and community facilities  
ESD3: Sustainable construction  
ESD6: Sustainable flood risk management  
ESD7: Sustainable Drainage Systems  
ESD10: Protection and Enhancement of Biodiversity and the Natural Environment  
ESD13: Local Landscape Protection and Enhancement  
ESD16: The character of the built environment  
Policy Villages 1: Village categorisation  
Policy Villages 2: Distributing growth across the rural areas

Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it can be considered as a material planning consideration. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

TR5: Minimising conflict between road users

## 5. Appraisal

5.1 The key issues for consideration in this application are:

- Principle policy considerations
- NPPF and Sustainable Development
- Proposed Submission Cherwell Local Plan

- Landscape and visual impact
- Design and Layout
- Affordable Housing and General Housing Mix
- Highway Safety and sustainable travel patterns
- Flooding
- Ecology
- Neighbourhood Development Plan
- Planning Contribution
- Delivery of the site

### **Principle policy considerations**

- 5.2 The site is not allocated for development in any adopted or draft plan forming part of the development plan. Bloxham is designated as a category 1 settlement in the adopted Cherwell Local Plan. Policy H13 of the Plan states that development within the village will be restricted to infilling, minor development or conversions. The site is not considered to be within the built up limits of the village therefore is within the open countryside. Policy H18 of the adopted Plan restricts new dwellings in the countryside to those which are essential for agriculture or other existing undertakings. The proposed development does not comply with these policies in the adopted Local Plan.
- 5.3 The NPPF at paragraph 47 requires that the Council identify and update annually a supply of specific deliverable sites to provide five years worth of housing with an additional buffer of 5%. As reported in the response of the Planning Policy Officer the Council does not currently have a 5 year housing land supply with the figure being at 3.2 years. In this event the NPPF requires that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 5.4 The development plan (adopted Cherwell Local Plan and the South East Plan) contains no up-to-date policies addressing the supply of housing therefore it is necessary to assess the application in the context of the presumption in favour of sustainable development as required by the NPPF.
- 5.5 The guidance behind the presumption in favour of sustainable development is set out at paragraph 14 of the NPPF in which it is stated that where the development plan policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the framework taken as a whole or specific policies in the framework indicate development should be restricted.
- 5.6 The remainder of this report therefore goes on to consider if there are any material considerations that result in significant or demonstrably harm sufficient enough to justify the refusal of the application.

### **NPPF and Sustainable Development**

- 5.7 The NPPF places great emphasis on the presumption in favour of sustainable development. Whilst it is acknowledged that Bloxham is one of the District's most sustainable villages this factor does not necessarily mean that the

proposal itself constitutes sustainable development. The NPPF sets out three dimensions to sustainable development, those being economic, social and environmental.

- 5.8 In relation to the economic role the development is likely to provide jobs in the short term during the construction phases of the scheme but beyond that the economic benefit may be limited to increasing the demand and use of local shops and commercial facilities both within Bloxham, surrounding villages and Banbury as a result of the population growth. The economic role of planning is also defined by the provision of sufficient land of the right type in the right places. Whilst the scheme seeks to provide land to help meet the Council's housing land supply which weighs heavily in favour of the application there is an argument that this site may not be the right place to provide such land. The site is peripheral to the centre of the village (which raises other issues that will be discussed elsewhere in the report), and away from the District's urban centres which is contrary to the urban focussed approach to development set out in the South East Plan and the Proposed Submission Cherwell Local Plan (August 2012). As well as being in a peripheral location it is considered that now is not necessarily the right time to be permitting housing schemes in the rural villages ahead of the full assessment that comes as part of the production of a Development Plan Document. It is clear from the 2006 Issues and Options Paper that there are a number of other sites put forward for consideration for future development in Bloxham a factor also considered by the Inspector during the Inquiry for land south of Milton Road, Adderbury. The economic role also requires the provision of an appropriate level of infrastructure. This will be discussed elsewhere in the report but it is clear from the responses of the residents of Bloxham that the opinion is that there is not sufficient infrastructure within the village to accommodate the proposed development.
- 5.9 The social role to planning for sustainable development is to support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations. The Council is required to allocate land for such development and in the absence of sufficient supply this proposal will contribute to this objective. A high quality built environment and accessibility to local services required as part of this function and will be discussed in more detail elsewhere in the report. However it is worth pointing out that Bloxham has had 163 recorded housing completions from 2001 to 2011 giving rise to the concerns of many objectors that Bloxham may have had its share in new housing and that further increases will add to pressures on the local services. Objectors are concerned that a lack of capacity within the existing facilities will make it difficult for future residents to fully integrate into village life.
- 5.10 The environmental dimension to sustainable development is contributing to the protection and enhancement of the natural, built and historic environment, and as part of this, helping to improve biodiversity, amongst other things. Whilst the development of a green field site is unlikely to enhance the natural environment there are measures that can be put in place to ensure no demonstrable harm is caused to protected species and habitats. These elements of sustainable development will be considered elsewhere in the report.
- 5.11 If the proposal fails to meet the criteria set out in the NPPF (Para. 7) and summarised above, it should not be considered to constitute sustainable

