

**Land To Rear Of Crab Tree Close And Adj To
Ells Lane, Bloxham****Ward : Bloxham****District Councillors ; Cllrs Heath and Thirzie Smart****Case Officer:** Nathanael Stock**Recommendation:** Refuse**Applicant:** CALA Homes (Midlands) Limited**Application Description:** Erection of up to 30 residential dwellings and associated infrastructure works**Committee Referral:** Major development**Committee Date:** 11.06.2015**Report Type: Committee Decision****1. Site Description and Proposed Development**

- 1.1 The application site is comprised primarily of two fields forming grassed, agricultural pasture land divided by the existing hedgerow vegetation. The site, which is partly Grade 2 agricultural land and partly Grade 4 agricultural land, is accessed via Ells Lane, a classified road, immediately to the north. No public rights of way cross the site or are affected by the proposal. The northern field is relatively flat, rising gently from north-east (121.3m AOD) to south-west (124.2m AOD), while the southern field rises steeply from north (122m AOD) to south-west (138.5m AOD).
- 1.2 The site, which in total measures approx. 2.7 ha, is bounded to the east by new residential properties on Crab Tree Close, to the north by Ells Lane, and to the west and south by open countryside, with trees and other vegetation lining the latter boundaries.
- 1.3 The current application seeks outline consent for the erection of up to 30 dwellings and associated infrastructure, with means of access to be assessed. Access is proposed to be taken north from Ells Lane.
- 1.4 The application is accompanied by drawings "C.0542_03" (Illustrative Masterplan) and "7641a" (topographical survey), a Site Location Plan, Design & Access Statement, Planning Statement, Flood Risk Assessment and water management plan (Transport Planning Associates, March 2015), Ecological Appraisal (FPCR, Jan 2015), Landscape and Visual Assessment (Pegasus, March 2015), and transport assessment (Transport Planning Associates, March 2015).
- 1.5 There is no relevant planning history to the site.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter (x35), site notice (x3) and press notice. The final date for comment was 14.05.15.

22 letters of objection received; issues raised include:

Principle

- (1) Too many developments already in Bloxham; Rural North Oxfordshire, especially Bloxham is in danger of being lost to overbuilding on Greenfield sites. Already a successful petition to parliament has been made with over 1000 signatures.
- (2) Impact on village identity and character; Bloxham is struggling to retain its identity and environment; its identity is already threatened from existing developments
- (3) Proposal is contrary to the Bloxham Neighbourhood Plan (BNDP); this site is not allocated for development by the BNDP; the BNDP should be supported / respected through refusal of this application. Significant weight should be attached to the BNDP. Approval of this development would further go against the wishes of the Bloxham community in this respect.
- (4) Greenfield site beyond the built up limits of the village – to develop would be contrary to CDC policy and create urban sprawl
- (5) To extend the built form of the village is unnecessary - infill sites are a better choice to avoid encroaching upon open countryside.
- (6) Bloxham has already contributed significantly to Cherwell's development targets - Bloxham should not be seen as an 'easy option' to schedule-in further developments to enable Cherwell targets to be met - focus should be given to other sites within the Banbury Area eg. towards the M40 corridor. Infill along the M40, to supplement ongoing development at Longstone Park etc would see Cherwell meet it's targets without detracting from village locations which currently make Cherwell special. Joining Bloxham to Banbury via a conjoining housing development would not be seen by future generations as a wise use of precious natural resources.
- (7) Loss of agricultural land
- (8) Loss of night time peace and tranquillity, and sense of remoteness on Ells Lane
- (9) Contrary to Cherwell Local Plan Policies H13 and H18 – the proposal does not meet the restrictions of these policies
- (10) The application does not make a commitment to providing 35% on-site affordable housing and therefore is contrary to Policy BSC3 of the Submission Cherwell Local Plan (Feb 2015)

Infrastructure

- (11) Overdevelopment of Bloxham, whether by CDC or at appeal, has had a severe impact on village infrastructure
- (12) The primary school is at capacity, and cannot be extended; local schools will likely not be able to accommodate the extra numbers generated by the existing developments.
- (13) The Warriner School is at capacity; the addition of more houses will just make an existing situation a major problem.
- (14) No capacity in the village doctor's or dental surgery; The doctors and dentist are full and although the shops seem to be thriving, there is no car parking and so shoppers cause a bottle neck on the A361. All will get worse if this application goes ahead.
- (15) Impact on infrastructure, which is already under strain / inadequate – water, sewerage, electricity, etc. Residents suffer regularly from power cuts and water leakages
- (16) The submitted plans show that the play area on Crab Tree close would be used by families of the proposed housing; however, this play area is very small and not adequate for the current residents to use; and its maintenance is paid for by the current residents.

Transport / Access

- (17) Local traffic congestion will be a problem; the current proposal would exacerbate this issue

(18) Inappropriate additional development for Ells Lane; Ells Lane is a small country lane that already sees a high volume of traffic generated from The Warriner School, and is too narrow for another junction or the additional traffic from the proposal; Ells Lane cannot sustain any increase in road traffic and is an inappropriate location for any additional development

(19) Impact on Ells Lane / Banbury Road junction; the junction is inadequate to cater for existing traffic; the junction between Ells Lane and the A361 is already an accident hot-spot which is likely to be more dangerous with increased traffic levels. This is a particular problem when parents are dropping off and collecting pupils at the Warriner School. A study on the traffic impact and accident risk would highlight the severity of this issue. There is insufficient space for cars travelling north or south on Banbury Road to pass a car waiting to turn right into Bloxham Grove Road without encroaching into the slip road and stop line of Ells Lane.

The Transport Assessment of the Ells Lane/Banbury Road junction confirms that it is nearing capacity now and "*is forecast to be over capacity in the 2021 base scenario.*" Approvals for more than 220 homes have recently been granted in the village and these will be built-out before 2021, the traffic from which will add yet more chaos at this junction.

The Transport Assessment anticipates the widening of Ells Lane at the junction with Banbury Road. It further advocates the provision of "*a 1.2 metre wide footway on the southern side of the carriageway between the site access and Crab Tree Close.*" In order to achieve this, hedgerows along Crab Tree Close and a portion of this development site will be destroyed. The proposed footway would need to be at least 2.5m wide in order to comply with Cala's assertion, in their DAS at p 4.18, "*that All pedestrian links will be suitable for use by disabled people.*"

(20) Inappropriate position for proposed entrance to site; is immediately opposite the new nursery entrance

(21) Detrimental impact on pedestrian safety / Inappropriate pedestrian link shown through to Crab Tree Close – the Close is private and owned by the residents, this access will not be allowed and so ALL pedestrian traffic to and from the new site would have to go on the narrow and at times congested and dangerous Ells Lane

(22) Crab Tree Close residents would not allow a footpath across their private land, for which they pay an annual maintenance fee.

(23) Impact on parking provision on Crab Tree Close

(24) Development should only be permitted if the developer pays for improvement of the entire length of Ells Lane, adding planning is only approved if the developer fully pays for a total improvement of the entire length of Ells Lane, (1) adding a pavement to walk/run along, (2) adding grass verges for the horses that use the fields off Ells Lane and (3) increase the width of the carriageway for traffic to pass safely

(25) The traffic survey was conducted on Ells Lane beyond Chequer Tree Farm, resulting in submission of flawed evidence. The submitted document records '0' cars queuing at the A361 junction, whereas all residents know the problems with this junction; the peak traffic times were given as 8.40 – 9.0 and 5 – 6, but in reality the peak times are 8.0 – 8.40 and 2.15 – 3.45. The submitted transport document must be reviewed.

(26) The submitted traffic statement underplays the likely number of vehicular movements arising from the proposed development; the assessment should be based on real time data, e.g. survey of Crab Tree Close, rather than figures obtained from a very generic model based on similar developments from across the UK

(27) Doubts about the accuracy of the Personal Injury Accident data; objectors have witnessed several rear end shunts at the junctions which don't appear to

have been recorded by OCC. The accidents frequently occur when a car is waiting to turn right onto either Ells Lane or Bloxham Grove.

(28) Adverse impact on A361 through the village, which is already an extremely busy road that meets a bottleneck in the centre of the village, and already failing under the strain of rush hour traffic; it would not cope with additional traffic brought by additional housing.

