

<b>Application No:</b> 09/00965/OUT	<b>Ward:</b> Bloxham and Bodicote	<b>Date Valid:</b> 22/07/09
<b>Applicant:</b>	Bewley Homes	
<b>Site Address:</b>	OS Parcel 1319 South of Paddington Cottage, Milton Road, Bloxham	

**Proposal:** Outline: Erection of 60-bed care home and 44 no. retirement dwellings

## 1. Site Description and Proposal

- 1.1 This is an outline application for a 60-bed care home and 44 dwellings with associated access and infrastructure on a 1.88 hectare site to the south of Milton Road, Bloxham. All matters except means of access are reserved for subsequent approval. Access to the site is to be obtained via a new vehicular access onto Milton Road, between two properties known as Rowan Court and Paddington Cottage.
- 1.2 The site is square/rectangular in shape and is located to the south of properties facing onto Milton Road and east of residential properties fronting onto Barford Road. To the east lies a public footpath, which passes from Milton Road towards Bloxham Mill across agricultural land. To the south lies further agricultural land. The site lies within an Area of High Landscape Value.
- 1.3 The site comprises fallow farmland, having been used for the grazing of horses but more recently left unmaintained. The site slopes from the higher ground to the west down towards the north-eastern corner. The site is largely bounded by existing trees and hedgerows, which provides some screening and boundary definition to adjacent properties and the open countryside beyond.
- 1.4 The application seeks permission for a 60-bed care home aimed at providing specialist care for the frail and elderly sector and dementia sufferers and 44 residential units. The residential units are split between 18 affordable dwellings age restricted to over 55 and over and 26 private dwellings which are not proposed to be age restricted, although the Planning Statement does suggest that they will be aimed at the retirement market.
- 1.5 Although the application is in outline only the application is accompanied by a scale parameters plan which indicates that the development could comprise of a 2 ¾ and 2-storey care home, 13 2-storey dwellings, 27 1 ¾ -storey dwellings and 4 bungalows.
- 1.6 **Planning History**  
The site has been the subject of some planning history which is relevant to the consideration of this application.

In October 2005, an outline application (05/01555/OUT) for residential development of up to 57 units was refused on the grounds that it would be contrary to policy,

would have an adverse visual impact upon the rural character and landscape value of this locality and a lack of a satisfactory unilateral undertaking. The applicants did lodge an appeal against the decision but this was withdrawn prior to detailed consideration and determination.

In January 2002, an outline application (02/00084/OUT) for residential development on the current site was submitted, with an indicative layout showing 45 dwellings on the site. This application was recommended for refusal at North Area Planning Committee on 28 February 2002 but was withdrawn prior to determination.

In July 1987, an outline application (CHN 352/87) for residential development was refused on the grounds that it would be contrary to policy and would be detrimental to the visual amenities and rural character of the locality. The subsequent appeal was dismissed in February 1988. The inspector commented that as the Structure Plan had made adequate provision for housing development he did not consider "that development of 4.8 acres would accord with the overall strategy for rural settlements as the appeal site could easily yield 30 to 40 new houses at modest densities".

The Inspector also commented that the "development of the appeal site would not be well contained by features or boundaries and could lead to the general southward extension of the village into the quadrant farmland between Milton Road and Barford Road". He considered that the location and scale of the proposed development would have an adverse visual effect upon the rural character and landscape value of this locality.

In March 1998, planning permission was granted for the erection of a single dwelling (in outline) on land between Paddington Cottage and Rowan Court. This consent has lapsed. The site had a previous consent for the erection of a single house in October 1974. The vehicular access to the proposed development would be through this plot of land.

In April 2007, an outline application (05/02103/OUT) for residential development for up to 74 dwellings on land east of the Telephone Exchange adjoining and north of Milton Road was approved. This site is located to the north east of the current application site. In summary this was approved as the site was allocated for development as part of Policy H1b of the Non-Statutory Cherwell Local Plan and the development of this site would contribute to the housing delivery targets which were not being met. Construction on this site is nearing completion and houses are being occupied.

## **2. Application Publicity**

- 2.1 The application was advertised by way of a site notice, press notice and neighbour notification letters. The final date for comment was 20 August 2009.
- 2.2 21 letters of objection have been received. The main reasons for objecting to the proposal are;
  - Policy position
    - Site is not within adopted Local Plan nor the Non-Statutory Cherwell Local Plan

- Both plans state that development will be restricted to infill, minor development or conversion of no-residential buildings
  - Will result in additional and unnecessary green field development
  - This site has previously been refused for development – the same reasons must still apply
  - Development of this site should wait until land allocation through the LDF have been completed
  - Requirements of Policy H6 of the Non-Statutory Cherwell Local Plan are not met
  - The Council has three major opportunities to deliver the housing stock required of it in the next 10-15 years eg. Bankside, Upper Heyford and North West Bicester
- Visual impact
    - Development on the north side of Milton Road and other developments in Bloxham add to the urbanisation of the village
    - The proposed development will destroy the rural village atmosphere
    - Buildings will be very visible
    - Development not in keeping with properties around it or Bloxham Village
    - Care home, of three stories, will be visible for miles
    - There has already been over development of the village at Ells Lane and Milton Road
- Highway safety
    - No opportunity to widen the road to provide footpath links, as have been provided for the other development on Milton Road
    - Footpaths too narrow for wheelchairs and mobility scooters
    - Vision from the access with limited, inadequate and unsafe
    - Already severe traffic pressures on the junction in Milton Road and Barford Road – increased danger to traffic and pedestrians with increase in traffic from development
    - No public transport long Milton Road
    - No plans for traffic calming on Milton Road as the traffic travels at high speeds on this stretch of road
    - Increase in traffic and congestion
    - Accidents/personal injuries have already occurred as a result of vehicles mounting the pavement to avoid heavy loads or blocking the road
    - Significant number of heavy trucks already use the road, ambulances also use it as a faster route to the hospital
    - Full impact of Taylor Woodrow development not yet known
    - Pedestrian crossing and street lighting is inadequate
    - Care home/commercial business would require deliveries from commercial vehicles
- Need for elderly accommodation
    - any required provision is to be provided at Godswell House, Bloxham does not require two care home developments
    - distort the age profile
    - OCC does not support this site for elderly care housing and it is not a priority site