development as defined in the NPPF therefore the presumption in favour of the development is less favourable. However the level of harm still needs to be assessed and weight attached to such harm compared to the need to improve the Council's housing land supply.

**Proposed Submission Cherwell Local Plan (August 2012)**

- 5.12 This document has been published for consultation. It is therefore not an adopted document and carries limited weight. However in the absence of any other more up to date policies for the supply of housing land it sets out the Council's proposed strategy and general direction of travel. The document sets out a strategic approach with much of the new housing development being allocated towards the urban areas of Banbury and Bicester. An approach supported by South East Plan Policy SP3. However the document recognises that some development will have to be permitted in the rural villages in order to meet the needs of the rural population.
- 5.13 Policy Villages 1 of the Proposed Submission CLP designates Bloxham as a Category A village, therefore one of the district's most sustainable villages based on criteria such as the population size, number and range of services and facilities within the villages and access to public transport. Policy Villages 2 goes on to allocate a distribution growth across the rural areas setting out that Bloxham is one of 6 villages that could be expected to take a share of 500 dwellings between them. The supporting text sets out that it is expected that the distribution would be broadly equal between the villages and that the precise allocations would be set out in the Local Neighbourhoods Development Plan Document. This document, yet to be produced, would take into account the levels of building that have already taken place in each village to avoid overdevelopment.
- 5.14 The consultation response from the Head of Strategic Planning and the Economy (Planning Policy) sets out that Bloxham has already experienced a relatively high level of development in recent years and that such completions would reduce the village's indicative requirement to 10 homes. As such the proposal of up to 85 houses exceeds this indicative figure by 75 dwellings. Whilst acknowledging that the proposal would contribute to the Council's housing land supply it is on the basis of Bloxham potentially disproportionately contributing to the proposed rural housing distribution that the Head of Strategic Planning and the Economy objects to the application. The policy response is further substantiated by setting out that a detailed examination of village and site options has not been carried out through the Local Neighbourhoods DPD or through a Neighbourhood Plan potentially contrary to the sustainability objectives of the NPPF. Furthermore the response sets out that a detailed assessment will need to be made as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
- 5.15 The agent for the application, Mr Frampton of Framptons, has in his letter of 19 October 2012 submitted that the response of the Head of Strategic Planning and the Economy is not sound as it does not identify any adverse impacts that would significantly and demonstrably outweigh the benefits. Furthermore in his letter of 30 October 2012 Mr Taylor also of Framptons touches on the point of prematurity, pointing out that in a recent appeal decision the matter of prematurity had not been afforded significant weight. It is true that this development is being considered prematurely, in advance of both the Proposed

Submission Local Plan being examined and adopted and in advance of the production of any Development Plan Documents. The publication The Planning System: General Principles deals with prematurity in the following way;

*“17. In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development which has an impact only on a small area would rarely come into this category. ...*

*18. Otherwise refusal of planning permission on grounds of prematurity will not usually be justified. Planning Applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached. For example:*

- Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because delay which this would impose in determining the future use of the land in question.”*

It would be difficult in this case to argue that a development of this scale would be premature in a strategic context taking into account the whole of the district but there is an argument to suggest that in the context of Bloxham as a separate entity a development of this scale does have a strategic impact. Whether or not the fact that there is another application being considered on land at Barford Road is taken into consideration the matter of prematurity is unlikely to hold much weight if no significant harm can be identified.

