

Case Officer: Andrew Thompson

Applicant: Gladman Developments Ltd

Proposal: Outline planning application for the erection of up to 60 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All Matters Reserved except for means of access - re-submission of 23/01265/OUT

Ward: Adderbury, Bloxham And Bodicote

Councillors: Councillor Blakeway, Councillor Hingley, Councillor Pattenden

Reason for Referral: Major development

Expiry Date: 15 October 2024

Committee Date: 3 October 2024

SUMMARY RECOMMENDATION: REFUSE PERMISSION

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1 The application site is approximately 4.42 hectares in size and is agricultural land and access for Park Farm. The site is accessed via an opening at the northern boundary off Tadmarton Road.
- 1.2 The site immediately adjoins, but lies outside of, the adopted settlement boundary for Bloxham, and is therefore located within the 'countryside'.
- 1.3 The site is irregularly shaped polygon in a rough rectangular shape with a linear arm for drainage mitigation to the south.
- 1.4 Ground levels undulate across the site and would require alteration and changes in order to create the development platform for development. There are embankments and mitigation to the neighbouring development (Coleman Close) which may be impacted to create connections. No new landscaping is shown to the eastern edge of the site.

2. CONSTRAINTS

- 2.1. The application site is within Flood Zone 1 however surface water flood maps indicate that there is a low to high risk of surface water flooding in the low-lying southern areas of both fields. As such there may be a risk of ground water flooding in the lower lying areas of the site.
- 2.2. There are no trees which are subject to Tree Preservation Orders (TPOs). Hedgerows would be protected under Hedgerow Regulations.

- 2.3. There are no on-site Public Rights of Way but there are a number in the area which allows views of the development.
- 2.4. With respect to ecology, there are known species and habitats in the vicinity of the site in relation to great crested newts, badgers, swifts, water voles and otters, amongst the species present.
- 2.5. Park Farm is not subject to an Environmental Permit.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application is in outline for 60 dwellings considering the matter of access.
- 3.2. The principal parameters of the outline planning permission are set out by the application as:
 - Up to 60 new homes, addressing the pressing need for new homes in the district;
 - The provision of up to 21 affordable homes to cater to the diverse housing needs of local residents, including those on lower incomes and key workers;
 - Vehicular access via a priority junction from Tadmarton Road;
 - Biodiversity Net Gain across the site through habitat and hedgerow unit increases;
 - New areas of high-quality open space and green infrastructure, including new pedestrian links, with full details of composition to be agreed at Reserved Matters stage;
 - New children's play area(s);
 - Tree belt planting to western boundary of open space to create a landscape buffer to the development and the adjacent farm;
 - A package of highways/sustainable transport improvements throughout the village; and
 - Sustainable Drainage feature which will be designed at Reserved Matters to be vegetated and mitigate the impacts of climate change.
- 3.3. The proposed access is shown on drawings (reference P22164-301 Rev P04), which shows the site will be accessed from Tadmarton Road, via a priority junction. The required visibility splays can be achieved. The existing farm access will be utilised in this respect with additional mitigation to Tadmarton Road for pedestrian and cycle users along Tadmarton Road. The position is in the same position as the existing farm access which will need to be relocated to elsewhere on Tadmarton Road with no access shown through the appeal site.
- 3.4. The proposed development area is in the northern part of the site, within existing disturbed ground, and comprises a single agricultural field bound to the north by Tadmarton Road, to the east by residential dwellings along Coleman Close, to the south by agricultural land and to the west by Park Farm.
- 3.5. The attenuation area is to the south of the embankment and tree belt, bound by agricultural land to the east and west and woodland to the south. The wider landscape to the north, south and west is largely agricultural and dominated by arable cropping, interspersed with woodland and nucleated settlements.
- 3.6. Since the determination of the application further assessments have been prepared including:
 - Ecological Impact Assessment report (TEP Report ref. 9731.02.010);
 - Protected Species Report – Amphibians (TEP Report ref. 9731.02.005);

- Protected Species Report – Badger (TEP Report ref. 9731.02.011);
- Protected Species Report – Bat Activity Report (TEP Report ref. 9731.02.008);
- Protected Species Report – Breeding Bird Report (TEP Report ref. 9731.02.007);
- Protected Species Report – Otter and Water Vole (TEP Report ref. 9731.02.006); and
- Protected Species Report – White-clawed crayfish (TEP Report ref. 9731.02.009).

3.7. The application is supported by the following:

- Site Location Plan (ref: D9731 001 Rev E)
- Development Framework (ref: Plan D9731 002 Rev D)
- Design and Access Statement
- Landscape and Visual Appraisal
- Transport Assessment
- Highways Technical Note following Oxfordshire CC Comments
- Framework Travel Plan
- Proposed Access Plan (ref: 0301 Rev P04)
- Ecology Assessment
- Arboricultural Impact Assessment in Support of Outline Planning
- Flood Risk Assessment & Outline Surface Water Drainage Strategy
- Air Quality Assessment
- Noise Screening Report
- Built Heritage Statement and Statement of Archaeological Impact
- Planning and Affordable Housing Statement

4. RELEVANT PLANNING HISTORY

4.1. The following planning history is considered relevant to the current proposal:

23/01265/OUT - Outline planning application for the erection of up to 60 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access – Refused.

Appeal lodged – Inquiry to be held 8-11 October 2024.

The five reasons for refusal

1. The site is located outside the built form of Bloxham and within an area of open countryside. By reason of its location and the proposed scale of development,

the proposal would have a poor and incongruous relationship with the existing settlement appearing prominent in the open countryside. Its development would therefore have an adverse effect on the landscape on the approach to Bloxham to the detriment of the character and appearance of the countryside.

2. By reason of its location more than 800m walking distance from the village centre and any key amenities in the village (e.g., food shop, post office, primary school, GP surgery, public house), the proposal would be poorly connected to existing development, such that future occupiers would not have a realistic choice of means of travel.
3. The siting and size of the development and the resulting loss of grade 1 agricultural land
4. Based on the advice from the Council's Ecologist and the holding objection issued by Natural England, further ecological investigation needs to be carried out before it is known whether the proposed development would be harmful to biodiversity on site. The evidence currently available demonstrates likely detrimental impact to protected species and their habitat and without more detailed investigation the Local Planning Authority cannot be assured that the harmful impacts could be mitigated and/or compensated.
5. The absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development, and necessary to make the impacts of the development acceptable in planning terms.

17/02502/OUT – Outline planning permission sought for up to 136 dwellings (including 35% affordable housing), landscaping, public open space and green infrastructure including equipped children's local play areas, surface water flood attenuation, vehicular access from Tadmarton Road, land for recreational purposes and associated ancillary works. An outline application with all Matters Reserved except for the principal vehicular access from Tadmarton Road – Withdrawn in July 2018 following a recommendation of refusal.

- 4.2. It should also be noted that under application 23/00065/OUT (Land at Ells Lane, Bloxham) a further outline planning permission for up to 30 dwellings including access off Ells Lane and demolition of the existing stabling on site - All Matters Reserved except for access was allowed on appeal on 24 January 2024.
- 4.3. As part of Policy BL1 of the Bloxham Neighbourhood Plan the scheme identified was approved under planning permission 14/01017/OUT (85 dwellings) on 9 March 2015 and under 24/00953/CCS106E it is noted that the development is substantially complete, but work continues on the transfer and obligations related to the open space provision. These obligations are currently outstanding and will be due on transfer of the public open space to the Management Company and Banbury Town Council. The council is working actively with the developer to ensure the completion of these facilities to the council's satisfaction.
- 4.4. Next to the application site is another relatively recent development which was approved under 13/00496/OUT (Allowed on appeal under APP/C3105/A/13/2204000) granted permission for 60 dwellings on 27 March 2014.
- 4.5. APP/C3105/A/13/2189896 also granted permission for to 75 residential dwellings, landscape, open space, highway improvements and associated access at Land off Barford Road, Bloxham, Oxfordshire on 23 September 2013.

- 4.6. At the time of writing the report, the Proofs have been exchanged and rebuttal proofs are being prepared.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal however there have been exchanges of Statements of Common Ground as part of the appeal process.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, and by advertisement in the local newspaper. The final date for comments is **10 October 2024**.

- 6.2. Neighbour letters were also sent out, but it appears that some of those letters were delivered by Royal Mail to Brixham in Devon. Officers have been contacted by residents of a development in Devon to advise of this error. In this respect Officers have therefore referred to comments received to the previous application.

- 6.3. Notwithstanding the administrative error of Royal Mail, 1 objection has been received stating that the outline proposal would lead to a significant material harm to the living conditions of neighbouring residents. Statutory consultees will advise on the material harm caused in term of traffic and the inability of the existing infrastructure including the primary school to accommodate additional development in principle.

- 6.4. 1 comment of support has been received stating that We need properties that will offer the availability of properties in a village.