The A361 is already extremely busy through the centre of Bloxham and this results in congestion at certain times adjacent to the few shops (Post Office, convenience store, pharmacy etc.) where the parking is restricted. The width of the road at this location is inadequate to cater for the many wider vehicles using this route, which results in delays and tailbacks. Any increase in local traffic or parking at this location will certainly add to this problem

(29) The increase in traffic congestion would be contrary to policy 1G of the Emerging Bloxham Neighbourhood Plan (2015 -2031), and therefore the proposal cannot be deemed a 'sustainable development' as defined within paragraph 7 of the Framework; and that the proposed development is contrary to the second bullet of Paragraph 49 of the Framework

Accessibility

(30) The bus service does not operate on Sundays or past c.7pm, thus creating a dependency upon the car

(31) The DAS implies the site has good access to village services. However, the recently completed Sustrans report for Bloxham notes:-

Para 3.3 *"Sub-standard footways on all the main corridors - the A361, and the key minor roads - mean that people will encounter footways of a sub-standard width, at some point, on any journey across the village."*

Para 3.4 *"The centre of the village, in particular, lacks continuous footway routes - and where footways do exist, they are often narrow, with no room for people to pass one another. Critical stretches of footway around the primary school, and the recreation ground on South Newington Road, are also of sub-standard width."*

Visual impact

(32) Detrimental (visual) impact on countryside and the local landscape; this Adverse Impact would significantly outweigh the benefits of developing this site.

(33) Impact of wider road on character of countryside; a wider road would result in loss of ancient hedgerow

(34) The increase in traffic and further development would adversely affect the rural setting and tranquillity along Ells Lane

(35) The elevated position of the site would mean that the development would be visible from afar and would detract from the rural situation and amenity that Bloxham currently enjoys.

Paragraph 4.21 – Policy ESD13 identifies that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape cannot be avoided. The encroachment of development along Ells Lane, which is a rural lane and a very distinctive feature of the local landscape, will experience significant negative effects as the sense of travelling along a rural lane will be lost. The visual connectivity between the villages of Bloxham, Broughton, Bodicote and Banbury continues to increase; the consequence of this is that the sense of separate remote rural villages, set within a localised landscape, is very much diminished. This is considered to have a significant negative effect on local landscape character. The design of the proposed development does not set out landscaping measures which will mitigate this negative effect. Therefore the proposed development does not comply with

Policy ESD13 or Paragraph 109 of the NPPF which asserts that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing “valued landscapes”. Paragraph 4.22 – Policy ESD15 identifies that proposals for development on the edge of built up areas must be carefully designed and landscaped to soften the built edge of the development and assimilate it into the landscape by providing green infrastructure that will positively contribute to the rural setting of the towns. The design of the proposed development does not appear to be carefully designed and landscaped to soften the built edge that fronts onto Ells Lane and does not provide green infrastructure above and beyond the existing hedge that will positively contribute to the rural setting of the edge of Bloxham. Therefore the proposed development does not comply with Policy ESD15.

Paragraph 4.39 makes reference to Paragraph 109 of the NPPF which asserts that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing “valued landscapes”. Having reviewed the planning application, the proposed development does not contribute to and enhance the natural and local environment and does not protect and enhance the “valued landscape”. Therefore planning permission should not be granted.

Neighbour impact

(36) Impact on residents’ amenity: There is no footpath and the kerb of the block-paved pedestrian/ vehicular access to adjacent houses is 120cms from the front windows and door of our house. Another 30 households passing by would be an unacceptable invasion of privacy.

(37) The proposed informal open space facility on the upper field would cause undue overlooking of all gardens and bedroom windows of 15-27 Crab Tree Close, plus houses on the A361; at present the only onlookers are sheep

(38) Air pollution / Serious concerns about air quality

(39) Light and noise pollution; at present there is none

(40) Overbearing and loss of privacy to Crab Tree Close residents

(41) Submitted documents underplay impact on neighbours’ visual receptors

(42) Adverse effect on the operation of local businesses, e.g. the nursery and local farms; the increase in traffic on Ells Lane would compromise the ability to access the farm with large agricultural machinery during peak times and the reduced operating width of the carriageway.

Drainage

(43) Insufficient information to demonstrate satisfactory drainage

(44) The existing local drainage system cannot cope with the current number of properties and any increase in properties will only make this worse

(45) Water comes off the hill and used to flood the area; developers had to build a live drain running the entire length of the Crab Tree Close development as well as a culvert and pumping station to cope with this. When the culvert was blocked by the developer’s building materials, it resulted in houses and the Wariner School being flooded.

(46) The pumping station at Crab Tree Close, which continually breaks down, would not cope with any further water

Ecology

(47) Impact of widening of Ells Lane – would destroy the habitat of birds and animals, many of which were not registered on the limited environmental survey.

(48) The submitted Ecology Appraisal does not include a reference to the Slade Nature Reserve, past records of the Great Crested Newts at the Primary School, or the results from Cherwell's Swift Conservation Project which show that the highest level of "Swift" activity across the whole of the District is in Bloxham.

Lack of pre-application consultation

(49) Within the DAS, the Introduction at para 1.5 notes that, "Section 4: *Involvement and Evolution – outlines the stakeholder participation and consultation undertaken as well as its key findings*". But Section 4 does not set out this information as there has been no stakeholder participation and consultation with residents or the Parish Council. No reasons are given for this significant omission.

(50) The role of community involvement in the planning process is supported by the Government in the National Planning Policy Framework (NPPF) which expects applicants to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. The NPPF considers that 'proposals that can demonstrate this in developing the design of the new development should be looked on more favourably' (Paragraph 66). CALA has clearly chosen to ignore "the views of the Bloxham community".

Other

(51) Use of the larger field as "retained green space" with a possible play area seems totally unnecessary; it is already a field / open space; this appears to be a ruse to obtain the land for future housing development; why else is it included in the application; this part of the proposal should be seen as a 'trojan horse' for further incremental development

(52) Errors in submitted documents, e.g. (i) Cala Homes state that the boundary to the south of the proposed development is owned by Wadebridge School and Primary Academy. That Academy is situated in Cornwall; (ii) the Planning Statement (section 4) refers to the Cotswold District Local Plan (2006).

Non-planning issues raised

Impact on property values; loss of uninterrupted views; questions re whether the application fee submitted is good use of 'community charge money'

3. Consultations

3.1 Bloxham Parish Council – Objects:

- 1 There has been **no** pre-application consultation or engagement with the residents of Bloxham or the Parish Council. This is Contrary to NPPF Para 66
- 2 The National Planning Policy Framework at Paragraph 49 states that "*housing applications should be considered in the context of the presumption in favour of sustainable development. 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*". Cherwell District Council **can** demonstrate a 5 year housing land supply without inclusion of this site. Paragraph 49 should **not**, therefore, be engaged.
- 3 The site comprises of Agricultural land of both Grade 2 and 4.
- 4 This application is contrary to saved Policy H13 of the adopted Local Plan "whereby new dwellings are restricted to infilling, minor developments comprising small groups of dwellings within the built-up area of the settlement and the conversion of non-residential buildings".
- 5 Bloxham has previously been classed as an "area of High Landscape Value" this term has been replaced by "distinctive local character". and CPRE's Tranquillity Maps. To allow further development alongside a rural village lane that thankfully does not at present suffer from undue light pollution would cause significant harm and be detrimental to not only the local wild life habitat

but also to the human habitat.

