

**Site Address: Land to the rear and North
of 29 to 33 Quarry Close, Bloxham**

13/00496/OUT

Ward: Bloxham and Bodicote

District Councillor: Cllr C Heath, Cllr L Thirzie Smart

Case Officer: Caroline Roche

Recommendation: Refusal

Applicant: Miller Strategic Land

Application Description: Outline: Erection of up to 60 dwellings with access from Tadmarton Road, associated amenity space, community parkland and additional parking for Bloxham Primary School

Committee Referral: Major – departure from development plan

1. Site Description and Proposed Development

- 1.1 The application site is a 6.45 hectare site on the western edge of the village of Bloxham, to the west of the Tadmarton Road and the properties on Quarry Close and Cumberland Close. The area identified for housing is to the west of Tadmarton Road and north of Quarry Close and the remainder of the site is shown as a community parkland which stretches south until it reaches the northern edge of Brookside Way. There is a car park shown within the area identified for housing and this is proposed to be used for school traffic. The site shown for housing sits at a slightly lower land level than the surrounding land and Tadmarton Road. The site is bounded with varying degrees of hedgerow planting and trees and to the rear of existing properties, along the eastern edge of the site is a bund which reaches at least 4 metres in height. The northern boundary of the site extends to the existing vehicular access to Park Farm. The site is within an area of High Landscape Value and is adjacent to a classified but unnumbered road. There are notable species in the area as well as BAP Priority Habitats. The site has been identified as being of high archaeological interest, there is potential for some of the land to be contaminated and a small part of the southern section of the site is within Flood Zone 2 and 3.
- 1.2 The application seeks outline planning permission for up to 60 dwellings, 35% of which are proposed to be affordable units. With the exception of the access arrangements all other matters are reserved for future consideration. The application has been submitted with the required suite of documentation along with an indicative layout.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letters, site notices and a press notice. The formal consultation period ended on 9 May 2013. Correspondence received after this date has been taken into consideration.

In the region of 187 letters/emails have been received. Within this number there may have been multiple letters from a single household and some correspondence may have been submitted by letter and email. Many of the representations have been submitted in the form of a template letter. The following key issues were raised:

- Bloxham becoming sprawling dormer village
- Bloxham can't sustain more dwellings
- Bloxham should only be accommodating its share of 96 dwellings between 16 villages
- Schools full – pupils will have to go elsewhere
- Poor infrastructure including electricity, water supply, water pressure and sewage, doctors, dentists

- Insufficient employment in the vicinity
- Increase risk of flooding (photos provided of past flood events)
- Loss of agricultural land
- Loss of community spirit
- Impact on congestion especially at mini-roundabout, lack of parking and road safety
- Danger to other road users eg, equestrian, cyclists etc
- Bloxham already accommodated enough new build
- Proposed school car park will not resolve the problems
- Impact on Archaeology – evidence provided as to the Romano British settlement site in the area – further remains may be found
- Awaiting the outcome from two other appeals for sites in Bloxham which could provide 160 dwellings
- Poor bus service and other public transport
- Conservation Area will be lost amongst all the new houses
- Bloxham progressing towards a Neighbourhood Plan
- Happy to accept some new development but not of this scale
- Development of this scale will never blend in with the village - visual intrusion
- Houses not needed – properties still for sale in Milton Road development
- Impact on the Nature Reserve from uncontrolled access
- SHLAA identifies site for just 2 dwellings subject to other matters being addressed
- Who will maintain community park – costs, responsibility
- Additional sports field close to village should be priority – not a community park
- Loss of privacy and overshadowing for residents at 29-33 Quarry Close
- Loss of views from existing properties
- Not safe to have balancing pond next to children's play area
- Loss of property values
- Visitors to country park will utilise the car park limiting its availability for school parking
- Errors and inconsistencies with the submission
- Significant weight put on the evidence contained within CRAITLUS Study
- Park may attract anti-social behaviour
- Brown field sites within Banbury should be used

One of the submissions was a representation from the Bloxham Village Flood Watch. It highlighted the key issues of flooding predominantly from surface water and drainage. Ongoing communication with Thames Water has failed to get results in improvements in the system. A full assessment of the infrastructure needs to be carried out before approving a scheme

3. Consultations

3.1 Bloxham Parish Council: (Refer to Public Access for full response). Strongly object. Key areas of objection:

- Outside built up limits of Bloxham contrary to saved policies in Local Plan
- Harm to the character of the immediate landscape contrary to Policy C7
- Draft Local Plan allocates Bloxham as one of 16 villages to accommodate 96 dwellings – Bletchington already taken 58 of these
- SHLAA identifies site but should only accommodate 20 dwellings and access concerns identified due to proximity to school
- Bloxham already taken 210 dwellings since 2006 and awaiting outcome of 2 appeals for 160 dwellings
- Bloxham embarked on Neighbourhood Development Plan and aims to get ratification at May District Council meeting

- Insufficient capacity at Bloxham Schools therefore not sustainable if children have to travel elsewhere for education
- Highway safety, congestion, network at capacity. No solution has yet been identified to increase capacity at mini-roundabout therefore it should be possible to refuse all additional developments
- Bus service isn't as frequent or as convenient as set out in submission – only 1% of working population of Bloxham bus to work and only 1% cycle to work
- Not clear what measures are in place for the maintenance of the ditches if new footpaths are created
- Increase in cars will increase pollution close to school
- Risks of car accidents will increase
- Proposed school car park may not solve problem due to problems exiting it
- High levels of concern regarding flooding especially along Tadmarton Road which is known to flood. Concern about potential contamination from flood water if it's allowed to reach the nature reserve and water course.
- Thames Water has identified inability of water infrastructure
- Loss of agricultural land and result it will have on food chain
- Potential to affect great crested newts
- Disused quarry area is filled with water and should be retained – is shown next to play area
- Attenuation ponds may result in flood water actually reaching more central parts of the village
- Further flooding in Slade Nature Reserve which is already marshland will damage wildlife
- Concern about loss of hedgerows and applicants assessment that they are not of great importance
- CDC already granted consent for enough houses – speculative developments should not be permitted
- Development too dense and is demonstrated in Woodland Gardens
- Safety – traffic speeds and pedestrian crossing
- Future maintenance of country park and residents feeling vulnerable due to increased access to their rear gardens
- Radon and other contamination from quarrying.

3.2 South Newington Parish Council: (In summary) Objects for the following reasons;

1. Extension of Bloxham into open countryside causing visual intrusion contrary to local policy
2. Housing development in excess of Draft Local Plan Policy Villages 2
3. South Newington clustered with Bloxham for purposes of Local Plan – further development will threaten viability of facilities resulting in South Newington residents not being able to access them
4. Insufficient school places if new Bloxham residents take priority over South Newington residents. South Newington children will have to go elsewhere
5. Increased delays on A361 through Bloxham at peak times. Roundabout already at capacity
6. Increased traffic hazards around primary school, other roads will get increasingly congested
7. Risk of additional traffic through the High Street of South Newington
8. Reduced access to village shops by South Newington residents – not safe to walk or cycle, increased traffic, inability to park etc may lead residents to shop further afield.

3.3 Milcombe Parish Council:

Bloxham Parish Council has responded in depth to the application and Milcombe Parish Council fully agrees with their comments. It is not intended to go through all of the items again, but the fact is that any building in Bloxham has an impact on the

surrounding villages who have shared facilities with Bloxham as far as schools, Doctors, Dentist, Post Office, etc. are concerned.

Milcombe currently has a development of 29 houses in progress plus permission for another 7. Children from these properties will need school places. We are led to understand that the schools in Bloxham, including Pre-School and Nursery, are already at capacity, as is the Doctors Surgery. There are concerns that the Horton General Hospital will be unable to cope with the additional influx if all proposed developments in the Cherwell pipeline come to fruition in the Banbury area.

Milcombe Parish Council is extremely concerned for the safety of children crossing the road to the Primary school at the exit to the proposed site and for vehicles wishing to turn right at this busy junction at school peak times. A lowered kerb is not a safety crossing and 29 parking spaces will in no way accommodate the number of vehicles which already park along the Tadmarton Road which will also be used by other vehicles entering and exiting the site.

There are already two applications for 160 houses in Bloxham with the Secretary of State for determination plus a large development at Hook Norton which, if passed, will mean that Hook Norton school will be full as well.

Any further development in Bloxham - which has had more than its allocated share already - will cause more problems with the congested mini roundabout, hold ups on the A361 through the centre of Bloxham village and more parking problems outside the shops. People from Milcombe have to use the A361 through Bloxham to get to Banbury and to use the Bloxham facilities so will be affected by these problems.

Infrastructure cannot cope now and there are no proposals to alleviate these problems with regard to highways, frequent power cuts and low water pressure which affect both Milcombe and Bloxham. We understand about the flooding problems which affect this area and which can only get worse by building on this green field site.

Therefore Milcombe Parish Council strongly urges Cherwell Planning Officers and the Planning Committee to reject this application.

Cherwell District Council Consultees

- 3.4 Head of Strategic Planning and the Economy:
The site lies within an area of countryside and the parcel proposed for residential development is classified as Most Versatile Agricultural land.

Local Policy

The site is not allocated for development by either the saved policies of the adopted Cherwell Local Plan 1996 or those of the Non-Statutory Cherwell Local Plan 2011. The site is located outside the built up area of Bloxham and in an area of countryside.

Main relevant policies:

Saved policies in the Cherwell Local Plan, 1996

H12 on New housing in rural areas

H13 on Residential development in Category 1 Settlements

H18 on New dwellings in the countryside

C7 on Landscape conservation

Non-Statutory Cherwell Local Plan 2011

H15 The category I Villages

H19 Dwellings in the Countryside

EN34 Landscape Character BSC1 Districtwide housing distribution

Proposed Submission Local Plan, March 2013

Villages 1 Village categorisation

Villages 2 - Distribution of growth across the Rural areas
ESD 13 Local Landscape protection and enhancement
ESD 16 Character of the built environment

The Cherwell Local Plan 1996 guides the largest provision of housing to the urban areas of Banbury and Bicester, followed by provision in the rural settlements. This approach follows through to the policies in the Non Statutory Cherwell Local Plan, 2011, and the Proposed Submission Local Plan, March 2013 (The Proposed Submission Local Plan incorporating Proposed Changes, PSLP March 2013).