- 6.5. For completeness to application 23/01265/OUT a total of 189 comments of objection were received (including two after the publication of the report). These comments were:

- Proposal not in accordance with 2015 Local Plan policies Policy Villages 1 and 2 and ESD13, saved 1996 Local Plan policies H12, H13, H18, C8, C9 and C27 and Bloxham Neighbourhood Plan policies BL1, BL2 and BL9 – it is not an infill or a small development of less than 10 dwellings;
- No need for such development when the District has a 5.4-year housing land supply;
- Beyond built-up limits of Bloxham, in open countryside;
- Unneighbourly relationship with nearby dairy farm;
- Loss of Cat.1 & 2 Best and Most Versatile Agricultural land;
- Potential impact of Pumping Station to residential amenities;
- Increased safety risk with children crossing road to access School;
- Bloxham has already accommodated four other major developments and 220 dwellings in eight years and needs no more;
- Bloxham's infrastructure already over-stretched, with its GP, dentist, school, churchyard and drainage system all at capacity;
- Harm to landscape appearance of countryside and rural setting of Bloxham; • Harmful impact to ecology/biodiversity;
- Increased risk of flooding;
- Risk of pollution to Bloxham Brook;
- Insufficient highway capacity to cater for increased traffic generation, with Tadmarton Road and High Street already congested at peak period;
- Loss of dog-walking land;
- Any consent would set a dangerous precedent for potential further development on adjoining land controlled by this applicant.

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

7. RESPONSE TO CONSULTATION

7.1. 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.

7.2. BLOXHAM PARISH COUNCIL: **objected to the original scheme** (now at appeal) on the grounds. Comments to this application have not been received:

- Bloxham is a Cat A village, but it has grown significantly in recent years and its facilities are at or beyond capacity and Cat A villages have now exceeded the 750 target level;
- Severe lack of infrastructure for an additional 60 dwellings;
- Council can already demonstrate a 5-year housing land supply, so no 'tilted balance' need for these dwellings;
- Outside village confines;
- No defined housing need in Bloxham;
- Conflicts with Local Plan (policies Villages 2, BSC4 & ESD10), Bloxham Neighbourhood Plan (policies BL2, BL4, BL7, BL8, BL9 & BL11) and NPPF paragraphs 74 and 174;
- If CDC is minded to approve, any consent should include S106 requirements for infrastructure funding to mitigate impacts in the village including extension to the Primary School.

7.3. OCC HIGHWAYS: **no objections** subject to S106 Contributions related to public transport and traffic regulation orders, conditions and an obligation to enter into a s278 agreement towards improvement of the access and pedestrian links along Tadmarton Road. Other obligations include off-site highway works – Bus stop infrastructure improvements and suitable crossings of Tadmarton Road.

7.4. BUCKINGHAMSHIRE, OXFORDSHIRE AND BERKSHIRE INTEGRATED CARE BOARD (BOB ICB): **No objection** subject to contributions being sought. This Primary Car Network (PCN) area is already under pressure from nearby planning applications, and this application directly impacts on the ability of the Bloxham Surgery in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services. The funding will be invested into other capital projects which directly benefit this PCN location and the practices within it if a specific project in the area is not forthcoming. A contribution of £51,840.00 is sought.

7.5. THAMES VALLEY POLICE: Whilst I **do not object** to this application, I ask that an addendum is added to the DAS which comprehensively addresses the issue of safety and security across the site prior to outline permission being granted. At this juncture, I would like to request and encourage the applicant to engage with Thames Valley Police at the earliest, pre-application stage for all forthcoming Reserved Matters applications wherever possible. Planning condition relating to lighting suggested.

7.6. FIRE SERVICE (OXFORDSHIRE): It is taken that these works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service where applicable, to ensure compliance with the functional requirements of The Building Regulations 2010. It is taken that fire service vehicle access and water facilities for firefighting activities will be provided in accordance with AD(B).

7.7. Environmental Health:

General: A Construction Environment Management Plan (CEMP) should be conditioned.

Noise: Having read the noise screening report provided I am satisfied with its methodology and agree that mitigation (if required) could be secured at the full planning stage once the final layout has been settled upon.

Contaminated Land: Having read the phase 1 reports provided I agree that further Phase 2 investigation is required to ensure the risk from contaminated land is fully assessed and remediated (if required). I would therefore recommend that conditions are placed on any permission granted:

Odour: No development shall commence until an assessment on the potential for odour from adjacent agricultural uses has on the development hereby permitted has been submitted to the Local Planning Authority. If the assessment indicates that odour from the adjacent uses is likely to affect residential amenity, then a detailed scheme of mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Light: Prior to the first use of the development hereby approved details of the external [lighting/security lighting/floodlighting] including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the development hereby approved the lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

7.8. THAMES WATER: Overall, **no objection** subject to conditions.

FOUL WATER: Thames Water has identified an inability of the existing network to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in the time available. As such Thames Water request conditions.

Surface Water: Approval should be sought from the Lead Local Flood Authority.

Water Comments The proposed development is located within 5m of a strategic water main. Thames Water do NOT permit the building over or construction within 5m, of strategic water mains. Thames Water request that the following condition be added to any planning permission.

7.9. RECREATION & LEISURE: **No objection** - Seek contributions towards Community Hall Facilities, Outdoor Sport, Indoor Sport and Public Art/Public Realm

7.10. LEAD LOCAL FLOOD AUTHORITY: **No objection** subject to conditions.

7.11. OCC EDUCATION: **No objection** subject to S106 Contributions towards Primary and Nursery, Secondary and Special Education needs totalling £815,000.

7.12. OCC ARCHAEOLOGY: **No objection** - The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

7.13. OCC WASTE MANAGEMENT: **No objection** subject to S106 contributions towards expansion and efficiency of Household Waste Recycling Centres (HWRC)

7.14. ENVIRONMENT AGENCY: **No comment received** but as a duplicate application to the appeal scheme the comments and Statement of Common Ground to the appeal have been relied on.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

8.2. 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:

CHERWELL LOCAL PLAN 2011-2031 PART 1 (CLP 2015)

- 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 – Brownfield land and Housing Density
- BSC4: Housing Mix
- 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 (SuDs)
- 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
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- INF1: Infrastructure

CHERWELL LOCAL PLAN 2011 - 2031 (PART1) PARTIAL REVIEW - OXFORD'S UNMET HOUSING NEED

- PR1: Achieving Sustainable Development for Oxford's Needs
- PR2: Housing Mix, Tenure and Size
- PR3: The Oxford Green Belt
- PR4a: Sustainable Transport
- PR4b: Kidlington Centre
- PR5: Green Infrastructure
- PR11: Infrastructure Delivery
- PR12a: Delivering Sites and Maintaining Housing Supply

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C5: Protection of ecological value and rural character of specified features of value in the district
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C33: Protection of important gaps of undeveloped land
- ENV1: Environmental pollution
- ENV12: Potentially contaminated land
- TR1: Transportation funding

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Bloxham Neighbourhood Plan and the following Policies of the Neighbourhood Plan are considered relevant:

BLOXHAM NEIGHBOURHOOD PLAN

- BL1 - Development of approximately 85 dwellings is supported to the south of Milton Road
- BL2 – Types of Development Permitted
- BL3 – Access to Village Services
- BL4 – Parking
- BL6 – Water Usage
- BL7 – Flood Risk
- BL8 – Housing Adaptable to Demographic Change
- BL9 – Residential Amenity, Infrastructure and Highway Safety
- BL11 – Character, Design and Materials

8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- Cherwell Home Extensions and Alterations Design Guide (2007)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)
- Consultation Draft National Planning Policy Framework and Written Ministerial Statement
- Regulation 18 Draft Local Plan and Associated Evidence.

9. APPRAISAL

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

- Principle of development, Housing Supply and Oxford Unmet Housing Need
- Sustainability of the application site and relationship to the facilities
- Landscape Impacts

- Design, and impact on the character of the area.
- Highways
- Ecology impact
- Relationship to Park Farm – Noise and Air Quality
- Flooding and Drainage
- Planning Contributions.

