

<b>Application No:</b> 10/00558/OUT	<b>Ward:</b> Bloxham and Bodicote	<b>Date Valid:</b> 14/04/10
<b>Applicant:</b>	Banner Homes Ltd., High Wycombe	
<b>Site Address:</b>	Land South of Blackwood Place and Molyneux Drive and North West of Cotefield Farm, Oxford Road, Bodicote	

**Proposal:** Outline application for residential development of 86 No. dwellings

### **Context**

The application has been submitted principally on the basis that the Council cannot demonstrate a 5 year rolling supply of deliverable (available, suitable and achievable) housing land. The current shortage in terms of housing numbers equates to 215 dwellings. At the time of writing there are a total of six undetermined housing supply related applications with the Council with the potential to generate some 391 homes. The applications are in Arncott x2, Bicester, Chesterton, Adderbury and Bodicote (the subject of this application). On 20 May 2010 Members refused an application for a development of 65 houses on land South of Milton Road Adderbury. Schemes at Milton Road Bloxham and Orchard Way Banbury totalling 81 units (net) received resolutions to approve subject to legal agreements.

On 27 May 2010 Communities and Local Government secretary Eric Pickles wrote to every local planning authority and the Planning Inspectorate highlighting the coalition Government's plans to abolish regional spatial strategies and stressing that decisions on housing supply "*will rest with LPAs without the framework of regional numbers and plans*". The Secretary of State said councils and the Inspectorate should "have regard to this letter as a material consideration in any decisions they are currently taking". This issue is considered throughout the report and has been afforded the appropriate weight in reaching the recommendation. There has been no further information on the timing of the revocation of the RSSs.

## **1. Site Description and Proposal**

- 1.1 This application is for outline consent for 86 residential units of accommodation, the majority of which are proposed to be dwellings whilst a small proportion may be flats. The application has been amended so that all matters with the exception of the access are reserved for a later application process. The access is intended to be taken from the existing access off Oxford Road and enter the site to the south west of the garden centre.
- 1.2 The site itself consists of agricultural land of approximately 3.77 hectares. It is bounded by Blackwood Place on the northern boundary, Keyser Road on the western boundary, an open agricultural field to the south and the existing garden centre to the east. In the north western corner of the site is a farm access onto Molyneux Drive. It is intended that this be used for pedestrian access into Bodicote village.
- 1.3 The site rises in height from the south to a ridge that runs on a north east to south west alignment. This results in the site being elevated in comparison with the buildings that make up Cotefield Farm, but it sits either level with or lower than the adjacent houses which bound the site.

- 1.4 Whilst this application is in outline only an indicative plan has been submitted along with indicative elevations, Planning Supporting Statement, Design and Access Statement, Transport Statement, Landscape Assessment, Phase 1 Habitat Survey, Flood Risk Assessment, Phase 1 Environmental Risk Assessment and a Tree Survey and Hedgerow Evaluation.

1.5 Planning History

There is only one application of significance to this site and proposal.

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

1. *The proposed development would be contrary to Policies H13 and H18 of the adopted Cherwell Local Plan, Policies H15 and H19 of the Non-Statutory Cherwell Local Plan 2011 and Policies G1, G2, G5 and H1 of the Oxfordshire Structure Plan 2016 which seek to guide residential development to allocated sites or sites within the existing built-up limits of settlements. In this case the site is not allocated for development in either the adopted or Non-Statutory Local Plan but lies outside the existing built-up limits of the settlement. It is therefore classed as countryside where its development would constitute an unjustified and undesirable intrusion into the countryside surrounding the village of Bodicote, which would be contrary to the policies intended to protect the character and appearance of the countryside. Furthermore, it is considered that the release of this large rural, greenfield site against Council policy would prejudice future assessments and decisions on the Council's Core Strategy and Banbury and North Cherwell Site Allocations Development Plan Document, as part of the Local Development Framework, about the most sustainable means of meeting the Council's housing requirements, as set out in the Oxfordshire Structure Plan 2016.*
2. *The proposed development would be contrary to Policy C13 of the adopted Cherwell Local Plan, Policy EN34 of the Non-Statutory Cherwell Local Plan 2011 and Policy EN1 of the Oxfordshire Structure Plan 2016. The site is situated within an Area of High Landscape Value and the location and scale of the proposed development would have an adverse visual impact upon the rural character and landscape value of this locality, increasing the outward spread of the village and intruding into the unspoilt countryside surrounding the settlement.*
3. *In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development, including affordable housing, open space/play space, off-site playing pitches, off-site indoor sports facilities, education facilities, library facilities, fire infrastructure and transport measures will be provided, which would be contrary to Policy G3 of the Oxfordshire Structure Plan 2016, Policies H5, TR1 and R12 of the adopted Cherwell Local Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.*
4. *In the absence of a satisfactory archaeological field evaluation, the Local Planning Authority is not convinced that the proposed development can be undertaken without resulting in the loss of archaeological deposits which would be contrary to Policy C26 of the adopted Cherwell Local Plan, Policy EN47 of the Non-Statutory Cherwell Local Plan 2011 and Policy EN6 of the Oxfordshire Structure Plan 2016.*
5. *In the absence of an accompanying Transport Assessment, the suitability of the site in terms of a sustainable impact on the adjacent highway network and the adequacy of the site access cannot be assessed. The Local Planning Authority therefore is not convinced that the proposed development can be undertaken without detriment to highway safety, which would be contrary to Policies TR2 and TR3 of the adopted Cherwell Local Plan, Policies TR2, TR3 and TR5 of the Non-Statutory Cherwell Local Plan 2011 and Policies T1 and T8 of the Oxfordshire Structure Plan 2016.*

That application was submitted by the same applicants as the current proposal. An appeal was submitted but subsequently withdrawn.

## **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 1 June 2010. However any letters received after this date but prior to the date of Committee will be reported to Members at the Committee meeting.