Bloxham is a category 1 village on the saved policies of the adopted 1996 Local Plan, Non Statutory Local Plan (2011) and emerging Local Plan (March 2013) which although it carries limited weight has been subject to consultation at its Draft Core Strategy stage (2010), Proposed Submission stage (2012) and it is currently the subject of further consultation prior to its submission to the SoS.

Although the allocation of sites in villages will be set out in the Local Neighbourhoods Development Plan Document (or in Neighbourhood Plans), Policy Villages 2 in the emerging Local Plan (March 2013) provides a policy position in response to the most up to date housing completions and expected development in the rural areas.

Neighbourhood Plans

Bloxham Neighbourhood Plan is in progress, the extent of the Neighbourhood Area will be decided by Cherwell District Council Executive on 3rd of June 2013 and a Draft Neighbourhood Plan is expected late in 2013.

National Policy

The core planning principles in NPPF para' 17 provide a strong emphasis on the plan led approach to development and amongst other principles, requires local authorities to take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

The NPPF states (paragraphs 150 & 151) 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 (including core planning principles in para'17).

NPPF para' 47 requires Local Planning Authorities 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' 49 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.

At the time of writing the district has a 4.4 year supply (with 5% buffer) of deliverable housing land for the period 2013-18 and a 3.9 year supply with a 20% buffer for the same period. This updates the position reported in the 2012 AMR In the context of para' 49 of the NPPF, relevant Development Plan policies for the supply of housing cannot be considered to be up-to-date.

The NPPF's presumption in favour of sustainable development (para' 14) advises that where the development plan is absent, silent or relevant policies are out of date,

planning permission should be granted unless any adverse effects would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, or specific policies in the Framework indicate development should be restricted.

Acceptability of releasing land in this location under NPPF para'14 and ahead of completion of the emerging Local Plan

The services and facilities in Bloxham, make it one of the district's most sustainable villages. It is a Category 1 settlement in both the adopted Local Plan and the NSCLP 2011, and a category A village under Policy Villages 1 of the emerging Local Plan, March 2013. Although the emerging Local Plan carries limited weight, (it is not complete and currently the subject of further consultation) it includes policies based on the most up-to-date assessment of the village hierarchy and take into account the most up-to-date information on housing completions and planning permissions.

The emerging Local Plan, March 2013 allows for a total of 3,902 dwellings to be provided outside of Banbury and Bicester from 2006-2031 (i.e. 156 dwellings per annum compared to the former requirement of the South East Plan of approximately 185 per annum).

Emerging policy Villages 2 proposes a distribution of new development in rural areas (for sites of 10 or more homes). It proposes the allocation of 50 dwellings at Kidlington and a further 348 dwellings at other villages. The policy also identifies a windfall allowance of 980 dwellings in the rural areas for the period 2012-2031 for sites of less than 10 dwellings.

The draft policy provides for the allocation of 96 new dwellings between 2012 and 2031 across a group of 17 possible villages including Bloxham. This requirement is in addition to extant permissions as at 31/3/12. From 31/3/12 to the time of writing, there have been no additional planning permissions for residential developments of 10 or more dwellings in this group of villages. However, there is a resolution to approve 58 dwellings at North Station Road, Blechingdon (a deliverable site) which reduces the allocation of 96 dwellings down to 36 for this group of villages.

Policy Village 2 directs a quantum of development to groups of villages in advance of the Local Neighbourhood Document Plan Document (or a Neighbourhood Plan). It states, "...The precise number of homes to be allocated to an individual village will be set out in the Local Neighbourhoods Development Plan Document in the light of evidence such as the ...SHLAA. Sites will be allocated in either the Local Neighbourhoods DPD or in Neighbourhood Plans. In some cases, the approval of schemes will make it unnecessary to allocate sites. Regard will be had to the level of building that has already taken place in each village to avoid over development."

The rural areas have accommodated a considerable amount of housing in recent years (44.8 % of all housing completions in the district at 31 March 2012) with Bloxham making one of the highest contributions from rural settlements due in part to completed allocations in the Non-Statutory Cherwell Local Plan. 184 new dwellings have been completed in Bloxham since 2006 and at 31 March 2012 there were 33 potential dwellings more from extant planning permissions. Bloxham together with Yarnton and Kidlington, account for 60% of all completions in the Category A villages

	Completions	
Category A villages	860	% of all Cat A completions
Bloxham	184	21%
Yarnton	201	23%
Kidlington	141	16%
<i>Housing completions 2006-2012 at 31.03.12</i>		

Planning Policy responses to two previous applications have referred to concerns

about the level of development that potentially might be accommodated at Bloxham having regard to historic completions. This has been examined at public inquiries and decisions are awaited from the Secretary of State. The current proposal for 60 homes will increase the potential for over-reliance on Bloxham in policy terms in view of the rural distribution proposed in the emerging Plan.

In the context of the a relatively high level of supply at Bloxham, and potential additional supply, the Parish Council's intention to produce a Neighbourhood Plan and the site options available are particularly relevant. The final draft of the Strategic Housing Land Availability Assessment (SHLAA) 2013 identifies 3 potentially suitable sites outside the built-up limits of Bloxham if needed to accommodate development: an area of land within the application site (potential yield 20 dwellings), Barford Road (potential yield 50 dwellings), and Church Road (potential yield 20 dwellings).

With regards to the application site, the SHLAA considers that: 'With significant landscaping, a small development fronting Tadmarton Road could potentially be achieved and be integrated with the existing built form of the village. A soft edge to development would be required to achieve satisfactory relationship with the countryside. Access issues would need to be considered particularly due to the proximity of the school'.

It is acknowledged that Bloxham is one of the most sustainable villages in the district. The proposed development, if shown to be deliverable within 5 years, could contribute and improve the district's housing land supply position. It is also acknowledged that the proposal would provide affordable housing and that the SHLAA identified that some development may be possible. However, in view of the level of development completed and permitted at Bloxham, the modest residual housing requirement of the emerging Plan for the group of villages including Bloxham, and the Parish Council's active intention to produce a Neighbourhood Plan, there is presently an objection to the current proposal in policy terms. There is a concern that the potential options for additional sites at Bloxham need to be considered through a plan-led approach to satisfactorily assess the impact of recent developments and to test and consult on the relative sustainability of sites in that context..

Homes are being provided and proposed at other village locations to help meet rural needs on a wider geographical basis and to help to reduce the current overall shortage of deliverable sites in the district. The application of existing and emerging policies would not preclude rural housing coming forward elsewhere at a rate which is commensurate with its relative sustainability to urban locations and which does not lead to a potential over-reliance on Bloxham.

- 3.5 Community Development Officer:
Community Halls - A contribution of £10,066 is requested. This sum will be allocated to existing community facilities (tba) to finance any projects to accommodate the additional demand from this development. As no detailed dwelling schedule, this figure calculated by average population figure x number of units x cost per person for community space.
Community Development - A contribution of £3,300 is requested for community development projects. Based on a calculation of £55/household
- 3.6 Recycling and Waste Manager: The developer needs to take into account the Waste and Recycling guidance which can be found on the Cherwell District Council website <http://www.cherwell.gov.uk/index.cfm?articleid=1735>. Section 106 contribution of £67.50 per property will also be required.
- 3.7 Landscape Officer: No written comments with regard to the landscape impact received to date. However contributions will be required towards the future maintenance of;

- Woodland areas
- Proposed wetland scrub
- Proposed thicket planting
- Hedgerow maintenance
- Existing tree management
- Existing woodland
- Proposed balancing pond
- Existing pond
- Proposed public open space
- Proposed children's play areas

Actual sums can be viewed in the response on the Council's website.

- 3.8 Strategic Housing Officer: This outline application for 60 residential units in Bloxham is subject to a 35% affordable housing provision on site. This amounts to up to 21 units in all.

There should be a 70/30 tenure split between rent and shared ownership or some other form of intermediate product which should be agreed with this officer.

The affordable units should be dispersed in at least two separate clusters on the site to ensure integration and tenure blindness of the private units with the affordable.

The affordable units breakdown should be provided as follows;

Rent	Shared Ownership
3x1bed 2person Flats	4x2bed 3person Flats
3x2bed 4person Flats	2x2bed 4person Houses
5x2bed 4person Houses	
3x3bed 6 person Houses	
1x1bed 2person Bungalow	

The affordable housing units should meet the HCA's Design and Quality Standards, together with the relevant HQI. 50% of the affordable units should meet Lifetime Homes Standards, ideally this should be delivered within the rental element. The units should also meet a minimum of Code for Sustainable Homes Level 3.

The affordable units should be transferred to one of CDC's preferred RP partners

- 3.9 Ecology Officer: No objections to this application on ecological grounds. The submitted survey is reasonable in scope and depth and the analysis is thorough. The proposed recommendations/mitigation/method statements for bats, Great Crested Newts, reptiles, badgers, birds and invertebrates within the submitted report are appropriate for the species and populations found on site. The indicative layout from an ecological standpoint is impressive with a good proportion of land retained as green space. If appropriate management is achieved and the proposed biodiversity enhancements are carried out this is likely to constitute a net gain for biodiversity on site which we should be seeking under the NPPF guidelines. Management plans should take into account the effects of recreation and dog walking on the wildlife enhancement aims and where necessary propose measures to reduce this. Recommend conditions attached to any permission.

- 3.10 Arboriculturalist: The submitted arboricultural report relates to the northern half of the site where the proposed houses are to be built. There are very few trees on site. Those that are on site are growing within the boundary hedgerows. There are no plans to remove any of the trees on site. Two sections of hedgerow will have to be removed to form the road onto the site and the area of additional car parking spaces for the school. The remainder are to be retained and protected during the

development. None of the proposed buildings and ancillary works should have an adverse impact on the retained trees/hedgerows on site. There is plenty of scope on site for tree planting.

Recommendations: No objections to the proposals subject to appropriate conditions being attached to any permission given.

3.11 Head of Recreation and Health (Public Art): A condition that suitable public art must be supplied on site commensurate with the size, scale and nature of the development. Artworks can be functional in nature, such as benches, fencing, lighting and signage. Artwork should be consulted on with local residents and implemented once the scheme is 50% occupied

3.12 Design and Conservation Team Leader:
Urban Form

- Generally happy with the urban form and perimeter block configuration
- Development should have some presence on to Tadmarton Road and there should be a landmark building at the northwest entry to the site to signify the entrance into Bloxham
- Clarification is required on the structure of the middle block to the south of the site. There appears to be a large apartment block which is unlikely to be acceptable in this location
- Potential concern over the use of FOGS in this area, depending on the detail
- Surveillance is required on the gable ends overlooking the car park.