Principle of Development Housing Supply and Oxford Unmet Housing Need

- 9.2. A substantial amount of evidence has been prepared and submitted as part of the planning appeal and evidence on behalf of the Local Planning Authority and the applicant have been taken into account.
- 9.3. As set out above, the Council's adopted Development Plan comprises saved policies of Cherwell Local Plan 1996, Cherwell Local Plan 2011-2031 and Cherwell Local Plan Partial Review (Part 1) relating to Oxford's Unmet Housing Need. The Bloxham Neighbourhood Plan also forms part of the Development Plan.
- 9.4. Policy PSD1 of the CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, 'The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'.
- 9.5. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states, 'The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car'.
- 9.6. Policy BSC1 states that Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031. However, the Regulation 10A review of the Local Plan concluded that Policy BSC1 requires updating due to new evidence in the form of the Housing and Employment Needs Assessment (HENA) 2022. 9.7. Paragraph E.10 of the Plan states, 'Housing delivery will be monitored to ensure that the projected housing delivery is achieved. The District is required by the NPPF and the NPPG (to maintain a continuous five year supply of deliverable (available, suitable and achievable) sites as well as meeting its overall housing requirement'.
- 9.7. The Council's Development Plan has been tested on numerous occasions and its application it is clear that Bloxham as a Category A village has a role to play in helping the District meet its housing land supply needs.
- 9.8. In this respect during the plan period (since 2011) there has been c.220 dwellings approved in Bloxham. One site forms part of the BL1 of the Neighbourhood Plan. However, it should be noted that as all these sites were approved prior to the Adoption of the current Local Plan in 2015 they are not counted towards the 750 figure in Policies Villages 1 and 2.
- 9.9. Developments on strategic sites which have moved slower than expected but with a number of permissions in place and developers on site, there appears to be increasing momentum towards the delivery of housing, particularly to the south of Banbury (Wykham Park development).

- 9.10. Therefore, whilst the proximity of Bloxham to Banbury should be noted in providing services and potential facilities the impact to the settlement of Bloxham itself also should be balanced and the impact of the gap and its potential loss and the settlement identity (related to saved policy C33 of the 1996 Plan) are matters which require balance.

National Planning Policy Framework

- 9.11. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG).
- 9.12. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

So that sustainable development is pursued in a positive way, the NPPF includes a 'presumption in favour of sustainable development' (para. 10). Paragraph 11 states that applying the presumption to decision-making means:

- approving development proposals that accord with an up-to-date development plan without delay; or

- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;

- ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 9.13. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'.

- 9.14. Paragraph 12 advises, 'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

- 9.15. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes and states, 'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'. 9

- 9.16. Paragraph 74 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum

of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to require updating as in Cherwell's case). Housing Land Supply Position Statement (Update) January 2024

Housing Land Supply Position Statement January 2024

9.17. The former NPPF (September 2023) contained a requirement to include a buffer in the assessment of the supply of specific deliverable housing sites of at least 5%. A revised National Planning Policy Framework (NPPF) was published on 20 December 2023 and no longer contains this requirement. It is noted that there are expected changes to the supply of housing as part of the amendments proposed to the NPPF under the new Government.

9.18. It is advised at paragraph 226 of the revised NPPF:

“From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework.”

9.19. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.”

9.20. The Council has an emerging local plan that has reached Regulation 18 stage and therefore the Council only need to demonstrate a four year housing land supply. Table 1 above demonstrates that the updated AMR 2023 position is that the district has in excess of a 'four years' worth of housing' measured against a five year housing requirement.

9.21. At a relatively recent appeal an Inspector concluded that the Council had under a 4 year supply of housing when combining the district housing land supply figure with the housing land supply for Oxford's unmet housing need in the separate Partial Review Local Plan. That appeal was reference APP/C3105/W/23/3326761 at OS Parcel 1570 Adjoining And West Of Chilgrove Drive And Adjoining And North Of Camp Road, Heyford Park (known as the Heyford Inquiry).

9.22. The decision issued by the Inspectorate in the above Heyford Park case is a potential material consideration to applications for housing in the district.

9.23. In the appeal decision at Chesterton (reference: APP/C3105/W/23/3331122), in respect of Housing Supply, the Inspector did not reach a conclusion as he found that the proposal was consistent with the development plan policies for the area. This conclusion is common to other recently decided appeals, including that relate to a site at Ambrosden (reference: APP/C3105/W/23/3327213). It is also considered that in the recent appeal decisions around Banbury have not replicated the Heyford Park approach.

- 9.24. The LPA has launched legal proceedings for a challenge to the conclusions reached by the Inspector in the Heyford Park case (and the basis for the decision making) and this has been granted by the Courts with a Hearing expected in November 2024. Dorchester Land (the applicant to Heyford Park) has also been successful in having grounds heard. Officers have significant concerns that the Heyford Park decision does not sufficiently consider all material considerations and therefore could be unsound.
- 9.25. Members will be aware there are a number of disputed sites across the District which has formed part of common ground in appeal hearings and inquiries over the previous months. This relates to the delivery of strategic Banbury, Bicester and Heyford Park sites.
- 9.26. On that basis, officers consider that placing reliance on the Heyford decision and upon the housing land supply considerations and conclusions could place subsequent and dependent decisions also at risk.

Oxford Unmet Housing Need

- 9.27. The applicant suggests that the appeal proposals would support the delivery of housing to meet Oxford's Unmet Housing Need. It should be noted that a key aspect of these Policies is to deliver 50% affordable housing which is not proposed by this development. Furthermore, the proposals would offer no contribution to support the proposed transport infrastructure (e.g. Park and Ride/Mobility Hub) at Oxford Airport.
- 9.28. Firstly, the Council adopted its Local Plan Partial Review (Part 1) in September 2020 and as such the plan is less than five years old and as such represents an up-to-date Local Plan.
- 9.29. In reaching this agreed position, the Council prepared the Partial Review of the Local Plan which, having explored and assessed 147 sites around the district, including Bicester and its surrounding area, concluded that the best 'unmet need' sites that would support Oxford whilst not undermining Cherwell's own Spatial Strategy, would be in Kidlington, Yarnton, and parts of the Green Belt on the edge of Oxford. These sites are known as PR sites. Policy PR12a of that Plan sets out the approach.
- 9.30. This Partial Review 2031 has been through the rigour of an Examination in Public whereby it was supported by the Inspector, and then formally adopted on the 7 September 2020. The Inspector, in his Report on the Examination of the Cherwell Local Plan 2011 - 2031 (Part 1) Partial Review – Oxford's Unmet Housing Need (See Core Document xx), endorsed the Council's strategy in helping Oxford deliver its unmet need whilst not undermining Cherwell's own spatial strategy. In paragraphs 33 and 34, the Inspector commented:

"Informed by the evidence base, including the SA, and a consultation process, Options C to I (inclusive) were ruled out on the basis that they are too remote from Oxford to accommodate communities associated with the city; they are too far away from Oxford to be well-connected by public transport or walking or cycling, and therefore likely to result in increased use of the private car; more dispersed options provide less potential for infrastructure investment in terms, for example, of transport and education; and significant additional housing could not be built at Bicester, Banbury and RAF Upper Heyford before 2031 alongside major commitments already made in the adopted Local Plan 2015. On top of that, it was concluded that Options C to I (inclusive) would have a greater detrimental impact on the development strategy for the District set out in the Local Plan 2015.

Notwithstanding that they are largely located in the Oxford Green Belt, Options A and B were considered by the Council to be much better solutions to meeting the unmet

need. They were identified as such largely because of their proximity to Oxford with public transport links already available and ready potential to maximise its use, alongside cycling and walking, thereby creating travel patterns that are not reliant on the private car. Moreover, these areas already have a social and economic relationship with the city that can be bolstered. Importantly too, these options would allow affordable homes to be provided to meet Oxford's needs close to the source of that need. Finally, the proximity to Oxford and separation from other centres of population in Cherwell means that Options A and B would be unlikely to significantly undermine the development strategy in the Local Plan 2015."

- 9.31. In paragraph 43, the Inspector concluded: "Taking all these points together, the vision and spatial strategy of the Plan have been positively prepared; they are justified; and likely to be effective.
- 9.32. In terms of delivery the Council and developers have been working on delivery of planning applications and housing. In October 2023 planning applications for two sites were granted a resolution to grant planning permission subject to the completion of a s106 agreement (reference: 22/01611/OUT – 118 dwellings and 22/00747/OUT – 370 dwellings) and further in December 2023 a further 96 dwellings were granted a resolution to grant planning permission subject to the completion of a s106 agreement under reference 22/03883/F. Full planning permission has been granted for 5 dwellings under 22/01756/F and 22/01757/LB which relate to the conversion of the listed farmhouse and its associated farm buildings. These sites are related to allocations PR7a and PR7b. This totals 589 dwellings with a resolution to grant planning permission demonstrating progress towards delivery of the allocations in the Local Plan. Work on these s106 Agreements are instructed and being progressed.
- 9.33. Allocation PR9 (540 dwellings) – Land West of Yarnton – 21/03522/OUT and APP/C3105/W/23/3329587 was approved in February 2024 following a non-determination appeal on matters of highway and viability considerations.
- 9.34. The Local Planning Authority progressed application 23/02098/OUT (PR8) to planning committee on 5 September 2024 which would equate to 1,800 homes and Science Park extension. It is expected that the final application which forms part of the allocation 23/03307/OUT will be progressed to Committee in October 2024 for 300 homes.
- 9.35. At the time of writing the s106s for 22/01611/OUT and 22/00747/OUT have been advanced and are being circulated for engrossment with the remaining s106 22/03883/F well advanced and likely to be circulated for engrossment in the near future.
- 9.36. The appeal site would not deliver the level of affordable housing (50%) that other Partial Review sites would deliver and would not contribute towards infrastructure as part of the Partial Review.
- 9.37. Affordable Housing requirements in relation to Oxford's Unmet Housing Needs is managed in a co-ordinated manner between Housing Teams of the City Council and the District Council. The Housing Needs and Register is related to those in need of accommodation but with a requirement for a close relationship to the City and access to public transport into Oxford.
- 9.38. Public transport in Bloxham is between Chipping Norton and Banbury requiring therefore changes and lengthy journeys would be required to access Oxford by public transport.