- 5.16 It is clear that the proposal is contrary to the Policies of the Proposed Submission Cherwell Local Plan however it is important to remember the document is not adopted and as such carries limited weight in the consideration of planning applications. As such a refusal based on these grounds alone is unlikely to be defensible and has to be weighed against the other material considerations. However in support of the objection raised by the Head of Strategic Planning and the Economy the NPPF does emphasise in its core planning principles at Paragraph 17 that planning should be genuinely plan led. It is clear from the foregoing paragraphs that this proposal is not plan led, a factor weighting against the proposal. However as with the previous point this is a factor that needs to be weighed against other material considerations, most significantly the pressure on the Council to demonstrate that it has a 5 year housing land supply which in several appeal cases nationally has carried the most weight in the determination of applications and appeals leading to the granting of permission.

#### **Landscape and visual impact**

- 5.17 The site is located on the edge of Bloxham, beyond the built up limits of the settlement and any development will clearly be an extension to the built up limits of the village. This by its very nature will result in the loss of open countryside and will extend the urban encroachment. A certain level of visual

change will result from this. However, based on the submitted Landscape and Visual Assessment it is not possible to gain a full understanding as to the extent of the impact both on long distance views and on more localised viewpoints (see above for the comments of the Council's Landscape Officer). It is understood that the agent intends to submit further information to address the concerns of the Landscape Officer but to date this has not been forthcoming. Despite this it is possible to make certain judgements on the proposal.

- 5.18 Given the topography of the surrounding landscape and the existence of trees and hedgerows it is unlikely that there will be any significant harm to the wider landscape setting and character. However localised impacts are likely to be much more significant. Whilst this application has to be considered on its own merits it is worth drawing a comparison with the site at Barford Road as it is likely that they will both be considered at the same meeting. This site is different to the site at Barford Road in terms of its potential localised impacts as it is not as enclosed by existing development. The site shown as accommodating built development shares the majority of its western boundary with the existing development along the frontage of Milton Road and Woodland Gardens, opposite the northern boundary is the development of Collins Drive and Bridges Close and to its southern boundary is Bloxham Mill Business Park. However its eastern boundary, whilst demarcated by an existing hedgerow clearly meets with open countryside, contributing to its feeling of encroachment and extension into the open countryside on the south eastern edge of Bloxham. It is worth acknowledging that a similar argument could have been put forward in relation to development on the north side of Milton Road, however that particular development was an allocation in the non-statutory Cherwell Local Plan so is likely to have been considered the most appropriate location for development at the time of allocation.
- 5.19 Policy C7 of the adopted Cherwell Local Plan seeks to resist development if it would result in demonstrable harm to the topography and the character of the landscape and the explanatory text explains that tight control should be exercised over all development proposals in the countryside if the character is to be retained and enhanced. The proposal runs contrary to the explanatory text and the character of the immediate landscape will change but it is thought that there are unlikely to be any long distance views resulting from the development.
- 5.20 The site is within an area of High Landscape Value and as such Policy C13 of the adopted Cherwell Local Plan is relevant. The policy seeks to conserve and enhance the environment in such areas. However this designation carries less significance than national designations and this is reflected in the NPPF at Paragraph 115 where it states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The Proposed Submission Local Plan (August 2012), although it carries limited weight is still a material consideration and, sets out that the Local Plan seeks to conserve and enhance the countryside and landscape character of the whole district, and so specific designations, such as Areas of High Landscape are not proposed.
- 5.21 Another factor increasing the degree of harm to the character of the area is the existence of the public footpath which runs through the site from Milton Road,

south to Barford Road. Whilst the indicative layout shows the retention of the footpath (albeit not the definitive line) the users of the footpath will experience a significant change. It is thought that the footpath is used on a fairly regular basis and those that use it are likely to experience the feelings of openness that come from being in the countryside. Therefore if residential development were to be constructed on one or both sides of the footpath this feeling of being in the open countryside would be lost, as such there would be a significant change in the character of the immediate area. A similar point contributed to the Inspectors refusal of the development proposal on the south side of Milton Road in Adderbury.

5.22 The submitted Landscape Assessment fails to apply any methodology to the process of assessing the visual impact of the proposal neither does it identify the sensitivity of receptors or set out how the magnitude of change is assessed. It also suggests that the development will present a minor beneficial effect, without explaining how this opinion is reached. In the absence of a sufficiently justified Landscape and Visual Impact Assessment and based on the observations above it is considered that in relation to this site, subject to the consideration of other matters and reaching a balanced view there may be sufficient harm to the character and appearance of the open countryside to justify a reason for refusal, making reference to Policy C7 of the adopted Cherwell Local Plan, supported by the NPPF which seeks to recognise the intrinsic character and beauty of the countryside.