Movement and Parking

- It might be appropriate to have a second access street onto Tadmarton Road at the northwest of the site to improve permeability
- The number of parking courtyards should be reduced given the density and configuration of development
- Concern over detail of 'drive through' areas under buildings
- The garage provided for the building to the north of the car park is in a dominant location and would not be acceptable
- To the north west of the site there should be a pedestrian connection running along the boundary between driveways.

Landscape

- Better surveillance is required of the play area
- The hedgerow running along Tadmarton Road should be managed to provide a domestic scale and setting.

Oxfordshire County Council Consultees

Oxfordshire County Council has provided a comprehensive response relating to all aspects under their jurisdiction. The main conclusion is that the County Council has a holding objection to this application. Summarised comments in relation to each County matter are provided below.

3.13 Transport and Planning Strategy:

Recommendation

No objection subject to the following conditions, legal agreement and informatives

Key issues:

The section of Tadmarton Road to the north of the development is known to suffer from parking and traffic flow issues which are associated school drop off / pick up movements linked to the nearby Bloxham Primary School.

Paragraph 4.8 of the Transport Statement identifies that bus stops are situated within 300m of the centre of the site, however these are not formal bus stops, i.e. they are not marked by bus stop poles and flags.

Conditions:

- The developer delivers the proposals to improve pedestrian facilities along

Tadmarton Road through the provision of footways and an uncontrolled pedestrian crossing, as stated in their Transport Statement, paragraph 4.9. This will allow for high connectivity between the site and the village centre and local amenities.

- The developer enables the car park to be also available for use for drop off – pick up trips associated with Bloxham Primary School, as stated in their Transport Statement.
- The developer will be requested to contribute exactly the same amount per dwelling as the other residential applications in the Bloxham area, that is £862 per dwelling or £51,724 for an indicative 60 dwellings. This enhancement of the bus service to ‘urban standards’ is certainly sought by Bloxham Parish Council, who seek a much more attractive bus service for the new residents to link with employment and other opportunities in the nearest major centre.
- The developer establishes a pair of stops near the junction of Courtington Lane and Tadmarton Lane, as there are currently no formal bus stops in the near vicinity of the site. Hard-standing areas would be provided by the developer, whilst a payment of £2,000 would ensure that poles and flags were provided.

Informatives:

- It is important that infrastructure to enable residents to travel by sustainable modes of transport (walking, cycling, bus) is provided, in line with the current Local Transport Plan key priorities for rural areas.
- It is within reasonable access to the main village centre for Bloxham.
- The anticipated traffic generation from this development is not recognised to cause any detriment to the surrounding highway network.
- Bloxham is served by bus route 488 from Chipping Norton to Banbury, which operates at broadly hourly intervals during weekday daytimes.
- There has been intensification of development recently in the Bloxham area, where one residential developer agreed to pay £862 per dwelling towards enhancing the 488 bus service.

3.14 Highways:

Recommendation

Initial holding objection pending the receipt of further information from the applicant

- Car park management plan required
- Vision splay plan required

Key issues:

- Transport Statement: traffic generation
- Access arrangements, including vision splay, and off-site works
- Financial contribution

Legal Agreement required to secure:

- s106 Agreement for transport infrastructure/services
- s278 Agreement for highway infrastructure e.g., off site works such as the provision of traffic calming features and footways, including the cost of Traffic Regulation Order to extend the 30mph speed limit.

Conditions should be imposed in event of approval (see full response).

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Detailed comments:

Traffic generation / highway network:

The Transport Statement (TS) accompanying the application has analysed the likely trip generation of the proposed development, the safety of the proposed accesses, accident history in the vicinity of the site, and the capacity of the local highway network with future traffic growth to 2017. A review of pedestrian and bus routes, and a travel plan have been undertaken.

The TS has identified that the existing mini-roundabout at the junction of Barford Road with the A361 is close to its design capacity at peak times, and will be over capacity (at peak times) within the next five years due to future traffic growth. This has been highlighted by other recent planning applications in the area and to address

this issue Oxfordshire County Council has sought a financial contribution towards investigating infrastructure improvements. A financial contribution is therefore sought in connection with this development to investigate infrastructure improvements at this junction and in the wider area (please refer to the Transport Financial Contribution & Legal Agreements section in this report).

The traffic generated by the proposed development is likely to result in an increase in traffic on the Tadmarton Road (south-east of the proposed access) and on Courtington Lane (approximately 8-13.5%). In the July 2012 traffic count, the observed average flows during the morning peak on Tadmarton Road was 337 vehicles. The recorded two-way flow on Courtington Lane in the morning peak was around 260 vehicles. Taking this into account, it is my opinion such an increase in traffic is unlikely to have a severe impact on Tadmarton Road or Courtington Lane.

A review of the accident data for the area indicates that accidents recorded were down to driver error rather than the characteristics of the road. In light of this data it is considered that the proposed development is unlikely to increase the number of accidents in this area.

Vehicular access:

Tadmarton Road is a classified unnumbered road with a 60mph speed limit that reduces to 30mph in the vicinity of the site.

Two accesses are proposed onto the Tadmarton Road; one to serve the residential development and the other to serve the proposed 29 space car park. The principle of providing these accesses has been accepted by the Local Highway Authority, subject to technical approval.

Both accesses fall within the 30mph speed limit and it is proposed that both will have a visibility splay of 2.4m by 43m, in both directions, in line with guidance set out in Manual for Streets. However, in order to implement these design standards, vehicle speeds must be below 30mph. The recorded vehicle speeds on Tadmarton Road show average seven day 85%ile speeds of 38.7mph northbound and 40.7mph southbound.

It is proposed to extend the 30mph speed limit further to the north, which may assist with reducing vehicle speeds. However, an extension to the speed limit must be done through a Traffic Regulation Order, which is subject to a separate consultation process that is not part of the planning process. It cannot therefore be guaranteed that the 30mph zone will be extended.

A plan demonstrating that vision splays of 2.4m by 120m can be achieved in both directions must therefore be provided, in case the extension to the 30mph speed limit is unsuccessful. The vision splays must be dedicated as public highway to ensure they are kept free from obstruction.

Traffic calming / highway works:

Consideration must also be given to traffic calming features such as the frontage design of the development including the provision of footways a gateway feature and / or narrowing of the road, speed cushion, or Vehicle Activated Sign, and following this, appropriate measures must be implemented to encourage slower speeds.

It is understood that both the school and Parish Council have concerns over the perceived dangers at school arrival and departure times e.g. due to the speed of traffic and the on-street parking. During a site visit, the on-street parking experienced at the school pick-up time within the area was observed. Currently there are zigzag markings outside of the school and the measures mentioned above will help to address some of these issues.

The internal layout of the development would form part of a future reserved application. However, as access is being considered as part of this outline application, it is important to secure pedestrian and cycle access routes to/from this site.

The footways on Tadmarton Road currently terminate opposite Courtington Lane, and at the access to Bloxham Primary School to the south of the site; they do not extend to the development site.

Pedestrian access to the site is proposed to be provided in the form of new 2m footways running alongside Tadmarton Road at the site frontage. This provision will link into footways that will be provided along the access to the residential element of

the scheme and also a new footpath into the site that is being promoted alongside the proposed car park. The proposed footways will also link into the existing footway provision on the southern side of Tadmarton Road by Courtington Lane junction. An uncontrolled pedestrian access point, in the form of dropped kerbs and tactile paving, is proposed across Tadmarton Road between the car park and the school.

Car park:

The proposed car park will help to alleviate some of the on-street parking problems experienced at school drop-off and collection times. However, it is recognised that the country park may generate some demand for parking, but this is likely to be at off-peak.

No details of the management or maintenance of the car park have been provided. **Prior to the determination of this planning application these details must be submitted to ensure that the car park is available in perpetuity for use by the school.** It would be undesirable for the car park to encourage additional car trips. The school should therefore update their Travel Plan and look at innovative ways of reducing car trips to the school and unnecessary use of the car park e.g., only permitting registered car sharers, or those not eligible for the school coach, to use the car park.

Layout:

Parking provision and layout, and dimensions of parking spaces and garages, must comply with the county council's Parking standards for new residential developments (December 2011), which is available on the county council's website. Vehicular and pedestrian visibility splays must be considered when designing the internal road layout and parking space layout.

Due to the location of the proposed site (edge of Bloxham) the Local Highway Authority will expect to see the site's parking levels to be to the maximum levels, and the provision of allocated and unallocated parking spaces. This will be agreed as part of a future reserved matters application.

Please note any future layout is expected to be in line with the guidance in MfS 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.

Travel Plan:

A Framework Travel Plan has been prepared, which commits to the provision of Travel Plan Co-ordinator for a five year period. The Travel Plan must be submitted as part of the reserved matters application.

Construction Traffic Management Plan (CTMP):

A 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.

Transport Financial Contribution & Legal Agreements:

A general transport contribution 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) i.e. £442 per 1 bed unit, £638 per 2 bed unit, £994 per 3 bed unit and £1,366 per 4+ bed unit, plus a s106 administration fee.

For any off-site works i.e. new access, footway etc. a Section 278 Agreement(s) will be required between the developer/applicant and Oxfordshire County Council to carry out works on the public highway. In addition to this legal agreement(s), a bond will be required to cover the construction costs of the any works as well as there being a supervision fee of 9%. This agreement will be part of a s106 Agreement for this development.

Summary:

There are issues that require further information and consideration before any support can be given to this application.

A car park management plan, and a plan demonstrating that vision splays of

2.4m by 120m can be achieved from the proposed access, must be submitted for agreement. I therefore recommend that a holding objection is imposed until the above issues are resolved to the Local Planning Authority and Local Highway Authority's satisfaction.

If the Local Planning Authority is minded to approve the submitted application, I would recommend conditions are imposed, and the consent is subject to completion of the s106 and s278 agreements.

Following the submission of further information the following comments were made; I confirm that I am content that the appropriate vision splays can be achieved (2.4m x 120m in both directions for the main access and 2.4m x 120m and 100m for the car park access), as demonstrated on the plan, should the Traffic Regulation Order be unsuccessful in extending the 30mph speed limit. These visibility splays must also be conditioned.