- 6 This application is contrary to NPPF para 109 it is **not** enhancing the local environment, it is **not** protecting the valuable agricultural soil, it is **not** offering any net gains in bio diversity, it **will impact** on the water and soil instability.
- 7 The site **does not** appear on either the Cherwell District Council's proposed or committed housing sites. In the 2014 SHLAA it is identified as *"having a poor relationship with the rest of the village, therefore not suitable"*
- 8 The application assumes that further development in Bloxham is sustainable. Bloxham's infrastructure has been shown to be at capacity, the **Primary School is not suitable for expansion**. Refer to OCC's response to Cherwell District Council's ELP. Cherwell District Council's ELP is to concentrate development in truly sustainable areas of the district including Banbury and Bicester. This applicant does not provide any evidence of the Sustainability of Bloxham. It is not enough to say there is a local facility if that facility is not available for use.
- 9 Whereas there are proposals to improve road infrastructure in Banbury and Bicester it is not possible to improve the A361 running through Bloxham without demolishing existing houses.
- 10 The Strategic Objective (SO12) of the Proposed Submission Local Plan is *"to focus development in Cherwell's sustainable locations, making efficient and effective use of land, conserving and enhancing the countryside and landscape and setting of its towns and villages"*. This application **is contrary to** SO12. It does **not** conserve or enhance the local landscape. On the contrary it degrades it.
- 11 Policy ESD13 of the Submitted Local Plan seeks to conserve and enhance the distinctive and highly valued local character of the entire district and states that *development will not be permitted if it would: - Cause undue visual intrusion into the open countryside - Cause undue harm to important natural landscape features and topography - Be inconsistent with local character - Impact on areas judged to have a high level of tranquillity - Harm the setting of settlements, buildings, structures or other landmark features, or - Harm the historic value of the landscape*. **This application is contrary to this policy**.
- 12 The development would have an adverse impact on the view from the public right of way along Hobb Hill. It will adversely affect the existing residents of Crab Tree Close.
- 13 The application proposes that in order to necessitate the provision of a site entrance, a section of existing hedgerow along the country lane will be removed (page 27 Design Access Statement). This cannot be seen as an enhancement of the countryside. Following a Hedgerow survey undertaken as part of Cherwell District Nature Conservation, the hedgerows in this area are noted to be of significant importance.
- 14 Page 18 of the Design Access Statement (DAS) indicates that there would be pedestrian access through Crab Tree Close. However, this is a private road.
- 15 The DAS indicates that the vehicular entrance to the site would be on Ells Lane, which would be close to the garden nursery already on Ells Lane. This would result in three commercial accesses onto Ells Lane and two residential accesses within a short stretch from the Ells Lane junction with the A361. The widening of a short section of the road would not address this problem.

- 16 For a previous application 14/00349/F concerning Ells Lane the Oxfordshire County Council Highways department noted that there was evidence of verge parking on Ells Lane. It was considered important that any development **did not** add to this. This evidence provided by OCC is ignored by the Developer in their calculations.
- 17 Parish Councillors have noted up to 10 cars regularly parked along the verges at weekends. At the beginning and end of school days Ells Lane is gridlocked due to parents leaving and picking up their children from school. The corner of Ells Lane and the A361 is known to be an area where road traffic accidents occur, resulting in damage to cars.
- 18 The traffic assessment carried out by the Applicant did not accurately reflect these times of congestion.
- 19 The DAS (page 27) indicates that vehicular access is to be provided via a new priority junction with Ells Lane, approximately 90 metres west of the junction with Crab Tree Close. The carriageway on Ells Lane is approximately 3.4 metres wide along the site frontage. It is therefore proposed to widen the carriageway to 5.5m between Crab Tree Close and the proposed site access. In addition to the widening of the carriageway, it is proposed to provide a 1.2m wide footpath on the southern side of the carriageway between the site access and Crab Tree Close. This footpath would, it is proposed, provide pedestrians with a continuous footway between the development site, Bloxham village centre and via a controlled crossing, the Warriner School. This will, however, create a bottleneck further up Ells Lane. A 1.2 m wide footpath is contrary to National Guidelines of 2.5m to allow safe access for wheelchair users and children in pushchairs.
- 20 The DAS indicates that parking courts are to be provided. This is contra to the Bloxham Neighbourhood Development Plan in which parking courts are considered to be impractical and unsafe for users who would need to park away from their homes at night or when returning with small children.
- 21 The development would achieve an average net density of 37 dwellings per hectare (dph) when excluding the southern field and the sustainable urban drainage area. This is contrary to CDC Proposed Submission Local Plan.
- 22 Oxfordshire County Council's Archaeology has objected to the application on the grounds that the site is located in an area of archaeological interest adjacent to a Middle Iron Age settlement site. It is stated that "Romano British finds including the upper part of a cone-shaped quern, bones, coarse potsherds and a spindle-whorl were recovered from a clay pit 300m south of the site. No archaeological investigation was carried out on site at the time but the pottery was dated to the Roman period and the finds suggest nearby Roman and Iron Age occupation."
- 23 It is not clear from the DAS who would retain ownership of the southern field and local play areas.
- 24 If this field, that is significantly higher than adjacent land, is retained as a play area it will be intrusive to the dwellings in Crab Tree Close and Banbury Road. Page 26 of the DAS shows the site to be higher than the existing Crab Tree Close development.
- 25 The DAS (page 30) proposes 2.5 storey buildings adjacent to Crab Tree Close. As the site is higher than Crab Tree Close this is likely to be intimidating for the existing residents. The existing properties will be overlooked.

- 26 The Planning Statement at 4.39 records that the emerging Bloxham NDP does not include this site in its "green space" allocation. This site is one of many green fields that still surround the village of Bloxham, to have identified all these green fields as "green space" would have not been a practical exercise.
- 27 The Planning Statement at 5.3 maintains that this proposal conforms to Policy C28 and C 30 of the Adopted Local Plan, how can this be as no mention is made of details, layout design and material appearance of the proposed development.
- 28 Planning Statement (page 5) reference is made to the **Cotswold District Local Plan**. Does the developer intend that the Policies contained within that Plan to apply here?
- 29 The planning statement at 4.29 – 4.32 purports to consider the emerging Bloxham Neighbourhood Development Plan. If it had considered the BNDP then it would have noted the need for the specific type of housing shown to be required. However, the developers have made no effort to contact the villagers to discuss housing needs or preferred type of housing. If this applicant had fully considered the emerging BNDP, then they would have noted that the BNDP does not identify a need for the proposed type of housing. The Planning Statement (5.8) references that Policy C28 identifies that standards of layout, design and external appearance, including the choice of external finish materials are sympathetic to the character of the urban or rural context, Policy C30 also identifies that new housing developments must be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity. The application is in Outline and only including access. All other matters are for a Reserved Matters Application, however the DAS submitted identifies how the indicative master plan accords with both C28 and C30 and that stone will be used (4.29) yet the application form indicates only brick.
- 30 In the event that this site was considered suitable for development then the BNDP has already identified specific housing needs, including the need for suitable accommodation for the ageing population. This need has been consistently ignored by developers within Bloxham, resulting in a mismatch between the housing requirements of people within Bloxham and the houses constructed. BNDP identifies a need for housing suitable for both an aging and generally less mobile population.
- 31 The Transport Assessment submitted has results that demonstrate that the junction of Ells Lane and the A361 is forecast to operate within theoretical capacity during the 2016 design year with the addition of development traffic. However, this junction is forecast to be over capacity in the 2021 base scenario. The Parish Council ask CDC to take note of comments from residents as to **how** this survey was undertaken.
- 32 The mini roundabout has been modelled as a **standard** roundabout rather than a mini-roundabout. "This is because when modelled as a **mini** roundabout, the results are inconsistent with the operation and queues observed as part of the base traffic surveys, outlined in Chapter 2. This is not the case when modelled as a **standard** roundabout and the base queue results are generally consistent with the observed queue lengths." **This is not consistent with previous reports or indeed OCC's own views. OCC refer to the roundabout as a "mini roundabout " and there are consistently lengthy queues. Bloxham Parish Council would justifiably expect CDC to discount this data and seek accurate data for a mini roundabout..**
- 33 In addition Bloxham Parish Council questions why the requirement to test

Wykham Lane and Courtington Lane junctions appears to have been dropped?

- 34 It is the view of Bloxham Parish Council that no accurate assessment of the infrastructure in the village can be undertaken until the developments on Barford Road, Milton Road and Tadmarton Road, together with other minor developments in the village have been completed. It is already the case that the A361 is dangerous and congested in the village, that the primary school is full and that other services are over stretched. Failing this then the Parish Council ask that the Traffic Assessments submitted by both Gladman's (Barford Road) 12/00926/OUT and Frampton (Milton Road) (12/01139/OUT) together with the Traffic Survey commissioned by Bloxham Parish Council and submitted to both Inquiries be included in the assessment of this application.
- 35 Thames Water has requested both a "Grampian Condition" before development can commence and an Impact Study. Unfortunately the experience of the Parish Council is that these statements are not given due weight and as such do not appear to be fully considered when approvals have been given in the past. This has lead to several drainage strategies having to be revised after approvals and as in the case of Crab Tree Close, a secondary ditch had to be created, post development, to accommodate the flooding experienced in 2007.
- 36 The proposal is for the attenuation pond on the site to drain into the existing culvert in Crab Tree Close. Foul water is proposed to be discharged from the site via a pumping station to the foul gravity sewer on the Banbury road, that Thames Water have indicated could be at capacity.
- 37 Residents of Crab Tree Close have highlighted the problems experienced with the pumping station located in Crab Tree Close together with the ditch alongside Ells Lane.