5.23 However it is worth bearing in mind that the Council has refused other housing applications on the grounds of localised visual impacts (amongst other reasons) and to date there have been varying degrees of success when seeking to defend such a reason at appeal. It is acknowledged that each case must be considered on its merits and this scheme and the site characteristics differ to other schemes that the Council has determined. However in relation to an appeal decision for a site for up to 150 dwellings within Salford City Council where the following conclusion is reached;

*“The secretary of State acknowledges that development of this site would result in the permanent loss of an area of open countryside enjoyed by local people; encroachment into the wildlife corridor; a significant intrusion into the setting of Walkden; and that it would seriously degrade the character and appearance of the area and amenities of neighbouring residents. The Secretary of State accepts that there is a clear conflict with UDP policies for the site, which support its retention as undeveloped land. He recognizes that one of the core planning principles in the Framework is to contribute to the conservation and enhancement of the natural environment. However he considers that the loss of this land needs to be weighed against the substantial shortfall in housing land and the contribution that the proposed development could make to reducing that shortfall in a sustainable location.”*

5.24 In relation to the above case it is clear that the permanent loss of open countryside and a serious degradation of the character and appearance of the area were not sufficient to outweigh the need for improving the housing land supply position. Therefore other considerations need to be taken account in order to reach a balanced view.

## **Design and Layout**

- 5.25 The scheme is in outline form only and as such the layout of the development and the design of the individual buildings are not being assessed at this stage. However an outline application should demonstrate that a development of the size proposed can be successfully accommodated on the site, providing an adequate living environment with sufficient private and public amenity space and sufficient parking. The NPPF, at paragraph 17 sets out that planning should always seek to secure high quality design and at Chapter 7, also sets out that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It goes on to state that;  
*“It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.”*
- 5.26 The key concerns relating to the design and layout of the proposal are set out in the comments of the Design and Conservation Team Leader. However other consultees such as the landscape officer and ecologist also make passing reference to the layout of the proposal. However, taking a simplistic approach the current layout, although indicative does not provide officers with enough assurances that (despite the potential visual and character impacts) that a development can be suitably accommodated on the site. It seems that the constraints of the site and the surrounding built form have not been taken into consideration in informing the proposed layout. For example the layout does not reflect any of the characteristics of the neighbouring development, with properties turning their back on Woodland Gardens, terraces with virtually no garden, terraces along the frontage of Milton Road where the majority of the existing properties are large detached dwellings, existing ponds not being shown and if being retained they would be in private gardens, the footpath being shown incorrectly. It is surprising that a more acceptable layout has not been shown given the density of the proposal. The agent has advised that taking into account the area of built development the density of the scheme is 23 dwellings per hectare. Such a density should provide sufficient space to provide an appropriate layout but the current layout fails to do this. The density indicated also calls into question whether or not the scheme is making the most efficient and effective use of the land, although given the debate over the need or appropriateness of additional housing in Bloxham officers would not want to encourage an increase in the density. The NPPF requires that local planning authorities set their own housing densities to reflect local circumstances. The Council currently has no adopted policy relating to housing density but the proposed submission Local Plan sets out that new housing should be at a density of no less than 30 dwellings per hectare to ensure the effective and efficient use of land. The proposal does not achieve this draft policy requirement which reflects what was encouraged by PPS3 prior to its amendment then later deletion.
- 5.27 The red line area includes a section of land to the south of the development area, between Bloxham Mill Business Park and the site on which a further residential development is proposed on Barford Road. Whilst it is shown as being left undeveloped and providing opportunities for informal and formal recreation it is not demonstrated how it will be utilised in practice. Furthermore, it is not an ideal location for recreational uses as, with the exception of the public footpath running through it, it does not benefit from any natural

surveillance. The odd relationship this parcel of land has with the remainder of the site and the surrounding sites raises questions about the long term use of this part of the site and its potential for future development. There are once again some similarities with the case at Adderbury where the Inspector concluded that such issues which raise uncertainty about the final form of development, even in the case of an outline application, is not satisfactory and runs contrary to paragraphs 7 and 56 of the NPPF and as such for the reasons set out above the development is not considered sustainable.

- 5.28 Whilst this is considered to be a matter that weighs against the application it is a matter that could potentially be resolved through further discussions with the agent. Therefore if this application were to be refused and appealed the agent may seek to address it, potentially removing this element of a refusal that the Council may have. Therefore it should be appropriately considered in the balance of considerations.

