

**Case Officer:** Saffron Loasby

**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

**Ward:** Adderbury, Bloxham & Bodicote

**Councillors:** Cllr Hingley, Cllr Nell & Cllr Pattenden

**Reason for Referral:** Development of 10 or more dwellings

**Expiry Date:** 11 August 2023

**Committee Date:** 10 August 2023

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**OFFICER RECOMMENDATION: DELEGATE AUTHORITY TO THE ASSISTANT DIRECTOR TO REFUSE PERMISSION SUBJECT TO THE REASONS SPECIFIED AND ANY MODIFICATION THAT MEMBERS AND THE ASSISTANT DIRECTOR MAY DEEM APPROPRIATE**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located to the southwest of Tadmarton Road at the western edge of the village of Bloxham, which is a village located approximately 3 miles southwest of Banbury. The area comprises approximately 4.4ha and comprises two arable fields. Hedgerows are present along Tadmarton Road on the northeast boundary, a working farm is located directly to the northwest and the eastern boundary abuts an existing housing development. To the south of the site is a field boundary and a short section of stream within semi-natural broadleaved woodland, beyond which lies rural land under agricultural use.
- 1.2. The application site extends to the southeast via a strip of land accessing a proposed attenuation area that has arable land to the east and west and woodland to the south, with the Slade SNR to the southeast.

**2. CONSTRAINTS**

- 2.1. The application site is located outside of the built-up limits of Bloxham. Development is proposed primarily in Flood Zone 1, but the application site is partly in Zones 2 and 3 also. The development site is located on Category 1 and 2 Best and Most Versatile Agricultural Land, in an Archaeological Alert Area and in a Protected Species buffer zone for Great Crested Newts. The site is in the Upstanding Village Farmlands Landscape Character Type (LCT). The LCT covers the elevated landscapes in the north of the county including to the north and south of Banbury, around Clayton and Kidlington, Great Bourton, Bloxham and Deddington.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. This application is for outline planning for up to 60 dwellings (including provision for affordable dwellings) with associated open space, play provision, drainage and green infrastructure. All matters are reserved except for access. The access is proposed directly from Tadmarton Road and utilises an existing access point for a neighbouring agricultural use.

#### **4. RELEVANT PLANNING HISTORY**

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

- **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.

#### **5. PRE-APPLICATION DISCUSSIONS**

- 5.1. No pre-application discussions have taken place with respect to this proposal.

#### **6. RESPONSE TO PUBLICITY**

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments is **20 August 2023**, although comments received after that date and before finalising this report have also been taken into account.

- 6.2. 187 Letters of representation have been received to date. The comments raised by third parties are summarised as follows:

- 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.

6.3. 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.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. BLOXHAM PARISH COUNCIL: **Objection** on the following grounds:

- 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;
- If minded to approve, conditions required for infrastructure needs prior to occupancy, including extension to the Primary School.

### OTHER CONSULTEES

7.3. OCC HIGHWAYS: **No objections** subject to S106 contributions, an obligation to enter into a S278, planning conditions and informatives and other off site highway works (as detailed in the full response). PROW contributions to be confirmed.

7.4. OCC LEAD LOCAL FLOOD AUTHORITY: **No Objections** subject to conditions relating to surface water drainage and SUDS.