- 9.39. It is noted that the appeal site is distant and unconnected to Oxford and therefore the provision of affordable housing would be towards the District's Housing register and not the City Council's.
- 9.40. However, it is noted that through increased housing numbers on this site and others the number of affordable dwellings would plan for in the Partial Review could still be achieved.
- 9.41. As such, the conclusions of the Inspector into the Partial Review are salient and material in that the appeal site would not support the delivery of housing to meet Oxford's Unmet Housing Need and the Local Plan is in the early stages of delivery with the Council proactively progressing the allocations within the Cherwell Local Plan 2011-2031 (Part 1) Partial Review - Oxford's Unmet Housing Need. The proposals would be contrary in this respect to Policies PR1, PR4a and PR11 of the Partial Review.
- 9.42. At three years old, is an up-to-date Plan and strategy document and is a material consideration and, with the recent resolutions to grant permission, a significant proportion of the supply set out in the Partial Review, has now permission or a resolution to grant.

Policy Villages 1 and 2

- 9.43. Bloxham is categorised by Policy Villages 1 as a sustainable settlement, in this context it is noted that developments prior to the adoption of the 2015 plan (c.220 dwellings) were approved but this growth has still been approved and generally built within the plan period. A further permission at Ells Lane has also been granted and a number of other small-scale developments have also been approved within the confines of the village.
- 9.44. The figure of 750dwellings has now been significantly exceeded District-wide, with permissions and completions exceeding 1,000dwellings. However, as rehearsed numerous committee reports and appeals the 750 figure is not a ceiling. Sustainable development should still be approved where the site is in a good location and the scheme would meeting most, if not all the criteria of PV2. It should be noted that the criteria stated are not a closed list.
- 9.45. The growth of Bloxham has generally been to the east of the settlement due to the better relationship between the east and the road network and connections to the centre and services. Growth to the west (which is the location of this application site) is generally more difficult due to the lack of connectivity to the shops, services and public transport.
- 9.46. Whilst the applicant, in their appeal and supporting documentation considers that the proposals meet the criteria of Policy Villages 2, Officers do not agree. In the consideration of the policy and the associated criteria the below is set out:

Policy Villages 2 Criteria	Officer Assessment
Whether the land has been previously developed land or is of lesser environmental value	<p>The site is greenfield and is not of lesser environmental value.</p> <p>Not in compliance</p>

<p>Whether significant adverse impact on heritage or wildlife assets could be avoided</p>	<p>There would be an impact on farmland bird habitats however the proposals would deliver an enhanced provision through the mitigation.</p> <p>Could be in compliance if delivered appropriately through the recommendations of the Ecology Statement of Common Ground.</p>
<p>Whether development would contribute to enhancing the built environment</p>	<p>Whilst the final design of the scheme is not being considered at this stage, a development of this scale, in this location, would result in an adverse effect on the character and appearance of the area which would not enhance the built environment: the proposal would amount to an urban estate outside the settlement boundary changing the interpretation of the settlement and its approaches and harming the integrity of the Farm and village boundary.</p> <p>Not in compliance</p>
<p>Whether best and most versatile agricultural land could be avoided</p>	<p>The site is within the countryside with agricultural land.</p> <p>Could be in compliance</p>
<p>Whether significant adverse landscape and impacts could be avoided</p>	<p>The appeal scheme substantially breaches criterion 5 because the scale and siting of the development would result in unavoidable material harm to the existing</p>

	<p>landscape, as identified by the Council's Landscape Consultant</p> <p>Not in compliance</p>
Whether satisfactory vehicular and pedestrian access/egress could be provided	<p>The Highway Authority are satisfied that access to the site could be provided however the impacts of mitigation necessary to link the site to encourage walking and cycling would have an adverse impact on the landscape character.</p> <p>Complies (but impacts on other criteria)</p>
Whether the site is well located for services and facilities	<p>Other than the Primary School, there are no facilities within reasonable walking distance in the area to meet day to day needs. The local school would require extension and additional capacity. See other part of the Report.</p> <p>Not in compliance</p>
Whether necessary infrastructure could be provided	<p>Whilst there are potential improvements to the highway and contributions sought towards education and other infrastructure. There are no infrastructure elements which are proposed to meet day-to-day needs or to bring facilities within reasonable walking distance.</p> <p>Not in compliance</p>
Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period	<p>There is no evidence that the development could not be delivered within the plan period (by 2031)</p> <p>Complies</p>

Whether land the subject of an application for planning permission could be delivered within the next five years	The development could be delivered within the next five years. Complies
Whether the development would have an adverse impact on flood risk.	There are areas of the site which are subject to surface water flooding however the development proposals could include appropriate sustainable drainage to manage and mitigate flooding from the development. The Environment Agency have agreed a Statement of Common Ground. Complies

9.47. In the consideration of the previous refusal therefore the application site, whilst in a village categorised as sustainable, the distances and landscape impacts of the proposals are not considered to be acceptable. Therefore, the proposals would be considered contrary to Policy Villages 2 and therefore the aims of other policies of the Development Plan.

Sustainability of the application site and relationship to village facilities

9.48. Policies ESD1 and Villages 2 collectively encourage development to be located in the most sustainable locations, well located to services and facilities, amongst other things. Policy BL3 of the Bloxham Neighbourhood Plan is also relevant in this regard.

9.49. This aim is echoed by the NPPF in that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

9.50. Distances are set out as being typically 800m for walking and 2km for cycling. This is important because Manual for Streets (MfS) states that walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes/800m walking distance of residential areas. This is supported by similar guidance from Sustrans and the principals of the 20min neighbourhood. This is a realistic distance when considering convenience, inclement weather, when accounting for young children, those with mobility issues and the distance and time taken to undertake a whole journey, including the return leg.

9.51. The applicant notes guidance from the which indicate that this distance could lengthen this journey distance. However, it should be noted that this guidance is predominantly guidance which relates to urban centres and where wide and good links are capable with minimal levels changes however this does not take account of the specifics of

the site and there is also a need to cross roads and footpath width and the rural nature of the road. Further the applicant measures the distance from the site entrance and not the centre of the site.

- 9.52. Accordingly, the application scheme would not be part of a walkable neighbourhood, and this would notably curtail opportunities to inclusively promote walking. The impact of this needs to be considered in the context of the large number of homes being proposed. MfS also indicates that 800m is not an upper limit and states, with reference to PPG13, that walking offers the greatest potential to replace short car trips under 2,000m. However, PPG13 is no longer extant and therefore this should be given limited weight. National Travel Survey (NTS) which indicates that 80% of walking journeys are under 1,600m/one mile. However, it should be noted that the distances between public transport, shops and services and the site are significant when taken into context with the topography and nature (width and condition) of the footpaths.
- 9.53. Officers have been unable to replicate the times stated by the applicant in the appeal, particularly when crossing the A361 and noting the pavement, width, condition and generally topography changes, and therefore question over the reliability of this evidence and walkability of the site and connections must be factored.
- 9.54. The County Council note that there is significant concern regarding the accessibility of the site using sustainable modes of transport. Section 3.2 of the Design & Access Statement includes a map of local facilities and the walking distances and times to them. It should be noted that the time/distance isochrones are taken as a radius from the centre of the site, whereas the route via the only pedestrian access point will add at least 60m, as demonstrated below: It is evident that the majority of facilities in Bloxham are spread out along the A361, mainly being about 1200m or 15-minutes' walk from the centre of the site. It will be necessary, as proposed, to provide a footway along the south side of Tadmarton Road to link up with the existing facility eastwards from Faulkener Road.
- 9.55. The Transport Assessment identifies the closest bus stops to the development and states the distance to them as approximately 800m, although examination of Google Maps (and Officers walking the route) indicates it to be nearer 950m-1km with the Co-op shop at over 1.24km from the site entrance. This distance is considerably further than would be considered to be optimal to maximise the attractiveness of using the bus as a journey choice. It should be noted that much of the site is actually considerably further than 950m from the stops. The bus stop towards Chipping Norton has a shelter, the bus stop towards Banbury is unmarked and has no waiting facilities at all. The bus stop towards Banbury is where most passengers from Bloxham are likely to be waiting from.
- 9.56. Furthermore, the proposed development framework plan would include development set back from the road. The route is also not consistent with the footpath in places narrowing to around 1m particularly around Cumberford and Cumberford Hill and in order to access the limited services of the petrol filling station Londis store there would be a need to cross the A361.
- 9.57. Taking into account the characteristics of the journey and the distances involved, it is likely that the proposals would be dependent on the private car and therefore contrary to the requirements of Policy ESD1 which require development to be located in areas better served by alternative modes of transport.
- 9.58. In summary, the Framework establishes a movement hierarchy by stating that developments should give priority to pedestrian and cycle movement and then, so far as possible, facilitate access to public transport. This makes perfect sense as personal active travel is the most affordable, resilient and low impact mode of

transport. The appeal scheme would not be within a walkable neighbourhood despite the works that would take place to improve pedestrian connectivity, and this is a significant limitation to this mode being a genuine transport option. Alternatively, there would be genuine opportunities to cycle, but there would be inherent limitations with the uptake of this mode. As such, most residents of the appeal scheme would not be predisposed to regularly engage in active travel with the benefits this accrues, including to their health. This is an important point against the scheme.