2.2 44 letters of objection have been received from neighbouring residents. The main reasons for objecting are set out below;

- Surrounding bridleways already hotspots for antisocial behavior and more houses will encourage more bad behavior
- More houses may increase the frequency of burglaries
- New development will destroy natural beauty of the area
- Loss of light from the rear of properties due to proximity of houses and new planting
- Loss of views from private houses and village, currently the steeple of Adderbury Church can be seen
- Ruining walking routes
- Will result in the loss of agricultural land which produces food crops
- The character of the copse will change
- Bodicote is already having to cope with new build at Bankside and has been developed to its capacity
- Already going to experience higher level of traffic from Bankside and relocation of Banbury United Football Club resulting in more pollution and congestion
- Increased demand on school places and insufficient capacity
- Impact on wildlife that currently exist on site
- Will encourage non-Bodicote and non-UK residents into the village
- Bodicote will become one big housing estate
- Intrusion into landscape will take away character of area. Study commissioned by CDC in 1995 stated that the land immediately south of Bodicote is an area 'where landscape character is still reasonably strong and worthy of conservation'. Why therefore is such a development being considered?
- The site is not allocated in any Policy document. Allocated sites should be used first
- The application is contrary to Policy H13, H18, C13, C28 and C33
- The building will be out of proportion and will cause obstruction and intrusion onto valued views and landmarks
- Increase noise and light pollution
- Higher density than Bodicote
- Parking will become an issue as families grow as there is currently insufficient
- Gardens will be too small to result in pleasant environment
- Room sizes are also likely to be small
- Drainage into reservoir and Sor Brook is concerning as the area does flood in times of heavy rainfall

- Drainage system for waste water is old and inadequate
- Overall impact of proposed development is not assessed in the submission
- The garden centre tea room will be affected as customers will not want to sit and view a building site
- This development does not appear to help those looking for a home in terms of providing affordable housing
- No plans to introduce an extra school building, library or other community facilities the development will not enhance the settlement in either an aesthetic or practical sense.
- There are a number of brown field sites in Banbury that need to be considered as a priority for housing
- Two storey homes are proposed to the rear of bungalows
- Lack of public consultation prior to the application being submitted
- If approved the development would set a precedent
- The houses are not needed as there are already a number of vacant properties in and around Banbury and Bodicote
- The proposed layout fails to accord to the pattern of development adjoining the site and appears as a separate, self contained development rather than a planned extension to the village
- Consideration has not been given to The Red House and Cotefield House, two of the most important houses in Bodicote
- Reduction in property values in the area

### 3. Consultations

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

- The land is not allocated for development within any adopted, Non-Statutory or draft planning policy document
- The proposal conflicts with Policies H1, H13, H18, C7 and C8 of the adopted Local Plan and Policies H1a, H2, H15, H19, EN30 and EN32 of the Non-Statutory Local Plan and Policies G1 and H1 of the Oxfordshire Structure Plan
- Insufficient parking provision and an underestimation of the number of cars in each household
- Although the development contains some form of affordable housing it is not considered that 3 bedroom dwellings are affordable
- Insufficient capacity in local school
- Existing traffic problems will be exacerbated and it is not clear how the traffic assessment has concluded that there will be no additional problems
- The site is not sustainable in terms of access to jobs, shopping, leisure facilities and services. The village only has one shop
- The flooding issues have not been fully explored as downstream conditions are unknown
- The proposal will not enhance the southern edge of Bodicote and the Landscape Assessment argument is spurious
- Development will cause harm to topography and character of landscape, contrary to Policy C7
- Due to densities and small gardens the development is out of keeping with the adjoining street scene and looks more like a holiday village
- Will cause noise and light pollution to neighbouring properties

- Approval of this scheme will set a precedent

3.2 The **Council's Head of Planning Policy and Economic Development** has made the following comments;

The site comprises 3.77 hectares of agricultural land. 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.

Bodicote 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.

I consider Bodicote 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 and is proposed to be a Category A village in the Council's Draft Core Strategy (proposed policy RA1). It is therefore a reasonable location in which to consider accommodating limited development in the interests of meeting the needs of rural communities, particularly the need for affordable housing, in the context of policy BE2. The impact of the proposal on village character will of course need detailed consideration.

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. The application's proposal for 35% affordable housing is higher than the Council's current requirement of 30% and is in line with the requirements of policy HE3.

The Council's Draft Core Strategy (para' A.142) states that local housing needs estimates (2009) suggest a need for some 390 affordable homes per year (288 on top of the current average supply of 102 per year). The 2009 Annual Monitoring Report notes however (para' 5.57) that the Council remains on track to meet the Housing Strategy target of at least 600 dwellings from 2005 to 2011.

#### 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 an 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

Policy H1a of 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 Bodicote, 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).

Policy R6 of the Non-Statutory Plan encourages the provision of new or extended sporting and recreation facilities. Policy R8 sets out standards for the provision of children's playspace and formal sports provision, and policy R9 seeks provision of amenity open space. I understand that comments on recreation / open space provision are to be provided separately from this response.

#### Housing Land Supply

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.

The Council's 2008 Annual Monitoring Report (AMR) noted that the district had a 5.3 year rolling supply for the period 2009-2014. The 2009 AMR shows that for the same period the district now has a 4 year supply rising to 4.5 years for 2010-2015 and 5.1 for 2011-2016. However, on 18 February 2010, the Planning Committee resolved to grant permission, subject to legal agreement, for 33 social housing units (20 net additional homes) at the Orchard Way Shopping Parade, Banbury; and, on 11 March 2010 the Committee resolved to grant permission, subject to legal agreement, for a development of 61 homes on land south of Milton Road, Bloxham. Those developments are considered to be deliverable by 2015 and increase the rolling supply of deliverable housing land for 2010-15 (i.e. for the current monitoring year - 10/11) from 4.5 years to 4.6.

PPS3 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 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.