7.5. OCC EDUCATION: **No Objection** subject to section 106 contribution towards Primary years and special education.

7.6. OCC ARCHAEOLOGY: **No Objections**.

- 7.7. OCC WASTE MANAGEMENT: **No Objections** subject to contribution towards the expansion of household waste recycling centres.
- 7.8. OCC COMMUNITY SAFETY SERVICES: **No objections** however concern on flood risk and surface water flooding on brook and storm drain capacity.
- 7.9. CDC RECREATION AND LEISURE: **No objections** subject to contributions towards community hall facilities, outdoor sports provision and indoor sports provision.
- 7.10. CDC ENVIRONMENTAL HEALTH: Conditions on CEMP. No objection on Noise. Comments and conditions on contamination, air quality and lighting. Recommends planning conditions.
- 7.11. CDC STRATEGIC HOUSING: Supported in principle subject to a suitable affordable housing mix being agreed and how wheelchair adapted provision can be achieved.
- 7.12. CDC Planning Ecology: **Holding Objection** – lack of information for full assessment (see full comments below).
- 7.13. CDC Planning Policy: No comments received to date.
- 7.14. CDC Property and Assets Manager: No comments received to date.
- 7.15. CDC Arboriculture: No comments received to date.
- 7.16. CDC Landscape: No comments received to date.
- 7.17. CDC Land Drainage: No Comments or Objections.
- 7.18. CDC Economic Growth: No comments received to date.
- 7.19. BBO WILDLIFE TRUST: **Objection** – potential impact on The Slade LNR and DWS (hydrological and recreational), impact on Breeding Birds, application does not provide evidence that it will achieve aims of the Conservation Target Area, biodiversity net gain in perpetuity, management of hedgerows.
- 7.20. OXFORD FIRE SERVICE: Expects further consultation and requires adequate fire hydrants.
- 7.21. THAMES VALLEY POLICE: Conditions included and comments on the indicative design and layout in the submitted DAS. More design aimed around crime prevention required at RM stage.
- 7.22. CLINICAL COMMISSIONING GROUP (BOBICB): Insufficient capacity, seek financial contributions via S106/CIL.
- 7.23. THAMES WATER: Additional information required on both Foul and Surface water drainage – Conditions required securing this and restriction of development within 5m of a strategic water main.
- 7.24. Environment Agency: No comments received to date.
- 7.25. Natural England: Comments due by 20/08/2023.

## **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
- 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 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 area (Made December 2016) and the following Policies of the Neighbourhood Plan are considered relevant:

- Theme 1 Policies - Deliver the houses the Village needs
- Theme 2 Policies - Protect and enhance our rural heritage

#### 8.4. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- 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)
- Developer Contributions SPD (February 2018)
- Infrastructure Delivery Plan (IDP) Update (December 2017)
- Countryside Design Summary (1998)
- Cherwell Design Guide SPD (July 2018)
- Oxfordshire Wildlife & Landscape Study 2004
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)
- Cherwell District Council Housing & Economic Land Availability Assessment (February 2018)
- Housing and Economic Needs Assessment (December 2022)

## 9. APPRAISAL

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

- Principle of development
- Landscape and Visual Impact
- Design and illustrative layout
- Residential Amenity
- Highway Safety
- Flood Risk and Drainage
- Ecology Impact
- Sustainable Construction
- S106

#### Principle of Development

- 9.2. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Development Plan
- 9.3. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 Part 1 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996.
- 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.
- 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’.
- 9.8. Paragraph E.19 of the Local Plan states, “If the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic Housing Land Availability.”
- 9.9. The CDC Housing and Economic Needs Assessment (HENA) was published in December 2022 and is used to assist the Council in the preparation of their Local Plans as part of the Local Plan review. The HENA is intended to provide an integrated evidence base to help identify the appropriate level of and distributions of housing and employment over the period to 2034.
- 9.10. The Council’s latest assessment of housing land availability is its ‘HELAA’ published in 2018. This is a technical rather than a policy document but provides assessments of potentially deliverable or developable sites; principally to inform plan-making. The application site was reviewed in the HELAA as site reference HELAA116. The accompanying HELAA report confirmed that this site is unsuitable for development, as it could cause a significant landscape and visual impact.
- 9.11. Policy Villages 1 of the CLP 2015 provides a framework for housing development in the rural areas of the district and groups villages into three separate categories (A, B and C). The categorisation of villages was informed by a defined range of sustainability criteria (CLP 2015 para C.255). Bloxham is a Category A village.
- 9.12. Policy Villages 2 of the CLP 2015 states, ‘A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site ‘windfalls’ and planning permissions for 10 or more dwellings as at 31 March 2014’. This Policy notes, ‘Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission’.
- 9.13. Policy Villages 2 states that in identifying and considering sites, particular regard will be given to the following criteria:
  - i. ‘Whether the land has been previously developed land or is of less environmental value’;
  - ii. ‘Whether significant adverse impact on heritage and wildlife assets could be avoided’;
  - iii. ‘Whether development would contribute in enhancing the built environment’;
  - iv. ‘Whether best and most versatile agricultural land could be avoided’;
  - v. ‘Whether significant adverse landscape and visual impacts could be avoided’;

- vi. 'Whether satisfactory vehicular and pedestrian access/egress could be provided';
- vii. 'Whether the site is well located to services and facilities';
- viii. 'Whether necessary infrastructure could be provided';
- ix. 'Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period';
- x. 'Whether land the subject of an application for planning permission could be delivered within the next five years';
- xi. 'Whether development would have an adverse impact on flood risk'. National Planning Policy Framework.