- There may be a need for retirement accommodation but there is also a need for affordable housing for young people
- Neighbour impact
  - A nursing home and additional housing in close proximity to existing houses is unnecessary when other pockets of land have been identified by the Council in and around the village that do not encroach on quality of living environments for the current residents.
  - Overlooking and loss of privacy
  - The proposals for planting along the boundaries will not be sufficient to provide privacy
  - Privacy will be worsened by the fact that the site is on higher land to the surrounding properties
- Ecology and drainage
  - Area supports wildlife, including kingfishers, woodpeckers, owls and bats, deer, foxes, pheasants, rabbits and is unsuitable for buildings
  - Currently experience garden flooding in wet weather caused by water draining from this site, this will increase
  - Two small and apparently ancient ponds would be destroyed by development
  - Will result in a significant number of trees and bushes
  - The site used to be grade A arable land and could be restored to this state, it only appears poor quality as the land owner has chosen not to farm it
  - Disposal of rainwater is likely to increase as a result of the development and this may result in flooding on the adjacent land
- Services/infrastructure
  - Only the garage and deli are within 400 metres of the site
  - This form of development will place undue strain on excellent medical facilities in the village
  - Increase in population is not being matched by increase in infrastructure
  - Footpath link across site to existing footpath is unlikely to be agreed by the neighbouring land owner
  - Too far from village amenities
  - Electricity and waste sewerage infrastructure may not be able to cope with increased demand

#### Non – planning matters

- Bewley Homes consultation has been questionable, use of closed questions led to feedback in favour of the developers
- Concern about the implications of consulting with the Parish and District Council's prior to making the submission
- Number of retirees should be balanced with younger more active inhabitants
- People have increasing sense of powerlessness, of being over-ruled by those who do not have local interests at heart
- Houses on north side of Milton Road are already proving difficult to sell

1 letter has offered some support to the type of scheme being proposed and

acknowledges that the site is likely to be developed in the future but does express a number of concerns that are covered in the summary above.

2 letters have been received in full support of the application, one from the property adjoining the proposed access and one from the agent of the landowner. The reasons for supporting the proposal include;

- Care home is a much needed service within Banbury/Bloxham/Rural area especially in relation to dementia care.
- Impact of extra traffic will be negligible and not impact significantly on the already busy Milton Road.
- Many of the concerns expressed by residents can be addressed in negotiations for a S106 agreement
- The site has been left to deteriorate, resulting in a blight
- The proposal will meet National and Local Government Policy by encouraging development sensitivity to the rural communities, provide affordable housing and encourage development that meets the needs of the community including the elderly.
- The proposal will provide high skilled jobs and short term construction work
- Technical input submitted with the application demonstrates that matters of highway safety and improvement, surface water run-off, foul drainage, landscape and ecology can all be satisfactorily resolved.
- All homes are proposed to be built to lifetime standards
- Bloxham has a good range of facilities
- Council through South East Plan and County Structure Plan has a duty to provide development opportunities to meet its obligations in housing provision – not all the requirement can be met by developments at Banbury and Bicester
- Housing completions In Cherwell are falling behind Local Plan requirements and this development will help to address the shortfall
- Land South of Milton Road was the original preferred location for development allocation
- Public exhibitions have demonstrated that there is a need for care home and retirement dwellings.
- The proposed care home will cater for different needs to that at Godswell house
- Retirement dwellings will result in the release of houses for younger people.

### 3. Consultations

3.1 **Bloxham Parish Council** objects to the application on the following grounds (in summary:

- Outside the village boundary
- Shortage of parking, increasing potential for parking on Milton Road
- Only one bus a week along Milton Road, which does not enter the village centre
- Additional bus stop by Texaco garage which is a long walk for elderly. No service into or from Banbury on Sundays or weekday evenings
- Not a good site for elderly being away from the village

- 2 ¾ storey buildings are out of keeping with existing houses in area and can view into other houses on the complex and existing houses
- There is no need for more Care Home beds within five miles of Bloxham. Aware that Leader of the Council and County Council does not support the site for elderly care
- This site will increase dependence on cars
- The ponds that are described as dry on the plans are soft and boggy therefore the site may be liable to flooding.
- An independent tree survey is required in relation to the willow trees
- The site for affordable/elderly is too far from the village and some of the footpaths are too narrow in places for wheelchairs and walking into the village
- Affordable, social housing should be closer to the village and not on the outskirts
- The schools are full and the infrastructure relating to gas, electricity and water are at full stretch and cannot accept any more major developments
- Bloxham is a village and as such it only needs minor infilling rather than major developments to enlarge it further.