With regard to the car park management plan, I accept your assurance that the car park will be made available to the school in perpetuity and am happy for this to be dealt with by s106 Agreement and planning condition.

3.15 Drainage:

Recommendation

Initial holding objection pending the receipt of further information from the applicant

Key issues:

There are serious drainage problems in Bloxham on the Tadmerton Road. The area marked for development under this application is the area earmarked for water storage to alleviate flooding problems further down into the village. It is acknowledged that the developer has made provision to alleviate flooding in Tadmerton Road by taking some of the ditch water into the development however the severity of the problem in Tadmerton Road shouldn't be under estimated.

The developer should contact the Highways Drainage team to arrange a meeting to discuss ways of bringing the flood storage and the development together in some way.

Although at the time of drafting the report the holding objection had not been formally withdrawn by OCC it is understood that the applicant's drainage engineers have visited the site with the OCC drainage engineers and OCC are satisfied that through additional mitigation work, controlled via condition, there will be no increase in flooding in the vicinity or a risk to new residents. This is addressed in more detail in the Drainage section of the report.

3.16 Education:

Recommendation

No objection subject to conditions, legal agreement and informatives

Key issues:

The application is in outline. In the absence of a housing mix, our assessment of the impacts of the proposal and our required contributions are based on the following policy compliant development mix:

- 1 no. x One Bed Dwellings
- 17 no. x Two Bed Dwellings
- 33 no. x Three Bed Dwellings
- 9 no. x Four Bed Dwellings

Infrastructure requirements will be reassessed when detailed information becomes available.

The proposed development is projected to generate a demand for 20 primary school places (age 4-10), 12 secondary school places (age 11-15) and 2 sixth form places (age 16-19).

This development lies within the school planning area of Bloxham, and within the current designated areas of Bloxham Primary School and The Warriner (secondary). Expansion of primary school capacity in the area would be necessary as a direct

result of this housing development. This would be achieved through expansion of existing school(s).

Expansion of secondary school capacity in the area would be necessary as a direct result of this housing development. This would be achieved through expansion of the existing school.

The development would also be expected to result in an increased demand upon special educational needs (SEN) schools, and expansion of provision would be necessary as a direct result of this housing development.

Legal Agreement required to secure:

- Developer contributions towards the expansion of one or more primary schools by a total of 20 pupil places. Contributions are sought based on Department for Education (DfE) advice for primary school extensions weighted for Oxfordshire and including an allowance for ICT and sprinklers - £11,582 per pupil place at 1st Quarter 2012 price base. We therefore require a contribution of £231,640 (index linked to from 1st Quarter 2012 using PUBSEC Tender Price Index) to primary school infrastructure for these homes.
- Developer contributions towards the planned expansion of The Warriner School by a total of 12 pupil places. Contributions are sought based on DfE advice for secondary school (age 11-15) extensions weighted for Oxfordshire and including an allowance for ICT and sprinklers - £17,455 per pupil place at 1st Quarter 2012 price base. We therefore require a contribution of £209,460 (index linked to from 1st Quarter 2012 using PUBSEC Tender Price Index) to secondary school infrastructure for these homes.
- Developer contributions towards the planned expansion of The Warriner School by a total of 2 places. Contributions are sought based on DfE advice for sixth form extensions weighted for Oxfordshire and including an allowance for ICT and sprinklers - £18,571 per pupil place at 1st Quarter 2012 price base. We therefore require a contribution of £37,142 (index linked to from 1st Quarter 2012 using PUBSEC Tender Price Index) to sixth form infrastructure for these homes
- Developer contributions towards the expansion of one or more SEN schools by a total of 0.4 places. We are advised to allow £30,656 per pupil place at 1st Quarter 2012 price base to expand capacity in special educational needs schools. We therefore require a contribution of £12,262 (index linked to from 1st Quarter 2012 using PUBSEC Tender Price Index) to special educational school infrastructure for these homes.

Informatives:

Two planning applications in Bloxham are currently the subject of planning appeals. If these applications are allowed on appeal, then this application in addition would increase the risk that not all Bloxham children would be able to gain places at Bloxham Primary School.

Detailed Comments:

Bloxham Primary School has been expanded ahead of expected housing in the village. While the local population has caught up, available places have been taken by out-of-catchment children, chiefly from Banbury. The ability to do this has shrunk as the local population has grown, so that in 2012 only 5 non-catchment children were allocated, all siblings, and further growth in local demand is expected. However, some parts of the Bloxham catchment area are shared with other schools. Although these schools are also under pressure, two are being studied for expansion, so it does indicate that there are options in this area. Therefore more children in Bloxham could be accommodated at Bloxham Primary School, but with the following provisos:

- Children moving in already of primary age are likely to have to travel to another school, with the consequent travel costs and inconvenience to parents;
- The school will have to turn away younger siblings of out-of-catchment children who were able to get in while local demand was lower, with the consequent loss of amenity to existing residents;
- Expansion of one or more neighbouring primary schools needs to be viable

and feasible to accommodate displaced children who previously would have got into Bloxham Primary School. Developer contributions will therefore be required towards this expansion of capacity.

This area feeds to the Warriner School, which is regularly oversubscribed, and effectively full in all but one year group. Increased local population as a result of local housing development, without expansion of the school, would adversely impact on the operation of parental preference and result in a loss of amenity to young people already living in the area, who would be less likely to secure a place at their first preference school as a direct result. Contributions are therefore sought from housing developments within the school's catchment area towards expansion of the school to ensure that the needs of the current and future population can be met.

1.02% of children across Oxfordshire are educated in SEN schools. On this basis, it is projected that the development will generate an additional 0.4 pupils requiring SEN provision, and expansion of SEN capacity would be needed as a direct result of the increased school-age population.

3.17 Rights of Way: No objections

3.18 Archaeology:

Recommendation

- No objection subject to conditions, legal agreement and informatives

Key issues:

- Possibility of further Roman burials on undisturbed part of northern site
- Possibility of further aspects of the Roman site extending into southern section of the site

Detailed comments:

The archaeological potential of the site has been set out in a desk based assessment submitted along with the application. The northern part of the site is located within a former ironstone quarry where a Roman cemetery was discovered during the works in 1929-38. The site was excavated by W F J Knight of Bloxham School who recorded at least 30 inhumations, some with Roman material, within the quarry (PRN 1712). A Roman stone built well was also recorded and a stone foundation for a building was recorded on the site in the 1960s suggesting Roman settlement on the site as well as the cemetery.

Roman finds have also been recorded to the north of the quarry (PRN 4984). The desk based assessment highlights that not all of the northern part of the site was quarried and therefore there is a high potential for Roman remains to survive in discrete places including the likelihood that further burials survive in places. It is also very likely that further Roman remains survive on the un-quarried southern part of this site. Although the impact of the proposed Country Park is limited there would be ground disturbances involved in the creation of ponds and woodland.

A scheme of archaeological investigation will be required ahead of the development but given the quarrying to the north and the limited impact of the Country Park to the south this can be undertaken as a condition on any planning permission.

Upon receipt of additional information provided by a member of the public relating to research into the Roman settlement the County Archaeologist provided the following clarification;

I can confirm that we were aware of this work although did not have digital copies so this is very useful. This will therefore not affect our recommended conditions although I do agree with him when he says that the site will need through investigation before any development can begin as there is a very good chance further aspects of the Roman site will survive on the site in places. Obviously quite a large area of the northern side of the site would have been destroyed by the quarry but the area to the south has much higher archaeological potential.

The staged programme will need to begin with an archaeological evaluation to determine if any deposits do survive and where they do there will need to be a formal excavation phase to ensure that the features are fully recorded.

3.19 Property:

Recommendation

No objection subject conditions, legal agreement and informatives

Key issues:

The County Council considers that the effect of the application forming this development will place additional strain on its existing community infrastructure.

Although this is an outline permission based on the previous applications on the site the following development mix has been used:

- 1 no. x One Bed Dwellings
- 17 no. x Two Bed Dwellings
- 33 no. x Three Bed Dwellings
- 9 no. x Four Bed Dwellings

It is calculated that this development would generate a net increase of:

- 163 additional residents including:
- 12 resident/s aged 65+
- 111 resident/s aged 20+

Legal Agreement required to secure:

- Library £13,855
- Waste Management £10,432
- Museum Resource Centre £815
- Adult Learning £1,776
- Social & Health Care £13,200
- Total* £40,078

*Total to be Index-linked from 1st Quarter 2012 Using PUBSEC Tender Price Index

- Administration & Monitoring £5,000

The County Councils legal fees in drawing up and/or completing a legal agreement will need to be secured.

Conditions:

The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. We would therefore ask you to add the requirement for provision of hydrants in accordance with the requirements of the Fire & Rescue Service as a condition to the grant of any planning permission

Informatives:

Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems

Detailed Comments:

- Library

Oxfordshire County Council has an adopted standard for publicly available library floor space of 23 m² per 1,000 head of population, and a further 19.5% space is required for support areas (staff workroom, etc), totalling 27.5 m². Banbury library is significantly under-size in relation to its catchment population and this development will therefore place additional pressures on the library.

The current cost of extending a library is £2,370 per m² at 1st Quarter 2012 price base. The proposal would also generate the need to increase the core book stock held by the local library by 2 volumes per additional resident. The price per volume is £10.00. This equates to £85 per person at 1st Quarter 2012 price base

The full requirement for the provision of library infrastructure and supplementary core book stock in respect of this application would therefore be based on the following formula:

£85 x 163 (the forecast number of new residents) = £13,855

- Strategic Waste Management

Under Section 51 of the Environmental Protection Act 1990, County Councils, as waste disposal authorities, have a duty to arrange for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of that waste.

To meet the additional pressures on the various Household Waste and Recycling Centre provision in Oxfordshire enhancements to these centres are either already taking place or are planned, and, to this end, contributions are now required from developers towards their redesign and redevelopment.

A new site serving 20,000 households costs in the region of £3,000,000; this equates to £64 per person at 1st Quarter 2012 price base £64 x 163 (the forecast number of new residents) = £10,432

- County Museum Resource Centre

Oxfordshire County Council's museum service provides a central Museum Resource Centre (MRC). The MRC is the principal store for the Oxfordshire Museum, Cogges Manor Farm Museum, Abingdon Museum, Banbury Museum, the Museum of Oxford and the Vale and Downland Museum. It provides support to these museums and schools throughout the county for educational, research and leisure activities.