38 *Bloxham Parish Council submit together with this application, a copy of the traffic survey commissioned by the Council.*

Milcombe Parish Council – Objects: wishes to object to this application because it is seriously concerned about any further development in Bloxham, which has already had more than double its allocation to 2031. Milcombe has also had a development of 29 properties in 2014, when it was originally only allocated infill and extensions/alterations to existing properties.

This application is totally unsustainable with regard to infrastructure – both villages suffering low water pressure, frequent power cuts, a sewage system causing problems – all outdated and unable to cope with the current number of properties without further development.

Both villages suffer traffic congestion, particularly from HGV's as many use the main road through Milcombe either via their 'sat.nav.' systems or by local companies making their way to the A361 and then on through Bloxham. There is little likelihood of any highway improvements for either village.

However, besides transport problems, the main concern is that of shared facilities between the villages, i.e. Doctors, Dentist and Schools, which are already full to capacity. The Horton General Hospital has been saved for the immediate future but will be hard pressed to cope with all the additional approved developments in the Cherwell pipeline.

Milcombe children are now having to attend schools in Hook Norton and Deddington when they should be accommodated at Bloxham Primary which is the closest school to Milcombe and part of the Bloxham Benefice and for which there is also school transport.

The Parish Council also has concerns regarding the single track of Ells Lane, which is used as a parking lot for parents dropping off and picking up from the Warriner and the dangers of having another access onto this country lane which this development will bring. There have been a number of accidents in recent years at the adjacent crossroads with Banbury Road and Grove Lane and this development will only add to the problem.

Any further developments in Bloxham will cause serious impact on the residents of Milcombe and therefore Milcombe Parish Council urges Cherwell Planning officers and the Planning Committee to refuse permission of this application.

Thames Water – No objections subject to condition requiring drainage strategy.

Cherwell District Council Consultees

- 3.2 **Housing** – This application for 30 units will require a 35% affordable housing provision to be made on site. This equates to 11 affordable units (not 10 as the applicant has stated). There should be a tenure split of 30% (3 units) shared ownership or some other form of intermediate housing agreed with the Council and 70% (8 units) affordable rented. The affordable homes should meet the HCA's Design and Quality Standards including the necessary HQI requirements. 50% (4 units) of the rented element should also meet the lifetime homes standards and one unit is to meet full wheelchair standards.

There is expected to be a range of house types made available for the affordable housing provision, the detail of which will be determined at reserved matter stage should this outline application be approved.

An indicative mix is proposed as follows:

Rent

- 4 x 1 bed (2 person) maisonette units
- 1 x 2 bed (3 person) bungalow
- 2 x 2 bed (4 person) houses
- 1 x 3 bed (5 person) house

Shared Ownership

- 2 x 2 bed (4 person) houses
- 1 x 3 bed (5 person) house

The affordable housing should be transferred to an RP which is agreed with the Council.

Landscape Officer – No stated objection. Comments as follows:

In respect of any important vantage points for visual receptors on local public rights of way the intervening topography, vegetation and existing residential development obscures the application site with its 'imagined' development. The proposed dwellings and road infrastructure will be contained behind existing structural vegetation and Crab Tree Close residential development. To the south and west the topography provides additional containment.

The main issue is the visual harm that this development will give to resident receptors on Crab Tree Close, specifically dwelling nos. 1 -14. With the proposed building line only 8 m from the resident's boundaries, in my estimation at year 1 and year 15 there will be a **Major adverse** and **major/medium adverse** effects respectively, to these residential receptors (as opposed to moderate adverse and minor adverse effects for VP 1 indicated in the LVIA. The proposed trees will have minimal mitigation effect culminating in light reduction/and shade to properties (during the early/late evening), even structural damage resulting in insurance claims against the party that owns the intervening buffer/POS.

The northern hedgerow to Ellis Land is to be retained and maintained to 3 m above ground level to provide screening from the lane.

The close proximity of the hedgerow on west facing elevations are going to exacerbate problems of light reduction to windows, over shading and other tree related issues. A 12 metre wide landscape/highway access buffer between the plots and the proposed trees of hedgerow/hedgerow trees [is] necessary in order to mitigate these problems, and enable the hedgerow to retain its informal outline and mature height to screen the development from Ells Road receptors

The southern hedgerow, again will give light reduction and issues to dwellings, if the intervening highway proposal is changed, especially as informal outline and mature height must be maintained to screen the built development from residences on Crab Tree Close, specifically between no 15 and 'New stones'. Reinforcement planting is required.

In order to ensure that the integrity of the field boundary hedgerows and trees a comprehensive tree survey is to be carried out by a qualified arboriculturalist in accordance with BS 5837. Canopy extents and root protection areas are to be indicated on a survey plan. This information should be submitted as early as possible...

The location of the play area (a LAP) means that it is disconnected in terms of physical and visual accessibility: the facility should be integrated and therefore connected to the housing infrastructure where children and carers have a minimum 1 min walking distance from the furthest dwelling. For reason of improving safety of young children natural surveillance is required from dwellings and adjacent footways. For a reduction in disturbance to the lives of residents the facility must have a minimum 5 m landscape buffer zone between frontages and play activity area. CDC current Developer Obligations SPD should be consulted in respect of quality and standards.

With consent the aforementioned hedgerows are to be retained under the relevant planning conditions.

If consented the field parcel to the south must be retained as POS in perpetuity to protect the intrinsic landscape character and prevent further residential development. This POS will be fully accessible for all users in this respect DDA compliant paths will have to be considered.

Full hard and soft landscape proposal details along with maintenance and future management proposals are required for all landscape/POS/play areas, including the street scene.

Recreation, Health And Communities – Makes Section 106 contribution requests towards public art provision (£150 per dwelling) and community hall

provision (to be used to enhance facilities at Jubilee Hall, Bloxham) on the following basis:

Size of property	Contribution per dwelling based on figures @2014/15 and subject to inflation as appropriate @ April 2015
1 bed	£103.30
2 bed	£149.14
3 bed	£232.16
4 + bed	£319.26

The given justification for community hall contribution is Planning Obligations SPD (Section 6, Section 14, Appendix I (i), Appendix B (ii), Appendix I (ii) (2010 figures plus annual RPI).

Oxfordshire County Council Consultees

3.3 **Highways** – No objections subject to conditions requiring access details, visibility splays, estate roads, drainage strategy, construction traffic management plan and public rights of way; and makes Section 106 contribution requests towards transport infrastructure (£41,354), local bus service (£30,044), bus passenger facilities (£8,000), improvements to public rights of way in vicinity (£15,000). Also advises that there would need to be a Section 278 agreement catering for various off site highway improvements – localised widening of carriageway including new access and ‘Speed Limit Review’ (60mph/30mph relocation) involving Traffic Regulation Order.

Archaeology – Objects: The site is located in an area of archaeological interest adjacent to a Middle Iron Age settlement site. Further information, in the form of an archaeological evaluation, will need to be provided ahead of the determination any planning permission for the site in order that the impact on any surviving features can be assessed.

Detailed comments: The building concerned lies within an area of some archaeological interest located adjacent to the site of an excavated middle Iron Age farmstead and isolated features dating to the middle Bronze Age or Early Iron Age. These features consisted of an Iron Age round house and a number of linear features along with a cremation burial. Further Iron Age material and features were recorded 180m south east of the proposed site.

Romano British finds including the upper part of a cone-shaped quern, bones, coarse potsherds and a spindle-whorl were recovered from a clay pit 300m south of the site. No archaeological investigation was carried out on site at the time but the pottery was dated to the Roman period and the finds suggest nearby Roman and Iron Age occupation.