3.2 **Oxfordshire County Councillor for Bloxham Division** (Keith Mitchell) has made the following comments (in summary);

- This is not a site designated for such development – it is not identified in the Abandoned Local Plan which is used for a basis for planning policy until the new plan emerges from the LDF.
- A proposal such as this ought to await a review of sites and new land allocations under the LDF process. Approval of this site would pre-empt the proper process laid out in the LDF.
- There are sufficient sites elsewhere to meet this kind of housing need. OCC has two Elderly Care Housing schemes under construction in Banbury and another in Bicester. Contrary to impressions given in material circulated by the developer, the County Council does not regard this as priority for Elderly Care Housing.
- This is a highly unsuitable location for a facility of this kind with no access to public transport. Residents will need to visit Banbury regularly for a more comprehensive retail offer. Elderly residents are unlikely to walk or cycle even to Bloxham High Street and most certainly not to Banbury. This site is the wrong side of the village if, indeed this village is the correct location for this scale of development of elderly housing.
- Bloxham is already the largest village in Cherwell unless you believe the fiction that Kidlington is a village. Bloxham has grown hugely over the last forty years. Development here threatens to open the door to further development in the triangle between Milton Road, Barford Road and the Barford Airfield. Bloxham does not need, does not want and will not benefit from this development. It will add to congestion on the A361 and will simply continue the expression of this village until it begins to feel like and extension to Banbury.
- There is already planning for an old people's home at Godswell House. This site is not needed.

3.3 In summary, the **Local Highway Authority** (LHA) states that taking into account the Transport Assessment (TA) and the LHA's comments in relation to the previous

application an objection on traffic impact/capacity grounds would not be appropriate or sustainable at appeal.

The site's location to local facilities within Bloxham appears to be near or exceed the maximum walking distances recommended. Bloxham does not offer a good range of facilities without recourse to better opportunities within Banbury, which can only encourage the use of the private car as a mode of transport.

There are alternative modes of transport within Bloxham, such as public transport. However the only likely bus service to be used by residents of the proposed site is the subsidised, hourly 488 service (until early evening). The other public transport links serving Bloxham are not so desirable due to their infrequent nature i.e. one bus a day etc. Measurements on site show that the closest bus stop for the 488 service is around 600m away, located at Tadmarton Road. It is unlikely the residents of the proposed development will frequently use public transport as an alternative means of transport to that of the private car.

The proposed vision splays are not considered appropriate by the Local Highway Authority. An amended plan showing vision splays of 4.5m x 90m is required. The 5.5m wide access road into the site is acceptable as is the proposed 6m radii of the entrance.

The proposed crossing point at the entrance to the site is not acceptable due to its location. This crossing point is to be moved towards the junction of the Milton Road/Barford Road within the vicinity of the property known as Chart House, avoiding any accesses. A 2m footway linking this crossing point will be required along the Milton Road from the proposed development and will be subject to a Section 278 Agreement.

The parking levels for the proposed care home appear acceptable; however the layout does not appear to cater for deliveries, ambulance pick ups etc. There appears to be no disabled parking spaces, should 5% of total spaces being provided; plus individual spaces dimensions should be wider than normal i.e. 3.5m x 5m.

The parking allocation per plot for the residential dwellings is unclear from the submitted plans. A list is required showing how many off-street parking spaces are being provided per plot. Current parking standards are to be applied; and should be closer to the maximum level due to the site's location and undesirable public transport links.

A number of parking spaces within the proposed layout appear isolated/separated from the associated unit (or have none shown), which is likely to encourage on-street parking. Some plots appear to only have a garage as a parking space which should not be counted as a parking space unless the dimensions are 6m x 3m internally (as in Manual for Streets) to accommodate both a vehicle and storage. Alternatively car ports instead of garages do deter use for storage.

The visitor parking being provided within the site is acceptable and is in line with the guidance within Manual for Streets for the design of new residential streets.

A traffic calming feature into the site off the Milton Road will be required – can be agreed under reserved matters application if/when submitted.

It is assumed the proposed development is to be offered for adoption to the Local Highway Authority, which will require a Section 38 Agreement between the developer and Oxfordshire County Council. For this to be considered the development must be constructed to OCC specifications and incorporate a sustainable drainage system (SUDS).

Transport Contributions have been requested.

Conditions have also been suggested in the event of an approval.

3.4 **Oxfordshire County Council's Strategic Planning** department has made specific comments in relation to South East Plan policies, housing and supporting an aging population, environmental issues, transport, archaeology and infrastructure and service provision. To conclude it was stated that;

The proposal is in accordance with the South East Plan in that the development would go some way to meeting the housing allocations outlined in policy AOSR1.

The South East Plan and Cherwell Local Plan seek to concentrate development in the main urban areas and to protect the countryside from sporadic development but also allow necessary development in smaller settlements (like Bloxham) to appropriately support local economies and strengthen retention/provision of day-to-day services to enable such places to thrive and be as self contained as reasonably possible. This application is for relatively large scale development of an unallocated green field site in the countryside. Whilst it is reasonably placed to access local facilities, it may help to sustain the local shops etc and there are (limited) public transport services, the proposed development would also be likely to give rise to a need to travel to Banbury (and elsewhere) and these journeys are in all reality likely to take place by car. The development would not be acceptable unless it is compatible with the needs of the settlement. The District would need to be satisfied that the care home and the specialist housing proposed is necessary to meet the needs of the immediate local population; if it goes significantly beyond that need, then it is on the face of it, the wrong place for this scale of development and therefore unacceptable.