#### **Affordable Housing and General Housing mix**

- 5.29 Despite the number of houses that have been built in Bloxham and across the district in the last few years and the fact that the Council has been meeting its targets for the provision of affordable housing there is still a housing need in Bloxham and the wider area. The response of the Council's Housing Officer is set out above at paragraph 3.8. The agent has provided assurances that they will work with the Council to secure an appropriate mix based on evidence of affordable housing needs. Although the Council has been meeting its targets for the provision of affordable housing it is understood that demand will always outweigh the provision and as such the provision of affordable housing on new development sites remains a priority set out in adopted and draft local policy and adopted national policy. The Council's draft policy requires the provision of 35% affordable housing and this scheme proposes to provide this percentage equating to 26 dwellings. As such this is a factor that weighs heavily in favour of the proposal as it contributes to the social dimension of sustainability set out in the NPPF and complies with the Council's policies.
- 5.30 Many of the letters of objection refer to the fact that some of the affordable units provided on other new housing sites in Bloxham have been occupied by families without a direct connection to Bloxham and may not even come from the district or county. However in a response to a Freedom of Information request made by a member of the public the Housing Needs Manager has set out the allocation scheme. In short whilst a proportion of the affordable units are advertised to those with a local connection they are not necessarily all taken up by such residents where the number of applications fall short of the number of houses available. A combination of factors including lack of applications, including nomination agreements in the S106, the Council operating an open housing register and a lack of a local Housing Needs Survey means that those without local connections can be considered for an affordable home in Bloxham (or any other part of the district).
- 5.31 In relation to the mix of the market housing, a clear indication of the proposed mix does not appear to have been provided with the submission. However as with the affordable housing mix the agent has advised that the precise mix can be secured by condition (although this is more likely to be through a S106 agreement) and can be provided at or close to the Council's preferred mix.

### **Highway Safety and sustainable travel patterns**

- 5.32 A summary of the Local Highway Authority (LHA) comments are set out at paragraph 3.13 above. There are issues that the LHA consider need further consideration by the applicant and until these were addressed the LHA would maintain a holding objection. The principle issues that required further input from the applicant included an agreement to provide additional street lighting at the junction, acknowledgement that the access works may require a culvert to cross the ditch, agreement to provide additional sections of footway, the provision of pedestrian and cycle links between existing developments, revised plan showing the correct alignment of the public footpath, assurances that the requested financial contributions will be paid to help secure improvements to the highway network and the public transport provision.
- 5.33 The agent has only recently responded to these points and the Local Highway Authority has been asked to consider if sufficient has been done to overcome the holding objection. Notwithstanding the comments awaited from the LHA it would appear that the agent has addressed the points of main concern. It is likely therefore that a reason for refusal based on highway grounds would not be defensible at appeal. However, until confirmation has been received that these issues are appropriately dealt with it is considered that the development does not comply with the core principles of planning and casts doubts on the sustainability of the development as defined by the NPPF. It is hoped that an update on this matter can be provided prior to Members consideration of the application.
- 5.34 A significant amount of the public objection is based on highway safety, the safety of pedestrians and the increase in risks that may arise from the development. It would seem however that the LHA does not share these same concerns and as a result using a highway safety argument in a reason for refusal may not carry significant weight without the support of the LHA. For example public objections set out that there have been a number of accidents on the highway network. However the LHA records show that these accidents have been a result of driver error rather than inadequacies with the highway network. Similarly residents express concern about the speed at which traffic enters the village and its use by heavy goods vehicles. However this section of the road, including adjacent to the point of access, is already within a 30mph area, as such traffic should respect such limits. Furthermore this stretch of road is straight so visibility along the road is good. A 30pmh limit is considered appropriate for a residential area and the access provides the appropriate vision for these speeds. A third concern is the connectivity with the village by footpaths and pavements. In some places these are quite narrow and difficult for people to pass or too narrow for more than one person. However this is an existing circumstance and often a product of a historic development pattern and the actual impact of a new development on such a situation is limited. The links to the village do exist and are available for use should new residents choose to or need to utilise them. The agent has stated that the applicant would be willing to provide a longer stretch of footway along the Milton Road, providing links to existing footways which lead into the village. The planning system seeks to ensure that a new development mitigates its own impacts rather than used to solve existing concerns or problems.
- 5.35 As with the scheme at Barford Road the submitted Transport Assessment and the LHA acknowledge that at peak times the mini round about on the A361 and

Barford Road is at capacity. This is one example of where this development will be required to mitigate against its impact if approved. During peak hours the development will have a minimal increase in the length of the queues. The LHA recognise this impact and although it would be more significant if this development is considered cumulatively with the proposed development on Barford Road the LHA are satisfied that a financial contribution could be put towards improvements in the highway network to mitigate the impact. The impact of other schemes will need to be considered on their merits.