These features could continue into the site and therefore further information in the form of an archaeological evaluation will need to be submitted in order that the impact of this development on any survive archaeological features can be taken into account as set out in the National Planning Policy Framework (2012) paragraph 128. In accordance with the National Planning Policy Framework (NPPF), we would therefore recommend that, prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation.

This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.

Education – Objects, on the grounds of the proposal’s impact on grounds of lack of primary school provision and the resultant impact on community cohesion and sustainability. Any further housing development beyond that already approved will result in a significant risk that even some children living within the village, applying on time for a school place, may not be able to secure a place at the school. No further housing development should be permitted unless a feasible and viable solution to primary school capacity in the village can be provided. Such a solution would be expected to include additional site area being provided for the school, and also significant additional accommodation for the school.

In addition, Expansion of secondary school capacity in the area would be necessary as a direct result of housing development. This area feeds to the Warriner School, which is regularly oversubscribed, and effectively full.

Should the LPA grant this application against this objection, OCC (Education) makes Section 106 contribution requests towards primary school expansion (£175,699) and secondary school expansion (£203,361).

Comments that a special educational needs (£9,089) would normally be required, but cannot be required in this instance due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended).

Property – No objection subject to conditions requiring fire hydrants; and makes Section 106 contribution requests towards Administration and Monitoring (£3,750).

Comments that contributions would normally be sought towards local Library (Adderbury) (£6,874.80), Central Library (£1,387.09), Waste Management (£5,176.32), Museum Resource Centre (£404.40), Integrated Youth Service (£1,423.62) and Adult Day Care (£6,655.00), but cannot be required in this instance due to the pooling restrictions contained within Regulation 123 of the Community Infrastructure Regulations 2010 (as amended).

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H5: Affordable housing provision

H13: The Category 1 settlements

H18: New dwellings in the Countryside

R12: Provision of open space

C7: Landscape conservation

C8: Sporadic development in the open countryside

C13: Areas of High Landscape Value

C27: Development in villages to respect historic settlement pattern

C28: Layout, design and external appearance of new development

C30: Design of new residential development

C33: Protection of important gaps of undeveloped land

4.2 Other Material Policy and Guidance

National Planning Policy Framework (“the Framework”)

Paragraphs 6 – 9, 13, 14, 17 (presumption + core planning principles), 18, 19, 20 (economy), 29 – 36 (transport), 47, 49, 50, 52 (housing), 56 – 66 (design), 69, 70, 75 (healthy communities), 93 – 104 (climate change and flooding), 109 – 125 (natural environment), 126 – 139 (historic environment), 186 – 206 (decision taking) and 216 (weight given to policies in emerging plans)

National Planning Practice Guidance (“the PPG”)

Submission Cherwell Local Plan (January 2014)

The Submission Local Plan has been through public consultation and was submitted to PINS in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation, from 22nd August to 3rd October 2014. The examination reconvened and closed in December 2014 and the Inspector’s report is expected to be published in May 2015. Although the SCLP does not have Development Plan status, it is a material planning consideration and due weight can be afforded to relevant draft policies, in accordance with Paragraph 216 of the Framework. The policies listed below are considered to be material to this case:

Submission Cherwell Local Plan Policies:

- BSC3: Affordable Housing
- BSC4: Housing Mix
- BSC10: Open space, outdoor sport and recreation provision
- BSC11: Local Standards of provision – outdoor recreation
- ESD3: Sustainable construction
- ESD7: Sustainable Drainage Systems
- ESD10: Protection and enhancement of biodiversity and the natural environment
- ESD13: Local landscape protection and enhancement
- ESD16: The Character of the Built and Historic Environment
- Policy Villages 1: Village Categorisation
- Policy Villages 2: Distributing Growth Across Rural Areas

Strategic Housing Land Availability Assessment Update 2014 (SHLAA)

The SHLAA is a technical document and is a key element of the evidence base for the emerging Cherwell Local Plan. It will help the Council to identify specific sites that may be suitable for allocation for housing development. The SHLAA is to inform plan making and does not in itself determine whether a site should be allocated for housing development.

The site is included in the SHLAA Update 2014 (Aug 2014) with the site reference BL044. The site was in the list of rejected sites due to *“Due to its location, residential development at the site would likely have a poor relationship with the existing village and be incongruous to the existing settlement pattern, and therefore would not be suitable.”*

5. Appraisal

5.1 The key issues for consideration in this application are:

- District housing land supply

- Principle of development
- Pre-submission Bloxham Neighbourhood Plan
- Impact on the character of the area
- Heritage impact
- Residential amenity
- Accessibility
- Transport impact
- Biodiversity impact
- Loss of agricultural land
- Flood risk and drainage
- Pollution control
- Community infrastructure impact
- Affordable Housing
- Planning balance

District housing land supply

- 5.2 The five year land supply was comprehensively reviewed for the 2014 Annual Monitoring Report (“the AMR”) which was published on 31 March 2015. The AMR concluded that the district has a **5.1 year supply** of deliverable sites for the five year period 2015-2020 (commencing on 1 April 2015). This is based on the housing requirement of the Submission Local Plan (as Proposed to be Modified, February 2015) which is 22,840 homes for the period 2011-2031 and is in accordance with the objectively assessed need for the same period contained in the 2014 SHMA (1,140 homes per annum of a total of 22,800). The five year land supply also includes a 5% buffer for the reasons explained at paragraph 6.28 of the AMR. The presumption in favour of sustainable development, as advised by the Framework, will therefore need to be applied in this context.

Principle of development

- 5.3 Paragraph 11 of the Framework makes clear that the starting point for decision making is the development plan. In this case the development plan comprises the ‘saved’ policies of the adopted Cherwell Local Plan, and the Oxfordshire Minerals and Waste Local Plan.
- 5.4 The site is a green field site outside the built-up limits of the village, in open countryside. The proposal is for a large scale residential development with associated infrastructure, and would result in a substantial change to the character and appearance of the site and its surroundings. The proposal would therefore be contrary to a number of saved policies of the Cherwell Local Plan, in particular policies H12, H13, H18, C8, C9, C13, C27, C28, C30 and C33.
- 5.5 In general terms these policies seek to limit and restrict new development (in particular new residential development) in the countryside, to ensure development takes place in sustainable locations and to protect the rural character, quality and appearance of the countryside.
- 5.6 The need to have regard to the development plan is qualified by the presumption in favour of sustainable development at Paragraph 14 of the Framework. In particular: *where the development plan is absent, silent or relevant policies are out-of-date (the Local Planning Authority should) grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits...or specific policies [in the Framework] indicate development should be restricted.* Whether or not a policy is out-of-date is not simply a matter of the length of time that has passed since its adoption; paragraph 215 of the Framework

clarifies that: *due weight should be given to relevant policies in existing plans according to their degree of consistency with [the Framework].*

- 5.7 There have been a number of recent appeal decisions in Cherwell District where Inspectors have concluded that, in the absence of a five year supply of deliverable housing sites and in accordance with Paragraph 49 of the Framework, the relevant saved policies of the Cherwell Local Plan relevant to the supply of housing are 'out-of-date'.
- 5.8 The 2014 AMR shows that the Council can now demonstrate a defensible five year housing land supply as well as meeting the Local Plan housing requirement of 22,840 dwellings by 2031 as set out in the 2014 Oxfordshire SHMA, and it is therefore considered that the relevant policies of the Local Plan are no longer 'out-of-date' for the purposes of Paragraph 49 of the Framework.
- 5.9 However, recent appeal decisions in Cherwell District have also made clear that policies imposing a general presumption against development taking place in certain locations (e.g. H18, C8) are not consistent with the presumption in favour of sustainable development contained in the Framework. In addition the strategic plan period originally intended to be covered by the Local Plan (1996 to 2001) has expired. As such, in accordance with Paragraph 215 of the Framework, these Policies cannot be afforded full weight.
- 5.10 Nevertheless, officers consider those policies can still be afforded some weight insofar as they are broadly consistent with Paragraph 17 of the Framework, which states that planning should take account of,
- "the different roles and character of different areas, promoting the vitality of our main urban areas... recognising the intrinsic character and beauty of the countryside (and focusing) significant development in locations which are or can be made sustainable."*
- 5.11 The Submission Cherwell Local Plan (SCLP), once adopted, will provide the strategic plan framework for the current plan period 2011 to 2031. Although not yet part of the development plan, the draft policies of the SCLP are a material consideration in determining planning applications.
- 5.12 There are a number of unresolved objections in respect of the housing policies contained in the SCLP, and so officers consider these Policies cannot yet be afforded significant weight. However in view of the advanced stage of preparation of the submission Local Plan, the widely accepted status of the 2014 Oxfordshire Strategic Housing Market Assessment (SHMA) as the basis for setting the objectively assessed housing need for the District, and the impending publication of the examination Inspector's report, officers consider it is appropriate to consider the principle of the proposed development in the context of the housing policies of the submission Local Plan.
- 5.13 Draft Policy Villages 2 is concerned with the distribution of housing growth across the rural areas. It states that: *"A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014"*. Bloxham is identified as a Category A village, and so is considered suitable in principle to accommodate some additional housing under draft Policy Villages 2.
- 5.14 However, the Council's 2014 AMR (published 31 March 2015) identifies that significant progress has already been made to meeting the allocation of 750 homes to be delivered at Category A villages, with a residual unmet allocation of

275 homes to be delivered across the Category A villages under draft Policy Villages 2.