The MRC is operating at capacity and needs an extension to meet the demands arising from further development throughout the county. An extended facility will provide additional storage space and allow for increased public access to the facility.

An extension to the MRC to mitigate the impact of new development up to 2026 has been costed at £460,000; this equates to £5 per person at 1st Quarter 2012 price base.

£5 x 163 (the forecast number of new residents) = £815

- Adult Learning

The County Council is looking to improve and provide a more sustainable Adult Learning facility in Banbury.

A new 2 classroom facility costs £440,000 at 1st Quarter 2012 price base. This facility will provide for 1,350 learners per annum; this equates to £326 per learner. At least 5% of the adult population are likely to take up adult learning; this equates to £16 per person.

£16 x 111 (the forecast number of new residents aged 20+) = £1,776

- Social & Health Care - Day Care Facilities

To meet the additional pressures on day care provision the County Council is looking to expand and/or improve day care facilities in Banbury.

A new Day Care centre offering 40 places per day (optimum) and open 5 days per week costs £11,000 per place at 1st Quarter 2012 price base. Based on current and predicted usage figures we estimate that 10% of the over 65 population use day care facilities. Therefore the cost per person aged 65 years or older is £1,100.

£1,100 x 12 (the forecast number of new residents aged 65+) = £13,200

- Administration

Oxfordshire County Council require an administrative payment of £5,000 for the purposes of administration and monitoring of the proposed S106 agreement.

Indexation

Financial contributions have to be indexed-linked to maintain the real values of the contributions (so that they can in future years deliver the same level of infrastructure provision currently envisaged). The price bases of the various contributions are covered in the relevant sections above.

General

The contributions requested have been calculated where possible using details of the development mix from the application submitted or if no details are available then the County Council has used the best information available. Should the application be amended or the development mixed changed at a later date, the Council reserves the right to seek a higher contribution according to the nature of the amendment.

The contributions which are being sought are necessary to protect the existing levels of infrastructure for local residents. They are relevant to planning the incorporation of this major 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.

3.20 Minerals and Waste Policy:

Recommendation

No objection

Key issues:

The application site lies within a mineral consultation area relating to deposits of ironstone. The northern part of the site has been worked for ironstone in the past. I do not consider that the development proposed in this application would sterilise or hinder the possible future working of significant mineral resources either within the site or adjoining land.

The application does not raise any significant waste planning issues.

The northern part of the application site has been worked for ironstone in the past and restored to agricultural land. These workings commenced prior to the 1947 Planning Act coming into force. In 1961, ironstone working was refused permission by the Minister of Housing and Local Government.

3.21 Ecology:

The District Council should seek advice from their own ecologist. The District Council, as Local Planning Authority, needs to assess the ecological aspects of the application in line with NPPF and local policies on ecology. They also need to ensure that they can discharge their legal duties in relation to protected species and biodiversity under the Habitat Regs and NERC Act.

Other Consultees

3.22 Thames Water:

Waste Comments

Following initial investigation, Thames Water has identified an 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 the following 'Grampian Style' condition imposed. "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Water Comments

Thames Water recommend the following informative be attached to any planning permission: There are large water mains adjacent to the proposed development.

Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes.

Supplementary Comments

The developer will be required to fund an impact study by contacting Thames Water Developer Services department at the earliest opportunity.

3.23 Environment Agency:

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reason:

- The FRA does not demonstrate that the storage volume required to attenuate surface water run-off from the critical 1 in 100 chance in any year storm event, with an appropriate allowance for climate change, can be provided on site.
- It is not clear from the calculations in Appendix E, how the storage volume for the attenuation pond has been derived.
- The FRA has not demonstrated that the peak discharge rate for all events up to and including the 1 in 100 chance in any year critical storm event, including an appropriate allowance for climate change, will not exceed that of the existing site. This may increase the flood risk on site and in surrounding areas.
- There is no assessment of the Greenfield runoff rates for the whole of the site including the developed part of the site. These are required in order to demonstrate that the discharge will not exceed that of the existing site.
- The FRA has not demonstrated a clear methodology for the derivation of the drainage parameters needed to demonstrate that the runoff can be attenuated on site.
- We are pleased to see the use of some SUDS techniques but question whether these should be used in conjunction with an adopted sewer network and in the sequence proposed.

Overcoming our objection

The applicant must demonstrate through their surface water strategy that the proposed development will not create an increased risk of flooding from surface water. Surface water for up to the 1 in 100 chance in any year storm event, including an allowance for climate change, must be safely contained on site.

It may be acceptable for limited flooding to occur in parts of the site during this event, ensuring that buildings are not affected by flooding and the site can be safely navigated by users. Where this flooding will be within roads or pathways, the applicants must ensure that safe access and egress is still available.

The applicant must demonstrate how the storage volume has been derived.

The applicant must assess the Greenfield runoff rates for the whole of the site for a range of events including the 1 in 1, 1 in 30 and 1 in 100 year storm events.

The applicant must demonstrate a clear methodology for the derivation of the drainage parameters including the methodology used. We would expect the drainage parameters derived to be explained and tabulated in the body of the FRA.

The applicant should review the sequence of drainage techniques proposed and consider the use of other SUDS techniques earlier in the train of techniques e.g. permeable paving for roads and parking areas. We would encourage the use of infiltration where possible and would encourage the applicant to avoid the use of an adopted sewer network. The proposed techniques should all be clearly shown in the surface water drainage strategy.

The surface water strategy should be carried out in accordance with the National Planning Policy Framework and PPS25 Practice Guide giving preference to infiltration

over discharge to a watercourse, which in turn is preferable to discharge to surface water sewer.

Advice to LPA/Applicant

Guidance on the preparation of surface water strategies can be found in the Defra/Environment Agency publication "Preliminary rainfall runoff management for developments". Guidance on climate change allowances can be found within the National Planning Policy Framework Technical Guidance.

The applicant should, as part of the surface water strategy, demonstrate that the requirements of any local surface water drainage planning policies have been met and the recommendations of the relevant Strategic Flood Risk Assessment and Surface Water Management Plan have been considered.

The CIRIA publication 'C635 Designing for exceedance in urban drainage- Good practice' contains advice on surface water conveyance and storage. The document can be accessed at www.ciria.com/suds/ciria_publications.htm

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles.

Further information on SUDS can be found in:

- PPS25 Practice Guide
- CIRIA C522 document Sustainable Drainage Systems - design manual for England and Wales
- CIRIA C697 document SUDS manual

The applicant should refer to Oxfordshire County Council regarding the appropriate consent for the configuration of the outfall which discharges into an ordinary watercourse.

We are aware of the flood risk in this location. We are also aware that Oxfordshire County Council has concerns about development of the site in terms of its involvement in the management of local flood risk. We would refer the LPA to Oxfordshire Lead Local Flood Authority (Gordon Hunt) for further information on this matter.

3.24 Thames Valley Police (Strategic Planner):

TVP has undertaken an assessment of the implications of growth and the delivery of housing upon the policing of Cherwell District and established that in order to maintain the current level of policing, developer contributions towards the provision of infrastructure will be required. The proposed development will have an impact upon the ability of TVP to police the new development and surrounding area by placing an additional unplanned demand upon the existing police service.

Having undertaken a qualitative examination of the scheme and the impact of the policing the Local Police Area Commander has requested a contribution of £10,100

which is broken down as follows;

Remote IT facilities x 2 - £8500

Provision of mobile IT equipment is increasingly being promoted by TVP. This enables officers to connect directly with central IT facilities thus aiding the ability to respond to incidents whilst out on patrol. This is also particularly useful in rural areas where members of the public may find it difficult to visit police stations to make statements or other such matters. Crucially the provision of these remote IT facilities enables more officers to be out and about, providing a visible police presence, the mobile IT enables them to remotely carry out tasks that otherwise would have to be undertaken back at a Police station.

Bicycles x 2 (including necessary kit) - £1,600

The provision of two dedicated bicycles will assist in enabling PCSO's and PC's to access the site and surrounding area and also provide a visible presence. Bicycles are viewed as a sustainable means of transport and neighbourhood officers (i.e. those that patrol a specific area) are encouraged to utilise bicycles where appropriate.

Turning to the specific tests set out in Regulation 122.

1. Necessary to make the proposed development acceptable in planning terms

The creation of safe and accessible environments where crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion is fundamental to planning for sustainable development as confirmed in the NPPF.

There is no dedicated Government funding to comprehensively cover the capital costs associated with policing associated new development. Unless contributions from developments are secured then TVP would be unable to maintain the current levels of policing with resources diverted and stretched, inevitably leading to increased incidents of crime and disorder within the local area.

Developer contributions are therefore necessary to ensure development is in line with the wider objectives of sustainable development as set out in national and local planning policy.

2. Directly related to the proposed development

There is a functional link between the new development and the contributions requested. Put simply without the development taking place and the subsequent population growth there would be no requirement for the additional infrastructure. The additional population growth will lead to an increase in incidents, which will require a Police response.

The infrastructure identified above has been specifically identified as infrastructure required to deal with the likely form, scale and intensity of incidents that the development will generate.

3. Fairly and reasonably related in scale and kind to the proposed development.

The proposed developer contribution is proposed to help achieve a proportionate increase in police infrastructure to enable TVP to maintain its current level of service in the area. As stated the contribution would assist in the provision of necessary infrastructure which have been identified by the Local Area Commander as necessary to provide an appropriate level of policing to serve the proposed development and maintain an appropriate level of community safety.

The Council's own document; Cherwell Sustainable Community Strategy - Our District, Our Future identifies as a key objective the need to reduce the number of people who fear crime and feel unsafe in their community, the strategy goes on to promote the tackling of incidences anti-social behaviour and building confidence in the police and local authority.

Furthermore the emerging Cherwell Local Plan identifies the need to reduce anti-social behaviour in Banbury as a key objective (C.119).

3.25 Thames Valley Police (Crime Prevention Design Advisor):

I do not wish to object to the proposals at this time. In fact, I commend the applicants for providing within their Design and Access Statement a specific section entitled 'Designing Out Crime', which gives some examples of how they believe they have incorporated crime prevention design within the proposals at this stage. However, there is no real commitment towards ensuring that a safe and sustainable development will be created and significant opportunities to design out crime and/or the fear of crime and to promote community safety remain. To ensure that these opportunities are not missed I request that the following (or a similarly worded) condition be placed upon any approval for this outline application;

No development shall commence until details of the measures to be incorporated into the development to demonstrate how 'Secured by Design (SBD)' accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.