- 9.59. That said, the impact would be moderately offset by the availability of some facilities within longer walking distances, which could be accessed occasionally on foot. These longer walks would, on the whole, be along level, lit pavements but these would be varying in quality and width and also include inclines and at best could be described as undulating. The site is poorly related to bus stops considering the distance between the site and the services and although not an objection of the County Council the significant concerns raised are material.
- 9.60. Overall, the previous reason for refusal on the distances to shops and services remains a material issue and consideration.

Landscape Impacts

- 9.61. Policy ESD 13, in the interpretation of Policy Villages 2 criteria, states that 'opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows'.
- 9.62. Policy ESD 13 further explains that developments will be expected to respect and enhance local character, and will not be permitted if they would:
- Cause undue visual intrusion into the open countryside.
 - Cause undue harm to important natural landscape features and topography.
 - Be inconsistent with local character.
 - Impact on areas judged to have a high level of tranquillity.
 - Harm the setting of settlements, buildings, structures or other landmark features, or
 - Harm the historic value of the landscape'.
- 9.63. The proposals in the view of Officers does cause undue visual intrusion into the open countryside' albeit that Bloxham's western 'edges' have several instances of historic visual intrusion into the open countryside. Even the most recent addition to the westward spread of Bloxham, the Miller Homes development off Faulkener Road, constitutes a visual intrusion into the countryside particularly in view of the red brick chosen for most of the development which does not mimic the softer dappled reds of the core village. At least though, the wide native screen planted along the western edge of this development appears to acknowledge that this is now considered to be the edge of the urban area, beyond which is countryside.
- 9.64. Although the development proposals are supported by a scheme of landscaping which will, in time, contain and soften the impact of the development, this will not result in a net gain that will compensate for the loss of the undeveloped field and nor will it 'secure the enhancement of the character and appearance of the landscape' given

the negative impact on the current open field condition. The undeveloped field is a component in the wider rural setting of the western edge of the village and its existence is even more significant now that it is the only space left between the edge of the village and Park Farm. The existing trees and hedgerows on the appeal site margins have an intrinsic value as self-seeded indigenous vegetation supporting similarly indigenous wildlife particularly birds. They will not be improved by their inclusion in a scheme of landscape designed to contain the landscape and visual impacts of a residential development as the wide, open space that they define will have been replaced with housing.

- 9.65. Providing 'a mature setting to the new development' but the naturally wild and ragged hedgerows and trees around some of the periphery will appear incongruous against the formality of a housing development will do nothing more than hide the new development from some directions. The existing boundary vegetation on the east side is new planting which currently contributes limited screening between the appeal site and the adjacent occupied housing.
- 9.66. The applicant's Landscape Strategy is stated as having been formulated around a strong and legible landscape framework. This will provide usable public open space for local residents and an attractive setting for new development on the western edge of Bloxham that maintains a green entrance to the settlement. The open space will also provide improved habitat and wildlife areas around the Site and accommodate sustainable drainage requirements.
- 9.67. Officers consider that the 'Landscape Strategy' is simply reactive to site conditions and that the scheme is not landscape led. The site layout retains an awkwardly shaped open space on Tadmarton Road which is intended to 'maintain the green approach to the village'. However, this area is approximately 2m higher than the rest of the site and its redevelopment may be problematic anyway due to the level difference. The form of the built layout has a small 'green' at the centre where the axial access roads cross. This is insignificant in its contribution to the quality of the built environment, and neither is it 'in keeping with the character of the village' because it is just a road junction with verges with no room for future mature trees.
- 9.68. The 'Illustrative Layout' states that 'The focal point at the centre of the development is defined by green space and feature buildings defining vistas and in keeping with the historic character and layout of the village'. In fact, I consider that the 'Illustrative Layout' shows a generic scheme which is typical of the current built form of new residential developments and more in keeping with a large town context.
- 9.69. The DAS evokes the idea that the development on the appeal site will draw its inspiration and character from the core village of Bloxham in terms of layout and materials but then fails to describe, even in outline, how that might appear.
- 9.70. In addition to being elevated 2m above the main site levels due to historic quarrying, the northern open space is an area of significant archaeological interest and has not necessarily been advocated because it's the right thing to do in design terms to have an open space on the frontage of the site. The adjacent Miller Homes development relates directly to Tadmarton Road as one would expect in a village environment and in common with the core of Bloxham. The development on the appeal site doesn't particularly relate to any outside feature and is an isolated inward-looking entity within its own screened boundaries.
- 9.71. The appeal site is just one field which is perhaps atypical of the wider landscape character but quite typical of the Bloxham Character Area with boundary hedgerows and woods albeit that it is formerly quarried land. It has a wider role as one small element in the setting of Bloxham village particularly in this vale.

- 9.72. Development on this site will do more than just extend the village of Bloxham further into open countryside as it will link the existing edge of the village with Park Farm complex to the detriment of the setting of the village.
- 9.73. It is considered that the proposals would conflict with Policies ESD13, ESD15 and Policy Villages 2 of the Cherwell Local Plan (2011 – 2031) Part 1, saved policies C28, C30 and C33 of the Cherwell Local Plan 1996 and the Bloxham Neighbourhood Plan.

Design, and impact on the character of the area.

- 9.74. Policy ESD 15: highlights that ‘good design is founded on an understanding and respect for an area’s unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design’. ‘New development proposals should contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting’. Policy BL11 on Contributing to the Rural Character of the Village states all development shall be encouraged to respect the local character and the historic and natural assets of the area. The design and materials chosen should preserve or enhance our rural heritage, landscape and sense of place.
- 9.75. Further Policies ESD13 of the Cherwell Local Plan (2011 – 2031) Part 1, saved policies C28, C30 and C33 of the Cherwell Local Plan 1996 are also relevant considerations. These policies are material in the interpretation of the criteria of Policy Villages 2.
- 9.76. In Officers opinion the proposed development does not contribute positively to the area’s character because it is effectively an isolated extension with a built form that could be located anywhere. It is a self-contained unit enclosed on all sides by trees and in terms of ‘sensitive siting’ the development fails to integrate as a sustainable extension to the village. The Design and Access Statement describes the ‘Townscape Character’ of the core of Bloxham in the Conservation Area. It notes the following;
- The medieval street pattern;
 - Large manor houses on areas of high ground;
 - Buildings constructed of local ironstone; and
 - Formal footpaths which run through the village in the form of alleys and lanes.
- 9.77. The ‘Illustrative Layout’ in the Design and Access Statement exhibits none of the design idioms described above but illustrates a typical modern housing development which could be anywhere. Page 55 of the DAS also describes a ‘focal point at the centre of the development (which) is defined by green space and feature buildings defining vistas and in keeping with the historic character and layout of the village’. In my opinion the ‘focal point’ is nothing more than a road junction with wide verges which doesn’t provide space for significant trees to grow to maturity and has no connection with the historic character and layout of the village.
- 9.78. The highway mitigation that would be considered to be necessary to create links to the surrounding area would also have an adverse impact on the character of the area.

9.79. Overall, it is considered that the appeal scheme would conflict with Policies Villages 2, ESD13 and ESD15 of the Cherwell Local Plan (2011 – 2031) Part 1, saved policies C28, C30 and C33 of the Cherwell Local Plan 1996 and the Bloxham Neighbourhood Plan.

Highways

9.80. Notwithstanding the comments on sustainability County Council Officers set out that that because the application seeks outline approval, details of site layout to include street geometries and parking will be a Reserved Matter. Notwithstanding, a suitable level of car and cycle parking will be provided for residents with reference to OCC's adopted parking standards.

9.81. On trip generation and distribution, the TA accompanying this application seeks to estimate the amount of traffic that shall likely be generated by the development and what impact this might have on the adjacent transport network. Trip rates have been determined using the TRICS database.

9.82. The submission predicts that there will be about 30 and 29 two-way movements in the AM and PM peak periods respectively. As such it is considered that the volume of traffic as set out in the TA is a reasonable prediction of what might generally be generated on a day to day basis.