- 5.15 In addition, Bloxham has seen a higher level of growth compared to other Category A villages such as Adderbury, Deddington and Hook Norton. For the period 2011 to 2014 there has been 72 completions at Bloxham compared to 5 completions at Adderbury, 6 at Deddington and 5 at Hook Norton. When considering further historic completions, Bloxham has provided more housing completions than other Category A villages.
- 5.16 As at 31 March 2014 planning consents have been given for 6,522 dwellings across the district, of which 236 were located at Bloxham. The total number of commitments at Bloxham, on sites of 10 or more, is 220 dwellings: Land South of Milton Road (85 dwellings); Land adjoining and South of St Christopher Lodge, Barford Road (75); and Land to the South West of Tadmarton Road (60).
- 5.17 It is considered that to permit a further 30 homes to be developed would amount to an undesirable over-concentration of new housing development in Bloxham that would prejudice a more even-planned and sustainable distribution of housing development across the District's Category A villages. This is a concern also expressed in the Pre-submission Bloxham Neighbourhood Plan (BNDP).
- 5.18 Therefore, and in the context of the Council being able to demonstrate an up-to-date 5 year housing land supply, it is considered the current proposal is unnecessary, undesirable, unsustainable and unacceptable in principle in this rural location.

Pre-submission Bloxham Neighbourhood Plan

- 5.19 A pre-submission Bloxham Neighbourhood Plan was published for public consultation between 10 January 2015 and 22 February 2015. The Parish Council will consider the representations prior to amendments and submission of the Plan to Cherwell District Council where further consultation will take place.
- 5.20 It is considered that the BNDP has not yet reached a stage in the plan process where it can be given any significant weight. This point will have been reached when the draft BNDP, taking account of the comments received to the Pre-submission version, has been through a six week formal consultation and is ready to be submitted to an Examiner for consideration against the basic conditions of the Neighbourhood Plan regulations.

Impact on the character of the area

- 5.21 It is noted that the Parish Council and a significant number of local residents have also raised objections on the grounds of landscape and visual impact.
- 5.22 The site is in open countryside and contributes to the rural character, quality and amenity of the area, in particular the rural character and setting of Bloxham village. Its open character and extensive views of the historic village and surrounding countryside also contributes to the amenity value and enjoyment of the various public rights of way either crossing or passing in close proximity to the site.
- 5.23 The Illustrative Masterplan shows development confined to the flatter, northern field, and the application is assessed on this basis.
- 5.24 Saved Policy C7 of the Local Plan states that: *“development will not normally be permitted if it would cause demonstrable harm to the topography and character of*

the landscape". Similarly Policy C33 states that, *"the Council will seek to retain any undeveloped gap of land which is important....in preserving a view or feature of recognised amenity or historical value"*. More generally, draft Policy ESD13 of the submission Local Plan states that, *"Development will be expected to respect and enhance local landscape character"*, and draft Policy ESD16 states that new development should: *"Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views."*

- 5.25 The Landscape and Visual Impact Assessment (LVIA) submitted with the application has considered the potential impacts on the landscape character and amenity of the site and surrounding area, and concludes that the,

"...magnitude of impact on the landscape character of the site will be medium. Assessed alongside the medium sensitivity, this will result in a moderate adverse effect at a site level" (para 5.21), and,

"...the site forms only a very limited area of the Ironstone Hills and Valleys LCA and due to the scale and containment of the site, the relationship between the site and the wider LCA is limited. Therefore the magnitude of impact on the wider area of the Ironstone Hills and Valleys LCA overall will be negligible. Assessed alongside the medium sensitivity, this will result in a neutral/negligible effect on the LCA." (para 5.22)

- 5.26 Although the Council's landscape officer disagrees with the some of the LVIA's conclusions on the proposal's impact on local residents' outlook, he does not disagree with the overall conclusions quoted above and does not object to the application on grounds of landscape impact.

- 5.27 Overall, on the basis that development would be confined to the flatter, northern field, it is considered that the site is relatively visually contained and the proposal would not adversely affect the wider landscape.

- 5.28 However, it remains the case that the site lies outside the built-up limits of the village, would extend development into the countryside and as such is contrary to saved policies in the adopted Local Plan for protection of the countryside. Officers consider this to be a significant and demonstrable harm to be taken into account in the planning balance.

- 5.29 In addition, it is considered that, having regard to its location, residential development at this site would have a poor and incongruous relationship with the form, character and pattern of the existing settlement. Whereas the Crab Tree Close is directly adjacent to, and relates well to the Banbury Road, the application site fronts onto Ells Lane, effectively turning the corner away from Banbury Road and heading west into the countryside, relating much more to the countryside than to the built form of the village. Its development would therefore have an adverse effect on the character and appearance of the countryside.

- 5.30 This impact would be emphasised by the proposed improvement works required to Ells Lane which, it is considered, would in themselves have a detrimental impact on the character and appearance of the area.

- 5.31 The landscape officer advises that the local area of play (LAP) must be sited within the development rather than the adjacent field, and this would need to be required by way of a legal agreement.

Heritage impact

- 5.32 Saved Policy C33 of the Local Plan states that: *“the Council will seek to retain any undeveloped gap of land which is important...in maintaining the proper setting for a listed building or in preserving a view or feature of recognised amenity or historical value”*. Similarly draft Policy ESD13 of the submission Local Plan states that proposals will not be permitted if they would: *“harm the setting of settlements, buildings, structure or other landmark features, or harm the historic value of the landscape”*, and draft Policy ESD16 states that proposals should: *“Conserve, sustain and enhance designated and non-designated ‘heritage assets’...including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated”*.
- 5.33 Paragraph 132 of the Framework states that, *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be...as heritage assets are irreplaceable, any harm or loss (including to their setting) should require clear and convincing justification.”*
- 5.34 In this instance, the proposed development would undoubtedly diminish the countryside setting of the historic village, in views along one of the primary routes into the village, but would not have a significant impact on either the designated Bloxham Conservation Area or any listed buildings, and overall the proposal is considered acceptable in this regard.
- 5.35 However, the site is located in an area of archaeological interest adjacent to a Middle Iron Age settlement site, and it is considered that further information, in the form of an archaeological evaluation, would need to be provided ahead of the determination any planning permission for the site in order that the impact on any surviving features can be assessed.
- 5.36 Paragraph 128 of the Framework states that: *where a site...has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation*. The County Archaeologist has advised that there is high potential for significant archaeological remains to survive on site which could be damaged or destroyed by the development, and has advised that an archaeological field evaluation should be carried out prior to determination, to determine the extent of any remains and the weight that should be attached to the preservation. However no such field evaluation has been submitted and therefore officers consider there is insufficient information to establish if the archaeological impacts of the development can be made acceptable. This weighs significantly against the proposal.

Residential amenity

- 5.37 Local residents have raised objections in this regard, and the proposal would have a discernible impact on the outlook of neighbouring residents, particularly nos. 1 to 18 Crab Tree Close.
- 5.38 However, having regard to the Illustrative Masterplan, it is considered that there would be sufficient separation between the area proposed to be developed and existing and planned neighbouring dwellings to enable acceptable details of layout, scale and appearance to be agreed at reserved matters stage, without undue harm (e.g. overshadowing, an overbearing impact, or loss of privacy) resulting to the amenity of neighbours. This conclusion is based on the premise that the indicative

development block closest to Crab Tree Close would include blank side elevations facing eastward towards to Crab Tree Close.