9.14 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).

9.15 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.

9.16. 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.

9.17 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'.

9.18. 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.'

- 9.19. 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'.
- 9.20. 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
- 9.21. In February 2023 Cherwell District Council approved a review of their adopted planning policies carried out under regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. This review concluded that, due to the publication of more recent evidence on Housing Needs to support the preparation of the Cherwell Local Plan Review 2040, policies including Policy BSC1 are "out of date". Paragraph 74 and footnote 39 of the NPPF requires that in such circumstances the 5 Year supply of land should be calculated using the government's standard methodology.
- 9.22. The use of the standard method has the effect of reducing the annualised requirement from 1,142 dpa to 742 dpa for the purposes of calculating the land supply and consequently Cherwell District Council is able to demonstrate a 5.4 year supply. However, whilst it is for the Local Plan Review to set the revised requirement, the delivery of homes across the district remains an important material consideration in the planning balance.

#### *Assessment*

- 9.23 The Council's housing supply position of 5.4 years means that the relevant development plan policies are up to date and that development proposals must be assessed in accordance with the Development Plan. Whilst the NPPF states the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and are afforded full weight. However, the delivery of homes across the district remains an important material consideration in the planning balance.
- 9.24 Policy Villages 1 of the CLP 2015 designates Bloxham as a 'service village' where minor development, infilling and conversions are permissible. Supporting text to the policy states that infilling refers to the development of a small gap in an otherwise continuous built-up frontage. Under such a definition the proposal would not constitute infilling. Further supporting text states that in assessing whether proposals constitute acceptable 'minor development', regard will be given to the size of the village and the level of service provision, the site's context within the existing built environment, whether it is in keeping with the character and form of the village, its local landscape setting and careful consideration of the appropriate scale of development.
- 9.25 The site is an undeveloped green field site that, given its physical and visual relationship to the existing built-up form, is outside of the existing built form of Bloxham, and therefore within the countryside. The proposal for development on a greenfield site would have an urbanising impact, although it is considered it would be relatively localised.
- 9.26 The assessment in the 2018 HELAA is material albeit of limited weight: The purpose the use of a HELAA is to inform assessments of housing land supply and although

that is an important evidence source to inform plan making, it does not in itself determine whether a site should be allocated for development; it is the role of the HELAA to provide information on the range of sites which are available to meet need but it is for the development plan to determine which of the sites are the most suitable to meet those needs.

9.27 Bloxham is identified in the Local Plan as one of 23 Category A villages intended to provide 750 homes from 2014 to 2031 (Policy Villages 2). Bloxham is one of the most served category A villages and has a large number of services and facilities. By population size, Bloxham is the second largest village (after Kidlington) with a population of just over 4,000 (2021).

9.28 Currently, 703 dwellings have now been completed at Category A villages, with 101 more under construction, and 270 dwellings with planning permission on sites not yet started.

9.29 The Tappers Farm (Bodicote) 2019 appeal decision (which applied the same logic as the Launton appeal decision a year earlier) provides a useful steer as to how the decision taker should apply PV2. At the time of the Tappers Farm decision, 271 dwellings had been delivered at Category A villages under PV2, with a further 425 under construction. The Tappers Farm Inspector stated,

*“There will undoubtedly be a point where there will be a situation that will result in the material increase over the 750 dwellings figure and at that time there will be some planning harm arising from the figure being exceeded, for example harm to the overall locational strategy of new housing in the district. There is no substantive evidence before me to demonstrate that this is the case in this appeal. Clearly, when considering any subsequent schemes however, this matter will need to be carefully scrutinised.”*

9.30 As noted above, 703 dwellings have now been delivered at Category A villages under PV2 and a further 101 dwellings are under construction, with another 270 with the benefit of planning permission that has not started. Therefore, the total number of dwellings delivered under PV2 will soon exceed 750 set out in the policy.