SBD is an Association of Chief Police Officers (ACPO) initiative which has a proven track record in assisting with the creation of safer places by providing guidance on Crime Prevention Through Environmental Design (CPTED), and by providing a minimum set of standards on physical security measures. Details can be found at www.securedbydesign.com and further advice can be obtained by contacting Thames Valley Police's Crime Prevention Design Team.

In addition, as a car park is proposed as part of the development I would also request that the following (or similarly worded) condition also be placed upon any approval;

No development shall commence until details of the measures to be incorporated into the development to demonstrate how 'Park Mark' accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of Park Mark accreditation.

Park Mark is a sister initiative to SBD, applying similar principles and standards and is owned by ACPO and administered by The British Parking Association and Local Police Forces. Details can be found at www.britishparking.co.uk and, again further advice can be obtained by contacting TVP.

I feel that attachment of these conditions would help the development to meet the requirements of:

- The National Planning Policy Framework 2012 (Part 7, Sect 58; 'Requiring good Design' and Part 8, Sect 69; Promoting Healthy Communities') where it is stated that development should create 'Safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion'.
- Supplementary Planning Guidance Document 'Safer Places - The Planning System and Crime Prevention', ODPM 2004.

In addition, they would assist the authority in complying with its obligations under Section 17 of the Crime and Disorder Act 1998 in doing all it reasonably can in each of its functions to prevent crime and disorder in its area.

Assuming approval is given, and to assist the authority and the applicants in providing as safe a development as possible, and to aid the latter in ultimately achieving SBD

accreditation I make the following observations:

- Again, I commend the applicants for inclusion of how they feel the Masterplan addresses community safety within the submitted documents. I was pleased to see references made to the planning guidance quoted above. However, there appears to be a little confusion in the DAS; 'Safer Places' is published by the Office of the Deputy Prime Minister, not ACPO. As stated previously, ACPO own the SBD scheme which is administered by Police Forces across the country. There are many similarities in the principles of both regarding the creation of safe environments. This being the case and to ensure 'Safer Places' guidance is incorporated within any approved development, I suggest that the applicants provide a commitment at reserved matters stage to achieving SBD and the aforementioned Park Mark accreditation for the development. The requested conditions would of course ensure that this is the case regardless.
- There are a number of rear parking courts across the site and the DAS gives the impression that this is acceptable. Unfortunately, in crime prevention terms, it is not as these features make vehicles and the rear of properties vulnerable to criminal activity and often attract anti social behaviour (ASB). The intention is to reduce the impact of vehicles on the street, but in reality parking courts are often abandoned by residents (especially after incidents have occurred) in favour of parking in front of dwellings where people can see and want to park their vehicles. This can lead to conflicts between neighbours, parking on footways and access problems for all (including the emergency services). Rear parking courts should be omitted from future proposals if possible. If they absolutely must remain as part of the scheme they should be made as secure as possible. SBD provides guidance (in line with 'Manual for Streets', 'By Design- Better Places to Live', 'Safer Places' and 'Car parking- What works Where') on how this can be achieved and I am also available to advise on how said guidance can be incorporated within these specific proposals.
- In relation to the above and wherever possible, I would prefer to see garages provided rather than the car ports mentioned in the DAS. The latter simply serve to hide vehicles further from view and afford criminals the cover they desire when targeting vehicles without providing any security what-so-ever. As with parking courts themselves, these features should cater for small numbers of vehicles, be close to the dwellings they serve and be overlooked from active rooms of said properties, such as living rooms or kitchens. If they are not, they provide opportunities for crime and ASB.
- Landscaping details require careful attention; natural surveillance across the development and to/from dwellings should not be compromised. I am also concerned that trees may impinge upon street lighting in future; their positions, habit and final growth height/spread should be considered to avoid this. Both matters should be addressed before reserved matters approval and SBD guidance on landscaping should be followed in general, particularly in relation to the design and landscaping of pedestrian routes to/from and around the proposed Country Park.
- The play area will also require careful design in relation to equipment selection (to define user group age), boundary treatment, lighting, landscaping etc, given its proximity to dwellings. The designs should promote the ownership and enjoyment of users as well as child safety and should deter ASB.
- Proposed boundary treatments details are given in the DAS and it is appreciated that defensible space to the front and secure boundaries to the rear of properties are proposed. However, the plain 1.8m walls and close board fences currently specified are not ideal. All rear garden gates and boundary treatments where private space abuts public or semi-private space should be made hard to climb by design. Trellis or copings of certain types should be utilised wherever possible. Also, I feel that 1.8m fencing being specified as dividing treatments between dwelling gardens is unsuitable. Solid fencing of this height can be oppressive in smaller gardens and reduces

positive interaction between neighbours, affecting community cohesion. Alternatives should be investigated which would encourage interaction and deter 'garden hopping'.

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
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Proposed Submission Local Plan Incorporating Proposed Changes (March 2013).

The August 2012 document was sent out for public consultation on 29 August 2012. Proposed changes to the draft plan were sent out for further public consultation in March 2013. 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: The policies below are relevant.

- BSC1: District wide housing distribution (change no. 103)
- BSC2: The effective and efficient use of land (change no. 106)
- BSC3: Affordable housing (change 114)
- BSC4: Housing mix (change 118)
- BSC7: Meeting education needs (change 124)
- 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 (change 137)
- ESD6: Sustainable flood risk management (change 145)
- ESD7: Sustainable Drainage Systems (change 148)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment (change 154)
- ESD13: Local Landscape Protection and Enhancement
- ESD16: The character of the built environment (change 170)
- Policy Villages categorisation
- Villages
- 1: Policy Distributing growth across the rural areas (change 361)
- Villages
- 2

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

Strategic Housing Land Availability Assessment – Draft Final Report – March 2013
Appendix D - Sites outside Settlements with Future Potential

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant planning history
- Principle policy considerations
- NPPF and Sustainable Development
- Proposed Submission Cherwell Local Plan
- Landscape and Visual Impact
- Design and Layout and neighbour impact
- Affordable Housing and General Housing Mix
- Highway safety and sustainable travel patterns
- Flooding
- Ecology
- Planning Contributions
- Delivery of site
- Contamination
- Archaeology
- Other issues

Relevant planning history

5.2 The only relevant application which relates specifically to this site is the Screening Opinion (12/00019/SO) which concluded that the development did not require the submission of an Environmental Statement as it was not considered to constitute Environmental Impact Assessment development.

5.3 It is worth noting that at the time of consideration of this application there are two appeals currently pending a decision for other potential large scale housing sites around Bloxham. Land at Barford Road (12/00926/OUT) and Land at Milton Road (12/01139/OUT). These appeals have been through public inquiries and the Council has been notified that they are to be considered by the Secretary of State and that decisions are likely on or before 23 September 2013. The Council has a duty to determine applications and not delay them unnecessarily. Delays in the determination of applications opens the Council up to the risks of appeals against non-determination and the costs associated with such appeals. Whilst it may be desirable to know the outcome of the pending appeal decisions this current application should be considered on its merits and determined accordingly.

Principle policy considerations

5.4 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.

- 5.5 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%. The Council does not currently have a 5 year housing land supply with the figure for the period 2013-2018 being at 4.4 years (with a 5% buffer)(update to 2012 Annual Monitoring Report published April 2013 following the resolution to approve other schemes at recent committee meetings). 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.
- 5.6 Having established that the proposal conflicts with principle policy H13 it is necessary to establish the status of that policy, what it is seeking to do and how much weight it should be given. In referencing the experience of the recent Bloxham appeals, the position is that policy H13 of the adopted Local Plan seeks to achieve two main objectives. The first is to restrict the supply of housing (which needs to be weighed against the objective housing need test) and the second is to serve the purpose of protecting the countryside (which is ultimately a more subjective test). If the housing need argument is lost then Policy H13 is not automatically out of date because it still serves the purpose of protecting the countryside which remains very much a continued policy objective of the NPPF. The housing need and landscape impact assessments are discussed in the following paragraphs. In the interests of providing a full assessment of the application it is necessary to assess the application in the context of the presumption in favour of sustainable development as required by the NPPF. Whilst the Local Plan may not be considered wholly up to date in relation to policies for the supply of housing, as far as the policies contained within it relate to countryside protection and the restriction of sporadic development it is consistent with the NPPF and are considered to remain up to date.
- 5.7 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.
- 5.8 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

- 5.9 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.
- 5.10 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 divorced from the District's urban centres which is contrary to the urban focussed approach to development set out in Proposed Submission Local Plan Incorporating Proposed Changes (PSLP). As well as being development on a green field site it is considered that now may not necessarily be 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 Strategic Housing Land Availability Assessment (March 2013) (SHLAA) that there are 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. It is worth noting that despite there being some constraints to the site the SHLAA identifies the application site as one of three sites in Bloxham which have 'future potential', there are other sites identified that have been dismissed as not having future potential. 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 and surrounding villages that the opinion is that there is not sufficient infrastructure within the village to accommodate the proposed development.

- 5.11 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 is required as part of this function and will be discussed in more detail elsewhere in the report. It is acknowledged that increases in housing numbers and population 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, especially in relation to access to school places for children.
- 5.12 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 but in summary the Council's Ecologist is satisfied that the proposal which includes a Country Park will result in a net gain in biodiversity.
- 5.13 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 Local Plan Incorporating Proposed Changes (PSLP)

- 5.14 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 strategic approach to development. The document sets out a strategic approach with much of the new housing development being allocated towards the urban areas of Banbury and Bicester. 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.

