

Applicant: Mr Geoffrey Coles

Proposal: Outline planning permission for up to 136 dwellings (including 35% affordable housing), landscaping, public open space and green infrastructure including children's equipped and local play areas, surface water flood attenuation, vehicular access from Tadmarton Road, land for recreational purposes and associated ancillary works. Outline with all Matters Reserved with the exception of the principal vehicular access from Tadmarton Road

Ward: Adderbury, Bloxham And Bodicote

Councillors: Cllr Mike Bishop
Cllr Chris Heath
Cllr Andrew Mchugh

Reason for Referral: Major application

Expiry Date: 15 March 2018 **Committee Date:** 19th July 2018

Recommendation: Refusal

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

The application is reported to the Planning Committee, as it is a major application and it also has significant public interest.

Proposal

Outline permission is sought for up to 136 dwellings (and associated infrastructure). All matters are reserved except for access, which is proposed from Tadmarton Road. The site is north west of Quarry Close, Bloxham

Consultations

The following statutory consultees have raised objections to the application:

- Bloxham Parish Council, OCC Highways, OCC Education, OCC Archaeology; and Environment Agency

The following non-statutory consultees have raised objections to the application:

- CDC Planning Policy, CDC Landscape, CDC Ecology, Bodicote Parish Council, Milton Parish Council, and Milcombe Parish Council

59 Letters of objection have been received

Planning Policy

The application site is located beyond the built up area of Bloxham. It is situated with a high priority area of archaeological interest and is also within a minerals consultation area.

There are records of numerous notable and protected species within 250m of the site and The Slade Nature Reserve abuts the southern boundary of the site. A small area of the southernmost part of the site is lies within Flood Zone 2 and 3.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the amended application details are:

- Principle of Development;
- Landscape and Visual Impact;
- Design and layout;
- Highways
- Archaeology
- Flood Risk and drainage
- Biodiversity and Ecology
- Affordable Housing and Housing Mix
- Effect on Neighbouring amenity
- Open Space
- School places
- Other environmental matters
- Energy efficiency
- Infrastructure and Planning Obligations
- Local Finance Considerations

The report looks into the key planning issues in detail, and officers conclude that the proposal is unacceptable against the relevant policies for the following reasons:

1. Unnecessary housing development beyond the built up area contrary to the development plan
2. Adverse visual harm
3. Impact on traffic
4. Impact on archaeology
5. Impact on biodiversity
6. Flooding
7. Education facilities
8. Lack of signed legal agreement

RECOMMENDATION - REFUSE

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site consists of 3 agricultural fields situated to the west of Bloxham to the south of Tadmorton Road. The northern field of the site is laid to grass and is separated from the remainder of the site by a landscaping belt. The land in the northern field drops from the level of the road by appropriately 3 metre and then rises again towards the landscape belt. The site to the south of the landscape belt

then falls from a point of 123 AOD at the highest point in the west of the site to a level of 113.3 to the south east of the site.

- 1.2. Park Farm exists immediately to the west of the site and is on higher land than the main body of the northern field and the new Miller Homes site adjoins the eastern boundary of the site and is currently under construction.
- 1.3. The site is situated with a high priority area of archaeological interest and is also within a minerals consultation area. There are records of numerous notable and protected species within 250m of the site and The Slade Nature Reserve abuts the southern boundary of the site. A small area of the southernmost part of the site is lies within Flood Zone 2 and 3.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The current application seeks permission to develop the site for up to 136 dwellings. All matters of appearance, landscaping, layout and scale are reserved for future applications. The only matter for detailed consideration is the location of the principal access to the site from Tadmarton Road. The remainder of the access details, relating to the site layout would be subject to future reserved matters applications.
- 2.2. The application has been accompanied by a Primary Development Framework and Design and Access Statement which shows a residential developable area of 4.55ha. This is contained largely within the northern and central areas of the site with the provision of a link road through the central landscape belt. The southernmost part of the site would be laid out to public open space and balancing pond and would sit alongside the public open space which is being provided as part of the adjacent new residential development. It is proposed that the development would provide 35% affordable housing.

3. RELEVANT PLANNING HISTORY

3.1. Application site

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
17/00094/SO	Screening opinion to 17/02502/OUT - Outline planning permission for up to 150 dwellings (including 35% affordable housing), landscaping, public open space and green infrastructure including children's equipped and local play areas, surface water flood attenuation, vehicular access from Tadmarton Road, land for recreational purposes and outdoor learning and associated ancillary works. Outline with all Matters Reserved with the exception of the principal vehicular access from Tadmarton Road	Screening Opinion not requesting EIA

3.2. Neighbouring site to the east (Miller Homes site)

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
-------------------------	-----------------	-----------------

13/00496/OUT	Outline - Erection of up to 60 dwellings with access from Tadmarton Road, associated amenity space, community parkland and additional parking for Bloxham Primary School	Appeal allowed
--------------	--	----------------

The above application was refused by the Council. The main issue for consideration was whether in the absence of a 5 year land supply the adverse impacts on the character and appearance of the countryside would demonstrably outweigh the benefits of the proposal. It was concluded that whilst the proposal would have an urbanising impact on the site views of the site would be localised and would be limited from public view points . It was also considered the school buildings and agricultural buildings opposite the site were considered to help balance the transition into the village and limit the intrusion into the open countryside. A number of issues relating to planning obligations were also discussed including a lack of school places but not objections were raised by the County. On balance in the absence of 5yrs the need for housing and affordable housing, together with the other benefits of the scheme, outweighed the negative impacts of the scheme.

14/01634/REM	Reserved Matters to Outline Application 13/00496/OUT - Erection of up to 60 dwellings with access from Tadmarton Road, associated amenity space, community parkland and additional parking for Bloxham Primary School	Permitted
15/01764/F	Variation of Conditions 2, 3, 4, 5, 6 and 7 of 14/01634/REM	Permitted

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 28.06.2018, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. 59 representations in objection has been received. The comments raised by third parties are summarised as follows:
- Conflict with development plan housing strategy including neighbourhood plan. The planning system is plan led.
 - Harmful extension to the village.
 - Design of new housing not in keeping with village

- Already significant growth in the village in recent year ruining its identity.
- Bloxham has taken its share of growth.
- No need for further housing. Existing site are not selling well.
- Affordable homes won't be affordable.
- Road safety, parking congestion and increase in traffic
- Lack of public transport.
- Insufficient infrastructure to support development including education, shops, doctors and community uses which are already at capacity.
- Flooding
- Air pollution.
- Noise and disturbance
- Impact on protected species and wildlife including The Slade wildlife area.
- Inadequate consultation.
- Lack of employment opportunities in Bloxham.
- The government consultation on housing need has reduced the housing requirements for Oxfordshire.
- If approved off-site indoor sports contribution should be used for the swimming pool and changing rooms at Warriner School to allow it to be opened up to the community all year round.

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. BLOXHAM PARISH COUNCIL: **Object.** It is contrary to the Local Plan Part 1 which allows for development in villages within built up limits and categorises Bloxham as a service village where minor development, infill and conversion could be permitted. This is a major development and clearly beyond the built limits of Bloxham. It is contrary to all the criteria of Policy Villages 2. In addition, we understand that the total rural allocation to 2031 for villages is almost achieved. We would point out that since 2007 Bloxham has had some 313 dwellings approved and built out.
- 6.3. The proposal does not correspond with other Local Plan themes and policies including: ESD10 Protection and Enhancement of Biodiversity and the Natural Environment, ESD 13 Local Landscape Protection and Enhancement, and SO12, SO13 and B87.