In accordance with PPS3, the district's rolling supply of deliverable housing land takes no account of unidentified, small site windfalls. Planning permission does exist for some additional 500 homes which if 90% implemented would be more than enough to boost rolling supply over 5 years in 2010/11. However, small, unidentified windfalls cannot be considered until they are recorded as complete. New LDF sites will also emerge over the next couple of years, boosting both near and long-term supply. Once such sites are considered to be available, suitable and achievable as defined by PPS3 they could be considered as part of the rolling supply of deliverable sites.

At the present time, however, it is considered that there remains a need to increase the supply of housing that will be delivered over the period 2010/11 to 2014/15 so that the rolling supply of deliverable land increases back towards 5 years (from 4.6 years) for the year 2010/11. Recorded housing completions are expected to be low for 09/10 with a provisional figure of 443 compared to a South East Plan requirement of 670 per annum. Completions are expected to be lower in 10/11 as projected by the AMR (181 excluding unidentified 'windfalls' on small sites of less than 10 dwellings).

PPS3 states that 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.

In the context of the district's current housing supply position, this application should be carefully considered to see whether or not it meets PPS3 criteria as well as other policy considerations including the South East Plan, the saved policies of the adopted Cherwell Local Plan 1996 and the Non-Statutory Cherwell Local Plan 2011. As a 'regulation 25' consultation document, the Council's Draft Core Strategy carries little weight. However, it sets out proposed directions of growth for the district having regard to available evidence. I am of the view that, in principle, the proposed development would not prejudice the continued preparation of the Core Strategy. Although the site lies in a rural area, outside built-up limits, Bodicote is one of the district's most sustainable villages and has been identified (proposed

policy RA2) as a village at which it would be sustainable to accommodate some additional housing. The scale of development proposed in the application is also in keeping with the draft policies for rural areas. Careful consideration should nevertheless be given to detailed issues including the site's relationship with the village's built up area and accessibility to services and facilities.

If the proposed development were to be considered favourably, it must be clearly demonstrated that the site is deliverable (available, suitable and achievable) 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 from 4.6 years. Sufficient certainty is needed to enable the site to be added to the district's rolling supply of deliverable housing land upon any resolution to approve. If shown to be deliverable, it is expected that the site would increase the rolling supply of deliverable housing land for 10/11 from 4.6 to 4.8 years.

I understand that at the time of writing there are another four planning applications (for 10 or more dwellings) which together have the potential to generate about 303 dwellings. Please note that on this basis, if this application were not to be approved there would still be the potential to return to a 5 year rolling supply.

### 3.3 The **Council's Urban Design Officer** has made the following comments

The land lies on the south eastern fringes of Bodicote village from where attractive views over the Sor Brook Valley and towards Bloxham Church spire may be enjoyed and thus *vice versa*. The built up edge of the village here comprises bungalow development and rear gardens which can be seen from the extensive public rights of way in the area and, to a lesser extent, from the A4260. The proposal is to infill and slightly extend this village boundary. In terms of urban design there are some potential benefits from development of this site in that it could present an improved interface with the open landscape to the south. The indicative layout submitted with the application indicates a south east facing frontage overlooking the landscape which funnels open space into the site. The layout is formal and totally symmetrical, reminiscent of garden city style development. The Design and Access Statement undertakes an analysis of urban form in local villages and nowhere does it reveal that Garden City style formality is a locally distinctive morphology. The street frontages are also very straight and equally spaced, with a standard highway wriggling around meaninglessly within the frontages, quite contrary to either the findings of the DAS or the advice in the Manual For Streets. This point has been made to the applicant during pre-application discussions but only the frontage to the landscape to the south has been significantly amended. In terms of neighbour amenity, the existing bungalows currently enjoy pleasing views which will be lost through this development. Whilst the LPA is not empowered to protect views, I do believe we could, at RM stage, seek a longer distance between existing properties and the footprint of the new dwellings. Nevertheless, I consider that in terms of area, the land included in this application is appropriate for development. However I would not make that comment were the building line to extend further into open countryside. Notwithstanding the layout, which is reserved, that submitted with the application illustrates that the number of dwellings for which permission is sought can be



accommodated satisfactorily on the site.

- 3.4 The **Council's Landscape Planning Officer** has made the following comments;
- The site is reasonably well contained visually on 3 sides
  - Positions of existing trees along the boundaries have not been marked on the plans. There are a number of substantial trees that have been ignored whilst drawing up the plans.
  - Preference would be for boundary hedges but this requires more space
  - Would like to see substantial barrier along SE boundary, except where more open views towards the spire are required
  - Like the central axis allowing views to Adderbury church spire
  - Plans do not show and LAPs or LEAPs

- 3.5 **Oxfordshire Country Council's Strategic Planning** views are set out below;
- Housing land supply:** Cherwell District Council currently does not have a 5 year supply of land for housing. PPS3 (para 71) states that where local planning authorities cannot demonstrate an up-to-date 5 year supply of available, suitable and achievable sites, they should consider favourably planning applications for housing, subject to a number of considerations including whether the proposed development is in line with planning for housing objectives, reflects the need and demand for housing in, and the spatial vision for the area and does not undermine wider policy objectives. This proposal would form a large-scale development that would extend into the surrounding countryside, and would deliver the entire allocation of housing currently proposed in the draft Core Strategy for Bodicote in one application. When deciding this application the District will need to assess whether the location and scale of development proposed would be consistent with the spatial vision for villages in the emerging core strategy, specifically Category A villages in the north of the district. They will also need to take into account existing permissions and proposed allocations of housing planned for the south east of Banbury at Bankside as these sites are in close geographical proximity to this proposed development and would increase the population of this area considerably.