9.83. OCC has in the past objected to two major applications in Bloxham (17/02502/OUT and 19/01705/OUT) due to the impact on the mini-roundabout junction at the intersection of Barford Road, South Newington Road (A361S) and Church Street (A361N). The differences between these applications and the current application are as follows:

9.84. 17/02502/OUT - This was on the same plot as the current application but was for 136 dwellings. Therefore, there would be 2.3 times as many generated vehicle trips. The current application reasonably calculates 11 AM peak hour development trips through the junction, whereas this would be 25 for 17/02502/OUT.

9.85. 19/01705/OUT - This was for 95 dwellings on the A361S. All northbound traffic from this site would have passed through the junction, whereas it will use Courtington Lane from the current application site. There would have been 43 generated AM peak hour trips, compared to the 11 from the current application.

9.86. A one-day survey of traffic movements through the junction has been undertaken and included in the TA. Although there are daily fluctuations, the survey may be compared to that provided with 19/01705/OUT as that was in the same month (see page 26 of the TA). The comparison shows an overall reduction of 12% in the AM peak and 15% in the PM peak between 2017 and 2023.

9.87. This appears large relative to the daily reduction of 3-4% across the whole county. However, I have checked a traffic counter on the A361 nearer Banbury, and it does show a significant reduction of flows, both peak and off-peak, following the covid pandemic. ARCADY analysis of the roundabout junction has been undertaken and indicates that there is spare capacity.

9.88. Given that the development will only generate 11 movements through the junction in both the AM and PM peaks, and that background traffic flows have reduced since previous objections were made, OCC considers that a severe impact on the road network cannot be demonstrated.

Ecology Impact

Legislative context

- 9.89. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.90. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.91. The NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.92. Policy ESD10 of the Cherwell Local Plan 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.93. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.94. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.95. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.96. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:

- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development.

It also states that LPA's can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')

9.97. The Standing Advice sets out habitats that may have the potential for protected species.

9.98. The application and appeal are now supported by detailed protected species survey for a wide range of species including water voles and white clawed crayfish amongst other species. It is the evidence submitted that now forms the basis of the common ground and conditions proposed by the Council's Ecologist and has allowed the previous reason for refusal to be overcome.

9.99. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Relationship to Park Farm – Noise and Air Quality

9.100. As part of the Planning Appeal, it is common ground that the Council's Environmental Health Officer confirmed that an Odour Assessment should be provided at the detailed design stage, and a suitably worded planning condition could secure this.

9.101. It is noted that whilst the Council haven't had any complaints there is the possibility that by building houses closer to the [neighbouring] farm, we will start to receive complaints about the possible odour from the farm which in turn could lead to a notice that could be prohibitive to the farm operations.

9.102. It is noted that an Odour Assessment has now been belatedly submitted with proofs of evidence to the appeal. Officers have sent this to Environmental Health Officers for comment and review. The farm is not the subject of an Environmental Permit.

9.103. A buffer zone (as set out in the layout) would help but noting the countryside location certain odours could be expected. It is common ground that there is no objection from the Council on matters relating to Odour subject to an appropriate condition.

Flooding and Drainage

9.104. In respect of flooding and drainage. A detailed Flood Risk Assessment has been submitted with the application, and having considered this information neither the Council's Drainage officer nor Thames Water have objected to the development and appear satisfied that a satisfactory drainage scheme can be agreed. Therefore, subject to conditions to ensure a detailed foul and surface water drainage scheme is

submitted, agreed and implemented, officers consider the proposal would be acceptable in this respect.

- 9.105. The Environment Agency has submitted evidence to the Public Inquiry and agreed that there is no objection on flood risk grounds.
- 9.106. In respect of foul water, it is noted that Thames Water has identified an inability of the existing network to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in the time available. As such Thames Water request conditions.
- 9.107. The Environment Agency highlight that this development will be served by Bloxham Sewage Treatment Works. Bloxham is currently using about 85% of its dry weather flow permit capacity. It is a frequently spilling site; however it has recently completed a scheme to increase flow to full treatment, which should increase its ability to treat incoming flows.
- 9.108. Overall, it is considered that subject to conditions, the proposals could be satisfactorily drained with appropriate infrastructure put in place for the time of the development.

Planning Contributions.

- 9.109. Policy INF1 of the CLP 2015 states that: "Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities."
- 9.110. Policy BSC11 of the CLP 2015 states that: "Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in 'Local Standards of Provision – Outdoor Recreation'. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement." Policy BSD12 requires new development to contribute to indoor sport, recreation and community facilities.
- 9.111. It should also be noted that the proposals do not offer contributions in respect of Oxford's Unmet Housing Need and the associated infrastructure, for example the Oxford Airport Mobility Hub.
- 9.112. The Developer Contributions Supplementary Planning Document (SPD) sets out the position in respect of requiring financial and onsite contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

Assessment

- 9.113. Where on and off-site infrastructure/measures need to be secured through a planning obligation (i.e., legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development;
- c) Fairly and reasonably related in scale and kind to the development.

9.114. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.

9.115. The application is not supported by any draft head of terms for a S106 however there is a draft s106 close to being agreed as part of the appeal preparation. This indicates that the applicant is willing to enter into a legal agreement if the application is to be approved.

9.116. Given the address to the S106 in the submission and written confirmation from the agent as noted to agreement of entering into an S106/S278, it is reasonable to expect that the infrastructure required to mitigate the impact of the development would be secured in accordance with Policy INF1 of the CLP 2015. In the event that the application is recommended for approval at Committee, the decision will be subject to the finalisation of the agreed S106/S278.

10. PLANNING BALANCE AND CONCLUSION

10.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

Positive benefits – Economic

10.2. The proposals would contribute to the Council's Housing Supply in the short term due to the size and duration of the project. The proposals would create construction jobs and also support facilities and employment in businesses, shops and services within the area. Given the overall number of dwellings being provided and the distances to shops and services these should also be afforded limited positive weight.

Positive benefits - Social

10.3. The delivery of homes across the district is an important positive material consideration in the planning balance. The proposals would provide affordable housing at a tenure providing housing for those in need and a significant social benefit. Significant weight is to be afforded to the social benefits of the proposed housing.

10.4. The proposals would also provide significant social benefit from on-site recreation and play facilities which would be both at the level expected by policy as well as beyond the Policy requirements. The provision of this would also be of community benefit to existing residents.

10.5. Through s106 contributions the proposals would result in support for a range of community-based infrastructure in the area to a level expected by policy.

Positive benefits - Environmental

10.6. Environmentally the proposals claim to offer a minimum of 10% biodiversity net gain, which would represent a significant benefit but only if delivered to the level described.

10.7. The proposals commit to the provision of a sustainable construction methods, which is given positive weight.

10.8. Other green space and sustainable drainage networks would also be given moderate weight as they are required to make the development acceptable and are not significantly above the expected policy levels.

Negative Impacts – Economic

10.9. Negative economic impacts include the increased pressure on local services and the area and without additional facilities being provided in the village the proposals would result in a loss of economic capability of the village to adapt and sustain the local economy with increased queuing and car-based activity likely. This impact, however, taking on board the comments of consultees, can only be afforded limited weight.

10.10. The proposals would increase the level of housing in an unplanned manner beyond that of the Local Plan figure in Policy Villages 1 and Policy Villages 2 by a significant proportion and undermine the growth strategy for the District, which is a fundamental criterion for delivering economic growth. This is a negative economic consideration.

Negative Impacts – Social

10.11. The proposals would impact on the identity and character of the village with the development extending significantly beyond the existing boundaries promoting a linear form of development, thus creating a poor and incongruous relationship with the form and pattern of the settlement resulting in significant and demonstrable harm to the character and appearance of the area and the proposal would result in the loss of agricultural land. Significant weight is attached to these effects.

10.12. Bloxham is a sustainable location with a range of services, public transport links and employment opportunities. However, the site is at some distance from the village centre and would be located at more than 800m walking distance from the majority of the amenities in the village centre and thus future occupiers would be overly reliant on the use of the private motor vehicle, which would not be in the best interests of sustainable development. Substantial weight is attached to the site being an unsustainable location for development of this scale and the conflict with Policies PSD and ESD1 of the CLP 2015 and the key objectives of the NPPF.

10.13. Whilst offers of S106 contributions are noted, and would provide an element of positive contribution, on the negative side the contributions would not provide infrastructure to support the village itself beyond mitigation. This would also undermine the village identity and benefits surrounding the development.

10.14. Overall, this would be a significant negative social impact. The proposals would have a negative impact on the amenity to neighbouring residents particularly during the construction of development. This would be a moderate negative consideration on the social wellbeing of residents.

Negative Impacts – Environmental

10.15. The site is not allocated in the Development Plan and for the reasons set out in this report the proposal would be contrary to the Council's housing strategy, as set out in Policies BSC1, Villages 1 and Villages 2 of the CLP 2015 and Policies BL1 and BL2 of the Bloxham Neighbouring Plan, (whilst the village is sustainable, the location of the site is not, and the development has adverse visual impact, loss of versatile agricultural land, impact on ecology – contrary to PV2) on to which significant weight is also attached.