9.31 Applying the conclusions of the Launton and Tappers Farm inspectors, it is considered that that point may soon be reached where planning harm could be caused to the overall locational strategy of new housing in the district through further permissions at unsustainable locations.

9.32 Due to the above housing figures, scrutiny is required to be given to new proposals to ensure no harm would be carried out to the Category A villages, as the housing target will soon be reached.

#### *Policy Villages 2 Criteria*

9.33 The applicable criteria of Policy Villages 2 are set out above. The land has not previously been developed. The site is not within any national or local designated landscape designations. The Slade LNR is approximately 75m to the southeast of the site at its closest point. It is small but varied and comprises wet meadow, woodland and a disused railway embankment. The LNR provides habitats for birds and butterflies and over 170 plant species have been recorded.

9.34. In this instance, the site is adjacent to a Category A village, which has two schools and nursery, Post Office/newsagent, convenience store, pharmacy, village hall, three public houses, Doctors surgery, Dentist, Village Museum, a petrol station and two playing areas. The village is also served by two bus routes, which run between

Banbury and Chipping Norton. The bus stops are located along the A361 approximately 1km away from the site. There are no train stations in Bloxham, the closest is located in Banbury. The M40 is located approximately 6 miles east of the application site.

- 9.35. The site is considered to be within a sustainable location given its Village Categorisation; however, the site is some distance from the village centre and would be located at more than 800m (15mins) walking distance from the majority of the amenities in the village centre (e.g., food shop, post office, primary school, GP surgery, public house). The post office / Londis, the nearest of these, would be more than 800 metres from the entrance to the site. Only the secondary school and woodlands play area are within easy walking distance. For these reasons, it is considered that the proposal would not be well connected to existing development, and future occupiers would be overly reliant on the use of the private motor vehicle, which would not be in the best interests of sustainable development. This weighs significantly against the proposal.
- 9.36 There are benefits of the additional housing, including the provision of affordable housing in the area. Regard is had to the relative size of the development of the conclusions of the 2018 HELAA.

### *Conclusion*

- 9.37 The latest housing supply figure for the district is calculated at 5.4 years. Whilst the NPPF states the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and are afforded full weight. The housing strategy in the Cherwell Local Plan seeks to distribute new housing to the most sustainable locations. Whilst the application proposes dwellings at Category A village with limited facilities, and is not a main rural or urban centre, Policy Villages 2 consider that these settlements represent sustainable development, subject to complying with the criteria of that policy. In this case, whilst the 750 target of housing in these Category A villages will soon be exceeded, the provision of housing represents a significant positive material consideration to weigh in the planning balance and contributes to meeting the overall district housing figures which is needed to be delivered.
- 9.38 While the planning balance will be weighed at the end of this report, the provision of housing at a Policy Village 1 village (a sustainable settlement) weighs in favour of the development, but the site's distance from the village centre and therefore relatively poor sustainability credentials weigh against the proposal. Furthermore, the compliance with other parts of Policy Villages 2 will be a key consideration of the assessment of this application, as discussed below.

### LANDSCAPE AND VISUAL IMPACT

#### *Legislative and policy context*

- 9.39 The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It goes onto note that planning decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside. It also states that development should function well and add to the overall quality of the area and by sympathetic to local character and history, including the surrounding built environment and landscape setting.