- 6.4. The proposed development is contrary to policies of Bloxham Neighbourhood Development Plan; particularly, BL1 and BL2:BL1 Development of approximately 85 dwellings is supported to the south of Milton Road as shown on Map 1 subject to compliance with the other policies of this Plan. BL2 In addition to the major development set out in Policy BL1 the following sustainable development will also be permitted: conversion, infilling and minor development within the existing built up limits provided that such additional developments are small in scale typically, but not exclusively, five dwellings or fewer. At referendum in November 2016 Bloxham's Neighbourhood Development Plan had 97% approval.
- 6.5. This application does not conform to BNDP policies BL3, BL7, BL9 and BL11. It will cause adverse harm to amenities for existing residents by exacerbating existing traffic congestion, putting further pressure on the availability of school places and increasing pollution levels that are already close to or beyond the recommended limit as CDC reported in their Air Quality Assessment for Bloxham 2017.
- 6.6. CDC can demonstrate a 5 year housing land supply.
- 6.7. NPPF establishes as a core planning principle that planning should be genuinely plan led. This development is contrary to core policies in Cherwell's adopted Local Plan and Bloxham's NDP and with an undisputed 5 year housing land supply, approval of this proposal would conflict with this core planning principle.
- 6.8. The reports presented with this application show numerous significant omissions and factual errors including:
- The Air Quality report does not reference the latest report for 2017 which notes: "Monitoring has been undertaken in Bloxham and indicates there is an exceedance of the nitrogen dioxide annual mean objective at relevant receptors (49.5 µg/m3)."
 - The Preliminary Ecology Appraisal, notes in the Executive Summary: "2. There are no statutory designated sites within 2km of the site boundary nor any non-statutory designated sites within 1 km." This statement ignores the Slade Nature Reserve which borders the proposed site and has been managed as a nature reserve for more than 50 years. Bloxham Parish Council are in the process of applying for formal designation of the Slade as a nature reserve.
 - The plans show and the Design and Access statement refers to land for potential use by Bloxham Primary School for playing pitches and outdoor learning purposes: the school has not asked for nor been approached about land for these purposes.
 - The Transport Assessment report proposes an assisted pedestrian crossing on Tadmorton Rd though this has been considered and discounted as viable in this location as part of the discussions in connection with the adjacent Woodlands site currently being built out.
 - For surface and foul water drainage to the Woodlands development adjacent to this site, Thames Water are providing gravity feed drainage into Brookside Way via the country park. None of this appears to be shown in the accompanying documentation. Instead in the Flood Drainage Assessment at 4.4, a piped gravity feed system for 25 houses is shown discharging into a manhole yet to be constructed on Tadmorton Road and the remaining properties are shown to be connected via a pumped solution into this proposed gravity feed solution.

- 6.9. The Parish Council have also provided a S106 allocation document which outlines the projects the parish would wish to see S106 monies allocated.

STATUTORY CONSULTEES

- 6.10. NATURAL ENGLAND: **No comments**
- 6.11. THAMES WATER: **No objections subject to conditions.** The existing foul water network and existing water supply is insufficient to meet the needs to the development. Full details of the mitigation will need to be provided as planning conditions.
- 6.12. OCC HIGHWAYS: **Objects.** The development is expected to contribute a significant amount of traffic to the mini roundabout junction of the A361 and Barford Road, which is forecast to operate well over capacity in the assessment year, contributing to a severe cumulative impact and in itself causing a severe impact in terms of delay per vehicle. The trip generation and study area are acceptable. The Milcombe turning off the A361 immediately to the south of Bloxham, and the junction of Milton Road and Barford Road have now been included and have been modelled using PICADY. At the junction of Milton Road and Barford Road, the right turn from Milton Road is showing as over capacity in the 2022 base scenario, and experiences a slight increase in queueing as a result of the development, but in my view this could not be classed as severe. The junction of Bloxham Road and the A361 (Milcombe turn) has ample capacity.
- 6.13. The TA has sought to address the technical objections. The traffic count data has now been provided and fresh traffic counts have been carried out, which show considerable variation from day to day. An average of counts over three days has been used, which is acceptable. The site south of Milton Road has now been added in to the committed development.
- 6.14. The junction of the A361 and Barford Road has now been modelled. The results show that the junction is expected to be significantly over capacity in the 2022 base scenario. The development would add 8 vehicles to the queue on the A361 south in the am peak (up to 58 vehicles), with an increase in the maximum average delay per vehicle of 54 seconds (231 seconds to 285 seconds). This represents a severe impact on top of an already severe future situation. No physical mitigation is proposed, and it should be noted that mitigation solutions have previously been sought at this junction but none found feasible due to the physical constraints of the site. Therefore it is doubtful that the impact could be mitigated by increasing the capacity of the junction. The TA suggests that the impact could be mitigated by the improvement to bus frequency, but any increase in public transport modal share is unlikely to make a sufficient difference to the traffic impact.
- 6.15. Air quality: The TA still makes no mention of Air Quality. It is noted an amended Air Quality Assessment has been provided which the Local Planning Authority's environmental protection officer may provide comments on. The modelled congestion impact on the junction of the A361 and Barford Road may have an impact on air quality.
- 6.16. Vehicular access: Traffic speed data has been provided, and a revised access plan has been provided showing traffic cushions and the relocation of the start of the 30mph. This is sufficient as an indicative plan, and details could be requested as a condition. The traffic calming would be subject to statutory consultation which OCC would carry out alongside the S278 process.

- 6.17. The access has been changed to incorporate access to the adjacent agricultural property. It is now proposed to close up the adjacent agricultural access and instead take access to the adjacent farm through the development. The junction with Tadmarton Road has been amended to provide suitable geometry for agricultural vehicles and looks acceptable. However, no details are provided of the internal road layout leading to the agricultural access on the site's northeastern boundary. This would pass through residential development, and the road layout must be designed sensitively to provide a suitable environment for pedestrians of all ages whilst catering for HGVs, tractors and trailers. Although the site layout is a reserved matter, the route should be shown indicatively on the Development Framework plan. It is recommended that details of this route, including vehicle tracking, are required by condition prior to the submission of reserved matters, to ensure that it is properly taken account of in the layout.
- 6.18. Pedestrian access: No further information has been supplied regarding the footway link along Tadmarton Road. However, it is likely that a solution could be found regarding the ditch. To ensure that the footway is provided in a timely manner to be available for new residents, the S278 scheme must be agreed prior to commencement
- 6.19. The applicant has amended the crossing proposal from a signalised crossing to a zebra crossing and stated that a safety audit will be carried out, which will inform whether the crossing can be safely provided in the position shown.
- 6.20. Pedestrian and cycle connectivity: The applicant's transport consultant has discussed some ideas with OCC for improvements to the walking route between the development and the village centre. It is recommended that further discussions take place with a view to agreeing a S278 scheme to be implemented by the developer as an obligation. The updated development framework plan provided now shows fewer connection points to the adjacent site, but does include the connection to the southern corner highlighted in my previous response. To improve connectivity to this connection point it is suggested that a path is created on the eastern site boundary across the 'existing wet ground in former workings'. This connection should be secured via the S106 agreement.
- 6.21. Public Rights of Way - The updated TA is silent regarding OCC's request for a contribution to secure links to the nearby public right of way. No connection point is shown on the framework plan. Nevertheless, we continue to seek this contribution in the event that permission is granted.
- 6.22. Public transport - The updated transport assessment indicates that the developer is willing to make the contribution requested to improve the Banbury to Bloxham bus service.
- 6.23. Travel plan - A revised Travel Plan has been submitted which is acceptable to OCC. Nevertheless it is recommended that a condition is applied requiring the plan to be updated prior to commencement and implemented in accordance with the approved details.
- 6.24. Drainage – The updated FRA addresses the previous comments of OCC Drainage. This includes
- An updated outline plan has been provided which shows potential locations for Permeable Paving at the site. The permeable paving and the attenuation pond can provide a treatment train approach for the site.

- The Attenuation Pond will be located within Flood Zone 1, outside zones of high and medium flood risk.
 - The outfall from the pond will discharge via a swale to the watercourse, being located away from the high and medium risk flood area.
 - Infiltration testing has been carried out at the site and these results demonstrate relatively poor rates of infiltration. Infiltration will not be the primary SuDS technique for the disposal of surface water at the site.
 - The Applicant will match the developed 100 year + CC allowance peak runoff rate to QBAR greenfield rate. To comply with the Non Statutory Technical standards the developed annual peak rate will be required not to exceed the peak greenfield for the same rainfall event.
- 6.25. It should be confirmed the seasonal high groundwater level in the location of the attenuation pond to ensure its capacity can be maintained. A flood route exceedance plan will be required to be produced for this development. As well as the consideration of the modelled events, there should be a qualitative examination of what would happen if any part of the drainage/SuDS system fails, to demonstrate that flood water will have flow routes through the site without endangering property and where possible maintaining emergency access/egress routes. This should be supported by a flood exceedance route plan, secured by a planning condition.
- 6.26. It will also be a requirement for a SuDS Management and Maintenance Plan to be provided for the site, secured by a planning condition.
- 6.27. If permission is granted request conditions and S106 to secure a S278 agreement to the highway works and financial contributions towards public transport improvements, travel plan monitoring and public rights of way enhancements.
- 6.28. OCC EDUCATION: **Objects** due to lack of primary school capacity, without a feasible solution to mitigate the impact of this proposed development. Bloxham CE Primary School recently expanded to 2-form entry: 60 places per year group; 420 places in total for Reception–Year 6. As of January 2018, Bloxham CE Primary School has 411 children on rol. Four of the seven-year groups are already at or above capacity. This proposed development would be expected to generate 41 additional primary pupils, significantly more than there are currently spare places available. The school therefore does not have sufficient capacity to meet the needs expected to be generated by the proposed development.
- 6.29. It is not considered feasible or viable to further expand Bloxham CE Primary School, as its current site area is only sufficient for a 2-form entry school. To expand to a 3-form entry primary school would require additional site area being provided for the school, adjacent to its current site. Moreover, to enable the school to grow in an increment that is supportive of effective and efficient provision of education, significant additional accommodation for the school would be required, and to fund this would require a much larger scale of housing growth than proposed in this application or which would be compatible with the Cherwell Local Plan or Bloxham Neighbourhood Plan.
- 6.30. Housing already permitted in the village is expected to mean that:
- Children moving in already of primary age are likely to have to travel to another school, with the consequent travel costs and inconvenience to parents;