**SE Plan Regional Spatial Strategy:** Bodicote is a rural community with a population of approximately 2000; expansion of the village by an additional 86 houses would represent roughly a 10% increase in population. Development here would contribute to meeting the housing figure contained in policy AOSR1 of the SE Plan; however policy BE5 of the SE Plan on village management supports only limited small-scale development that can help meet the specific local housing needs of rural settlements and sustain local services and facilities. The scale of this development is not 'small-scale' and would be inconsistent with the policy. Bodicote is identified as a Category A village in the draft Core Strategy as it is a relatively sustainable location with a reasonable range of services and facilities and together with Adderbury, Bloxham, and Deddington, it is proposed to provide a total of 350 dwellings. The amount of housing proposed in this application would seemingly fit with the district's allocation of housing numbers amongst category A villages contained in their draft Core Strategy; however it would deliver the allocation in its entirety and in a single location. We would have concerns that the pace of delivery would create problems of social cohesion and integration and would not fit with the sustainability criteria for villages contained in policy BE5 of the SE Plan nor meet County Council priorities or Oxon 2030 objectives for creating healthy and thriving communities. In deciding the outcome of this application the district should be mindful of the granted permission in Bloxham for 61 dwellings and the applications

pending to the north of Milton Road, Adderbury for 35 dwellings and to the south of Milton Road in Adderbury for 65 dwellings, and assess how all of these proposed developments fit with their aspirations for overall growth in Category A villages contained in the draft Core Strategy. It is our view that the cumulative effect of housing development should meet identified local housing needs and continue to strengthen the viability of Bodicote and the other 3 villages rather than (as is potentially the case here) have a detrimental effect on the character of the villages and place pressure on their services and facilities, which would be contrary to policy BE5 of the SE Plan.

**Infrastructure and service provision:** The application is being considered by the County's developer funding team who are responding separately in the normal way. The scale of the proposed development would generate additional demands for County services and facilities, especially schools. Currently there is no spare capacity in the local primary school, Bishop Loveday C of E Primary School, or room for its expansion. If sufficient space could not be created, the children from the new development would either need to be accommodated in, and sometimes transported to, other nearby schools where places could be provided. The alternative impact is that they would displace children currently eligible for places at the school to other schools which would then need additional space. If the district council is minded to permit the proposal, permission should be subject to a Section 106 agreement to secure any necessary contributions and improvements to service infrastructure in line with SE Plan policies CC7 and S3.

**Development in the open countryside:** The development would extend the built up area of the village further into open countryside. The district is best placed to assess the impact of the development on the landscape setting of the village.

**Affordable housing and mix:** The development would provide a mix of 2, 3, 4 and 5 bedroom dwellings with 35% planned to be affordable. This mix is consistent with policies H3 and H4 of the SE Plan which seek to provide a minimum of 35% affordable housing in new developments; and provide housing to support the needs of the whole community respectively. The proposed mix of housing would assist in creating healthy and thriving communities - one of the County Council's priorities and an Oxfordshire 2030 objective.

**Resource use, climate change and environmental issues:** Environment and climate change are County Council priorities and Oxfordshire 2030 objectives. The SE Plan seeks to achieve sustainable development through policy CC1 and to adapt to and mitigate climate change as outlined in policy CC2. Therefore we would encourage dwellings to be built to Code Level 3 of Code for Sustainable Homes which would be in line with policy CC4 of the SE Plan and the Oxfordshire Sustainable Construction Advice Note (2009), which has been approved by Cherwell for development control purposes. We would also support development that incorporates the principles of Sustainable Urban Drainage solutions (SUDs) which would be consistent with policy NRM4 of the SE Plan.

**Transport and Highways:** The comments of the County Council as Highway Authority will be dealt with separately in the normal way. The proposed access to the site would be achieved via an existing junction with the A4260 Oxford Road. This junction is currently at capacity and there are concerns that further development would cause drivers difficulty in leaving the site at peak times in terms

of convenience and safety which would be contrary to policy T1 of the SE Plan which seeks to reduce the overall numbers of road casualties. Should the district be minded to permit the application then the applicant would need to investigate ways to mitigate this problem, perhaps through a different style of junction and any permission should be subject to a legal agreement to secure contributions in line with BanITLUS.

**Local Member Views:** Cllr Keith Mitchell has expressed concerns over the scale of development proposed and congestion this may cause on the A4260/ Oxford Road.

**Conclusion:** We would support in principle housing development which would meet identified housing needs and which contributed to the socio-economic well-being of the local community. However, the amount of housing proposed in this application is not small in scale and would significantly increase the population of Bodicote, running counter to policy BE5 of the SE Plan which requires local planning authorities to plan positively to meet the defined local needs of rural communities and maintain the distinctive character of villages. Growth of this scale and pace in Bodicote would also place pressure on infrastructure, especially on the local primary school which would struggle to cope with the extra demand for places; children would potentially need to travel to school(s) out of the village where additional places could be provided. This would be contrary to policy T1 of the SE Plan that seeks to reduce journey lengths, policy S3 which requires the location of education facilities to be accessible to the communities they serve and would not support the creation of healthy and thriving communities, one of this Council's priorities and an objective of Oxon 2030. Residential development at this site would also place additional pressure on an already at capacity junction with the A4260 and in turn could have safety implications for drivers attempting to leave the site at peak time, contrary to policy T1 of the SE Plan that seeks to reduce the number of road casualties. Nevertheless, should the district be minded to permit the proposal, it should be satisfied that development of this size would meet an identified local need and permission should be subject to a legal agreement to secure contributions towards improved transport infrastructure (including any mitigation requirements) and necessary supporting non- transport service infrastructure, including additional primary school accommodation at an appropriate school and any additional school transport costs.

**RECOMMENDATIONS:** It is RECOMMENDED that the County Council from a strategic policy perspective informs Cherwell District Council in relation to the development proposed in application number 10/00558/OUT that:

- a) It objects to the scale of development proposed as it would be large in scale and would generate significant additional population in a village which lacks a reasonable range of jobs, services and facilities, would be likely to place pressure on existing infrastructure, especially schools, and would give rise to increased travel by motorised means, particularly by private car to Banbury and beyond. As such it is contrary to the sustainability objectives of SE Plan policy BE5 for village management, SE Plan policy CC2 which seeks to reduce the need to travel as a means to mitigate climate change, SE Plan policy T1 which seeks to locate development so as to reduce journey lengths and to the thrust of PPG13. It would also run counter to the strategic objectives of Oxfordshire 2030 and this Council's priorities for creating healthy, thriving communities;
- b) It objects to the scale of development and the strain it would place on the existing junction which is proposed to be used as an access to the site. This junction is

currently at capacity and development would compromise the safety of drivers leaving the site during peak hours contrary to policy T1 of the SE Plan; and

c) Should the district, after considering the above, be minded to permit the development it should be satisfied that the scale of development would meet an identified local need in line with policy BE5 of the SE Plan and permission should be subject to a legal agreement to secure contributions to improved transport infrastructure (including mitigation to alleviate traffic concerns) and necessary supporting non- transport service infrastructure, including additional primary school accommodation at an appropriate school and any additional school transport costs.