- 9.40 Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets.
- 9.41 BSC2 of the CLP 2015 states that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.
- 9.42 PV2 of the CLP 2015 states that in considering sites for residential development in Category A villages, particular regard will be given to '*whether development would contribute in enhancing the built environment*' and '*whether significant adverse landscape and impacts could be avoided*'
- 9.43 Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity. Saved Policy C33 of the Local Plan states that, "the Council will seek to retain any undeveloped gap of land which is important....in preserving a view or feature of recognised amenity or historical value".
- 9.44 Section 12 of the NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 9.45 The quantum of development proposed would give a density of c.14 dwellings per hectare. However, this also includes the area of land that extends southeast to the woodland and is mostly undevelopable. The density is more realistically around the 20-22dph figure.
- 9.46 Policy ESD13 of the CLP 2015 states that *development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided*. It goes on to state that proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features, be inconsistent with local character, or harm the setting of settlements or buildings. Further, as noted above, Policy Villages 2 of CLP 2015 requires consideration of whether significant landscape and visual impacts can be avoided and whether the development would contribute to enhancing the building environment.

- 9.47 The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.
- 9.48 BSC2 of the CLP 2015 states that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.
- 9.49 The site is in open countryside and contributes to the rural character, quality and amenity of the area, in particular the rural character and setting of Bloxham village. Its open character and extensive views of the historic village and surrounding countryside also contributes to the amenity value and enjoyment of the various public rights of way either crossing or passing in close proximity to the site.

*Impact on wider Landscape*

- 9.50 The Landscape and Visual Assessment (LVA) submitted with the application has considered the potential impacts on the landscape character and amenity of the site and surrounding area and concludes limited visual impact on the wider landscape.
- 9.51 Officers tends to agree with the LVA in respect of the evaluation of potential wider landscape effects. The design aims to retain the trees and hedgerows to the periphery of the site wherever possible to aid screening from adjacent residential properties. The retained boundary vegetation will provide a mature landscape setting to the new development. The LVA submitted as part of the application assesses the potential landscape and visual impacts of the proposed development. The study has assessed the potential effects on landscape character and concluded that these would be up to moderate adverse in the short and medium, and minor adverse in long-term. This is primarily as a result of proposed planting, helping to integrate the site into the wider landscape. In terms of predicted effects on visual amenity, the LVA finds the greatest level of visual effects will be experienced by the closest receptors: primarily residents of adjacent residential properties along Coleman Close, during construction and completion of the development
- 9.52 Overall, the LVA concludes that the effects of the proposed development will be restricted to a localised geographical area and would not result in Land off Tadmarton Road, substantial harm to landscape character beyond the site boundary, nor would there be substantial detrimental effects to visual amenity across a wide area.

*Impact on the immediate landscape and setting of the village*

- 9.53 Whilst long range views of the development may not result in an adverse impact on the wider landscape, it remains the case that the site lies outside the built-up limits of the village, would extend development into the countryside and as such is contrary to saved policies in the adopted Local Plan for protection of the countryside. Officers consider this to be a significant and demonstrable harm to be taken into account in the planning balance.
- 9.54 In addition, it is considered that, having regard to its location, residential development at this site would have a poor and incongruous relationship with the form, character and pattern of the existing settlement. Whilst it would sit between an existing housing development and existing farm buildings, the proposal will further extend the village to the west, an arm of which has been extended to its limits given the open countryside to the north, south and west. Extending a ribbon type development beyond

sustainable limits to the far west of the village relates much more to the countryside than to the built form of the village. Its development would therefore have an adverse effect on the character and appearance of the countryside.

- 9.55 The development therefore would not contribute in enhancing the built environment and would result in significant adverse local impact on the landscape. Therefore, the proposal conflicts with Policies ESD13, ESD15 and Villages 2 of the CLP 2015, saved Policy C33 of the CLP 1996 and Government guidance in the NPPF. This weighs significantly against the development.

### Ecology Impact

#### *Legislative context*

- 9.56 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.
- 9.57 Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.58 The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.59 The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
  - (2) That there is no satisfactory alternative.
  - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.60 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, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

### *Policy Context*

- 9.61 Paragraph 170 of 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.
- 9.62 Paragraph 175 states that when determining planning applications, local planning authorities ('LPAs') should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.63 Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.64 Policy ESD10 of the CLP 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.
- 9.65 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.
- 9.66 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.
- 9.67 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 LPAs 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*

9.68 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 LPAs 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')

9.69 The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site there are several areas of concern. Further assessments are needed for GCN, bat and bird presence as well as other assessments for onsite wildlife. The Preliminary Ecological assessments submitted advise on further reports being required. The site falls within the SSSI IRZ for Bestmoor SSSI (approximately 8.8km southeast). Any discharge of water or liquid waste of more than 20m<sup>3</sup> per day to ground or to surface water, such as the stream within the site, is cited as having potential to pose a risk to the SSSI.