- The school may have to turn away younger siblings of out-of-catchment children who were able to get in while local demand was lower, with the consequent loss of amenity to existing residents;
 - In the smaller villages surrounding Bloxham, which have historically fed to Bloxham CE Primary School, it is likely that some children will need to attend a different primary school, this being made possible by the expansion of that school. (In many cases these villages already lie within shared catchment areas for both schools.)
- 6.31. Further significant housing development in the short-medium term would increase the risk that even some children living within the village, applying on time for a school place, may not be able to secure a place at the school. This would be detrimental to community cohesion and sustainability. On these grounds, the county council's Education Sufficiency and Access team considers that development of the scale proposed would not meet the definition of sustainable development, and objects to the proposal.
- 6.32. Notwithstanding the objection if the development is permitted financial contributions are sought in respect of the forward funded expansion of Hook Norton and Adderbury schools which would have capacity to accommodate the growth from the development.
- 6.33. Also seek contributions to nursery early years and childcare contribution. Contributions towards secondary education and SEN provision not being pursued due to the CIL Regulations.
- 6.34. OCC ARCHEOLOGY: **Objects.** The field evaluation is insufficient to establish the significance of the roman building discovered to the northern part of the site. The report also contains a number of omissions to provide a robust analysis of the site.
- 6.35. OCC MINERALS AND WASTE: **No objections.**
- 6.36. HIGHWAYS ENGLAND: **No objection.**
- 6.37. ENVIRONMENT AGENCY: **Objects** on the basis of an inadequate flood risk assessment. The FRA does not adequately assess the impact of climate change on fluvial (river) flooding. As climate change has not been calculated the design flood level is unknown so there is no certainty that the development (for example the attenuation feature) is not located within the 1:100 (1% Annual Exceedance Probability) flood with an allowance for climate change. Modelling should be undertaken to demonstrate climate change has been assess and a design flood level is available to inform the layout. The attenuation pond to manage surface water could be at risk of fluvial or groundwater flood risk which could compromise its ability to deal with surface water. The FRA should also consider exceedance events. Additionally footpaths are proposed near the main river and the design flood level is required so any land reprofiling could be managed at detailed stage. Given the scale of the development it would be expected that the modelling carried out should be submitted as the consequence of flooding may be more severe.

NON-STATUTORY CONSULTEES

- 6.38. CDC PLANNING POLICY: **Objects.** AMR shows a 5 year land supply and significant progress on Villages 2. There have been 156 housing completions in the village between 2011-2017 and 84 between 2014 and 2017. Proposal not supported by BNP and is not allocated. No pressing housing need for additional land to be

release at this time and the benefits of the scheme are not considered to outweigh the harm.

- 6.39. CDC LANDSCAPE: **Objects.** The LVIA underestimates the impact of the development from the rights of way to the west of the site. The development encroaches into the rural character of this attractive landscape: a landscape once deemed to be AOHLV in the CLP 1996, but now rescinded in the current Cherwell Local Plan ESD 13 in favour of seeking to 'conserve and enhance the distinctive and highly valued local character of the entire District'. This development is therefore deemed to be harmful to this sensitive landscape and therefore inappropriate for this location, given its limited capacity to accept the scale of this development. At least 50% of the application site is in the workings of an old quarry, which is therefore a distinct sub-landscape character to the 'R2b Rolling Arable Landscape with Strong Field Pattern'. The quarry bottom levels and the northern and south embankments, along with existing structural vegetation on the western boundary and the watercourse provide physical containment against the rolling arable landscape to the west and south.
- 6.40. The dwellings will be very prominent from Tadmorton Road, This road is a 'gate way' entrance to Bloxham and the accumulated harmful visual impacts and effects of this proposed development when combined with the existing Miller Homes development (Quarry Close) on this rural approach deems the development to be inappropriate in this location. A lack of detail is also provided on how the levels will work on the site.
- 6.41. CDC ECOLOGY: **Objects.** Further surveys for protected species will be required prior to determination of the application. These include bat activity surveys of the site, a bat roost survey of the oak tree (T1), a reptile survey and great crested newt surveys of the on-site pond and ponds within 500m of the site. The results of the surveys would be used to inform the layout of the proposed development and appropriate mitigation measures. A Biodiversity Impact Assessment (BIA) should also be undertaken prior to determination
- 6.42. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to conditions on construction environmental management plan, contaminated land and air quality.
- 6.43. CDC STRATEGIC HOUSING: **No objection** subject to a legal agreement to secure appropriate level of affordable housing.
- 6.44. CDC RECREATION AND LEISURE: **Comment.** Request onsite contributions for indoor sport facilities, community facilities and public art in line with the Developer Contributions SPD. Also request on-site sports provision of 0.38ha and a changing facility however further investigating this now the slope of the site is apparent.
- 6.45. CDC WASTE AND RECYLING: **No objection** subject to provision of bins.
- 6.46. CDC TREE OFFICER: **No objection.** If approved the screening would need to consist of a combination of semi mature trees and transplant stock. It is important that sufficient space is created within the development to allow medium sized trees to mature.
- 6.47. CDC BUILDING CONTROL: **No objections.** Radon protection will be required and no surface water to main drainage.
- 6.48. OXFORDSHIRE CLINICAL COMMISSIONING GROUP: **Comment.** Primary medical care in North Oxfordshire is mostly at capacity, and further housing growth will require additional or expanded infrastructure to be in place. OCCG therefore object

to this application pending agreement of appropriate contributions to primary care infrastructure of £129,600.

6.49. SPORT ENGLAND: **No comment.**

6.50. HISTORIC ENGLAND: **No comments.**

6.51. BODICOTE PARISH COUNCIL: **Object.** Contrary to Local and Neighbourhood Plan and Council can demonstrate 5 year land supply.

6.52. MILTON PARISH COUNCIL: **Object.** Contrary to Local and Neighbourhood Plan and Council can demonstrate 5 year land supply. Furthermore infrastructure is inadequate to serve the development.

6.53. MILCOMBE PARISH COUNCIL: **Object** on the same grounds as Bloxham PC. If approved request Section 106 funds of £5000 for a new bus shelter. The Parish Council makes this request because currently residents of Milcombe use the school, dentist, doctors, shops and other services, however with an increase in the population in Bloxham this will have a knock-on effect and Milcombe residents unable to drive, will have to consider using public transport to make their way to other areas of the District for these services. Also request Section 106 funds to improve the play equipment in the Milcombe village play area.