- 5.36 In terms of the appropriateness of the development in relation to sustainable travel patterns it is considered that Bloxham in general is one of the district's most sustainable villages, a conclusion reached partially as a result of the accessibility to facilities and modes of transport other than the car. The most frequent bus service operates from Kings Road on Monday to Saturdays and runs between Chipping Norton and Banbury and appears to be relatively frequent, although many objection letters state that it does not provide enough flexibility for those who may not work standard hours or who need to commute further afield. There are other bus services but these tend to only run once a week.
- 5.37 Whilst Bloxham itself is one of the District's most sustainable villages the site is on the periphery of the village. The walking distance from the site to the Post Office is approximately 1.18 km and the distance to the primary school is approximately 1.4km. It is likely that there are other potential development sites in Bloxham that are closer to these facilities than the application site and whilst some people may not choose to walk these distances they are comparative to other previously proposed schemes in villages such as Adderbury and Bodicote where inspectors have not considered such distances to be prohibitive to walking and as such not contrary to the sustainability objectives of the NPPF.

### **Flooding**

- 5.38 The site is not within a flood zone identified by the Environment Agency therefore the site is not at risk of flooding from rivers. However there is significant local concern about existing localised flooding and the potential for the development of the site to increase run off thus worsening localised flooding.
- 5.39 The fields surrounding Bloxham including this site have a Marlstone Rock formation and at times appear waterlogged. The Cherwell and West Oxfordshire Level 1 Strategic Flood Risk Assessment identifies areas of low lying impervious ground where there may be limited surface water drainage and therefore may be at increased risk of flooding from overland flow. However Bloxham is not identified in this document under this category. There is significant local concern that the proposed development will result in additional flooding within the locality. The submitted Flood Risk Assessment (FRA) acknowledges that the development is likely to generate on-site surface water run-off which needs to be controlled to prevent surface water flooding elsewhere. It is also acknowledged that any surface water is likely to flow towards the ditch at the eastern edge of the site which would ultimately flow towards Bloxham Brook. However the submission proposes the use of surface water runoff control measures, potentially including permeable paving, modular storage, swales, infiltration and detention basins and ponds, to control the flow

of water into the surrounding ditches. Therefore in severe storm events the development should not worsen the current situation. A detailed scheme for the control of surface water disposal has not been drawn up given that a detailed layout is not yet being considered. However the Environment Agency have responded in relation to the application and are satisfied that a suitable sustainable drainage system can be designed for the site and as such raise no objections to the proposal subject to the imposition of a planning condition requiring the submission and approval of a detailed drainage strategy.

- 5.40 Officers are aware that Bloxham has experienced some severe flooding within the last week during prolonged periods of heavy rain. However this was not an incident isolated to Bloxham with many villages in the district and across the country also suffering. It seems that the worst affected areas within Bloxham are those close to the Bloxham Brook. Whilst the surface water runoff will ultimately flow in the direction of the Brook the surface water control measures will be required to restrict the flow of water from the site to limit the influx of water during periods of rainfall.
- 5.41 Given the above assessment it is considered that this element of the proposal complies with local and national policies which seek to ensure that developments do not have an adverse impact on flooding.