9.70 The RSK Flood Risk Assessment & Outline Surface Water Drainage Strategy indicates that although it is very unlikely that daily discharge rates would exceed 20m<sup>3</sup> each day, the rate would depend on rainfall levels and therefore may exceed this level during periods of heavy rain.

9.71 There is one locally/regionally designated statutory wildlife site located within 2km of the site boundary. This is The Slade LNR located 0.03km south of the site and is hydrologically linked to the site by the stream in the south. It is possible that indirect impacts on the LNR will occur as a result of noise, dust deposition, and water pollution without mitigation during the construction phase while the drainage is being installed. Hydrological impacts may extend beyond the construction phase due to the potential use of the stream for drainage outflow however noise and light from the residential development is unlikely to have a significant impact due to the distance from the proposed developed area within field F2.

9.72 As with nationally designated sites, consideration may need to be given to potential impacts on any LNRs that are hydrologically connected to the site that fall outside of the standard 2km ZOI.

9.73 In order for the Local Planning Authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.

9.74 In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear / very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.

- 9.75 The application is supported by a protected species survey which concluded that without mitigation, there would be direct and indirect impacts on a range of species including common and great crested newts, badgers, bats, a variety of breeding birds, potentially otter, water vole, common reptiles, white-clawed crayfish, brown hare, hedgehog, polecat and rabbits.
- 9.76 Based on the advice from the Council's Ecologist and the holding objection raised, further investigation needs to be carried out before it is known whether the proposed development would be harmful to biodiversity on site. Natural England at the time of writing the report had only recently been notified and therefore its comments are still outstanding. In its present form there is inadequate information submitted and Officers consider this to be reason enough to form a reason for refusal.

### Design and Illustrative Layout

#### *Policy Context*

- 9.77 Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high quality design meeting high design standards and complementing any nearby heritage assets. The NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Saved Policies C28 and C30 echo this. BSC2 of the CLP 2015 states that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density. Policy BSC10 and BSC11 outline the requirements for open space provision on sites of this scale.
- 9.78 The Council's Design Guide SPD seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

#### *Assessment*

- 9.79 The application is in outline with matters relating to layout, scale, landscape and appearance reserved for later consideration. The application is, however, accompanied by an Illustrative Masterplan and Development Framework Plan which demonstrate one way the quantum of development proposed could be accommodated on the site. The application is also accompanied by a Design and Access Statement, which outlines some design principles. The proposed development includes up to 60 residential dwellings that will be sited within the existing disturbed ground on the site, provide public open space to the north of the site to maintain a green entrance, include the provision of two and potentially three storey dwellings, a green infrastructure network will permeate through the development which will incorporate existing vegetation, a LEAP/LAP and other green space and Sustainable Urban Drainage (SuDS).
- 9.80 The illustrative plan indicates that the residential dwellings will be confined to the middle of the site. The site will have an average density of 20dph. The density of the residential area is in accordance with section B.102 of Policy BSC1 and represents a lower density to the residential development immediately to the east.
- 9.81 The mix of public open space, well planted boundaries and a public area of lay is considered to be sympathetic to the rural vernacular type of development which would be required within an edge of village location. The proposal would be in accordance

with Policy BSC11 as the plan demonstrates how a suitable quantum of green space can be provided. The development proposals show an area for a Locally Equipped area of Play (LEAP) or a Local Area of Play (LAP). It is considered that the application has demonstrated how this quantum of development could be provided on the site, at a low density, and with good levels of green space/play areas. A contribution for Landscape and Ecology Monitoring would need to be agreed.

- 9.82 The submitted Design and Access Statement does go into some design principles for the site however these both illustrative and limited with little weight to the actual proposed layout, scale, design and form of the proposed 60 dwellings. However, in the context of this being an outline planning application officers are satisfied that the quantum of development proposed on the site could be successfully accommodated and the detailed matters of layout, design and form could be negotiated at reserved matters stage.