**3.6 Oxfordshire County Council as Local Highway Authority** has made the following comments

Traffic flows along Oxford Road are such that turning movements associated with the site would be subject to significant delay during peak hours. The LHA considers drivers, frustrated by the delay, would turn when there is not an appropriate break in the traffic flow, to the detriment of highway safety. Traffic modelling included within the submitted transport assessment highlights this problem; the model fails due to the flows involved. Therefore I recommend the application is refused. To resolve this concern the applicant should consider possible alterations to the access; alternatively the applicant may be able to provide greater evidence to justify the assertion of the TA, 'junctions will operate satisfactorily.'

Should the applicant resolve the issue above then I would have no objection in principle to the proposal. I have the following comments:

Although to the periphery of the settlements of Bodicote and Banbury the site benefits from shops, services and public transport links within reasonable walking and cycling distances. I consider the site to be relatively sustainable in transport terms, and recommend the provision of a travel plan to further encourage use of sustainable modes of transport. Appropriate cycle storage should be provided for all units,

Excepting the issues raised above, the site access is appropriate in terms of visibility and geometry.

The detailed layout of the development should be designed in accordance with the guidance of Manual for Streets. Appropriate provision must be made for parking, not only in terms of number but in terms of size, convenience and location. A mix of allocated and unallocated parking would provide greater efficiency; visitor parking must be provided and on-street parking may be incorporated. Parking areas as streets and footpaths should be overlooked and appropriately lit to ensure security and encourage use.

Appropriate levels of parking are quoted by the supporting documentation; however, I note the provision of garages, which are rarely used for parking. I recommend any garage must have minima dimensions of 3m x 6m and should not be converted to any other use.

Provision must be made for waste collection with appropriate turning heads for HGVs/refuse vehicles. Areas for adoption must include a service strip of 600mm, and doors, windows, etc must not open over any area to be adopted as public highway. SUDS must be incorporated within development and associated highway.

A financial contribution towards Banbury Integrated Transport Strategy will be requested via S106 agreement.

3.7 **Cllr Keith Mitchell**, County Councillor for the Bloxham Division, has made comments which are summarised below;

- Draft Core Strategy proposes a housing target for the four villages of Adderbury, Bloxham, Bodicote and Deddington of 350 houses over the sixteen years to 2026 of 350. Making a crude allocation across four villages in equal proportions and over sixteen years, suggests that each village might reasonably take 5½ houses per annum.
- Proposals to build in Bodicote will double the size of the village and create two halves of Bodicote:
  - a village with a mixture of fine old stone homes and more modern and less attractive sixties to nineties estates bolted around it with
  - a 21<sup>st</sup> century urban extension with all the failings of unimaginative design, excessive densities leading to ghastly little boxes and insufficient parking provision
- Another 86 houses adds insult to the considerable injury you have already inflicted. It will add to the traffic congestion that already exists on the main road and that the 1,400 houses will exacerbate and it will do absolutely nothing to create a cohesive and integrated community in Bodicote.
- Selecting Bodicote for further development is based on myth that it is a Category One village capable of taking further development. This assumption is fundamentally flawed. Compare Bodicote with Deddington or Bloxham. Both of these villages have a flourishing Market Square/High Street. In comparison, Bodicote has:
  - one Post Office and Stores;
  - a filling station and car sales facility that adds significantly to parking problems;
  - a primary school that is full and has insufficient parking for parents and staff that adds daily to congestion in White Post Road;
  - Cherwell's headquarters adding daily to congestion in White Post Road;
  - a farm shop that adds daily to congestion in White Post Road;
  - three public houses – just
  - a church and a chapel.

Bodicote does not have:

- a cash machine;
- a library – other than the mobile service;
- a take-away facility;

The additional 1,400 houses proposed will:

- destroy the separation of Bodicote from Banbury in violation of Cherwell's original policy of non-coalescence;
- double the size of this Domesday village;
- increase substantially congestion on the main road which is already a serious problem.

- On this basis alone, this application for 86 houses should be rejected.

- Series of technical reasons for your elected members to reject this application:
  - This site is not allocated for housing development in the Cherwell Local Plan, the Abandoned Local Plan nor in the Local Development Framework,
  - **The proposed development would be contrary to Policy H13.** large scale development is not supported by this policy and it is questionable whether the village is a Category One village
  - **The proposal is contrary to Policy H18.**
  - There is wholly inadequate parking provision on the proposed site.
  - **Primary School provision** Bishop Loveday School is full. Primary schools at Adderbury, Bloxham and Deddington are either full or under pressure. Sending children by bus or taxi is neither sustainable nor acceptable to many parents.
  - **Congestion** Refer to the Strategic County Council response
  - The Transport Assessment failed to assess impact of other development in the area and it is based on inaccurate figures and scenarios that may not materialise, for example the construction of the south east relief road
  - **Sustainable development:** There is very little in the way of jobs, shopping or services nearby. People in this proposed development will need to travel to get to work, do their shopping and access services.
  - **Drainage & Flood risk Assessment** Pages 14 & 15 state that drainage would be to a reservoir and from thence to the Sor Brook and that downstream conditions are unknown. Given recent flooding problems in this area, the effects are an unknown quantity at this stage.
  - **Landscape Assessment** This application represents wholly unacceptable encroachment into open countryside contrary to policies G1 and H1 of the Oxfordshire Structure Plan 2016, Policies H1 and C7 and C8 of the adopted Cherwell Local Plan and Policies H1a, H2, H19, EN30 and EN312 of the Abandoned Cherwell Local Plan.
  - **Densities** The density is too high, the proposed gardens are ridiculously small and it is out-of-keeping with the adjoining street scene.
  - It would also “interfere with valued views, vistas and landmarks”, a reason acknowledged by the District Council in its planning guidelines for refusing such applications.
  - **Emerging government policy** The coalition government has signalled its intention to tear up the South East Plan and to revoke nationally imposed density and residential parking requirements.
- Approval would impose on a village that has had more than its share of dumping a wholly unacceptable, inappropriate and unwanted development.