10.16. The proposals would significantly change the character of the village and extend beyond the existing boundaries and the harm to the character and identity of the village in an unplanned manner and beyond organic or normal levels of growth that would otherwise be expected for a village akin to Bloxham. This would be a significant negative impact on the village and environment.

10.17. The development would result in impacts on the area in terms of noise and disturbance as the development is completed. There would also be disruption through the implementation of the traffic mitigation. This is minimised through the development and implementation of construction management plans; however, some disturbance is expected. This carries moderate negative weight.

10.18. Further investigation needs to be carried out before it is known whether the proposed development would be harmful to biodiversity on site. In its present form there is inadequate information submitted with the application to demonstrate that potential detrimental impacts to protected species and their habitat could not be mitigated and based on the precautionary principle, this would be a significant negative impact on the ecological environment.

10.19. The proposals would be predominantly car based in accessing the vital day – to – day facilities, this would have a significant negative impact on the environmental aspirations and mitigating climate change and reducing the need to travel.

10.20. During the construction of development there would be disturbance and impacts arising from the implementation of the development, this would be a moderate negative consideration on the local environment.

10.21. The proposals would also have a negative impact in terms of the use of land, resources, materials and other impacts arising from the development. This impact is considered to be moderate.

Conclusion

10.22. The Council published position is that it is able to demonstrate a five-year supply of land of housing, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight.

10.23. The site is unallocated in the CLP 2015. The proposal seeks permission for 60 houses on the edge of a Category A Village. Whilst Bloxham has schools, public houses, some shops and other community facilities and regular bus services, those facilities are generally all at capacity and not readily accessible from the application

site (@>800m). The proposal's potential to alter travel habits therefore cannot be given significant weight.

- 10.24. While the total number of houses completed under Policy Villages 2 has exceeded or will soon exceed 750 and the level of permissions will comfortably exceed this figure, the policy is reflective of the housing strategy of the Local Plan in seeking to direct residential development to the most sustainable settlements in the District. The 750 figure is not an upper limit; however, the proposed development would not meet the tests of Policy Villages 2 and would result in harm to the landscape and important gap to Park Farm. This matter cannot be overcome by mitigation and the extension of the proposals in the manner proposed would result in a development that would be poorly related to the existing settlement.
- 10.25. Further the proposals are distant and poorly related to Oxford in respect of public transport provision and connections in the area are towards Banbury and Chipping Norton. As such the proposals would not be towards Oxford's Unmet Housing Need and would be contrary to Policy PR1 and PR4a in particular and would also not meet the needs of infrastructure identified to support the growth of Oxford set out in Policy PR11 of the Development Plan.
- 10.26. Overall, irrespective of the Council's Housing Land Supply, it is considered that the identified harm to the character and appearance of the locality and the potential detrimental impact to protected species and their habitat the proposed development is considered to represent unsustainable development and would significantly and demonstrably outweigh the benefits of the scheme, and it is recommended that planning permission is refused, for the reasons given below.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO REFUSE PLANNING PERMISSION ON THE EXPIRY OF THE PRESS NOTICE FOR

- 1. THE REASONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE REASON(S) AS DEEMED NECESSARY) AND**
- 2. THAT AUTHORITY BE DELEGATED TO OFFICERS, IN CONSULTATION WITH THE CHAIRMAN OF PLANNING COMMITTEE, TO ADD OR REMOVE REFUSAL REASONS, IN THE EVENT OF AN APPEAL BEING LODGED AGAINST THE REFUSAL, IN LIGHT OF NEW EVIDENCE BECOMING AVAILABLE.**

REASONS FOR REFUSAL

- 1. The site is located outside the built form of Bloxham and within an area of open countryside. By reason of its location and the proposed scale of development, the proposal would have a poor and incongruous relationship with the existing settlement appearing prominent in the open countryside and filling an important gap to Park Farm. Its development would therefore have an adverse effect on the landscape on the approach to Bloxham to the detriment of the character and appearance of the countryside. It is considered that the development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached and result in unsustainable growth. The proposed development would therefore be contrary to Policies PSD1, BSC1, ESD1, ESD13, ESD15, Villages 1 and Villages 2 of the Cherwell Local Plan 2011 - 2031 Part 1, saved Policies C28, C30 and C33 of the Cherwell Local Plan 1996, Policies BL2, BL3 and BL11 of the Bloxham**

Neighbourhood Plan 2015 - 2031 and Government guidance in the National Planning Policy Framework. The proposals due to their distance and poor connection would also not contribute to meeting Oxford's Unmet Housing Needs and be contrary to Policy PR1, PR4a and PR11 of Cherwell Local Plan 2011 - 2031 Part 1 Partial Review.

- 2. By reason of its location more than 800m walking distance from the village centre and any key amenities in the village (e.g., food shop, post office, primary school, GP surgery, public house), the proposal would be poorly connected to existing development, such that future occupiers would not have a realistic choice of means of travel. Therefore, the proposal conflicts with Policies ESD1, ESD15 and Villages 2 of the Cherwell Local Plan 2011- 2031, saved Policies C28 and 30 of the Cherwell Local Plan 1996, Policy BL3 of the Bloxham Neighbourhood Plan 2015 - 2031 and Government guidance in the National Planning Policy Framework.**
- 3. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development, and necessary to make the impacts of the development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, CDC's Planning Obligations SPD 2018, Policy BL9 of the Bloxham Neighbourhood Plan 2015 - 2031 and Government guidance within the National Planning Policy Framework.**

CASE OFFICER: Andrew Thompson

APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Affordable Housing	<p>35% Affordable Housing</p> <p>National policy requires that 10% of the overall scheme is provided as Low-Cost Home Ownership, and that 25% of the affordable element is provided as First Homes. The tenure split required by BSC 3 is 70% rented and 30% Low-Cost Home Ownership. On this scheme this equates to 35 dwellings (rounded up) with 25 as rented (rounded up to reflect the high level of identified need) and 10 as Low-Cost Home Ownership.</p>	<p>Suitable trigger points for an RP to be brought on board and then for the delivery of the affordable housing alongside the delivery of market dwellings.</p>	<p>Necessary – Yes – The site is allocated as part of the Local Plan – Policy BSC3 of the CLP2015 is the relevant policy. Other relevant policies include ESD15 and C28 and C30 in relation to design quality and the integration with market housing. The proposals would not be towards Oxford Unmet Housing Needs and would be directed towards meeting Cherwell’s Housing Register.</p> <p>Directly related – Yes – the affordable housing will be provided for the need identified in the Local Plan</p> <p>Fairly and reasonably related in scale and kind – Yes – the contribution is the level of the expected affordable housing.</p>
Health	£51,840.00	To be agreed	<p>Necessary – Yes – The existing surgery capacity would be enhanced as a result and the proposals would be related to Policies BSC8 and BSC9 of the Cherwell Local Plan 2011-2031.</p> <p>Directly related – Yes – the contribution would be towards meeting prescribed need set out in the area</p>

			<p>and resulting from the development of the site. The proposals would be directed towards Bloxham Surgery.</p> <p>Fairly and reasonably related in scale and kind – Yes – the contribution is based on the delivery of additional capacity expected from the development (144 patients)</p>
Public Art, Public Realm and Cultural Wellbeing	<p>£13,440</p> <p>This includes 5% management and 7% maintenance.</p>	First occupation or alternative agreed trigger	<p>Necessary – SPD 4.130 Public Realm, Public Art, and Cultural Well-being. Public realm and public art can plan an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples' lives. SPD 4.132 The Governments Planning Practice Guidance (GPPG) states public art and sculpture can plan an important role in making interesting and exciting places that people enjoy using.</p> <p>Directly related – The recommendation is that this development could benefit from a piece of art at its entrance or alongside the track. It could be developed in consultation with the local community and the parish council and create an opportunity for a small piece of work to enhance the development. It might also provide a focus or focal point for walkers and residents.</p> <p>Fairly and reasonably related in scale and kind – A developer contribution of £200 per</p>

			dwelling would be requested plus 5% management and 7% maintenance.
Outdoor Sports Provision	<p>A contribution of £2,017.03 per dwelling will be sought.</p> <p>Example at 60 Dwellings = £121,021.80</p>	The amount to be phased alongside the delivery of the scheme.	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p>Directly related – We are seeking a contribution towards enhancements of formal off-site sports facilities in Bloxham. Projects identified include an adult outdoor gym, improvements to the pitch and pavilion at Bloxham Recreation Ground and pitch improvements at Jubilee Park.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Indoor Sports Provision	£48,286.08	First occupation or alternative agreed trigger.	Necessary – Policy BSC 10 Addressing existing deficiencies in provision through enhancements of provision, improving access to existing facilities. Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals Policy BSC 12 – Indoor Sport,