### **Ecology**

- 5.42 The application has been submitted with an ecological report. The site is not within any area designated for its special ecological value for example a SSSI. The Phase 1 habitat survey of the site concluded that there were no notably significant habitats present within the site in terms of botanical species-richness or confirmed use by protected species, however, it is noted that both hedgerows and ponds are UK Biodiversity Action Plan (BAP) habitats. The survey identified the potential for breeding birds within the hedgerows, scrub, scattered trees and grassland; no likely opportunities for roosting bats and an average potential for the ponds to support great crested newts. However a survey carried out in association with the proposed development on Barford Road found no great crested newts within the ponds. Although the ecological survey makes recommendations to maintain and/or enhance the opportunities for protected species and other forms of biodiversity, the submission does not provide any specific detail as to the measures to be incorporated into the scheme. The indicative layout shows lengths of hedgerow, presumably the existing being retained, but shows no regard to the treatment of the existing ponds. There also appears to be no commentary on the conservation and enhancement of biodiversity on the site. Therefore the proposal as submitted fails to meet with national and local policies, including paragraph 118 of the NPPF which requires that in order to approve an application significant harm resulting from a development should be avoided, adequately mitigated or as a last resort compensated for and opportunities to incorporate biodiversity in and around developments should be encouraged; and Policy NRM5 which seeks to avoid net losses of biodiversity and actively pursue opportunities to achieve net gain. It is considered that the current submission fails to do this, but it should be noted that this is an issue that could be addressed by the applicants as such it is recommended that it not be used in isolation as a reason for refusal.

### **Neighbourhood Development Plan**

- 5.43 Since this application (and another along Barford Road in Bloxham) has been with the Council for consideration it has been brought to the Council's attention that Bloxham Parish Council intends to produce a Neighbourhood Development Plan. The Parish Council consider that this is an opportunity for the residents of Bloxham to have direct involvement in the design and location of all future development. The Parish Council intended to submit an application to the Council after its Parish meeting on 12<sup>th</sup> November 2012 in order to commence work on the Plan.
- 5.44 The appeal decision for a development site in Adderbury made reference to the fact that Adderbury Parish Council was in the early stages of preparing a Neighbourhood Plan. This intention, along with the core land use planning principle of decisions being genuinely plan-led, empowering local people to shape their surroundings (Para 17 of the NPPF), and other factors such as visual harm and poor design led the inspector to dismiss the appeal.
- 5.45 Whilst officers would like to place significant weight on Bloxham Parish Council's intention and the decision made at Adderbury a cautious approach is recommended given the direction of many more recent appeal decisions across the country. Even in the event of neighbourhood plans and development plan documents being part way through preparation and significant harm being identified inspectors have allowed appeals based on the fact that a Council does not have a 5 year housing land supply.
- 5.46 As part of the consideration of the application the number of letters of objection received by the Council should be taken into consideration. It is clear that a large number of residents are opposed to the proposed development. There were in the region of 130 objections to this application. This should be given weight in the consideration of the proposal but also compared with the overall population of Bloxham being over 3000 in number. Regard also has to be had for the nature of the objections being raised, most of which have been assessed throughout the consideration of the proposal and are covered in this report. The main reasons for objecting include highway safety, capacity of schools and other infrastructure and the potential for flooding. Each of these issues has been assessed by the relevant statutory consultee. At the time of writing the report there are a number of issues raised by residents that are not considered to justify a reason refusal however there are still a number of issues that are not satisfactorily addressed within the submission and whilst these may not directly relate to the key objections of residents they may be sufficient to justify the refusal of the application.

#### **Planning Contribution**

- 5.47 It is acknowledged that developments of this scale will increase demand for various elements of infrastructure and that new developments should mitigate their impact. As such the developer has been asked to provide the following either on-site or by way of contribution towards the following; affordable housing, outdoor sports, community association, local area of play including an equipped area and its future maintenance, public open space and its future maintenance, hedgerow maintenance, pond maintenance, refuse bins, public art, footpath links, highway improvements, public transport, primary, secondary and sixth form education, special needs, children's centres, adult learning, library and stock, day care for the elderly and museum resources.