3.8 **Oxfordshire County Council’s Archaeologist** makes the following comments (in summary);

- A predetermination archaeological field evaluation was requested under the previous application in 2005.
- Site is located in an area of archaeological potential
- Although there is no archaeological information from the proposal site itself given the presence of a number of identified sites within the vicinity it is

- possible that archaeological deposits may be disturbed during ground works.
- In accordance with PPG16 it is recommended that prior to the determination of this application the applicant be responsible for the implementation of an archaeological field evaluation.

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

3.10 **Thames Water** makes the following comments (in summary);

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

3.11 **Natural England** has made the following comments (in summary)

- In accordance with the findings of the Survey further and more detailed surveys should be undertaken to determine the activity of bats. If the results of the survey find any bat roost sites within the proposal boundary, then a Natural England licence should be sought and appropriate mitigation proposed and assessed for suitability.
- Any vegetation clearance should be undertaken outside of bird nesting season. Nest boxes which have been identified on several trees should not be removed during nesting season unless checked by a qualified ecologist.
- A preliminary survey should be undertaken in the reservoir to determine its suitability for great crested newts, along with the surrounding habitat as suitable foraging terrain. If any are found then mitigation will need to be designed and assessed.

In response to this the agent for the application provided Natural England with further information which has satisfied them sufficiently so as to withdraw the request for further survey work.

3.12 **The Council's Rural development and Countryside Manager** has made the following comments;

The proposed development would not affect any existing public rights of way.

I am pleased to see that there would be a pedestrian connection from Molyneux Drive (Transport assessment p21). The transport assessment and the D&A statement both indicate the potential for pedestrian access from the south-west of the site. Creating this link to the existing public rights of way network (via Bodicote FP6) will help to integrate the development with its rural setting. Without it, the development would feel 'sealed off' from the surrounding countryside. If possible I would like to see creation of this link (and dedication of it as a public right of way) as a condition if the application is approved.

## **4. Relevant Planning Policies**

### **4.1 South East Plan 2009**

- SP3 – Prime focus for development on urban areas
- CC1 – Sustainable development
- CC2 – Climate Change
- CC4 – Sustainable design and construction
- CC7 – Infrastructure and implementation
- BE5 – Plan positively to meet the defined local needs of rural communities for small scale affordable housing, business and services
- H2 - LPAs will work in partnership to allocate and manage a land supply to deliver both the district housing provision and the sub-regional/regional provision
- H3 – Requires substantial increase in the amount of affordable housing
- H4 – Type and size of new housing
- T1 – Manage and invest
- S3 – Education and skills
- AOSR1 – scale and location of housing development in the rest of Oxfordshire

**27 May 2010** – Letter from Eric Pickles

### **4.2 Adopted Cherwell Local Plan**

- H5 – Affordable housing
- H12 – Housing in rural areas
- H13 – Category 1 Villages
- H18 – New dwellings in the countryside
- C7 – Topography and character of landscape
- C8 – Resist sporadic development in open countryside
- C13 – Areas of high landscape value
- C28 – Standards of layout, design and external appearance
- C30 – Character of built environment

### **4.3 Non-Statutory Cherwell Local Plan**

- H1a – Availability and suitability of previously developed sites
- H4 – Types/variety of housing
- H8 – Rural exception sites
- H15 – Category 1 Villages
- H19 – New dwellings in the countryside
- EN30 – Sporadic development in the countryside
- EN34 – Conserve and enhance the character and appearance of the landscape
- D3 – Local distinctiveness
- R6 – New or extended sporting and recreation facilities
- R8 - Provision of children's play space
- R9 – Provision of amenity open space

### **4.4 PPS 3 – Housing**

#### **PPG13 – Transport**

#### **PPS5 – Planning for the Historic Environment**



## 5. Appraisal

### 5.1 Main Planning Considerations

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

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

Each of the above points will be considered in turn.

### 5.2 Planning Policy

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

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

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

5.2.4 Although the site is bounded by development on three sides it requires building on agricultural land and is considered to lie beyond the existing built limits of Bodicote and in an area of open countryside. The built up limits of the village in this case are the rear boundaries of the properties within Blackwood Place and Keyser Road. Although the development will be adjacent to the garden centre and will barely extend beyond its most southerly point this too is considered to be beyond the built up limits of the settlement therefore strengthening the argument that the application site is beyond the built up limits of the settlement and not within it.

5.2.5 Whilst it could be argued that to a certain extent the proposal was a form of infilling (between the garden centre and the rear of Blackwood Place and Keyser Road) it does not comply with the Local Plan definition of infilling, nor is the site within the built up area of the settlement and the development is therefore contrary to Policies H13 and H18 of the adopted Cherwell Local Plan.

5.2.6 The application site has no specific allocation in the Non-Statutory Local Plan and is therefore defined as open countryside.

5.2.7 Policy H19 states that permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements when it is essential for agriculture or other existing undertakings, or to provide a small, low-cost, affordable housing exception site to meet a specific and identified local housing need that

cannot be satisfied elsewhere. Policy H15 of the same plan identifies Bodicote as a Category 1 village and states that new residential development will be restricted to infilling, minor development comprising small groups of dwellings within the built up area of the village and conversions.