- 5.15 Policy Villages 1 of the PSLP 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 16 villages that could be expected to take a share of 96 dwellings between them. This figure differs to the figure quoted in the August 2012 version of the document. Whilst the figure appears significantly lower to that previously quoted it is as a result of housing completions and permissions being taken into account. However when you take into consideration the resolution to approve 58 dwellings in Bletchingdon it reduces the potential allocations to 36 for this group of 16 villages. The supporting text in the March 2013 Changes document now makes no reference to the expectation that that the distribution would be broadly equal between the villages but sets out that account will be taken of completions, permissions and recent approvals in individual villages. It is however still relevant to note that the aspiration is that precise allocations would be set out in the Local Neighbourhoods Development Plan Document or in Neighbourhood Plans, based on evidence presented in the SHLAA. Bloxham has experienced a significant amount of housing growth in recent years, with Bloxham, along with Yarnton and Kidlington contributing 60% of all completions in the Category A villages. Whilst it may seem desirable to place significant weight on the reduction in housing number requirements set out in the PSLP it is worth bearing in mind that these figures cannot be used as a ceiling on development.
- 5.16 This development is being considered prematurely, in advance of both the PSLP 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.”*
- 5.17 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, especially when considered in light of the potential cumulative impact from other consented and proposed schemes, does have a strategic impact. However this may not hold much weight if no significant harm can be identified.
- 5.18 It is clear that the proposal is contrary to the Policies of the PSLP 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. Notwithstanding this point 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 many appeal cases nationally has carried the most weight in the determination of applications and appeals leading to the granting of permission. However, the Council is gradually moving towards achieving a five year supply (with a 5% buffer) and it should be noted that the Council is not opposed to approving schemes in rural areas where it is considered that there will be no significant harm.

Landscape and Visual Impact including impact on the historic environment

- 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 is not of a scale that would result in harm to topography but it does run contrary to the explanatory text and the character of the immediate landscape will change. This entrance to Bloxham has a more rural feel than other routes into the village. At its most north westerly point the site is relatively open to views from the public highway and views across the area proposed for housing extend to the existing buildings on the frontage of Cumberland and the northern end of Quarry Close. The most northerly section of hedgerow is well maintained and low enough to allow views into the site. The development pattern in this part of the village is fairly dispersed with agricultural buildings and the low lying school buildings being the first buildings to pass on the north side of Tadmarton Road as you enter the village. Although it is possible to glimpse the houses on the northern edge of Quarry Close they are fairly well screened by existing vegetation resulting in a soft rural edge to the built form. There are various land level differences within the site which will result in some of the buildings lying at a lower land level than the Tadmarton Road (providing no alterations to the land levels are proposed) which could potentially reduce the impact of the development. A heavy landscaping belt is also shown on the indicative Masterplan which will help screen the buildings. However the presence of houses on this site will still be seen as a clear extension to the built up limits of the village and will be unavoidably dominant in the street scene altering the character and appearance of the area.
- 5.20 Early assessments of the proposal by the Council's Landscape Officer, relayed verbally in the absence of a formal written response, reveal that there is some concern with regard to the visual impact on receptors such as the users of the public highway and the residents bordering the site. The creation of the access points will also result in additional views into the site and there is a high potential that the hedgerow along the frontage with Tadmarton Road will die due to the high levels of Elm within it and the associated risks of Dutch Elm disease. Successful replacement of this hedgerow could take some time to establish thus resulting in open views of the site for up to 15 years potentially having an adverse impact on the character and appearance of the area.
- 5.21 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,

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.

- 5.22 The applicant is commended on the proposal to provide a country park as part of the scheme however it is considered that this provision whilst having obvious benefits in some respects cannot be used to help mitigate against the impacts resulting from the area of housing proposed.
- 5.23 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.
- 5.24 It has been noted by officers, from appeal decisions across the country, that the permanent loss of open countryside and a serious degradation of the character and appearance of an area has not been sufficient to outweigh the need for improving the housing land supply position. However in this instance it is considered that the visual impact is a factor weighing against the positive determination of the application.
- 5.25 The site is detached from the Bloxham Conservation Area and is not in close proximity to any listed buildings therefore its impact on such features is not considered to be significant.
- 5.26 The site assessment set out in the SHLAA supports the views expressed above as it recognises that development on the site would result in further incursion into attractive countryside to the south of Tadmarton Road. However existing development to the south and the school opposite mean that a small extension of the village could potentially be achieved so that it would integrate with existing development and not adversely affect the character and pattern of development in this part of the village. The SHLAA envisages that a development of approximately 20 dwellings may be acceptable on the site providing a soft edge is retained with the open countryside. However this development proposes 3 times the number envisaged and the indicative layout shows the largest area of built form to be on the north western edge adjacent to the open countryside. In this respect the visual impact would be greater than envisaged in the SHLAA.
- 5.27 The Council's Landscape Officer has expressed some initial concerns about the gradients across the site and the implications for future maintenance and the use of such areas for public open space.
- 5.28 It is the view of officers that there will be some visual impact as a result of the development. It is expected that full written comments of the landscape officer will be provided prior to committee and the report updated as appropriate. However there is considered to be sufficient concern from initial considerations to conclude that Policy C7 of the adopted Cherwell Local Plan is not complied with.

Design and Layout and neighbour impact

- 5.29 The application is in outline form only with all matters, with the exception of the access, details reserved for future consideration. Despite this the application has been supported by an indicative layout plan. It is not clear how the site boundary has been established as the eastern boundaries are arbitrary given that it cuts through otherwise open fields with the exception of a linear pond on the southern edge of the northern section of the site and the land levels differences resulting from historic quarrying. The development itself links straight onto the Tadmarton Road but there are no other opportunities to link through to existing developments. The site for housing and even the country park are isolated in this respect. The only way to

access the Country Park by car or on foot is through the proposed development.

- 5.30 The Council's Urban Design Team Leader has expressed general satisfaction with the urban form and perimeter block configuration shown on the indicative plan but has set out some points that would need clarification or amendment before being put forward in a reserved matters application. Key issues which are of concern in relation to the indicative layout are the permeability of the site, the use of an apartment block, the high number of parking courts and the surveillance of the play areas. Notwithstanding these comments it is considered that with the relatively low density there would be opportunities to overcome these concerns at reserved matters stage. There are also some points raised by the Police Architectural Liaison Officer that would need to be addressed through the submission of detailed proposals.
- 5.31 In terms of neighbour impact the housing development is unlikely to result in significant detriment to the residential amenities of neighbouring properties. The closest residential properties are those to the south; the Bungalow and the properties and the northern end of Quarry Close. However between the existing houses and the proposed houses would be an approximate distance of between 32 and 28 metres. This is sufficient to ensure there is no demonstrable loss of privacy, overbearing or loss of light. A few residents may experience some loss of or altered views but the planning system cannot be used to protect private views. Some residents, principally those that will back onto the Country Park have expressed some concern about noise, disturbance and reduced security as a result of opening the land up to public use. However the majority of the properties that back onto the site benefit from a large embankments that will screen views from and into ground floor windows and garden and would hopefully deter intruders. It would also serve to reduce noise and disturbance coming from the general enjoyment of the public open space.

Affordable Housing and General Housing Mix

- 5.32 The application has been submitted with an indicative private sale housing mix as set out below;

No. of bedrooms	No. of units	Percentage of private dwellings
1	1	3%
2	4	11%
3	18	50%
4	13	36%

The Council does not have a policy which sets out the preferred mixes for new housing development but instead intends to assess each application on its merits. Given that this is an outline scheme negotiations on this point have not taken place but could be dealt with either by condition or at reserved matters stage. An appropriate housing mix would be influenced by market demand (informed by the developers/house builders) and statistics obtained in relation to the demand for affordable housing and population statistics.

- 5.33 In relation to affordable housing the proposal includes the provision of 35% affordable units which complies with the Council's draft policy and weighs in favour of the application. The applicants have been made aware of the preferred mix of affordable units but have set out their indicative mix as follows;

No. of bedrooms	No. of units	Percentage of affordable dwellings
1	9	45%
2	9	45%
3	2	10%

There is some discrepancy between the Council's preferred mix of affordable units and the indicative mix. However it is thought that in the event of an approval further

negotiations would take place prior to signing a S106 agreement to secure the provision of affordable housing.

Highway safety and sustainable travel patterns

- 5.34 Whilst the application is in outline only the submission has been accompanied by a Transport Assessment which provides indicative details as to how the junction arrangements can be formed. The proposal includes two new access points, one of which will serve the housing development and the second will provide access to the proposed car park for the school. The main access is proposed approximately 40 metres from the most north eastern school access and the proposed car park access would lie between the two school access points and approximately 60 north west of the Courtington Lane junction. The proposal also includes the inclusion of a 2m wide footway to link into the existing footpaths and an uncontrolled pedestrian crossing.
- 5.35 In relation to parking requirements the applicant is aware of the parking standards provided by the County Council. However this is a matter that would be more closely considered at Reserved Matter stage when a detailed layout plan is produced. The submitted indicative plans indicate that the site is likely to be large enough to accommodate a development of this scale with sufficient space for a combination of on and off road allocated spaces. The applicant's transport consultant has also confirmed their agreement to comply with the County Council's maximum parking standards and will have regard to this in the event of the submission of reserved matters applications.
- 5.36 The County Council as Local Highway Authority had issued a holding objection to the proposal relating to the need to demonstrate that a longer vision splay can be achieved in the event that the 30mph speed limit not being extended further out towards Tadmerton and the need for further information as to how the school car park can be managed and maintained to ensure that it remains available to the school in perpetuity. The applicant's Highway consultant has provided an amended access plan showing that appropriately long vision splays can be achieved. It would seem that this may involve the cutting back of a small section of hedgerow along the frontage but with the exception of the creation of the access points themselves there is no other substantial hedge removal required as a result of the works to the highway. The additional information provided also sets out that the applicant would be willing to comply with a condition or clause in a s106 requiring the submission of a management plan in order to ensure that the school car park is kept for use by the school in perpetuity. In response to this information the Highway Authority have removed their holding objection.
- 5.37 There are many aspects of sustainability, transport and accessibility being one of them. It is clear that many residents do not consider Bloxham to be a sustainable village and that the proposed development can't be sustainable in relation to access to public transport and reliance on the private car. However, whilst it is acknowledged that the site, being on the edge of a village, is less sustainable than development in the urban areas of Banbury or Bicester, Bloxham has been assessed as being one of the districts most sustainable villages. This is as a result of the amount of facilities available within the village which provide more than the basic needs of a community, the availability of access to public transport and the short commute to Banbury. The site itself is opposite the primary school, although it is recognised that the school has capacity issues which may lead to other less sustainable patterns of movement between the village schools.

Flooding and drainage

- 5.38 It is recognised that this site is in proximity to an area liable to flooding from surface water runoff. The cause of flooding in the locality is thought to be a result of a range of factors including the following;

- Existing culverts having insufficient capacity to convey the volume of water during flood event
- High level of water in the Bloxham Brook surcharging the culvert and highway drain outfall
- Limited capacity in the drainage network
- Overpumping from private land on to the highway
- The level of the footway in relation to the road level resulting in water being shed onto lower lying footpath and private gardens at a dropped crossing.