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

BLOXHAM NEIGHBOURHOOD PLAN

- BL2 – New housing in Bloxham
- BL3 – Connectivity
- BL4 – Parking
- BL6 – Adaption to Climate Change
- BL7 – Flood Risk
- BL8 – Housing that adopted to Demographic Change
- BL9 – Amenity of Existing Residents
- BL11 – Rural Character of the Village
- BL12 – Importance of space, street scene and views
- BL17 – Important recreation spaces

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land

- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC8 – Securing Health and Wellbeing
- BSC9 – Public Services and Utilities
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Policy Villages 1 – Village Categorisation
- Policy Villages 2 – Distributing Growth across the Rural Areas
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18 – New Dwellings in the Countryside
- C8 – Sporadic development in the open countryside
- C28 – Layout, design and external appearance of new development
- C30 – Design control

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Annual Monitoring Report (December 2017)
- Developer Contributions Supplementary Planning Document (SPD) (February 2018)
- Draft Cherwell Design Guide SPD

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of Development;
- Landscape and Visual Impact;
- Design and layout;
- Highways
- Archaeology
- Flood Risk and drainage
- Biodiversity and Ecology
- Affordable Housing and Housing Mix
- Effect on Neighbouring amenity
- Open Space
- School places

- Other environmental matters
- Energy efficiency
- Infrastructure and Planning Obligations
- Local Finance Considerations

Principle of the Development

- 8.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Council can demonstrate a 5.4 year housing land supply (Annual Monitoring Report 2017, updated 2018) and the application is therefore assessed in that context with the housing policies in the Development Plan being considered up to date and carrying full weight in planning decisions. The Development Plan for Cherwell includes the Cherwell Local Plan 2011-2031 (adopted in July 2015) (CLP Part 1), the saved policies of the Cherwell Local Plan 1996 and the Bloxham Neighbourhood Plan 2015-2031 (BNP). The site is not allocated for development in any adopted or emerging policy.
- 8.3. The Cherwell Local Plan 2011-2031 Part 1 (2015) seeks to allocate sufficient land to meet district wide housing needs focusing strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns and limiting the growth elsewhere. This is supported by Policy ESD1 which states that to mitigate the impact of development on climate change, growth will be distributed to the most sustainable locations as defined in the Plan and to deliver development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 8.4. The rural housing strategy is guided by Policy Villages 1 and 2 of the Cherwell Local Plan Part 1 and saved Policy H18 of the Cherwell Local Plan 1996. Policy BL1 and BL2 of the BNP also seeks to guide new housing development in the neighbourhood plan area. Policy Villages 1 provides a categorisation of the District's villages to ensure that unplanned, small scale development is directed towards those villages that are best able to accommodate limited growth. Bloxham is a Category A village, which are the most sustainable villages in the District. Category A settlements vary relatively significantly in size and service provision but Bloxham is considered to be one of the most sustainable villages in the district with a wide range of services and facilities.
- 8.5. Policy Villages 1 of the Cherwell Local Plan and Policy BL2 of the BNP states that new dwellings in the form of conversion, infilling and minor development, will be supported within the existing built up limits of the village. By virtue of its undeveloped nature and relationship with the surrounding built and natural environment the site is considered to lie outside the built up limits of the village and so would not conform with the strategy in these policies.
- 8.6. Saved Policy H18 of the Cherwell Local Plan 1996 restricts development outside the built up limits of settlements except in a number of circumstances; none of which are applicable to this current application. The proposals therefore conflict with Saved Policy H18. Furthermore the only major development the BNP allows for is under Policy BL1 on Milton Road. This current proposal would result in further major development outside the housing strategy in the BNP so is also in conflict with this.
- 8.7. Therefore the current proposal falls to be considered against Policy Villages 2 of the Cherwell Local Plan Part 1. This allows for 750 dwellings to be delivered at Category A villages over the plan period. The intention is to protect and enhance the services,

facilities of villages and the natural and historic built environments of the villages whilst recognising the need for some development in the most sustainable rural locations. Policy Villages 2 advises that these sites would be identified through a number of means including through the determination of applications. A number of criteria are listed and these must be considered through the determination of planning applications.

- 8.8. The Council's Annual Monitoring Report (AMR) (December 2017) confirms that significant progress also already been made on the housing allocation under Policy Villages 2 and that of the 750 dwellings allocated across the plan period until 2031, sites for only 86 dwellings remain to be identified. Recent appeal decisions received by the Council, including one at Finmere (16/01209/OUT refers), confirm that an overprovision of the rural housing allocation at an early stage in the plan period could prejudice the sustainable growth strategy set out in the Development Plan and leave limited ability to respond to later changes in housing need in individual settlements without fundamentally compromising the overall sustainability strategy contained in the Local Plan. Furthermore, recent appeal decisions confirm that whilst the 750 dwellings is not to be regarded as an upper limit, significant deviation from that figure may result in unconstrained growth in less sustainable locations which would conflict with the sustainable housing strategy of the Development Plan. Therefore significant progress has been made on the housing allocation under Policy Villages 2 and it is in this context the application is assessed and officers consider that the weight that should be given the benefits of new dwellings is reduced and there is no overriding need for new large scale rural housing sites at the current time.
- 8.9. Based on the figures presented in the AMR the current proposal for up to 136 dwellings would take the remainder of the Policy Villages 2 allocation up and result in an exceedance of this allocation by some margin. This would all be at a single settlement and happen at a relatively earlier part of the plan period. Bloxham has already seen a relatively significant level of growth during the plan period with planning consent granted for 220 dwellings from major new housing developments (13/00496/OUT, 12/00926/OUT and 14/01017/OUT) in the plan period. This further adds to the concerns regarding the proposal.
- 8.10. Amongst other matters Policy Villages 2 also requires an assessment of whether the site itself is well located to services and facilities. Policy BL3 of the BNP also requires proposals to promote and improve low-carbon connectivity via new and existing paths and cycle routes so new residents have safe pedestrian/cycle access to village services. In the case of the application site, with the exception of the primary school, the site is some distance from the services and facilities of the village. The proposal is poorly integrated with the existing village and the only links proposed are along the Tadmarton Road and one link in the proposed open space to the south of the site. However, it is not clear from the information submitted whether this would be achievable as it relies on making connections to the open space of the adjacent site which is not in the control of the applicant. Therefore future occupants of the site may need to go all the way the entrance of the site on Tadmarton Road to access services and facilities of the village. In this case the regular bus stops on the A361 and the shop at the petrol filling station are approximately 1km from the entrance to the site and the facilities in the centre of the village are approximately 1.1km from the entrance. These distances do not take account of the distances the residents would have to walk through the site which could be considerable given the poor integration discussed above. The relationship and distance to the village's services and facilities therefore further weighs against the proposal.

- 8.11. Overall, whilst Bloxham is one of more sustainable rural settlements in the District, the village has already accommodated significant growth during the plan period. The Council is in an advanced position regarding providing for new rural housing under Policy Villages 2 with a limited number of dwellings left. The proposal would result in an exceedance of this allocation early in the plan period and the early delivery of all of the rural housing provision could also prejudice the sustainable growth strategy of the Local Plan. This is all set within the context of the Council's ability to demonstrate a five year supply of deliverable housing sites and therefore it is not considered there is any overriding need for the proposal on housing delivery grounds. Further weighing against the development is the poor integration of the development and access to services and facility. The principle of this scale of growth is therefore considered to conflict with the Council's rural housing strategy contained within Policies ESD1, and Villages 1 and 2 of the CLP Part 1, Policies BL1 and BL2 of the BNP and Saved Policy H18 of the 1996 Local Plan all which to guide development in the most sustainable manner within the district.

Landscape and Visual Impact

- 8.12. Policy ESD13 of the CLP Part 1 advises that development will be expected to respect and enhance local landscape character and a number of criteria are highlighted including that development is expected not to cause visual intrusion into the open countryside, must be consistent with local character and must not harm the setting of settlements, buildings or structures. Policy Villages 2 requires that consideration be given to whether significant landscape impacts could be avoided and whether development would contribute in enhancing the built environment. Policy BL12 of the BNP states that development should not result in harm to the rural or heritage character of the village and should make a positive contribution to the character and historic form of the village. It goes on to state development should not impact on key features of views from, and the tranquillity of, public rights of way. BL17 states that public rights of way will be protected. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. Policy C8 seeks to limit sporadic development beyond the built limits of settlements. Policy C27 expects that development proposals in villages will respect their historic settlement pattern.
- 8.13. The NPPF highlights that the protection and enhancement of the natural, built and historic environment is part of the environmental role of sustainable development and one of the core planning principles also refers to recognising the intrinsic character and beauty of the countryside. The NPPF also emphasises the importance of development responding to character and history with good design being a key aspect of sustainable development.
- 8.14. The application is supported by a Landscape and Visual Impact Assessment. The site is not located in any national or local landscape designation. However, that does not mean it is not attractive landscape. The Oxfordshire Wildlife and Landscape Study (OWL) identifies the site as being within the Upstanding Village Farmlands area whose characteristics include steep-sided, undulating landform, well defined geometric patterns of medium sized fields enclosed by prominent hedgerows; and a stone settlement pattern of compact, nucleated villages with little dispersal in the wider countryside. Within the Cherwell District Landscape Assessment (1995) the site is located in the Ironstone Hills and Valleys area which is characterised by the complex topography, style of vernacular buildings, unspoilt villages in tranquil countryside which is remote and isolated. At a smaller level the majority of the site is identified in a rolling arable landscape with strong field patterns, dense hedges providing a good landscape structure and small copses punctuating views. However, the northern field the application site is in the workings

of an old quarry, which is therefore a distinct sub-landscape character which is not contained in the landscape appraisals. In this field the centre of the field is on lower ground with the land rising to the northern, southern and western boundaries. The existing structural vegetation on the western and southern boundary provides some physical containment against the rolling arable landscape to the west and south.