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

5.2.9 On 27 May 2010 all Chief Planning Officer's were sent a letter from Eric Pickles, The Secretary of State, which sets out the intention to abolish Regional Strategies. The letter read as follows;

*I am writing to you today to highlight our commitment in the coalition agreements where we very clearly set out our intention to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Consequently, decision on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.*

*I will make a formal announcement on this matter soon. However, I expect Local Planning Authorities and the Planning Inspectorate to have regard to this letter as a material consideration in any decisions they are currently taking.*

5.2.10 Officers are of the view that although this is a material consideration the Regional Strategies are still current adopted policy. In this case the South East Plan is still the relevant adopted policy and until further guidance is received on what will replace Regional Strategies decisions should still be made in accordance with it.

### 5.3 Housing Delivery and Need

5.3.1 The Council's current position on housing delivery is set out in the comments of the Head of Planning Policy and Economic Development comments in detail at 3.2 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. Despite the application being in outline only the proposal seeks to demonstrate that this can be achieved by making the following statements in the submission;

- *The landowner is prepared to release the land for development immediately*
- *Banner Homes are in a position to begin construction as soon as practicable and are prepared to accept a condition requiring the submission of reserved matters within one year after the grant of outline planning permission and to accept a condition to implement the development within one year from a subsequent approval of reserved matters*

5.3.2 As the application has been submitted on the basis that the houses would contribute to the current shortage in housing land supply and the developers have sought to demonstrate that the scheme is deliverable it would be reasonable to shorten the timescales of both the outline and reserved matters applications to be no more than two years in total if planning permission were to be granted. Whilst an outline application is less favourable in deliverability terms than a detailed application, as further work is required in relation to layout and design, the ability to

adjust the time limits on any approval means that the overall time limit could be the same as that recently imposed on the application for residential development at Milton Road in Bloxham (09/01811/F).

- 5.3.3 In addition to seeking to demonstrate deliverability 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.
- 5.3.4 Bodicote has consistently been allocated as one of the District's most sustainable villages capable of accommodating further housing development. Facilities in Bodicote include; nursery, primary school, 2 food shops (1 is a farm shop), 3 pubs, recreation area, village/community hall(s), Post Office and a regular bus service to Banbury. It continues to be allocated as such in the Draft Core Strategy. Therefore in general terms Bodicote is a preferred location for the allocation and provision of land for housing.
- 5.3.5 No parish level housing needs survey has been carried out for Bodicote but there are 30 people with a local connection on the housing register. This scheme would provide a mix of market and affordable dwellings. 35% of the properties are proposed to be affordable, which equates to 30 affordable dwellings. It is considered that this could contribute to meeting the shortfall in housing land supply and at the same time would help meet local needs for affordable units of accommodation.
- 5.4 Landscape and historic impact
- 5.4.1 The site lies within the Ironstone Downs Area of High Landscape Value where policies C13 and C28 of the adopted Cherwell Local Plan seek to conserve and enhance the environment and require development to be sympathetic to the character of the area. Policy EN34 of the Non-Statutory Local Plan also seeks to conserve and enhance the environment.
- 5.4.2 As indicated earlier the site lies beyond the built-up limits of the village in an area of open countryside. As a result of the triangular shape of the site it is physically contained on its two northern boundaries by existing residential properties. The south western boundary is screened by tree planting but the land rises on the application site away from the trees, meaning that it is unlikely that all the new properties will be screened from this direction. The south/south easterly boundary will be exposed with some new planting proposed along this boundary. The site is set back from the main Oxford Road by approximately 145 metres.
- 5.4.3 The location and scale of the proposed development would have an adverse effect upon the rural character and landscape value of this locality. Despite the illustrative setting-back of the development from Oxford Road, the residential

development would be visible and prominent within the setting of Bodicote and the Sor Brook Valley. In landscape terms, the development of the site would intrude into the unspoilt countryside surrounding Bodicote. This is a view that was reached in 2005 and with the exception of some planting to the south west the site characteristics have not changed and the comments still apply. Therefore the proposal would be contrary to Policy C13 of the adopted Cherwell Local Plan, Policy EN34 of the Non-statutory Local Plan and Policy BE1 of the South East Plan.

- 5.4.4 There are no listed buildings in close proximity to the site and the Bodicote Conservation Area will not be seen in relation the site therefore there will be no adverse impact on the setting of listed buildings and the character and appearance of the Conservation Area will be preserved.

5.5 Design and Neighbouring amenities

- 5.5.1 The submission suggests that the developable area of the site is 3.4 hectares in a housing density of approximately 25 dwellings per hectare. This density is likely to be greater than that found on adjoining sites but is less than the minimum of 30 dwellings per hectare which was recommended in PPS3 Housing prior to its revision in June of this year. However the revised PPS3 has removed reference to a specific density and replaced it with the following statement;

- 5.5.2 'Local Planning Authorities may wish to set out a range of densities across the plan area rather than one broad density range.'

- 5.5.3 As the Council has not yet set its own densities it seems appropriate that where the principle of development is acceptable the density should reflect the surrounding development whilst making efficient use of the land. If the principle of development on this site was acceptable it is considered that the proposed density is appropriate as in the majority of cases the gardens are of an appropriate size and the provision of 2.5 spaces per dwelling there is likely to be adequate parking.

- 5.5.4 From an urban design perspective the Council's Design and Conservation Team Leader has suggested that the development of the site could provide an improved interface with the open landscape to the south. This is in comparison with what exists where the built form meeting the countryside is of rear facing elevations and enclosed gardens on a straight and harsh building line. In plan view the layout is not reflective of the character and layout of surrounding streets but some good design principles have been applied and the layout has resulted from the shape of the site. The proposed development would be relatively detached from the rest of Bodicote in terms of footpath and road links. However this is a result of the existing settlement pattern and the fact that the site is accessed off the main Oxford Road and there is only one opportunity for a footpath in the north western corner of the site. Despite some reservations about the layout this is not a reason to recommend refusal as the plans are indicative only.