The County Council recommends:

- a) that it supports in principle development which supports the housing needs of an ageing population.
- b) if the District is minded to allow the development:
  - i) it should be satisfied that this scale of development is required to meet particular local social and economic needs in line with objectives of policy BE4 of the SE Plan: and
  - ii) permission should be subject to a legal agreement to secure developer contributions to necessary transport and non-transport supporting infrastructure and a Travel plan.

3.5 The **Council's Strategic Housing Officer** reaches the following conclusions in relation to the housing strategy and housing need;

- The proposal does not fit with the strategic aims in that it is not providing specialist supported accommodation or purpose built accommodation (single level). There would be an argument that the site is not well located for shops and services and it does not provide an all older people scheme since the



market housing is not age restricted. It does not provide the specialist accommodation we require in terms of extra care provision.

- There is a high level of general housing need across the District and including larger rural settlements such as Bloxham which can be evidenced through needs modelling and the housing register although there is currently no specific housing needs survey for Bloxham. With regard to the needs amongst the over 55s; we do have information about the general population profile which shows a large percentage of people of pensionable age but below County averages for economic deprivation and those living in private or social rented accommodation (around 12%). Both these indicators would point to a lower potential need for affordable housing amongst this age group.
- The best indication of specific need we have is our housing register. This indicates that there are 9 households over 55 waiting for one or two bed properties with a local connection to Bloxham. If the search is extended to applicants with a local connection to the immediately adjacent parishes (with the exception of Banbury) this number rises to 20 households. 10 of these households are assessed as being band 5 and are people who we would generally regard as being adequately housed or with resources to meet their housing need outside of the social housing sector. Whilst interest might be generated from Banbury residents we would normally seek to meet this need from sites within Banbury itself. Only 5 of these households are transfer applicants showing very little potential to free up larger family housing through this development. It is likely the majority of these households would need housing at social rent levels. This indicates the need for the amount and type of housing being specified in the planning application is quite marginal.
- In conclusion the planning application as it currently stands does not provide a good fit with the Council's strategic aims or meeting local housing need.

3.6 The **Council's Landscape Planning Officer** makes the following comments (in summary)

- The Landscape strategy is a presentation of existing view points. The development would probably not be visible from points on Milton Road and the footpath. It would be visible from Barford Road as the existing housing is already visible above the hedgerow boundaries. The site would also be visible from from a number of places along the footpath running from Milton Road to Bloxham Mill, particularly as part of the care home is 2 ¾ storeys high and the hedge is thin in places. This would be exacerbated in winter months.
- The site is quite well concealed by topography, the site being in a shallow bowl.
- The development will increase the outward spread of the village and intrude into the countryside.
- The assessment does not provide any indicative views of the development.
- Once the boundaries are cut back they may not provide much of a screen.
- There is not much room in the current layout for replanting
- There is limited hedgerow on the North West boundary and very little on the west boundary.

- It is unfortunate that the dry pond is not being re-instated as this could form an attractive area of open space
  - The open space is logical but more input into its design is needed.
  - Proposed landscaping scheme lacks example species
  - Boundaries should be native hedgerows to enhance wildlife value.
  - Care home garden should be high quality and provided seasonal interest for residents
  - The scheme should provide a LAP for the residents of the market housing
- 3.7 The **Council's Ecology Officer** considers that the ecological report submitted seems sufficient in scope and depth and largely concurs with the conclusions within it. Conditions would be required if the application was to be approved.
- 3.8 The **Council's Head of Building Control and Engineering Services** is satisfied with the way the FRA has been undertaken and agrees with its conclusions. Thames water have confirmed there is sufficient capacity in their off-site sewerage system. The development will require an on site pumping station but it is a matter of detail.  
Surface water will be discharged to soakaways subject to satisfactory soakage tests. In the unlikely event that the tests are unsatisfactory the fall back position is attenuated conveyance of surface water to an off site surface water sewer. A solution exists in principle.
- 3.9 The **Council's Environmental Protection Officer** states that records do not show any potentially contaminative sources which may affect the development, however as it is a sensitive development, it is therefore recommended that conditions are applied if the application is approved.
- 3.10 The Council's **Head of Planning & Affordable Housing Policy** comments as follows;

The application is in outline with all detailed matters, other than means of access, reserved for future approval.

I understand that the proposed development comprises:

- a 60-bed care home (use class C2) providing specialist care for the frail and elderly sector and people with dementia
- 18 affordable dwellings restricted to occupation by persons aged 55 and over (1 to 3 bed properties) i.e. 41% age-restricted affordable housing
- 26 private dwellings aimed at the retirement market (2 and 3 bed properties)

The site comprises 1.88 hectares of agricultural land. It is my view that apart from a small area of land between properties known as Paddington Cottage and Rowan Court, the site lies outside the built-up limits of Bloxham and in an area of countryside. The site is not allocated for development in either the South East Plan 2009 or the saved (adopted) Cherwell Local Plan 2011; nor is it allocated in the Non-Statutory Cherwell Local Plan 2011. I consider the main planning policy considerations below.