- 5.39 With regard to the amenity of the proposed residents, the Design and Access Statement (paragraph 4.2, page 25) suggests a density of 37 dwellings per hectare, based on a developable area of 0.81 ha. This is considered to be a high density for an edge of village location, but adequate to ensure a satisfactory standard of amenity (e.g. distances between facing windows, outdoor amenity space) can be provided. This conclusion is based on the premise that the 'middle' block as shown on the Illustrative Masterplan would have the highest density, while the countryside edge block and the block closer to Crab Tree Close would have a lower density.
- 5.40 Overall, having regard to the above, and subject to the provisos noted above, the proposal is considered acceptable in residential amenity terms and would thus comply with CLP Policy C28 and SCLP Policy ESD16. This weighs in favour of the proposal.

Accessibility

- 5.41 The representations of several Crab Tree Close residents give the strong impression that pedestrian access from the site to the Close would not be possible as intended by the applicant. This would have a negative implication for the site's accessibility credentials.
- 5.42 The site is located more than 800m (15mins) walking distance from the village centre, and none of the key amenities in the village (e.g. food shop, post office, primary school, GP surgery, public house) are within this recognised walking distance. Only the secondary school (approx. 320m) is within walking distance.
- 5.43 For these reasons, it is considered that the proposal would not be well connected to existing development, and future occupiers would be overly reliant on the use of the private motor vehicle, which would not be in the best interests of sustainable development. This weighs significantly against the proposal.
- 5.44 The pedestrian link through Crab Tree Close would need to be provided for the development to be adequately connected to existing development, and the applicant would need to demonstrate that this connection could be achieved.

Transport impact

- 5.45 Concerns have been raised by the Parish Council and local residents with regard to the proposal's potential transport impacts, in particular the impact of additional traffic flows on the local road network.
- 5.46 The local highway authority (LHA) advises that, subject to conditions requiring access details, visibility splays, estate roads, drainage strategy and construction traffic management plan, and a Section 278 agreement to provide for various off site highway improvements (inc. localised widening of carriageway including new access and 'Speed Limit Review' (60mph/30mph relocation) involving Traffic Regulation Order), the proposal is acceptable in highway safety terms.
- 5.47 Officers have no reason or evidence to disagree with the conclusions and advice of OCC Highways, and therefore the proposal is considered acceptable in transport terms subject to conditions and completion of a satisfactory Section 106 legal agreement, as recommended in OCC Highways' response.

Biodiversity impact

- 5.48 Paragraph 99 of Circular 06/05 states that, *“it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”*. Likewise Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that, *“every public authority must in exercising its functions, have regard...to the purpose of conserving (including restoring/enhancing) biodiversity”*.
- 5.49 A detailed Ecological Appraisal has been submitted with the application. The Council’s Ecology officer has not objected to the application and it is therefore considered that, subject to conditions to ensure the mitigation and enhancement measures proposed in the Ecological Appraisal and recommended by the Ecology officer are implemented, the development is considered to have an acceptable impact on biodiversity.

Loss of agricultural land

- 5.50 The Council’s records and the Planning Statement submitted with the application indicate that the proposal would result in the loss of approx. 3.2 ha of best and most versatile agricultural land. The Framework defines ‘best and most versatile’ as land in grades 1, 2 and 3a of the Agricultural Land Classification. The Council’s records show that the site partially comprises grade 2 land.
- 5.51 Paragraph 112 of the Framework states that, “local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality”.
- 5.52 It is the case that most of the agricultural land surrounding Bloxham village is classified as best and most versatile, and as such any new housing development on the edge of the village is likely to result in some loss of best and most versatile agricultural land. However, it has already been established that there is not an immediate and overriding need for this site to be released for housing now, and there is a significant quantum of new housing development already planned to take place in Bloxham in the next 5 years.
- 5.53 In particular, in respect of the remaining balance of 275 dwellings to be provided in the category A villages under draft Policy Villages 2 of the submission Local Plan, it has not been demonstrated that there are no other sites in the District which would be preferable in terms of using areas of poorer quality agricultural land. Therefore officers are not convinced that the loss of a further significant area of best and most versatile agricultural land is either necessary or desirable in this case.

Flood risk and drainage

- 5.54 Concern has been raised about surface water drainage and the potential for the development to increase the risk of surface water flooding in the area, in particular on the highway.
- 5.55 A detailed Flood Risk Assessment has been submitted with the application, and having considered this information neither the Environment Agency nor Thames Water have objected to the development and appear satisfied that a satisfactory

drainage scheme can be agreed. Therefore, subject to conditions to ensure a detailed foul and surface water drainage scheme is submitted, agreed and implemented, officers consider the proposal would be acceptable in this respect.

Pollution control

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

Community infrastructure impact

- 5.58 Having regard to the scale and residential nature of the proposed development, it is considered that the proposal is likely to place additional demand on existing community services and infrastructure in the local area including schools, community halls, public transport and public rights of way, health facilities, waste services, and public open space. The consultation responses have provided evidence that this would indeed be the case, with requests for contributions to be secured via a Section 106 legal agreement, to mitigate the impacts of the development in this respect.
- 5.59 Draft Policy INF1 of the submission Local Plan states that: "*Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities*". Contributions can be secured via a Section 106 legal agreement provided they meet the tests of Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended), which states that planning obligations should be: "*(a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development*".
- 5.60 Although the applicant has indicated a willingness to enter into a Section 106 agreement to secure the necessary planning obligations, a signed completed agreement is not in place that would be acceptable to meet the anticipated infrastructure requirements of the development. Therefore officers cannot be satisfied that the infrastructure impacts of the development can be made acceptable in this case.

Education provision in Bloxham

- 5.61 With particular regard to primary education in Bloxham, Bloxham Primary School has been expanded to the full extent of its site capacity, and further population growth in the village is likely to mean that not all children who live within the catchment will be able to secure a place at the school. However, some parts of the Bloxham catchment area are shared with three other schools. Although these schools are also under pressure, one (Hook Norton) is planned to expand in 2015, and at least one other school is expected to expand subsequently.
- 5.62 The County Council (OCC) has advised that the residential development already granted in Bloxham is expected to mean that, (a) 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; (b) 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; and (c) in the smaller villages surrounding Bloxham, which have historically fed to Bloxham Primary School, it is likely that children will need to attend a different primary school, this being made possible by the expansion of that school.

- 5.63 In addition, OCC advises that further housing development would bring a significant risk that even some children living within the village, applying on time for a school place, may not be able to secure a place at the school. This would be detrimental to community cohesion and sustainability.
- 5.64 On these grounds, OCC therefore recommends that no further housing development should be permitted, unless a feasible and viable solution to primary school capacity in the village can be provided. Such a solution would be expected to include additional site area being provided for the school, and also significant additional accommodation for the school.
- 5.65 Officers note this is a materially and significantly different position to that taken by OCC at the time of previous applications for residential development in Bloxham.
- 5.66 With regard to secondary education provision in Bloxham, expansion of secondary school capacity in the area would be necessary as a direct result of housing development. This area feeds to the Warriner School, which is regularly oversubscribed, and effectively full.
- 5.67 Paragraph 72 of the Framework makes clear that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to expand schools to maintain, or widen choice in education. Without expansion of the Warriner School, housing development would adversely impact on the operation of parental preference and result in a loss of amenity to young people already living in the area, who would be less likely to secure a place at their first preference school as a direct result. As such it would go against the intention of Framework para 72 by reducing the choice of school places available to meet the needs of existing and new communities.
- 5.68 If the Warriner School is not expanded, children who would otherwise have attended the school would be displaced to other schools in nearby Banbury. These schools currently have spare places, but these places will be filled as a result of the population growth which is already evident in the local primary schools. Secondary school capacity in Banbury will need to be expanded as these higher pupil numbers feed through, and therefore should the schools also be required to accommodate growth as a result of housing development in Bloxham, the scale of expansion would be greater as a consequence. Expansion of secondary school capacity either at the Warriner School or at schools in Banbury is therefore necessary to ensure the needs of the current and future populations can be met, and to ensure the council can meet its statutory duty to ensure sufficient school places.
- 5.69 While the effects on secondary provision can be met through financial contributions secured via Section 106 agreement, it is considered that the position on primary education is materially different (as at para 5.79 above). The proposal's impact on primary education provision weighs significantly against the proposal.