- 8.15. The northern part of the site is situated adjacent to the new housing development which is currently under construction. However, the site clearly forms part of the wider rural agricultural setting of the and positively contributes to this. Views of this part of the site are available from Tadmarton Road and also to the north as the land rises. The central and southern parts of the site are more isolated from the existing built form of the village being separated by the central landscape belt across the site and the proposed country park which is being delivered as part of the adjacent new development. Given the topography of the site and landscaping features views of this part of the site are more open to the west of the site from the public rights of way and there are also views available from the edge of the Slade Nature Reserve to the south and the proposed country park to the east.
- 8.16. The proposed development would have a strong urbanising impact on the character of the site and would result in the loss of the pastoral and arable agricultural fields which currently characterise the site and setting of the village. It would also result in the loss a number of landscape characteristics of the site including the section of hedgerow to accommodate the access and cutting back of vegetation to accommodate the footpath and visibility. The proposal would also result in a loss of a section of the central landscaping belt to accommodate access between the different parts of the site. Furthermore, given the levels changes across the site the topography of the site would need to be significantly altered to allow development of the site for residential purposes. The impact of the development on the landscape character would be exacerbated by the levels changes on the site and the more remote location of the central and southern areas of the site from the existing built form.
- 8.17. In terms of the visual impacts of the site the most prominent public views would be experienced from Tadmarton Road, the public rights of way to the west of the site and some views in closer proximity to the south of the site. The development of the site would be poorly related to the existing settlement form and the southern parts of the site would have a detached relationship with the existing settlement. This would result in a significantly deeper extent of development at the edge of the village than the existing built form and this would exacerbate the visual impacts and incongruous form of development.
- 8.18. The development would be very prominent from Tadmarton Road and whilst the roadside hedgerow would provide some limited screening to the development the proposed development would still be clearly visible and adversely impact on the rural character and appearance of the area and agricultural setting of the village. Open fields exist on the opposite side of the road to the north of the site and the proposed development would result in a harmful, unbalanced and incongruous intrusion into the open countryside. This site is a 'gate way' entrance to Bloxham and the accumulated visual effects of this proposed development when combined with the existing Miller Homes development (Quarry Close) on this rural approach would be harmful to the setting of the village. The topography of the site also means that the development to the south of the landscaping belt would be higher than the northern part of the site which would increase the prominence of development on this part of the site which would sit above the height of much of the development in the northern field and the dwellings under construction to the east (which are set more than 3 metres lower than the existing land immediately to the south of the

landscape belt). This would make the proposals particularly prominent in views from the surroundings.

- 8.19. There would also be exposed views, particularly of the central and southern fields, from the public right of way which forms part of the Bloxham Circular Walk to the west of the site. This is located approximately 250 metres from the site. This route offers very attractive views back to the village and church and surrounding countryside. Whilst the existing built development of the village is visible it is generally situated on lower ground or well contained by topography and vegetation. The topography of the application site however means these fields slope away from the village into a small valley and there would be very exposed views of the site from these locations. The proposed development would adversely impact on these sensitive view points and result in visual harm to users of the rights of way by virtue of the urbanising impact of the development and poor relationship with the settlement. The landscape officer considers the LVIA underestimates this visual effect. The applicant has proposed some new landscaping to the western boundary. However, this would take a number of years to establish and the proposed development would still be highly visible.
- 8.20. The proposed development would also be visible in views to the south of the site from The Slade nature reserve and from the new country park to the east. A board walk exists to the northern boundary of The Slade and filtered views of the proposal will be visible from there particularly in winter months and given the elevated position of the proposed residential development it would be significantly more prominent than existing development and development under construction result in further harm.
- 8.21. Overall the proposed development would result in a significant urbanisation of an open field which positively contributes to the rural character and appearance of the area. Given its depth and siting it would be poorly related to the existing built form of the village and would harm the landscape characteristic of the site and would be visually intrusive and harmful to the rural setting of the village. It would therefore conflict with Policies BL11 and BL12 of the BNP, Policies ESD13, ESD15 and Villages 2 of the CLP Part 1, Saved Policies C8 and C28 of the Cherwell Local Plan 1996 and advice in the NPPF.

Design and Layout

- 8.22. Policy ESD15 provides guidance regarding impact of development upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high quality design meeting high design standards and complementing any nearby heritage assets. Policy BL11 of the BNP seeks to ensure all new development respects the local character and the historic and natural assets of the areas with the design and materials chosen to preserve or enhance the rural heritage, landscape and sense of place. It goes on to state that density should be reflective of the locality and should not usually exceed 30 dwelling per hectare, should be locally distinctive, use green spaces to soften the street scene and take opportunity to create new open space to retain the rural character. The National Planning Policy Framework is clear that good design is a key aspect of sustainable development.
- 8.23. The application is made in outline with all matters reserved except for the principal access from Tadmarton Road. The application is accompanied by an indicative layout, which has been amended through the course of the application to attempt to address Officers concerns. It is expected that an indicative layout and design and access statement should demonstrate that the development proposed can be

appropriately accommodated and which sets appropriate design principles so that future detailed proposals can be achieved.

- 8.24. The scheme has been amended to reduce the overall number of dwellings from 150 dwellings on the site to up to 136 dwellings. This has reduced the density of the developable areas to 30 dwelling per hectare in accordance with Policy BL11 of the BNP. However, officers remain concerned regarding the indicative layout and design proposals that the applicant has put forward within their Design and Access Statement. The Council's Emerging Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and adjacent to areas of the public open space, the use of traditional building materials and detailing and form that responds to the local vernacular. The layout presented appears very geometric and suburban in character with the public open space not being integrated into the scheme to help create a rural character but rather located around the left over edges of the development.
- 8.25. The use of continuous and linked properties is limited and overall the layout appears disjointed not creating any hierarchy of spaces or a rural character. This is not aided by the fact that the central landscaping belt essentially separates the site and creates a pinch point in the development. The position of the principal access into the site also results in there being little opportunity to address the existing road, proposed access road into the site and provide a positive relationship with the adjacent new development which the development does not address. Furthermore the amended framework plan does not appear to adequately address the proposal to accommodate the existing farm access through the residential part of the development and would impact this would have on the layout and road layouts as it would need to accommodate farm machinery.
- 8.26. The Design and Access Statement also does not give Officers sufficient confidence that the layout and design of a future scheme would respect the rural character and locally distinctive design elements and materials of the village. Furthermore, whilst it is indicated that of the scale of the building is predominantly 2 storeys with some 2.5 storey and 3 storey buildings, officers have concerns that the taller buildings are situated on some of the more exposed areas of the site which would increase their visual prominence from views outside of the site.
- 8.27. As outlined earlier the integration with the existing development in the village is also very poor given the detached relationship of the scheme with the existing built form of the village and very limited opportunities for linkages and connections resulting in poor permeability with the remainder of the village. It would therefore essentially operate as a large scale, standalone development on the edge of the village with poor levels permeability through the site and into the village.
- 8.28. Overall officers do not consider that it has been demonstrated that the level of development proposed could be appropriately accommodated on the site that is both locally distinctive and in keeping with the character of this area of the village or that would enhance the built environment. Furthermore it does not demonstrate a well-integrated development. The indicative layouts submitted reinforce Officers' concerns that development on this site would be unacceptable. Given the above, Officers consider that the proposal conflicts with Policies ESD15 and Villages 2 of the Cherwell Local Plan Part 1, Saved Policies C28 and C30 of the adopted Cherwell Local Plan 1996, Policies BL11, BL12 and BL17 of the Bloxham Neighbourhood Plan and Government Guidance in the NPPF.