## South East Plan 2009

Policy SP3 of the South East Plan states that the prime focus for development should be urban areas in order to foster accessibility to employment, housing, retail and other services and avoid unnecessary travel. LPAs are required to formulate policies which, amongst other things, concentrate development within or adjacent to urban areas and seek to achieve at least 60% of all new development on previously developed land.

Bloxham is not considered to be an urban area and as the application site comprises greenfield land it would not contribute to achieving this 'brownfield' target.

Policy BE5 states that in preparing Local Development Documents (LDDs), LPAs should plan positively to meet the defined local needs of their rural communities for small scale affordable housing, business and services. LDDs should define the approach to development in villages based on their functions performed, their accessibility, the need to protect or extend key local services and the capacity of the built form and the landscape setting of the village. All new development should be subject to rigorous design and sustainability criteria so that the distinctive character of the village is not damaged.

Bloxham is considered to be one of the district's most sustainable villages in terms of the presence of local services and facilities, including a regular bus service, and in view of its proximity to a large urban area. It is a Category 1 village in both the saved and non-statutory Local Plans. However, the impact of the proposal on village character will need to be considered and the advice of the Head of Housing Services should be taken to determine the extent to which the proposed care home and the age restricted affordable housing would help meet defined local needs.

Policy H2 of the South East Plan states that Local Planning Authorities (LPAs) will work in partnership to allocate and manage a land supply to deliver both the district housing provision [13,400 dwellings from 2006 to 2026] and sub-regional/regional provision. In doing so, LPAs are required to take account of a number of considerations including:

- the scope to identify additional sources of supply elsewhere by encouraging opportunities on suitable previously developed sites;
- providing a sufficient quantity and mix of housing including affordable housing in rural areas to ensure the long-term sustainability of rural communities;
- the need to address any backlog of unmet housing needs within the housing market area in the first 10 years of the plan.

The policy requires LPAs to plan for an increase in housing completions to help meet anticipated need and demand. Housing land supply is considered later in these comments.

Policy H3 requires a substantial increase in the amount of affordable housing in the region to be delivered including by taking account of housing need and having

regard to the overall regional target that 25% of all new housing should be social rented and 10% intermediate affordable housing. Whilst 41% affordable housing is proposed, the advice of the Head of Housing Services will be needed to determine whether restricting the age of occupiers would be detrimental to providing homes for those most in need.

#### Saved (Adopted) Local Plan 1996

Policy C8 of the saved Local Plan seeks to resist sporadic development in the open countryside whilst policy C7 seeks to prevent demonstrable harm to the topography and character of the landscape (the site lies within the Ironstone Downs Area of High Landscape Value (AHLV) - see policies C13 and C28). Policy C30 requires the character of the built environment to be considered.

As the proposal entails the loss of greenfield land in open countryside there is a need to consider the district's housing land supply position (below) as well as whether there would be unacceptable harm to landscape and local character.

#### Non-statutory Cherwell Local Plan 2011

Land south of Milton Road, was identified by officers as being a potential housing site for consideration in a 1999 public consultation paper entitled 'Housing and Employment in the Rural Areas' . Consultation responses were considered in a report to the former Development Committee on 8 July 1999. Officers considered that the site was favourable to most other areas of land examined and was worthy of further consideration with a view to including it as an allocation in the deposit draft local plan. However, the Committee resolved not to include the site in view of concerns about further development in the village, the potential for increased traffic movements along the A361 road, possible access difficulties and the number of properties adjacent to the site. It was considered that an alternative site to the north of Milton Road was the 'least worst option' and should be included in the deposit draft plan despite officer advice to the contrary. The general policy position regarding the two sites remained unchanged following consideration of representations to both the deposit draft and revised deposit draft plans and to proposed pre-inquiry changes.

Policy H1a of what is now the Non-Statutory Cherwell Local Plan 2011 sets out criteria for considering proposals for new housing development which include the availability and suitability of previously developed sites and empty or under-used buildings for housing and, in the case of category 1 and 2 villages such as Bloxham, whether it would meet an identified local housing need (not just affordable housing). These policies must now be considered in the context of Planning Policy Statement 3 (Housing) which provides current national policy on managing housing land supply (see below).

The Non-Statutory Plan contains similar restrictions on building beyond the built up limits of settlements and to achieve protection of the landscape and local character as the saved local plan (policies H19, EN30, EN34 and D3).

With regard to **housing land supply** the following advice is given;  
The Strategic Housing Market Assessment (December 2007) confirms the need to provide new housing. Planning Policy Statement 3 (PPS3) requires a flexible

supply of land for housing by, amongst other things, maintaining a five-year rolling supply of deliverable (available, suitable and achievable) housing land. LPAs are required to monitor the supply of deliverable sites on an annual basis, linked to the Annual Monitoring Report review process.

PPS 3 requires scenario and contingency planning to identify different delivery options, in the event that actual housing delivery does not occur at the rate expected. Policies and proposed management actions are expected to reflect the degree to which actual performance varies from expected performance, as indicated in housing and previously developed land trajectories. Where actual performance, compared with the trajectories, is within the acceptable ranges (for example within 10-20 per cent), and future performance is still expected to achieve the rates set out in the trajectories, PPS3 states that there may be no need for specific management actions at that time and that LPAs will wish to continue to monitor and review performance closely and consider the need to update the five year supply, of deliverable sites where appropriate.