			<p>Recreation and community Facilities. The council will encourage the provision of community facilities to enhance the sustainability of communities – enhancing quality of existing facilities and improving access.</p> <p>Directly related – We are seeking an off-site indoor sport contribution towards improvements at Woodgreen Leisure Centre and/or indoor sports facilities in the vicinity of Bloxham in compliance with the Council's Indoor Sports Strategy.</p> <p>Fairly and reasonably related in scale and kind – Calculations based on the Developer Contributions SPD calculation based on a contribution of £335.32 per occupier of each Dwelling with an expected population of 2.4people per dwelling.</p>
Community Hall	£66,120.48	First occupation or alternative agreed trigger	<p>Necessary - Seeking a contribution towards improvements at a community facility within the locality in accordance with Policies INF1 and BSC 12 and the Developer Contributions SPD. The policies are supported by the Council's Community Spaces Study</p> <p>Directly Related – The facility will be related to the site and delivered to meet the Council's Community Spaces and Development Study and could support enhancement in the area.</p>

			Fairly and Reasonably related in scale and kind - The sum based on the requirement to provide 0.185m2 community space per occupier of the Dwellings at a cost of £2,482 per m2.																														
Open Space Maintenance	<p>Up to:</p> <table border="1"> <tr> <td>LAP</td> <td>£50,279.76</td> </tr> <tr> <td>LEAP</td> <td>£202,989.56</td> </tr> <tr> <td>Or</td> <td></td> </tr> <tr> <td>LEAP/LAP Combined</td> <td>£228,387.53</td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td>Public Open Space</td> <td>- £16.09/sq. m</td> </tr> <tr> <td>Hedgerows</td> <td>- £33.83/lin m</td> </tr> <tr> <td>New Woodland</td> <td>- £44.54/sq. m</td> </tr> <tr> <td>Mature Trees</td> <td>£356.21/tree</td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td>Ditch Maintenance</td> <td>£153.05/lin m</td> </tr> <tr> <td>Swale Maintenance</td> <td>£153.05/lin m</td> </tr> <tr> <td>Balancing Pond</td> <td>£84.02/sq. m</td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td colspan="2">Or current contract rates advised by CDC Landscape Team</td> </tr> </table>	LAP	£50,279.76	LEAP	£202,989.56	Or		LEAP/LAP Combined	£228,387.53			Public Open Space	- £16.09/sq. m	Hedgerows	- £33.83/lin m	New Woodland	- £44.54/sq. m	Mature Trees	£356.21/tree			Ditch Maintenance	£153.05/lin m	Swale Maintenance	£153.05/lin m	Balancing Pond	£84.02/sq. m			Or current contract rates advised by CDC Landscape Team		On transfer of the landscaping/phased contribution payment	<p>Necessary –</p> <p>Policy BSC 11: Local Standards of Provision- Outdoor Recreation, Table 7: Local Standards of Provision - Outdoor Recreation If Informal open space/landscape typologies/ play areas are to be transferred to CDC for long term management and maintenance, the following commuted sums/rates covering a 15 year period will apply. The typologies are to be measured and multiplied by the rates to gain the totals.</p> <p>Directly related –</p> <p>Committed sums/rates covering a 15 year period on open space and play facilities on site.</p> <p>Fairly and reasonably related in scale and kind –</p> <p>Contributions are sought in relation to the scale and amount of open space on site.</p>
LAP	£50,279.76																																
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Public transport services	£79,560 Public Transport Service Contribution indexed from October 2023 using RPI-x	On first occupation or alternative agreed trigger	<p>Necessary –</p> <p>Policies INF1 and SLE4 are the relevant policies which set out the support for public transport services.</p>																														

			<p>Directly related – The contribution is necessary to make the development acceptable in planning terms because the improved service would make the destinations of Banbury and Chipping Norton, and the villages in between, more accessible by a sustainable mode of transport.</p> <p>Fairly and reasonably related in scale and kind – Contributions are sought in relation to the scale and amount of development and current public transport services capacity.</p>
S278 and TRO contribution	<p>£3,652 indexed from March 2023 using RPI-x.</p> <p>An obligation to enter into a s278 Agreement will be required to secure mitigation/ improvement works to acquire access and improvement works along the A361 to provide a bus stop hardstanding and flagpole.</p>	<p>This is to be secured by means of a s106 restriction not to implement development (or occasionally other trigger point) until a s278 agreement has been entered into. The trigger by which time s278 works are to be completed shall also be included in the s106 agreement. Identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary in order to enter into the S278 agreements</p>	<p>Necessary – To support the delivery of sustainable modes of transport. A speed limit reduction (from the current national speed limit to 30mph) shall be necessary under a new TRO that should cover the extent of the site access to a suitable point north along Tadmarton Road. The traffic-calming does not necessarily have to be the same as previously proposed. It could, potentially, be a build-out feature with a full-width hump. The applicant will need to propose the measures, to be constructed as part of the S278 works, and have them approved by Road Safety Audit</p> <p>Directly related – Related to the delivery of off-site highway works associated with the development.</p>

			Fairly and reasonably related in scale and kind – The scale of contribution is related to the level of the development.
Primary and nursery education	£415,316 Primary and Nursery School Contribution indexed from BCIS TPI = 327	On first occupation or alternative agreed trigger	<p>Necessary – The development is expected to create the demand for 22 additional places which would need to be provided for in nearby schools.</p> <p>Directly related – The nearest primary school to the proposed development is Bloxham Primary School. At the time of expansion there was insufficient funding to increase the size of all of the school's facilities in line with the standards for a 2 form entry school, and funding is being sought towards the final phase of the expansion. This will create a new, larger, hall and kitchen, and create a studio space to support the delivery of the curriculum. The project has OCC capital governance approval, and planning permission was granted in April 2023. Construction is due to be complete by the end of 2024. This phase of the capital project has been costed at £2.866m. £0.642m of the cost has already been secured through Section 106 funding secured by the Council to mitigate the impact of new housing within the school's catchment area, leaving a shortfall of £2.224m. To avoid further delay in bringing the school's accommodation up to the standard required, the county council has</p>

			<p>forward funded the balance of the cost, against any future funding received from Section 106 agreements for further development which will benefit from the enlarged school facilities.</p> <p>Fairly and reasonably related in scale and kind – Based on DfE calculation of £18,878 per pupil.</p>
Secondary education	£363,888 Secondary School Contribution indexed using BCIS All-In Tender Price Index Value 327	On first occupation or alternative agreed trigger	<p>Necessary – The development is expected to create the demand for 14 additional places which would need to be provided for in nearby schools.</p> <p>Directly related – The site lies in the designated area of Warriner School, which provides 284 places per year group, with a total capacity of 1580 places, but this currently includes reliance on temporary accommodation with a capacity of 120 places. As of January 2024, there were 1555 pupils on roll at the school, and this level of demand is expected to continue, continuing the school's dependency on this temporary accommodation in order to meet demand. This would need to be replaced with permanent build to meet the long term needs of local population growth resulting from housing development.</p> <p>Fairly and reasonably related in scale and kind – Based on DfE calculation of £25,992 per pupil.</p>

SEN	£35,896 Special School Contribution indexed from TPI = 327	On first occupation or alternative agreed trigger	<p>Necessary – The development is expected to create the demand for the equivalent of 0.4 additional places which would need to be provided for in nearby schools.</p> <p>Directly related – Approximately half of pupils with Education Needs & Disabilities (SEND) are educated in mainstream schools, in some cases supported by specialist resource bases, and approximately half attend special schools, some of which are run by the local authority and some of which are independent. Based on current pupil data, approximately 0.9% of primary pupils attend special school, 2.1% of secondary pupils and 1.5% of sixth form pupils. These percentages are deducted from the mainstream pupil contributions referred to above and generate the number of pupils expected to require education at a special school.</p> <p>Fairly and reasonably related in scale and kind – Based on DfE calculation of £35,896 per pupil.</p>
Waste and Recycling centres.	<p>OCC - £6,113 Household Waste Recycling Centre Contribution indexed from Index Value 379 using BCIS All-in-Tender Price Index</p> <p>CDC - The developer would also be expected to pay for the provision of bins</p>	On first occupation or an alternative agreed trigger	<p>Necessary:</p> <p>Site capacity is assessed by comparing the number of visitors on site at any one time (as measured by traffic monitoring) to the available space. This analysis shows that all sites are currently 'over capacity' (meaning residents need to queue before they are</p>

	and recycling facilities as part of the development.		able to deposit materials) at peak times, and many sites are nearing capacity during off peak times. Directly Related: Will be towards providing waste services arising from the development. Fairly and reasonably related in scale and kind. Calculated on a per dwelling basis total land required for current dwellings of 0.18m2 and £101.88 per dwelling.
CDC and OCC Monitoring Fee	CDC: £1,000	On completion of the S106	The CDC charge is based upon its agreed Fees and Charges Schedule