#### *Residential Amenity*

##### *Policy context*

- 9.83 Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.

##### *Assessment*

- 9.84 The application is in outline only and therefore all detailed proposals in the reserved matters applications would need to have due regard to requirements of Section 6 of the Residential Design Guide SPD with regard to appropriate standards of amenity for both existing and future residents. Appropriate positioning and scale of dwellings, boundary treatments and the nature of such treatments could be given due consideration at reserved matters stage.
- 9.85 The proposed development would be located to the west of the existing residential dwellings, Coleman Close. Due to the orientation of the sites and separation distance available, the proposal could accommodate a good back-to-back separation between neighbours which establishes that the amenity standards of the neighbouring residents can be retained. At reserved matters stage a suitable separation distance and orientation of the proposed properties can be agreed to ensure the existing neighbouring dwellings are afforded suitable protection.

##### *Conclusion*

- 9.86 Given the above, it is considered that the development could be made acceptable in residential amenity terms, both for existing residents neighbouring the site and future occupiers, with acceptable details to be secured at reserved matters stage in accordance with the requirements of Policy ESD15 of the CLP 2015, Policy C30 of the CLP 1996 and Government guidance set out in the NPPF.

#### Highway Safety

##### *Policy*

- 9.87 Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that:

- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) *safe and suitable access to the site can be achieved for all users;*
- c) *the design of streets, parking areas, and other transport elements and the content of associated design standards reflects the current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

9.88 In addition, paragraph 111 highlights that development “should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

9.89 Paragraph 112 of the NPPF highlights the need to prioritise pedestrian and cycle movements, along with creating spaces that are safe, secure and attractive. Concerns have been raised by the Parish Council and local residents with regard to the proposal’s potential transport impacts, in particular the impact of additional traffic flows on the local road network.

9.90 The local highway authority (LHA) advises that, subject to conditions requiring access details, visibility splays, estate roads, drainage strategy and construction traffic management plan, and a Section 278 agreement to provide for various off site highway improvements, the proposal is acceptable in highway safety terms.

9.91 Officers have no reason or evidence to disagree with the conclusions and advice of OCC Highways, and therefore the proposal is considered acceptable in transport terms subject to conditions and completion of a satisfactory Section 106 legal agreement, as recommended in OCC Highways’ response.

#### Flood Risk and Drainage

9.92 Concern has been raised about surface water drainage and the potential for the development to increase the risk of surface water flooding in the area.

9.93 A detailed Flood Risk Assessment has been submitted with the application, and having considered this information neither the Councils 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.

#### Sustainable Construction

9.94 Policy ESD1 of the CLP 2015 states that measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the CLP 2015 seeks to achieve carbon emission reductions. Policy ESD3 encourages sustainable construction methods. The reference to allowable solutions in Policy ESD2 and ‘zero carbon’ are no longer being pursued by the government so are no longer relevant. However, the water usage requirements of ESD3 are still required to be met and can be controlled by condition. In regard to energy efficiency the Council now seeks to secure in excess of that required under the 2013 Building Regulations. Details of how the buildings will achieve this can be secured through condition.

9.95 The NPPF and Policies SLE4 and ESD1 of the CLP 2015 encourage and support the incorporation of measures into new development that promote more sustainable forms of transport. The provision of EV charging infrastructure is also reflected in the Council's Infrastructure Delivery Plan and the County Councils Electric Vehicle Infrastructure Strategy (2021). It is considered reasonable and necessary for provision of these to be secured through a condition of any permission given.

#### Impact on Local Infrastructure

##### *Policy Context*

9.96 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."

9.97 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.

9.98 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*

9.99 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.

9.100 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.