Highways

- 8.29. Policy SLE4 of the Cherwell Local Plan Part 1 states that development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported. The NPPF has a similar trust. Policy BL9 states that additional traffic from development should be mitigated and not adversely affect the highway network.
- 8.30. The current application seeks to create a new junction on Tadmarton Road to serve the development. This would be situated to the north west of the existing agricultural access which would be closed. It would be 6.75 metres wide and include footways both side and a pedestrian island in the centre. It is also proposed to move the 30mph speed limit to the west of the site, provide speed cushions along the Tadmarton Road and provide a new footpath to the southern side of Tadmarton Road which would extend to the access with the neighbouring development which is required to provide a footway up to this point linking to the village. The applicant is also proposing to provide a contribution to fund the introduction of a pedestrian crossing on Tadmarton Road to the east of the site. The exact details of this would need to be agreed with highway authority but it is indicated this is likely to be a zebra crossing. The applicant is also proposing a travel plan to encourage a shift to alternative forms of transport.
- 8.31. The Highway Authority (LHA) originally objected to the application as it did not consider the submission provided a robust basis to assess the highway impacts of the development. Therefore the applicant has submitted additional information including adding further junctions to the study area, undertaking further traffic count surveys at peak hours (0745-0845 and 1700-1800) and modelling of the junctions to take account of growth, committed development and the impacts of the proposed development at 2022. The modelling predicts the ratio of flow to capacity, associated queue length and length of delay at each junction.
- 8.32. The LHA has assessed this information and is satisfied that the proposal would not lead to a severe impact on the majority of the junctions that have been assessed. However, the LHA has objected to the application as it considers that the impact on the A361 and Barford Road mini-roundabout would be severe. Even without the development this junction is expected to be significantly over capacity in the assessment year of 2022 with the South Newington road arm predicted to have a queue of 49.9 vehicles (with a ratio of flow to capacity (RFC) of 1.13). This is predicted to result in estimated delay of 231 seconds. With the traffic flows associated with the development the capacity issues worse with a RFC of 1.15, the queue length increasing to 58.5 vehicles and the delay increasing to 285 seconds. The development is therefore predicted to add 8.6 vehicles to the queue length and increase the delay by 54 seconds. The Church Street arm of the junction is also predicted to be approaching capacity in the AM peak hour. The applicant argues that there is significant variation of flows in this junction and a contribution to the bus service would encourage modal shift from private car to bus which would help off-set this impact. However, the LHA considers that the proposal represents a severe impact on top of an already severe future situation. No physical mitigation is proposed, and it should be noted that mitigation solutions have previously been sought at this junction but none found feasible due to the physical constraints of the site. Therefore it is unlikely that the impact could be mitigated by increasing the capacity of the junction. It is also considered that any increase in public transport modal share is unlikely to make a sufficient difference to the traffic impact. Overall it is considered that the proposal would have a significant impact on congestion at that junction, contributing to a cumulative severe impact contrary to Policy SLE4 and advice in the NPPF.
- 8.33. It is also noted that the right turn from Milton Road on the junction between Barford Road and Milton Road is also shown to be over capacity at 2022 without the

development. However, the 0.5 vehicle increase in queue length and further 6 second delay as a result of the development is not considered to result in a severe impact.

- 8.34. In terms of the detailed arrangements of the access the LHA is satisfied adequate visibility can be provided and would seek to secure the relocation of the 30mph speed restriction and traffic calming measures through conditions and a legal agreement. Likewise they would require the footway connection along Tadmarton Road and the pedestrian crossing to be secured. The LHA has also noted that the walking distanced to local amenity are stretched from this site and no analysis is provided of the quality of walking and cycling links to improve these connections. These concerns have already been discussed elsewhere in the report. The detailed internal road layout of the site and parking arrangements would be subject to future reserved matters application so are therefore not for consideration in this application.
- 8.35. In terms of the bus service there is an approximately hourly service running between Chipping Norton and Banbury on Monday to Saturday (488 service) but no late evening or Sunday service. Therefore a request for a contribution to increase the frequency of the bus service has been made by the County which is considered to be justified if the development were to be supported.
- 8.36. Overall the proposal is considered to result in a severe impact to congestion at the A361 and Barford Road mini-roundabout. The development would add to the traffic flow at this junction and contribute to a severe impact and it is not considered that any mitigation has been demonstrated to be feasible. The proposal is therefore contrary to Policy SLE4 of the Cherwell Local Plan and advice in the NPPF.

Flood Risk and Drainage

- 8.37. BL7 of the BNP requires a flood risk assessment be submitted with applications to ensure appropriate flood risk management and ensure proposals do not increase flood risk elsewhere. This is in line with Policy ESD6 and ESD7 of the Cherwell Local Plan which also require the use of sustainable urban drainage systems. Policy BL7 of the BNP also states where pumped drainage is employed, design features which help to ensure that property flooding will not occur in the event of a temporary failure must be incorporated.
- 8.38. The application site is located predominantly in Flood Zone 1 with a small part of the south of the site in Flood Zone 2 and 3 however this area is not shown for development in the preliminary framework development plan. Therefore all the residential development is situated in Flood Zone 1 in accordance with a sequential approach to flood risk for the site. The Lead Local Flood Authority (LLFA) and Environment Agency (EA) had originally raised concerns regarding the proposal and further information in this regard has therefore been submitted.
- 8.39. The use of infiltration techniques as a primary SuDs technique to be used at the site has been discounted as infiltration testing demonstrated that infiltration rates are relatively poor. The applicant therefore seeks to limit the discharge rates of surface water from the site to pre-development rates (allowing for climate change) with the use of permeable paving and a attenuation basin to the manage run-off from the developed areas. The development framework plan appears to show the attenuation basin in the open space to the south within the public space. This would have a controlled discharge to the water course to the south (Bloxham Brook). There may also be some localised land rising required in the northern area of the site to allow a gravitational fall towards the watercourse.

- 8.40. There is a ditch on the northern boundary adjacent to Tadmarton Road and it would need to be culverted to provide the new access and footpath to the village. There has been some history of the road flooding at this location however the LLFA are confident a drainage solution could be provided for this which would not exacerbate the issue. The LLFA now raises no objection to the outline application provided that full details of the flood risk and drainage matter, including management and maintenance and flood exceedance plan, are conditioned to be provided alongside a reserved matters application.
- 8.41. However, the EA has maintained their objection to the application as the current Flood Risk Assessment does adequately assess the impact of climate change on river flooding. Therefore they do not consider that the applicant has demonstrated that elements, such as the proposed attenuation feature to the south of the site, would not be located within the 1:100 flood areas when an allowance for climate change has been added. They therefore consider that the applicant has not demonstrated that the attenuation pond would not be at risk of flooding from the river to the south which would compromise the ability of the attenuation feature to manage surface water from the development. Additionally the EA notes that they need to know the design flood level so that any land raising (re-profiling) proposed that could be within the 1:100 flood area with an allowance for climate change, could be managed at detailed design (associated with construction of paths and the attenuation feature). The proposal therefore does not comply with the relevant policies in this regard.
- 8.42. In relation to water supply and the foul water network, Thames Water has stated that the existing infrastructure does not have the ability to accommodate the development. They have therefore stated that further details of the works required to accommodate the new development would need to be secured by planning condition including details of the upgrading to the systems which would be undertaken by Thames Water.

Archaeology

- 8.43. Policy ESD15 of the Cherwell Local Plan Part 1 states that development should: "Conserve, sustain and enhance designated and non-designated 'heritage assets' including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and PPG." Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage assets should be taken into account in determining applications having regard to the scale of any harm or loss and the significance of the heritage assets. Paragraph 128 requires applicants to describe the significance of heritage assets affected by their proposal.
- 8.44. The site is located in an area of archaeological interest with an area of a Roman Cemetery and settlement site being excavated in the 1920s and 30s. However there is no formal report for this excavation so the extent and significance of the cemetery are unknown. The application was originally submitted with a desk based assessment which the County Archaeologist ('CA') considered to be insufficient and requested a field evaluation be undertaken to further understand this constraint.
- 8.45. A programme of field evaluation has now been undertaken. However, the CA has maintained his objection to the application. The principle concern relates to the discovery of the remains of a Roman building at the northern part of the proposed site near the proposed access. Given the amount of site investigation undertaken the extent of this building and its form are not fully understood and without this is not possible to fully assess the significance of this heritage asset. The CA has stated that it may be that this building is a fairly straightforward single structure but it is

equally possible, especially given the pottery finds from the site and the material recovered from earlier excavations, that this is a small part of a larger complex of buildings which could be a possible villa site. This needs to be understood before the significance of the asset can be understood and whether or not it would require physical preservation which could impact on the developable area of the site.