Where LPAs cannot demonstrate an up-to-date five-year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in PPS3 including the following considerations:

- achieving high quality housing;
- ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- the suitability of a site for housing, including its environmental sustainability;
- using land effectively and efficiently;
- ensuring the proposed development is in line with planning for housing objectives;
- reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

The Council's 2008 Annual Monitoring Report (AMR) noted that under the then emerging South East Plan requirements (13,400 as today), the district had a 5.3 year rolling supply for the period 2009-2014. The figures for the 2009 AMR have just been reviewed (Sept' 09). They show that for the same period the district has a 4.0 year supply rising to 4.5 years for 2010-2015 and 5.1 for 2011-2016. A four year supply represents a deviation of 20% from 5 years; a 4.5 year supply a deviation of 10%.

In accordance with PPS3, this supply takes no account of unidentified, small site windfalls. Planning permissions do exist for some 503 units which if 90% implemented would be more than enough to boost rolling supply over 5 years. New LDF sites will also emerge over the next couple of years, boosting both near and long-term supply. Officers are also in the process of producing a Strategic Housing Land Availability Assessment (SHLAA) which will identify new opportunities. However, small site windfalls will not increase the district's five-year supply over the period 2010/11 to 2014/15 until they are recorded as complete and, at this time, it is not known whether new deliverable sites (i.e. rather than just developable sites),

capable of being completed by 31 March 2015, will be identified through work on the SHLAA. Therefore, whilst the district's housing land supply remains relatively healthy in current market conditions, it is considered that at this particular time (ahead of conclusions on the SHLAA and the recording of housing completions for 2009/10), there is a housing land supply reason to closely consider this proposal.

To be considered favourably, the proposed development would need to (amongst other things):

1. Fully meet PPS3 considerations i.e :

- provide high quality housing;
- provide a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- be suitable site for housing, including its environmental sustainability;
- represent an effective and efficient use of land;
- be in line with planning for housing objectives;
- reflect the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives;

In the case of development in the rural area at Bloxham, policy BE5 of the South East Plan is also particularly relevant in that development should meet the defined local needs of the local community and that the built form, landscape setting and distinctive character of the village should not be damaged.

2. Clearly demonstrate that the application site is deliverable and capable of being recorded as complete by the end of the next 5 year rolling period i.e. by 31 March 2015. Completions after this date would have no effect on increasing the rolling supply for 2010/11.

PPS 3 states that for a site to be considered deliverable it must:

- be available (the site must be available now);
- be suitable (the site must offer a suitable location for development now and contribute to the creation of sustainable, mixed communities);
- be achievable (there must be a reasonable prospect that housing will be delivered on the site within five years).

Advice issued by CLG for the Planning Inspectorate (*Demonstrating a 5 Year Supply of Deliverable Sites*) clarifies that, in assessing deliverability, if existing information on availability is not sufficient it may be necessary for the LPA to gather further, up-to-date evidence by discussing availability of the site with relevant developers/landowners. With regard to achievability, the guidance states that it may be necessary to discuss with relevant developers/ landowners and/or analyse current housing market conditions in order to make an informed judgement.

It is my view that further information on availability and achievability should be requested from the applicant as the submitted Planning Statement does not demonstrate whether or the site could be recorded as complete by 31 March 2015. Enough evidence is needed so that should Members resolve to grant permission,

the site could be considered as deliverable upon that resolution. This would require certainty over any legal agreement and confidence in the programme for delivering the site. Evidence from both developer and landowner should therefore be provided.

- 3.11 **Oxfordshire County Council's Archaeologist** suggest that if the application is approved the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction.
- 3.12 The **Environment Agency** objected to the application in the absence of an acceptable flood risk assessment (FRA). The submitted FRA does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. The EA set out the particular issues in which the FRA fails.
- 3.13 **Thames Water** has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the LPA approve the application a Grampion condition should be imposed requiring a drainage strategy and an informative should also be included in relation to water pressure.
- 3.14 **Thames Valley Police Crime Prevention Design Advisor** has no comments at this stage but would wish to comment on any full or reserved matters application.

## 4. Relevant Planning Policies

- 4.1 South East Plan  
**SP3** – Urban Focus for development  
**CC5** – Supporting an aging population  
**CC7** – Infrastructure and implementation  
**H4** – Type and size of new housing  
**BE4** – The role of small rural towns  
**AOSR1** – Scale and location of housing development in the rest of Oxfordshire
- 4.2 Adopted Cherwell Local Plan  
**H4** – Provision of housing schemes for the elderly  
**H13** – Residential Development in Category 1 Settlements  
**H18** – New dwellings in the countryside  
**C13** – Conserve and enhance the environment in Areas of High Landscape Value
- 4.3 Non Statutory Cherwell Local Plan  
**H6** – Provision of housing schemes for the elderly  
**H15** – Residential Development in Category 1 Settlements  
**H19** – New dwellings in the Countryside  
**EN34** – Conserve and enhance the character and appearance of the landscape

## 5. Appraisal

- 5.1 Main Planning Considerations  
The main issues to consider in the determination of this application are as follows –

- Whether the proposal complies with the current policies in the adopted Cherwell Local Plan
- Whether the proposal complies with the policies in the Non-Statutory Cherwell Local Plan 2011
- Housing delivery
- Whether there is a need for elderly care and retirement accommodation
- Whether the proposal would have an adverse landscape impact
- Whether the proposal would have an adverse impact upon amenities of neighbouring properties
- Whether the proposal would have an adverse highway impact
- Whether the proposal would have any other adverse planning impacts

Each of the above points will be considered in turn.