9.101 Having regard to the above, in the event that Members were to resolve to grant planning permission, the following items would in officers' view need to be secured

via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts:

Cherwell District Council (all contributions will be index linked)

- Provision of and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows, woodland. SUDS etc) or details of long term management provisions in accordance with the Policy BSC11 of the CLP
- Provision of a Local Equipped Area of play and commuted sum for maintenance or details of other management provisions
- £106 per dwelling for bins
- Affordable housing provision – 35% (up to 21 units)
- CDC monitoring fee

Oxfordshire County Council

- Public transport contribution of £67,980 equated at £1,133 per dwelling for the provision of bus services in Bloxham
- Public Rights of Way to be confirmed to mitigate the impact to the PROW in the vicinity of the site.
- Obligation to enter into an S278 agreement to secure mitigation/improvement works part of the highway network and on-site will be required for the development.
- £415,316 towards Primary education capacity serving the development.
- £35,896 towards special school contribution to be spent on expansion of SEN school capacity to ensure adequate SEN provision.
- £5,638 contribution towards expansion and efficiency of Household Waste Recycling Centres as existing facilities at capacity and to provide additional capacity.
- Monitoring Fee

Other

- OCCG group have been consulted and stated that there are significant capacity issues serving the area. They have stated there are insufficient consulting rooms to cope with increased population. They have requested a contribution to support capital projects associated with either local plans for surgery alterations or support patient services (£360 per person – circa 144 people).

9.102 The application is not supported by any draft head of terms for a S106 however written confirmation has been received that confirms the applicant is willing to enter into a legal agreement if the application is to be approved and do not contest any of the contributions set out above. 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 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 criteria for delivering economic growth. This is a significant 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 Grade 1 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 (15mins) 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. On the basis that the Council 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.
- 10.14. 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. 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 well-being 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 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, development of this scale should be progressed through the Local Plan process in order to ensure that infrastructure and facilities needed can be assessed and form part of an appropriate allocation.
- 10.25. 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

### **RECOMMENDATION - DELEGATE AUTHORITY TO THE ASSISTANT DIRECTOR TO REFUSE PERMISSION SUBJECT TO THE REASONS SPECIFIED BELOW AND ANY MODIFICATION(S) THAT MEMBERS AND THE ASSISTANT DIRECTOR MAY DEEM APPROPRIATE:**

1. The proposals when considered against the scale of the existing village and the cumulative impact of growth already carried out in Bloxham within the plan period and available facilities within the village and would be predominantly reliant on the private car to carry out day-to-day activity and the application site is not well located to existing services and facilities. The proposals would cause significant adverse landscape impacts and impacts to the settlement character which could not be avoided or mitigated by the proposed development. The proposals would be harmful development to the village of Bloxham and the wider aims of Policies Villages 1 and Villages 2 and result in unsustainable growth. The proposals 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, Theme 1 Policies in the Bloxham Neighbourhood Plan and the aims and objectives of the NPPF.

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 and would have an adverse impact on the character of the area. 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 and Government guidance in the National Planning Policy Framework.
3. The proposals, by reason of the scale and impact on the overall landscape and settlement character would cause harm to the approaches along Tadmarton Road, and to the overall character of the settlement of Bloxham and its relationship to the surrounding countryside resulting in significant extension and harm to open countryside. The proposals would therefore be contrary to Policies PSD1, ESD1, ESD13, ESD15, Villages 1 and Villages 2 of the Cherwell Local Plan 2011 - 2031 Part 1; saved Policies C28 and C30 of the Cherwell Local Plan 1996, Theme 2 Policies in the Bloxham Neighbourhood Plan and the aims and objectives of the NPPF.
4. By reason of the siting and size of the development and the resulting loss of grade 1 agricultural land, and taking into account the Council's ability to demonstrate an up-to-date 5.4 year housing land supply across the District and having delivered in excess of 750 dwellings at Category A villages under Policy Villages 2, and the lack of evidence to demonstrate that there are no other sites in Category A villages in the District which would be preferable in terms of using areas of poorer quality agricultural land to meet the District's housing needs, the proposal is considered to result in the unnecessary and unjustified loss of best and most versatile agricultural land. Therefore, the proposal conflicts with Policy Villages 2 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.
5. 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. Accordingly, and based on precautionary principles, the proposals would be contrary to Policies ESD10, ESD15 and Villages 2 of the Cherwell Local Plan 2011 - 2031 Part 1, Regulation 43 of Conservation of Habitats & Species Regulations 2017 and Government guidance at paragraphs 170, 175 and 180 within the NPPF.
6. 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 and Government guidance within the NPPF.

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