5.39 In order to fully understand the mitigation required to address the existing situation a full assessment of the entire upstream catchment would be needed. However it is important to remember when assessing planning applications that the main assessment has to be whether or not the proposal is either at risk of flooding itself or if it will result in increased flooding elsewhere. Planning applications can't be used in order to solve existing problems if there is no direct impact from the development itself. In this case it is considered that due to the surrounding land levels the site itself is not at risk from this existing flooding. The Flood Risk Assessment sets out that it is not the intention to allow any surface water from the development site to discharge into the Tadmarton Road system but instead discharge to the Bloxham Brook after being stored on site until the capacity of the Brook is such that it can accommodate the additional discharge. It would also be possible, in extreme rainfall events, to divert some flow from the Tadmarton Road ditch through the development site to provide mitigation thus potentially improving the current situation. The cost of such mitigation would have to be shared between the developer (through the provision of land) and OCC as the mitigation is not required purely as a result of the development.

5.40 In conclusion to the drainage issues it would seem that providing satisfactory drainage solutions are accommodated on site to deal with the surface water from the development the proposal actually provides an opportunity to help improve the current situation, through co-operation with OCC, rather than adding to the problem. Whilst OCC have indicated that they will be removing their holding objection the Environment Agency (EA) are not yet in a position to remove their objection. It is understood that further information has been submitted to the EA and they require time to assess this. For this reason it would be appropriate to include this as a reason for refusal but for members to be aware that such a reason for refusal could possibly be addressed.

Ecology

5.41 The application has been submitted with an Ecological Assessment. It recognises the presence of The Slade Nature Reserve adjacent to the southern boundary of the site. This is an un-designated site of ecological interest. The report concludes that if appropriate mitigation is put in place to control outfall from the balancing ponds and to ensure that best practice guidance is adhered to during construction there should be no adverse ecological impact on the nature reserve.

5.42 The range of habitats is also identified in the submitted report all of which have been assessed to be of low to negligible ecological value at the local level, the loss of which is of minor ecological significance. However the habitats of greatest relative ecological value, the hedgerows and trees will largely be retained within the development and enhanced under the proposals. The off-site woodland habitat will be buffered from the development by retained and new, appropriately managed open space.

5.43 In relation to protected species the site is considered to provide limited opportunities for bats, badger, great crested newts and common birds. However surveys for each were carried out. Whilst there is some potential for each to utilise the existing

habitats there is no clear evidence that they are present on site. However given the potential for protected species to use the site appropriate mitigation is proposed.

- 5.44 The Council's Ecologist is satisfied that there would be no harm to protected species or habitats subject to the implementation of the recommendations and mitigation contained in the Ecological report. In relation to biodiversity it is considered that with the proposals for the Country Park there will be a net gain in biodiversity and as such the proposal will meet the necessary tests set out in the NPPF.

Planning Contributions

- 5.45 Discussions in relation to the section 106 agreement have not commenced to any significant degree. The applicant has however set out in the submission a list of heads of terms that would form the basis of a S106 agreement however it would have to be demonstrated that each request complied with the three tests of the Community Infrastructure Levy Regulations 2010 before final agreement is reached. The requests of the Council and other bodies are set out in the consultation responses section.
- 5.46 It is acknowledged that Thames Valley Police have made a request for contributions towards police infrastructure (set out in full in the Consultations section). As with all other requests this will form part of the S106 negotiations and it will have to be scrutinised with regard to compliance with the Community Infrastructure Levy Regulations (CIL).
- 5.47 Although in depth conversations have not taken place with regard to the level of S106 contributions the implications of whether or not the agent will be willing to pay the level of contributions sought, with particular reference to the public space, is a significant consideration. It is not yet known whether or not the Parish Council would be willing to take responsibility for the country park (or indeed the other play areas), or if it would remain with the District Council or if indeed the applicants preference would be for a management company. However the main issues with a management company are the long term management plan in the event of the management company going out of business and the fact that the costs of such a management company usually get passed onto the homeowners, which would seem unfair given that the space is likely to be utilised by more than just the new residents. Given the high provision of open space the contributions will be calculated on this basis therefore viability may become a consideration during any future negotiations.

Delivery of site

- 5.48 Part of the justification for the submission of this application is based on the Council's housing land supply shortage. The potential for this development to contribute to the shortage in housing land is the key factor in the consideration of the proposal therefore it is vital that the site can be delivered within the next 5 years. The applicants agent has provided the following statement with regard to deliverability;
- *Miller would be the builder/developer.*
 - *The site is controlled under option with the site to be purchased subject to the grant of planning permission.*
 - *If outline planning permission is granted by say Sept (allowing for S106), Reserved Matters could be submitted by end Dec and if Reserved Matters planning permission is granted by March 2014, Miller could start on site in summer 2014 with the site built out by end 2016.*
 - *We would be willing to accept a shorter implementation period, e.g. one year for Reserved Matters with the caveat that there remains the uncertainty with*

the planning system at the moment in relation to the threat of legal challenges which can result in inevitable delays. In the circumstances, a 2yr period for approval of RM may be appropriate in place of the standard 3yr provision?

- 5.49 If this application were to be approved it would be preferable to impose a shorter timescale condition for the submission of the reserved matters and the implementation of reserved matters. This would help ensure that the scheme was delivered within the five year period thus contributing to the current shortage in housing land supply.

Archaeology

- 5.50 The site is recorded as being of High Archaeological Interest. The response of the County Council's Archaeologist suggests that with the imposition of appropriate conditions a staged programme of evaluation and recording would be sufficient to ensure there is no harm to heritage assets. In the event of an approval conditions should be imposed.

Contamination

- 5.51 In the absence of a formal response from the Council's contamination officer it is appropriate to refer back to the submitted Phase 1 Desk Study for potential contamination on the site. The report concludes that the area is a Radon Affected Area; there were no surface contaminations noted during reconnaissance and potential contaminants may be present as a result of Made Ground following previous land uses and contaminants arising from existing agricultural land uses. It is expected that with appropriate mitigation measures these issues could be addressed and as such in the event of an approval conditions would need to be imposed to secure such measures.

Engagement

- 5.52 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no significant problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application. Where matters have required some clarification there have been good communications between the LPA and the agent. The agent has also been made aware of the likely reasons for refusal and understood that, with the exception of the FRA and the S106, it was unlikely that the reasons for refusal could be overcome.

Conclusion

- 5.53 The development of this site is contrary to adopted development plan policies but the Council does not have up to date adopted policies to ensure the future delivery of housing and there remains a shortfall in housing land supply. It is on this basis that the NPPF requires that developments are considered favourably unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits. The consultation responses and the officers own assessment have not identified significant effects beyond potential landscape impact as a result of encroachment into the open countryside. Whilst in relation to previous applications officers have considered this to be insufficient to justify a recommendation of refusal there are, in this instance, other factors that weigh more heavily towards the refusal of this particular application. Namely, the refusal of 2 other applications for housing beyond the built up limits of Bloxham and the fact that Bloxham has, since previous proposals, been regrouped within the Proposed Submission Cherwell Local Plan, highlighting the fact that Bloxham has already taken a large proportion of the development in the rural areas and as such further applications may lead to an over-reliance on Bloxham. It is acknowledged that in pursuing the reason for refusal set

out below that there is some reliance being placed on a draft Local Plan which in its self carries risk however the Council has consistently defended this argument through planning applications in Bloxham and subsequent appeals. One of the Core Principles of the NPPF is that planning should be genuinely plan led. Whilst other developments have been approved contrary to this principle in the interests of meeting the housing land supply, it is considered that future developments in Bloxham should be brought forward through a plan led process in order to ensure that it is in the most appropriate locations and of the most appropriate scale. The benefit of helping to meet the housing land supply and the provision of affordable housing must weigh heavily in the balance but on this occasion it is considered that there are sufficient reasons to tip the balance towards a refusal. It is clear from the level of public objection that a significant proportion of the village also feel that Bloxham cannot sustain further developments of the scale previously experienced.

6. Recommendation

Refusal, for the following reasons:

1. The proposal represents development beyond the built up limits of Bloxham within open countryside contrary to Policies H12, H13 and H18 of the adopted Cherwell Local Plan and Policies H15 and H19 of the Non-Statutory Cherwell Local Plan. It is considered that the development of this site will cause harm to the character and appearance of the countryside on the western edge of Bloxham contrary to Policy C7 of the adopted Cherwell Local Plan and Policy EN34 of the Non-Statutory Cherwell Local Plan and Policy ESD13 of the Proposed Submission Local Plan Incorporating Changes March 2013 and to the core principles of the NPPF. Notwithstanding the Council's present 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 and that significant harm will result.
2. Having regard to the level of new development recently accommodated in Bloxham, the fact the site is not identified for development by existing or emerging Policy, and is not supported by the local community, the proposal is considered to go beyond that which would reasonably be expected to be accommodated in the village during the proposed Cherwell Local Plan period. In the particular context of housing delivery at Bloxham (including that local planning authorities should encourage community-led local assessments of need and action planning to inform decision making processes in rural communities), it is considered the proposed development would adversely affect further consideration of how to sustainably meet rural needs through the production of Development Plan Documents and a Neighbourhood Development Plan (especially when the local community has indicated its intention to prepare a Neighbourhood Development Plan). As such the proposed development is contrary to Policy Villages 2 of the Proposed Submission Local Plan Incorporating Changes March 2013 and to the core principles of the National Planning Policy Framework set out at paragraph 17 and in particular the requirement that decisions should be genuinely plan-led; empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.
3. In the absence of a satisfactory planning obligation 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 resulting in an unsustainable form of development, contrary to Policies H5, TR1 and R12 of the adopted Cherwell Local Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.

4. The submission, as a result of an inadequate Flood Risk Assessment, fails to fully demonstrate that there will be no flood risk for the proposed site and no increase in flood risk for the surrounding area. As such the proposal is contrary to Policies ESD6 and ESD7 of the Proposed Submission Local plan Incorporating Proposed Changes and Guidance within the National Planning Policy Framework.

STATEMENT OF ENGAGEMENT

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 applicant/agent in a positive and proactive way as set out in the application report.