- 5.48 Following the concerns of local residents that there was insufficient capacity at the doctors surgery a consultation has been sent out to the North Oxfordshire Primary Care Trust. It is considered that they are best placed to advise about capacity issues. If it is found that there are capacity issues and that the development will have an additional impact it would be justifiable to require that the developer makes financial contributions to the improvement of such services.
- 5.49 The above list would form the likely heads of terms although the precise figures will largely be determined by the housing mix which would be finalised at a reserved matters stage. The agent for the application has set out that in relation to affordable housing; refuse bins; highways; primary, secondary and 6<sup>th</sup> form education the applicant is willing to pay the requested contributions. In relation to outdoor sport there is potential for the provision of a junior sports pitch on site (although this has not yet been shown on any submitted plan) but if this is not acceptable the applicant is happy to pay a financial contribution. In relation to all other contributions the applicant is happy to make contributions subject to them being deemed lawful in accordance with section 122 if the Community Infrastructure Levy (CIL) regulations.
- 5.50 In relation to the primary and secondary schools some dispute about the precise level of capacity has arisen as a result of queries raised by the applicant for the scheme on Barford Road who sought to demonstrate through the submission of a specialist report that there is more capacity within the education system than the County Council have stated. However this differs from what the majority of the objectors state in their letters and emails. In relation to this scheme it is important to note that the applicant has not disputed the figures and is willing to pay the requested education contributions and as such it is expected that the additional pressures on the education system could be mitigated. It is hoped that by the time the application is considered there will be more clarity as to what measures the County Council would put in place. In the event of one or both applications being approved further clarification would be sought from the County Council and officers would ensure that a consistent and justifiable approach is taken.
- 5.51 Whilst the applicant has shown willingness to enter into an agreement the current lack of a signed agreement should form a reason for refusal. However in the event of the application being refused and going to appeal it is likely that this reason for refusal could be overcome.

#### **Delivery of the site**

- 5.52 This application has been submitted to the Council for consideration on the grounds that the Council cannot demonstrate that it has a five year housing land supply. On that basis it is important to consider whether or not, in the event of an approval, there is a realistic chance of the site being delivered within the next five years. The agent has provided a letter stating the following;
- With the benefit of planning permission the land would be sold in the open market within 6 months from the date of the planning permission
  - The permission could impose a condition that requires the submission of all reserved matters within 12 months of the date of outline permission

- The permission could impose a condition that requires the commencement of house construction on site within 24 months of the grant of planning permission.

The letter goes on to state the anticipated completion could be within 2 years from commencement and that discussions have already taken place with perspective house builders.

- 5.53 Based on this information it would appear that there are no legally binding options on the land with which a house builder is bound. This therefore has the potential to prolong the acquisition process and stall the commencement of development. However a factor in favour of the ability to deliver the site quickly is the scale of the development. It is comparable in scale to the other scheme recently built on the south side of Milton Road which was granted planning permission in July 2010 and is now almost entirely complete. The size and location of the proposal means that there are no significant ground works required and no known major infrastructure requirements that can often delay implementation on much larger development sites. However if this application were to be approved on the basis that it will contribute to the housing land supply shortage it would be reasonable to shorten the time limits for the submission of the reserved matters and implementation following approval of the reserved matters to help ensure that the scheme is delivered as required. Failure to meet such time scales would result in a resubmission and a potential review of the Council's decision based on the circumstances at the time.

### **Conclusion**

- 5.54 The proposal does not comply with adopted local planning policies but it is recognised that the Council is required to demonstrate that it has a five year supply of housing land. The Council does not have this supply and as such is required to consider housing applications in the context of the presumption in favour of sustainable development and unless significant and demonstrable harm can be identified applications should be approved. Taking the NPPF as a whole a balance needs to be reached between the need to improve the Council housing land supply and the potential harm caused. Given the inadequacies with the application as discussed throughout the report and the fact that the proposal is considered to result in harm to the character and appearance of the countryside on this edge of Bloxham it is considered that this proposal does not represent sustainable development and as the application stands there are considered to be sufficient justifications to recommend the application for refusal.

## **6. Recommendation**

### **Refusal for the following reasons:**

- 1) The proposal represents development beyond the built up limits of Bloxham contrary to Policies H12, H13 and H18 of the adopted Cherwell Local plan and Policy SP3 of the South East Plan. The submission fails to properly assess the extent of the visual impact. Notwithstanding this factor it is considered that the proposal causes significant harm to the character and appearance of the countryside on the south eastern edge of Bloxham contrary to Policy C7 of the adopted Cherwell Local Plan and the core

principles of the NPPF. It is also considered that the submitted indicative layout fails to demonstrate that the development of the site will result in a high quality and inclusive design contrary to Policy C28 of the adopted Cherwell Local Plan and the NPPF. Notwithstanding the Council's short term inability to demonstrate that it has a five year supply of housing land required by paragraph 47 of the NPPF the development of this site cannot be justified on the basis of the temporary land supply deficiency alone.

- 2) 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 will be provided, thus adding to the pressures on local infrastructure and services, 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.

#### **Planning Note**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the agent in a positive and proactive way demonstrated by the fact that officers have, during the course of the consideration of the proposal, highlighted by way of written communication the areas of concern and provided adequate opportunity for the applicant/agent to overcome the issues raised.