Affordable housing

- 5.70 The applicant proposes 10 units of affordable housing (AH), whereas the Council's Housing Officer advises that 11 AH units will be needed in order to achieve the requisite 35% AH provision. The Housing Officer advises on the required tenure split and mix (see para 3.2 of this report), and comments that a range of house types will be expected for the AH provision, the detail of which would be determined at reserved matter stage should the outline application be approved.
- 5.71 Subject to the applicant's agreement to 11 AH units rather than 10, the provision of affordable housing weighs significantly in favour of the proposal.

Planning balance

- 5.72 Paragraph 14 of the Framework sets out a presumption in favour of sustainable development: *which should be seen as a golden thread running through both plan-making and decision-taking*. Paragraph 7 of the Framework states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions should not be considered in isolation, but should be considered jointly and simultaneously, taking local circumstances into account. In practice this means that a planning balance exercise should be undertaken to determine if, taken as a whole, the adverse impacts of the proposal identified above are outweighed by the benefits such that it could still be considered sustainable development.
- 5.73 The proposed development would undoubtedly deliver social benefits in terms of meeting housing need, including the provision of on-site affordable housing and public open space – subject to the applicant's agreement to changes to the submitted proposal in the case of both. There would be economic benefits arising directly from the construction phase of development, and indirectly from the contribution of future residents to the local economy, and environmental benefits arising from the proposed enhancements to biodiversity.
- 5.74 Nevertheless, it is quite clear that there would also be a number of significant and demonstrable adverse social, environmental and economic impacts resulting from the development.
- 5.75 In summary these are an over-concentration of new housing in Bloxham village causing harm to the rural character and quality of the village and undermining a more balanced distribution of housing growth across the rural areas, the site's poor and incongruous relationship with the form and pattern of the settlement, significant and demonstrable harm to the character and appearance of the area compounded by the engineering works required to Ells Lane, the site's relatively poor accessibility to the village's key amenities, the loss of some of the best and most versatile agricultural land, and an adverse effect on education provision in the village,
- 5.76 In addition there is insufficient information to properly assess the potential archaeological impacts of the development, and there is no signed completed legal agreement that would be acceptable to secure the necessary planning obligations to mitigate the anticipated infrastructure impacts of the development and the provision of affordable housing.
- 5.77 In the context of the Council being able to demonstrate an up-to-date 5.1 year housing land supply there is a not an overriding need for additional sites (such as the application site) to be released for housing now. Therefore the weight to be afforded to the benefits of delivering housing is reduced.

5.78 In conclusion, when considering the economic, social and environmental impacts of the development as a whole, officers consider the limited benefits of the proposal are significantly and demonstrably outweighed by the adverse impacts such that planning permission should be refused for the reasons given at section 6 of this report, below.

6. Recommendation

Refuse, for the following reasons:

1. The proposed development, by reason of its siting and scale on the edge of a village in an open countryside location, and taking into account the amount of new housing development already planned to take place at Bloxham and Cherwell Council's ability to demonstrate an up-to-date 5.1 year housing land supply, is considered to be unnecessary, undesirable and unsustainable new housing development that would harm the rural character and setting of the village and would prejudice a more balanced distribution of the rural housing growth planned for in the Cherwell Submission Local Plan. Therefore the proposal is considered unacceptable in principle and conflicts with saved Policies H12, H18, C8, C9, C27 and C33 of the adopted Cherwell Local Plan, draft Policies ESD13, ESD16 and Villages 2 of the Cherwell Submission Local Plan, the National Planning Policy Framework in particular paragraphs 7, 8, 9, 10, 14 and 17 and section 7 'Requiring good design', and the national Planning Practice Guidance.
2. By reason of its location, the proposal would have a poor and incongruous relationship with the form, character and pattern of the existing settlement. Whereas the Crab Tree Close is directly adjacent to, and relates well to the Banbury Road, the application site fronts onto Ells Lane, effectively turning the corner away from Banbury Road and heading west into the countryside, relating much more to the countryside than to the built form of the village. Its development would therefore have an adverse effect on the character and appearance of the countryside. This identified harm would be emphasised by the proposed improvement works to Ells Lane - required to make the highway safe for additional residential development – which would in themselves have a detrimental impact on the character and appearance of the area. Therefore the proposal conflicts with saved Policies C7, C27 and C33 of the adopted Cherwell Local Plan, draft Policies ESD13, ESD16 and Villages 2 of the Cherwell Submission Local Plan, the National Planning Policy Framework, in particular paragraph 17 'Core planning principles' and section 7 'Requiring good design', and the national Planning Practice Guidance.
3. By reason of the lack of primary education places available and the quantum of development already permitted in Bloxham, the proposal would result in a significant risk that even some children living within the village, applying on time for a school place, may not be able to secure a place at the school. This would be detrimental to the cohesion and sustainability of Bloxham as a community. Therefore the proposal conflicts with the National Planning Policy Framework, in particular paragraphs 14 (the presumption in favour of sustainable development), 17 (core planning principles), 72 (choice of school places), and the national Planning Practice Guidance.

4. By reason of its location more than 800m walking distance from the village centre and any key amenities in the village (e.g. food shop, post office, primary school, GP surgery, public house), the proposal would be poorly connected to existing development, such that future occupiers would not have a realistic choice of means of travel, and would have an adverse impact on the character of the area. Therefore the proposal conflicts with Policies C27, C28 and C30 of the adopted Cherwell Local Plan, draft Policies ESD13 and ESD16 of the Cherwell Submission Local Plan, the National Planning Policy Framework, in particular paragraph 17 'Core planning principles' and section 7 'Requiring good design', and the national Planning Practice Guidance.
5. By reason of the siting and size of the development and the resulting loss of some 3.2 hectares of grade 2 agricultural land, and taking into account the Council's ability to demonstrate an up-to-date 5.1 year housing land supply, the quantum of housing development already planned for in Adderbury, and the lack of evidence to demonstrate that there are no other sites in Category A villages in the District which would be preferable in terms of using areas of poorer quality agricultural land to meet the District's housing needs, the proposal is considered to result in the unnecessary and unjustified loss of best and most versatile agricultural land. Therefore the proposal conflicts with draft Policies BSC2 and Villages 2 of the Cherwell Submission Local Plan, the National Planning Policy Framework, in particular paragraphs 17, 28, and 112, and the national Planning Practice Guidance.
6. By reason of the site's location in an area of known archaeological interest with high potential for significant archaeological deposits to survive on site, in the absence of a detailed and adequate archaeological field evaluation the Local Planning Authority cannot be satisfied that the proposal would not result in unacceptable and unavoidable harm to archaeological assets. Therefore the proposal conflicts with draft Policies ESD16 and Villages 2 of the Cherwell Submission Local Plan, the NPPF in particular paragraph 17 'Core planning principles' and section 12 'Conserving and enhancing the historic environment', and the PPG.
7. By reason of the lack of a satisfactory completed s106 legal agreement to secure contributions to the community services and infrastructure that would be directly affected by the development, and to secure the provision of affordable housing to meet housing need, the Local Planning Authority cannot be satisfied that the impacts of the development in these respects can be made acceptable. Therefore the proposal conflicts with saved Policy H5 of the adopted Cherwell Local Plan, draft Policies BSC3 and INF1 of the Cherwell Submission Local Plan, the NPPF in particular paragraphs 17, 203 and 204 and section 6 'Delivering a wide choice of high quality homes', and the national Planning Practice Guidance.

Planning Notes

1. The plans and documents relating to this decision are: Drawing Nos. "C.0542_03" (Illustrative Masterplan) and "7641a" (topographical survey), a Site Location Plan, Design & Access Statement, Planning Statement, Flood Risk Assessment and water management plan (Transport Planning Associates, March 2015), Ecological Appraisal (FPCR, Jan 2015), Landscape and Visual Assessment (Pegasus, March 2015), and transport assessment (Transport Planning Associates, March 2015).

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 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.