- 8.46. The CA also considers that the submitted report does not provide a robust basis to assist in understanding the significance of the heritage asset and has a number of omissions and errors which add to the concerns.
- 8.47. Overall, therefore, it is considered that the application does not provide a robust understanding of the significance of the heritage assets which it would impact upon and it is therefore not possible to robustly weigh the harm to the heritage against the benefits. This could impact on the developable area. The proposal therefore conflicts with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

Biodiversity and Ecology

- 8.48. The NPPF sets out that planning should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and provide net gains in biodiversity where possible. Policy ESD10 reflects the requirements of the NPPF and seeks to ensure the protection and enhancement of biodiversity. The Council also has a legal duty set out at Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) which states that “every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity”.
- 8.49. The application is accompanied by a Preliminary Ecological Appraisal and Phase 2 Ecology Surveys report which were undertaken at an appropriate time of year. Whilst the Council’s Ecologist largely agrees with these, further surveys for protected species and a full Biodiversity Impact Assessment (BIA) based on these findings to show a net gain in biodiversity are required prior to favourable determination of the application.
- 8.50. The site contains suitable habitat for a number of protected species including great crested newt and reptiles including the central pond and waterbodies in the local and terrestrial habitat. There are also known records of grass snake and common lizard within the local area of the site. A mature oak in the western site boundary hedgerow was identified as having moderate bat roosting potential and evidence of a potential barn owl roost or nest was found in two trees by the stream bank. Whilst unclear from the submission it is understood these trees fall outside of the red line boundary however the development has potential to cause disturbance should barn owls be present in these trees at the time of construction, and further survey works of the trees is required.
- 8.51. The Council’s Ecologist has therefore advised in light of the potential impact of the development on protected species, further survey is required prior to favourable determination of the application in line with ODPM circular 2005/06 and the Habitats and Species Regulations (2017). These include bat activity surveys of the site, a bat roost survey of the oak tree (T1), a reptile survey and great crested newt surveys of the on-site pond and ponds within 500m of the site. The results of the surveys would be used to inform the layout of the proposed development and appropriate mitigation measures. Therefore at the current time there is insufficient information to fully understand the impact of the development on biodiversity and protected species and the proposal is considered unacceptable in this regard.

Affordable Housing and Housing Mix

- 8.52. The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need. Policy BSC4 of the Local Plan requires new residential development to provide a mix of homes in the interests of meeting housing need and creating socially mixed and inclusive communities. Policy BL8 of the BNP regards that at least 20% of market homes are provided to take account of demographic change. This alongside the detailed housing mix would be detailed at reserved matters stage.
- 8.53. Policy BSC3 requires development within locations such as at Bloxham to provide 35% affordable housing on site and provides detail on the mix that should be sought between affordable/ social rent and shared ownership.
- 8.54. The Planning Statement accompanying the application confirms that a mix of housing is proposed and confirms that at least 35% affordable housing can be provided and this can be secured through the S106 agreement. The provision of an appropriate mix of housing to meet need is positive and in addition the provision of affordable housing is a particular benefit of the scheme and this would carry some weight in favour of the proposal.

Effect on Neighbour amenity

- 8.55. Policy ESD15 advises of the need for new development to consider the amenity of both existing and future development and this reflects the Core Principle of the Framework, which confirms the need for a good standard of amenity for all existing and future occupants of land and buildings to be secured. This is echoed by Policy BL9 of the BNP. Given the size of the site and distance to neighbouring properties, it is highly likely that a scheme could be accommodated without causing demonstrable harm to the amenity of the neighbouring properties.

Open Space

- 8.56. Policy BSC10 and BSC11 of the CLP Part 1 sets out the Council's requirements for the provision of outdoor space, play space and recreation. This would result in the application requiring approximate 0.93ha of general green space, 0.38ha of outdoor sports provision and the requirement for a local area of play (LAP), a local equipped area of plan (LEAP) and a neighbourhood equipped area of play (NEAP).
- 8.57. The site makes adequate provision in space terms for the amount of open space required. However, there are concerns whether suitable provision for outdoor sports provision could be made on site given the arrangement of the open space and the fact that it is situated on sloping land which would not be suitable for playing provision. Discussions are ongoing with the Council's recreation officer regarding this matter and it may be that an off-site contribution for outdoor sports would be most appropriate to find improvements to existing facilities. However, without a legal agreement to secure the open space outlined above the proposal does not comply with the relevant development plan policies to make adequate provision for outdoor recreation and open space to serve and mitigate the impacts of the development.

School Places

- 8.58. Policy INF1 of the CLP Part 1 states that development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of adequate school places. Policy Villages 2 also requires the necessary infrastructure for new development is provided. The Bloxham Neighbourhood Plan has a strong

focus on provided sufficient amount of 'in village' school places in the interests of sustainability and community cohesion. Policy BL9 of the BNP requires that new housing should ensure that sufficient supply of local primary school places are available to meet the needs of existing and new residents. The NPPF and the 'Planning for Schools Development: Statement' both have a strong emphasis on providing adequate school places.

- 8.59. The County Council education team has been consulted and has objected to the application. The existing school has a capacity of 420 pupils in total (60 per year group). It currently has 411 children on the roll and four of the seven groups are already at or over capacity. The proposed development is expected to generate 41 additional primary pupils. This is significantly in excess of the spare capacity of the school and therefore the school does not have sufficient capacity to meet the needs generated by the proposed development. This would likely result in children of school age moving into the village needing go to other schools in the area, the school needing to turn away younger siblings of existing out of catchments pupils, and children from the surrounding smaller villages traditionally attending Bloxham needing to attend different schools. They have also indicated that in the short to medium term it would increase the risk that some children living in the village, applying on time for a school place, not being able to be offered a place at the village school.
- 8.60. Given the constraints of the site it is currently not feasible or viable to expand the school as its current site area is only sufficient for a 2-form entry school. To expand the school to a 3 form entry would require an additional area being provided for the school adjacent to the current site which is not being proposed. Furthermore in order to expand the school to a 3 form entry is in an effective or efficient manner it would require significant more housing growth than would be compatible with the Development Plan and this is not considered feasible.
- 8.61. Overall given the scale of the development and the above issues the proposal is not considered to provide suitable infrastructure to support the development in the form of school places and would conflict with the development plan. This matter therefore weighs heavily against the proposal.

Other Environmental Matters

- 8.62. The application has been submitted with an Odour Report given the proximity of the site to the existing mixed arable and pastoral farm to the west of the site. The Council's Environmental Protection Officer has reviewed this and has no objection on that basis.
- 8.63. The proposed development also has the potential to impact on air quality of the village. This has been a concern in the village as some monitoring in the past in the village has indicated an exceedance of Nitrogen Dioxide in one part of the village. As such an Air Quality Assessment has been undertaken for the development and submitted with the application including looking at the impact of the traffic associated with the development and its impact on air quality. The Environmental Protection Officer raised no objection to the original submission on this basis subject to conditions and comments are awaited on the revised AQA which takes into account the further highways work undertaken.

Energy Efficiency

- 8.64. The Cherwell Local Plan includes a number of energy policies in order to seek development which mitigates and adapts to the future predicted climate change. This relates to locating development in sustainable locations as well as seeking to

reduce energy use, making use of renewable energy and sustainable construction techniques as well as achieving reductions in water use. Mitigating and adapting to climate change in order to move to a low carbon economy is a key part of the environmental role of sustainable development set out in the Framework. Policy BL6 of the BNP requires all housing to be designed for a maximum of 110 litre/person/day water usage.

- 8.65. The application is not accompanied by a Sustainability or Energy Statement but sustainability is important with regard to how development adapts to future climate change. This is a matter that it is considered could be addressed by the imposition of a planning condition if the application were to be recommended for approval.

Infrastructure and Planning Obligations

- 8.66. Notwithstanding Officer's recommendation of refusal, should Members resolve to approve the application, a S106 Legal agreement would be required to be entered into to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the CLP can be met, which seeks to ensure that the impacts of development upon infrastructure including transport, education, health, social and community facilities can be mitigated. This includes the provision for affordable housing and proposals to reduce the transport impacts of the development. The Authority is also required to ensure that any contributions sought meet the following tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):

- Necessary to make the development acceptable in planning terms;
- Directly relate to the development; and
- Fairly and reasonable related in scale and kind to the development

- 8.67. The following are sought through this application but Officers have not entered into negotiations with the applicant in respect of these matters due to the recommendation.