## 5.2 The Adopted Cherwell Local Plan

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

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

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

Apart from the small plot of land between the properties known as Paddington Cottage and Rowan Court, which is the site of the proposed access, the site clearly lies beyond the existing built limits of Bloxham and in an attractive area of open countryside. The built up limits of the village in this case are the rear boundaries of the gardens of the properties fronting Milton Road and Barford Road.

The proposal is not infilling, nor within the built up area of the settlement and the development is therefore contrary to Policies H13 and H18 of the adopted Cherwell Local Plan.

Policy H4 of the adopted Cherwell Local Plan states that provision for housing schemes for the elderly and people with disabilities will be encouraged on sites within convenient reach of shops, community facilities and public transport. Proposals that do not meet these criteria will normally be resisted. The closest facilities to the site are the garage within approximately 430 metres and a small deli within approximately 420 metres. The main village facilities, including the Post Office, are further away at approximately 1 km away from the site. The nearest bus stop is approximately 150 metres away and medical services are even further afield. Whilst the Council has no set distances for what constitutes 'convenient reach' it is considered that the site is not within convenient reach of such facilities. Therefore the proposal is contrary to Policy H4 of the adopted Local Plan.



Policy C13 of the adopted Cherwell Local Plan states that within designated areas of high landscape value the Council will seek to conserve and enhance the environment. This policy will be considered in more detail in the assessment of landscape impact.

### 5.3 Non-Statutory Cherwell Local Plan

The application site has no specific allocation in the Non-Statutory Local Plan and is therefore defined as open countryside. It was identified by officers as being a potential housing site for consideration in a 1999 public consultation paper entitled 'Housing and Employment in the Rural Areas'. Consultation responses were considered in a report to the Development Committee on 8 July 1999. Officers considered that the site was favourable to most other areas of land examined and was worthy of further consideration with a view to including it as an allocation in the deposit Draft Local Plan. However, the Committee resolved not to include the site in view of concerns about further development in the village, the potential for increased traffic movements along the A361 road, possible access difficulties and the number of properties adjacent to the site. It was considered that an alternative site to the north of Milton Road was the 'least worst option' and should be included in the deposit Draft Plan despite officer advice to the contrary. The general policy position regarding the two sites remained unchanged following consideration of representations to both the Deposit Draft and Revised Deposit Draft Plans.

Policy H19 states that permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements when it is essential for agriculture or other existing undertakings, or to provide a small, low-cost, affordable housing exception site to meet a specific and identified local housing need that cannot be satisfied elsewhere. Policy H15 of the same plan identifies Bloxham as a Category 1 village and states that new residential development will be restricted to infilling, minor development comprising small groups of dwellings within the built up area of the village and conversions.

Policies H6 and EN34 are similar in their guidance to Policies H4 and C13 of the adopted Cherwell Local Plan and the same consideration is relevant.

The proposal is contrary to Policies H6, H15, H19 and EN33 of the Non-Statutory Local Plan for similar reasons to those outlined above in relation to the adopted Cherwell Local Plan.

### 5.4 Housing Delivery

The Council's current position on housing delivery is set out in the comments of the Head of Planning & Affordable Housing Policy's comments in detail above. These highlight that the Council currently has less than a five year housing land supply, as required by PPS3, identified at the current time. However for the current proposal to impact on this it would need to be demonstrated that it would be delivered by March 2015. The current application proposals do not provide this certainty. In addition PPS 3 requires sites coming forward to meet the following requirements ;

- provide high quality housing;
- provide a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- be suitable site for housing, including its environmental sustainability;

- represent an effective and efficient use of land;
- be in line with planning for housing objectives;
- reflect the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives;

It is not considered these criteria have been met with the current scheme (see consultee comments re housing need and sustainability above and report below) and as submitted it does not meet the requirements of PPS3.

#### 5.5 Need for elderly care and retirement accommodation

It is important when considering an application for development on an unallocated site to consider whether or not there are any exceptional circumstances that could override the general principle against development on the site.

The County Council as the Strategic Planning Authority has stated that the care home will help to meet the needs of the district as there is a shortage of beds in the Banbury area. However this does not identify a specific need in Bloxham. Further clarification on this point has been requested from the County Council and a response is yet to be received from the Social and Community Services department in relation to the need for a care home in this location. This consideration is relevant given the fact that a care home is being developed at Godswell House, closer to the centre of the village. The Planning Statement acknowledges this development but states that the care home included in this application will cater for nursing and dementia care which Godswell House will not.