- 5.5.5 The properties which share a boundary with the site enjoy an attractive open aspect, privacy and pleasant amenities as a consequence of adjoining open countryside. This would be significantly altered by the residential development of the site, although substantial landscaping and careful design and siting would help to mitigate the impact of the development upon neighbouring properties. The illustrative layout does show some landscaping and with the exception of 6 or 7

properties most existing properties have gardens 13m long or greater. In most cases the 2-storey elements of the proposed properties are set at least 11m off the boundary. This complies with the Council's informal space standards. However many of the proposed properties have either single storey elements or garages in the rear gardens which reduces the distance between built structures. Furthermore many of the adjoining properties are dormer bungalows which are generally smaller in scale in relation to the proposed 2 storey properties proposed on the application site. Nevertheless this is an outline application and whilst the objections of the neighbours are noted and understood the main consideration at this stage is the acceptability of the principle of the proposal. The effect on residential properties would need to be considered at the reserved matters stage, if outline consent were granted. This would require careful consideration to be given to house types, heights, proximity to boundaries and overlooking.

## 5.6 Highway Impact

5.6.1 It is clear that there are concerns about the adequacy of the access and that further work will be required by the applicants to demonstrate that there will be no harm to highway safety either for existing road users along the Oxford Road or the new residents pulling away from the access. The response from the Local Highway Authority was received some time after the end of the consultation period which has meant that the applicants have not had much time to respond to the matter. However some progress on this issue may be made prior to the Committee. However without the submission of further information and a subsequent favourable response from the LHA it is not possible to advise that there is no potential for harm to be caused to highway safety.

5.6.2 The indicative layout shows what is likely to be sufficient parking but there is concern that a lot of the spaces are within garages. However if this is a particular issue this can be addressed at reserved matters stage when it would be possible for garages to be replaced for car ports or open spaces.

## 5.7 Other Material Considerations

5.7.1 The proposed development would generate a need for infrastructure and other contributions, that need to be secured through a planning obligation, to enable the development to proceed. At the time of drafting the report a costs undertaking had not been received from the applicant's solicitors therefore drafting of the agreement has not commenced. However a development of this scale and nature would require contributions to the provision, improvement or maintenance of the following;

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

- County Council Museum Resource
- District Council refuse bin contributions
- District and County Council administration/monitoring fee

5.7.2 In 3.5 above the County Council states that the development is likely to result in unsustainable travel patterns as primary school students are likely to have to travel to schools outside of Bodicote. This would occur because the County Council indicate that Bishop Loveday School has insufficient capacity, and is not capable of further expansion. The above education contribution would therefore be used to expand capacity at the receiving schools. The County Council states that if the district is minded to permit the development contributions should be sought to improve transport infrastructure and primary school transport costs. The contribution towards primary school travel costs aims to provide money towards communal modes of transport, which is more sustainable than if students were to be transported individually by private car.

5.7.3 A request has been received from White Young Green (WYG), on behalf of Thames Valley Police (TVP), requesting the contributions be sought for improvements to Police operational and infrastructure requirements. WYG has stated that the development is of such a scale that it will impact on the demands made upon the services provided by TVP. However, there is no current local policy justification for such a request and therefore it would not be sought from the developers.

5.7.4 In terms of archaeological impact, the advice of Oxfordshire County Council Archaeologist is noted and in light of the publishing of the new PPS5 (Planning for the Historic Environment) further clarification was sought, which supports the requirement for a pre-determination field evaluation. This has been requested from the applicant but to date has not been provided. The view of the agent for the application is that 'the archaeological potential for the site is understood but it is not considered that the potential is great enough to warrant an investigation prior to the determination of the application, particularly when the details of the layout are yet to be agreed'. However without doing an evaluation the archaeological potential cannot be understood and given that development will take place on most of the site the fact that the layout is indicative is not relevant to overcoming the issue. Given that the principle of development on the site is unacceptable it seems unreasonable to hold up the determination of the application

## 5.8 Conclusion

5.8.1 The application is for development beyond the built up limits of Bodicote in the open countryside. As such the application is contrary to both the Adopted and Non Statutory local plan policies. 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. This scheme provides 86 new dwellings, 35% of which are affordable, and attempts to demonstrate deliverability thus could potentially contribute to this housing land supply. However this application does not adequately address the tests set out in PPS3 (set out in the Head of Planning and Affordable Housing Policy section above), it is considered to cause harm to the open countryside and raises sustainability issues in relation to access to schools. Furthermore the submitted Transport Assessment does not sufficiently demonstrate that the proposal will not cause harm to highway safety

and there is insufficient information to assess the potential impact on archaeology. It is therefore recommended that this application be refused.

## **6. Recommendation**

### **Reasons for refusal;**

1. The proposal represents development beyond the built up limits of the settlement and will cause harm to the character and appearance of the countryside. Notwithstanding the Council's short term inability to demonstrate that it has the 5 year supply of housing land required by PPS 3 Housing, the development of this site cannot be justified on the basis of a temporary land supply deficiency alone, a development of this scale is inappropriate at this time given the existing lack of provision of village facilities and because of the landscape impact of the proposal. As such the proposed development is contrary to the saved policies H13, H18, C7 and C13 of the adopted Cherwell Local Plan, policy EN34 of the Non-Statutory Cherwell Local Plan, policy BE1 of the South east Plan and Planning Policy Statement 3 Housing.
2. The Transport Statement does not sufficiently demonstrate that the access to the A4260 is adequate to serve the development without causing harm to highway safety, contrary to guidance contained in PPG13.
3. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority cannot guarantee that the infrastructure directly required to service or serve the proposed development, including affordable housing, open space/play space, off-site playing pitches,, education facilities, library facilities, and transport measures will be provided, which would be contrary to Policy CC7 of the South East Plan, Policies H5, TR1 and R12 of the adopted Cherwell Local Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.
4. In the absence of a satisfactory archaeological field evaluation, the Local Planning Authority is not convinced that the proposed development can be undertaken without resulting in the loss of archaeological deposits which would be contrary to Policy EN47 of the Non-Statutory Cherwell Local Plan 2011 and Policy BE6 of the South East Plan 2009 and guidance contained within PPS5.

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