- Affordable housing – 35% overall, with the split of 70% affordable/ social rent and 30% intermediate together with arrangements for its provision
- Play provision in the form of a NEAP, LEAP and LAP or a combined facility
- Open space provisions to include the laying out and regulation of such areas and arrangements for the long term management of maintenance including the provision of commuted sums towards surface water drainage features, public open space, hedgerows, trees and play areas.
- Contribution towards the enhancement of public transport services £812 per dwelling.
- Travel Plan Monitoring - £1240
- Contribution towards new connections and improvement to local public rights of way - £40,000
- An obligation to enter into a S278 Agreement prior to the commencement of the development.

- Contribution towards Nursery and Primary education to be used towards expanding nursery and primary provision at Christopher Rawlins CE (VA) Primary School and Bloxham nursery places.
- Contribution to off-site indoor sports facilities (sports hall and swimming pools) (as per the 2018 SPD) - £113,552.76
- Contribution towards helping the local community hall accommodate an increase in capacity
- Contribution towards the improvement of local primary medical care facilities as existing facilities in the North Oxfordshire locality are mostly at capacity and further housing growth will require additional or expanded infrastructure to be in place. The CCG have requested to be part of discussions in respect of negotiating obligations and this would be undertaken should this matter have proceeded to this stage. They have indicated they would be seeking a contribution of £360 per person.
- The requirement for an apprenticeship and skills training plan to secure apprenticeships.
- Contributions towards waste and recycling bins
- Bio-diversity off-setting

Justification for the requested planning obligations and full details of contributions are available on the file.

- 8.68. Bloxham Parish Council has prepared a list of requests to secure community benefit. These matters would need to be considered against the statutory tests for the request of planning obligations as set out at paragraph 8.66.
- 8.69. Given that there is no legal agreement in place to secure the above referenced matters (notwithstanding the applicant may be prepared to enter into such an agreement), it is necessary for a refusal reason to be imposed as there is no certainty that the infrastructure necessary to make the development acceptable in planning terms will be secured.

Local Finance Considerations

- 8.70. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. This can include payments under the New Homes Bonus. The scheme has the potential to generate New Homes Bonus for the Council under current arrangements once the homes are occupied together with additional payments for the affordable units. However, Officers recommend that such funding is given no weight in decision making in this case given that the payments would have no direct relationship to making this scheme acceptable in planning terms and Government guidance in the PPG states that it is not appropriate to make a decision based on the potential for the development to raise money for a local authority or other Government body.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The overall purpose of the Planning system is to seek to achieve sustainable development as set out within the Framework. The three dimensions of sustainable development must be considered, in order to balance the benefits against the harm

in order to come to a decision on the acceptability of a scheme. It is also important that the planning system is genuinely plan led.

- 9.2. The proposed development would lead to the provision of additional dwellings including a policy compliant level of affordable housing. The social and economic benefits associated with the weigh in favour of the proposal.
- 9.3. The Council can demonstrate a 5 year supply of housing and therefore the application is assessed in that context. The proposal is located in the rural area of the district where the Council's rural housing strategy is more restrained given the urban focus of the plan to reduce the need to travel. It would be situated at a Category A settlement in a village which has already accommodated significant growth in the plan period. Furthermore significant progress has already been made on the housing allocation under PV2 at an early stage of the plan period and the proposal is also likely to result in an exceedance of the housing allocation under PV2. The proposal would therefore undermine the Council's more restricted rural housing strategy and reduce the flexibility of other settlements to meet their housing needs over the remainder of the plan period and result in a more balanced distribution of growth. This would be at a relatively early stage of the plan period. It would also conflict with the housing strategy in the BNP which seeks to limit new growth to the major development site supported under Policy BNP 1 and to the new development contained to the built up limits of the village. This conflict with the housing strategy in the Development Plan weight very heavily against the proposal.
- 9.4. Further weighing against the proposal is the poor integration with the existing village and access to main services and facilities. The proposal would also result in significant environmental harm by virtue of its adverse landscape and visual impacts and poor relationship with the built form of the village. In addition, the design and access statement and indicative layout indicate a suburban form of development that does not follow demonstrate how a locally distinctive development of this scale could be achieved. The proposal also provides inadequate information in respect of the development impacts on flood risk, archaeology and biodiversity and the full impacts of these cannot be fully assessed at the current time.
- 9.5. The proposal would also fail to provide sufficient infrastructure to provide a sustainable form of development. This includes the provision of adequate school places to serve the development. Finally the proposal would result in a severe traffic impact to the A361 and Barford Road roundabout which it has not been demonstrated can be mitigated.
- 9.6. Overall, the proposal is considered to conflict with the Development Plan in a number of respects, which is the starting point for decisions, and there are not considered to be any material considerations which would outweigh this conflict. The proposal when viewed as a whole is therefore considered to constitute an unsustainable form of development and it is recommended that planning permission be refused.

10. RECOMMENDATION

That permission is refused, for the following reason(s):

1. The development proposed, by reason of its scale and siting beyond the built up limits of the village, in open countryside and taking into account the number of dwellings already permitted in Bloxham as well as Cherwell District Council's ability to demonstrate an up-to-date five year housing land supply and progress towards the Policy Villages 2 allocation, is considered to be unnecessary, undesirable and unsustainable development which would undermine the

housing strategy and prejudice a more balanced distribution of rural housing growth planned for in the Cherwell Local Plan Part 1. The site is poorly integrated into the existing village and poorly situated in relation to many local services and facilities. The proposal is therefore unacceptable in principle and contrary to Councils housing strategy outlined in Policies ESD1, and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1 and Policy BL1, BL2 and BL3 of the Bloxham Neighbourhood plan and Government guidance contained within the National Planning Policy Framework.

2. The development proposed, by virtue of its poorly integrated relationship with existing built development, its extension beyond the built limits of the village and significant urbanisation of the site and its visual impact on the rural character and appearance of the locality, would cause unacceptable harm to the character and appearance of the area and the rural setting of the village and would fail to reinforce local distinctiveness. Furthermore the Design and Access Statement and indicative layout submitted as part of the application fails to provide sufficient acceptable detail in respect of the design principles set as a basis for the future detailed consideration of the development proposed. The Local Planning Authority is therefore unable to determine whether the development proposed would respect its context and properly respond to local distinctiveness. The proposal is therefore contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, saved Policies C8, C27 and C28 of the Cherwell Local Plan 1996, Policies BL11, BL12 and BL17 of the Bloxham Neighbourhood Plan and Government guidance contained within the National Planning Policy Framework.
3. The traffic from the proposed development would contribute a significant amount of traffic to the mini roundabout junction of the A361 and Barford Road. This is forecast to operate well over capacity in the future years and the proposal would contribute to a severe cumulative impact and in itself cause a severe impact in terms of delay per vehicle. The proposed development is therefore contrary to Policy SLE4 of the Cherwell Local Plan Part 1 (2015), Policy BL9 of the Bloxham Neighbourhood Plan and advice in the NPPF.
4. The application affects underground heritage and does not provide a robust understanding of the significance of the heritage assets which it would impact upon. It is therefore not possible to robustly weigh the harm to the heritage against the benefits or determine whether any harm can be fully mitigated. The proposal therefore conflicts with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.
5. The submission includes inadequate information to fully assess the impacts of the development on protected species and biodiversity. The proposal has therefore not demonstrated that the proposal can be satisfactorily accommodated on site in this respect whilst also achieving a net gain in biodiversity. The proposed development would therefore fail to preserve and enhance biodiversity contrary to the requirements of Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1, Government guidance set out in the National Planning Policy Framework, Circular 06/05 and the Habitats and Species Regulations (2017)
6. The submitted Flood Risk Assessment does not provide a robust consideration of the fluvial flooding risks relating to the site by making an appropriate allowance for climate change. The FRA is therefore not acceptable and contrary to Policy ESD6 of the Cherwell Local Plan Part 1 (2015), Policy BL7 of the Bloxham Neighbourhood Plan and advice in the NPPF.

7. The proposed development would fail to mitigate the impacts of the development on local primary school provision in the village which is already near capacity resulting in an unsustainable form of development. The proposed development is therefore contrary to Policy INF1 of the Cherwell Local Plan Part 1 (2015), BL9 of the Bloxham Neighbourhood Plan and advice in the NPPF.
8. In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required both on and off site as a result of this development, will be provided to comply with the Development Plan. This would be contrary to Policy INF1, PSD1, BSC3, BSC10, BSC11 and BSC12 of the adopted Cherwell Local Plan 2011-2031, the Development Contributions SPD (2018) and the advice within the National Planning Policy Framework.

CASE OFFICER: James Kirkham

TEL: 01295 221896