In relation to the provision of retirement properties the Council's Housing Department provided the following information;

*The draft Older People's Housing Strategy (currently out for consultation) acknowledges the steep increases in the numbers of older people across the District. We also recognise that most older people wish to remain living in their own homes for as long as possible and one of the main recommendations in the strategy is that we do all we can to support and enable low level support services that help people to do this. At the same time we also want to support people who do wish to downsize to smaller more suitable accommodation and recognise that good quality accommodation which allows people to continue to manage independently as they age is critical to encouraging this. This generally means single level, well located housing (close to shops and services) that can easily be adapted for mobility needs (Lifetime Homes Standards). There is no reason why this accommodation needs to be age restricted although there is some evidence from the consultation that some older people would choose to move to an all elderly scheme above a mixed age scheme.*

*The strategy also recognises the need to provide supported accommodation for older people and in particular the need to develop extra care housing in the District. This is in line with County Council's Extra Care strategy.*

It is considered that this proposal does not fit with the strategic aims as it is not providing specialist supported accommodation or purpose built accommodation. Furthermore as stated in the policy consideration the site is not well located for shops and services and does not provide a development restricted solely to retirement accommodation.

In terms of actual housing need, research into the housing register indicates that the need for the amount and type of housing specified in the planning application is quite marginal.

Whilst there is a general need for care home accommodation and affordable properties for the elderly within the north Oxfordshire area there is no clearly demonstrated need for such accommodation in this location, on the edge of Bloxham, and therefore no justification to override planning policy relating to development in the open countryside.

#### 5.6 Landscape Impact

The site lies within the Ironstone Downs Area of High Landscape Value where policies C13 and C28 of the adopted Cherwell Local Plan seek to conserve and enhance the environment and require development to be sympathetic to the character of the area. Policy EN34 of the Non-Statutory Local Plan seeks to conserve and enhance.

The site lies beyond the built-up limits of the village in an area of open countryside. Whilst the site is contained within existing hedgerows development within it would be visible from a number of vantage points. Detailed comments from the Council's Landscape Officer (see above) recognise that the proposed development would intrude into the open countryside and highlight a number of inadequacies of the landscaping proposed.

#### 5.7 Neighbouring amenities

The site is bounded on two sides by existing residential development, with such properties enjoying an attractive open aspect, privacy and pleasant amenities as a consequence of adjoining open countryside. This would be significantly altered by the development of the site although substantial landscaping and careful design and siting would help to mitigate the impact of the development upon neighbouring properties. This concern is reflected in the letters of objection from local residents and the Parish Council.

Notwithstanding the concerns, this is an outline application and whilst the concerns are relevant, the main consideration, at this stage, is the acceptability of the principle of the proposal. The detailed impacts on individual residential properties would need to be considered at the reserved matters stage, should outline consent be granted, when full details of the proposed buildings would be available. This would require careful consideration to be given to house types, heights, proximity to boundaries and overlooking. However at this stage, based on the indicative layout, the relationships between the existing and proposed properties meet the Council's informal space standards in relation to overlooking and overbearing, therefore indicating that this form of development can be accommodated on site without demonstrable harm to the living amenities of neighbouring properties.

#### 5.8 Highway Impact

The proposal includes the creation of a new access between Paddington Cottage and Rowan Court. As set out in original submission the access width is acceptable but the vision splays need to be improved. There is no objection in principle to the proposed access, although the detailed design would need to be addressed.

Concerns have also been raised regarding the sustainability of the site given its location at the edge of the village and distance from village facilities and services and public transport.

#### 5.9 Other Considerations

Description of development The application has been submitted by the applicant and advertised as a proposal for 44 retirement dwellings. However following discussion it has been made clear that they would not accept a restriction on the market dwellings limiting the age of the occupiers and therefore the properties would not be restricted to housing for older people. The HDC & MD is therefore concerned that this may not have been clear to those responding to consultations.

Planning Obligation The proposed development would generate a need for infrastructure and contributions, that would need to be secured through a planning obligation, to enable the development to proceed. No such planning obligation has been entered into and therefore the proposed development would not be served by necessary infrastructure or deliver the open space and affordable housing required to meet planning policies.

Flood Risk Assessment The Environment Agency are not satisfied with the flood risk assessment submitted with the application and as such object to it. This matter would need to be satisfactorily resolved if the scheme was to be considered for an approval.

Design A high standard of design is required for development that respects the local character. The current application is in outline with all matters except access reserved for subsequent approval.

#### 5.10 Conclusion

The application is for development beyond the built up limits of Bloxham in the open countryside. As such the application is contrary to both the adopted and Non Statutory local plan policies. However, given the current position on housing land supply which is below five years it is necessary to consider if it would be appropriate to release this site for development. The current proposal is not considered to demonstrate that it would contribute to increasing the five year housing land supply figure or to fully meet the requirements of PPS 3 with regard to releasing such sites, particularly with regard to meeting local needs. The application is therefore recommended for refusal.

## **6. Recommendation**

### **Refuse**

- 1. The application does not demonstrate that it meets an identified local housing need or would be delivered in a time scale to meet that need or deliver high quality development and given its location beyond the built up limits of the village is contrary to PPS3, South East Plan policies SP3, H3, Cherwell Local Plan policies C8, C7, H13, C13 and Non Statutory Local Plan policies H1a and H19.**
- 2. The proposed development generates a need for infrastructure, open space and affordable housing, which in the absence of a satisfactory planning obligation, would not be adequately met and as such is contrary to South East**

**Plan policy CC7, H3, Cherwell Local Plan policy H5 , R12 and Non Statutory Plan Policy H7 and R8.**

- 3. The proposal does not include a satisfactory Flood Risk Assessment and as such it has not been demonstrated that the site would not be affected by flooding or result in flooding elsewhere and as such is contrary to the advise in PPS25.**

**CONTACT OFFICER: Caroline Roche**

**TELEPHONE NO: 01295 221816**