

Case Officer: Nick Wyke

Applicant: William Davis Homes, Rebecca Lyndsay Smith, Alista

Proposal: Outline planning application (with all matters reserved except for primary means of vehicular access from the A361) for the residential development of up to 130 dwellings, alongside associated access, green and blue infrastructure (including public open space, a play area, and drainage), required ground remodelling and supporting infrastructure

Ward: Adderbury, Bloxham and Bodicote

Councillors: Cllr Gordon Blakeway, Cllr David Hingley, Cllr Rob Pattenden

Reason for Referral: Major development

Expiry Date: 30 May 2025

Committee Date: 15 May 2025

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS/AND SUBJECT TO A S106 LEGAL AGREEMENT

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site extends to 7.8 hectares and comprises agricultural land used for the grazing of livestock. The site is located to the south of Bloxham and is bound to the west by South Newington Road and Barford Road to the east. To the north of the site are the existing dwellings off Bloxham Court whilst to the south is existing agricultural land.
- 1.2. The site is currently divided into three separate field parcels. These are separated by mature hedgerows interspersed by mature trees three of which are classified as veteran (2x crab apple and 1x English Oak). The land is gently undulating from the top at Barford Road sloping downwards towards South Newington Road. There are visible signs of ridge and furrow on the site which are a non-designated heritage asset.
- 1.3. The village of Bloxham is located to the south-west of Banbury. It is one of more sustainable villages in the District falling within Category A of the Settlement Hierarchy of the Cherwell Local Plan (2015). The village benefits from a range of services including primary school, private secondary school, GP surgery, dentist, Co-Op convenience store, post office, pubs, museum, and petrol station.

2. CONSTRAINTS

- 2.1. The application site is within the red impact zone of great crested newts.

- 2.2. The nearest statutory ecological designated site is Arncott Bridge Meadows Site of Special Scientific Interest (SSSI) located just over 2.5km to the southeast of the Site.
- 2.3. There are 6 Local Wildlife Sites (LWS) and a single Woodland Trust Reserve (WTR) within 2km of the Site.
- 2.4. The nearest non-statutory designated wildlife site, Meadows NW of Blackthorn Hill Local Wildlife Site, is approximately 500m to the north. The River Ray Conservation Target Area is also located to the north.
- 2.5. There are no designated heritage assets on site, but the site is within proximity of several listed buildings (not within 100m of site) and the scheduled monument of Wretchwick deserted medieval village 0.5km to the northwest of the Site.
- 2.6. Blackthorn windmill which is listed is at least 450m southeast of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposed development is for outline planning consent with all matters reserved except access for the development of up to 130 residential dwellings (Use Class C3) alongside green and blue infrastructure (including public open space, a play area and drainage), required ground remodelling and supporting infrastructure.
- 3.2. The key consideration for this application surrounds whether the nature of the development is acceptable and whether access to and from the site is acceptable.
- 3.3. As the application is in outline matters surrounding appearance, landscaping, scale and layout will be dealt with through reserved matters should the application be approved.

4. RELEVANT PLANNING HISTORY

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

Application reference no.	Description of development	Key points.
24/01802/SO	EIA screening opinion request relates to the residential development of up to 165 dwellings, alongside public open space, a play area, sustainable drainage, and other supporting infrastructure	Cherwell District Council confirmed by way of letter dated 12 th August 2024 that the development as described in the supporting documents is not likely to give rise to significant environmental effects. An Environmental Impact Assessment was not therefore required.

Cherwell District Council Housing Economic Land Availability Assessment Dated November 2024.	Site reference no. 095 and 467.	The HELAA concluded the following <i>The site is considered to be unsuitable for development as it would be likely to have a detrimental impact on the views of the village when approaching from the south west along South Newington Road and would cause potential harm to ancient trees on site. The site is afforded some screening from trees-hedgerows but there is no strong defensible boundary which would prevent development leading further southwards.</i>
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5. PRE-APPLICATION DISCUSSIONS

- 5.1. Pre-application discussions have previously taken place, under 24/01050/PREAPP for Residential development of circa 130 dwellings, alongside public open space, a play area, sustainable drainage and other supporting Infrastructure. A meeting was held with the applicant in July 2024. The planning application was submitted before the pre-application enquiry was responded to.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **5 November 2024**, by advertisement in the local newspaper expiring **24 October 2024** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. Following the provision of further information on the application, a 21 day re-consultation started on the 17th April 2025. The overall final date for comments is the 08th May 2025. An update to this Officer's report will therefore be issued in advance of Planning Committee on the 15th May 2025 containing an overview of the latest consultation responses received.
- 6.2. Following the consultation 231 objections have been received and 2 comments of support have been received. The comments raised by third parties are summarised as follows:
- Concerns over the highways impact of vehicles entering and existing onto South Newington Road.
 - Existing vehicle congestion in and around Bloxham

- Ability for surrounding infrastructure to accommodate further development including strain on doctors surgery's, dentists and schools.
- The need for further housing development in Bloxham.
- Ecological impact as a result of further development
- Impact on the character of the village
- The impact of flooding on the site and the adjacent recreation ground.
- Impacts of light pollution on the surrounding environment.
- Landscape impact.

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.5. Bloxham Parish Council have objected to the proposals. Their objection dated November 2024 referenced Cherwell District Council's ability to demonstrate 5.4 year housing land supply. The Parish Council considered the housing strategy policies in the Local Plan were up-to-date as was the Bloxham Neighbourhood Plan. The Parish Council raised concerns that the development would be in conflict with the Bloxham Neighbourhood Plan and would place additional strain on existing infrastructure within the village. The Parish Council state that S106 monies to mitigate capacity issues at the primary school should only be acceptable should they be sufficient to result in further school expansion prior to the development being occupied.
- 6.6. Concerns were also raised over the capacity of the surrounding road network to accommodate the additional traffic flows along with the safety of South Newington Road for current and future users.

STATUTORY CONSULTEES

- 7.1. **The Environment Agency** have responded on the consultation and confirmed they have no comment.
- 7.2. The Cherwell District Council **Conservation Officer** considers there is not a strong connection or relationship between the development site and the conservation area or the Listed Buildings contained within it, therefore the proposals are not considered to reduce the ability to appreciate what is special about Bloxham Conservation Area or nearby Listed Buildings. The Conservation Officer concludes that the development is not considered to result in unacceptable harm to the significance of the heritage asset. The Conservation Officer concluded the level of harm to be 'no harm'.

- 7.3. **Local Lead Flood Authority** currently have a holding objection. This however based on the previously submitted Flood Risk Assessment and Drainage Strategy which has been submitted.
- 7.4. **Oxfordshire County Council Education** have no objection subject to financial contributions being secured through a S106 agreement.
- 7.5. **Oxfordshire County Council Archaeology** have no objection subject to **conditions**.
- 7.6. **Waste Management** have no objection subject to financial contributions being secured through a S106 **agreement**.
- 7.7. **The Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board** have raised an objection to the development unless the developer is prepared to make a contribution of £117,805 which will be secured through a S106 agreement towards the creation of additional clinical capacity at Bloxham and Hook Norton Surgery or an identified primary care **estates** project in the local area.
- 7.8. **Thames Water** have objected to the development, citing concerns over the ability of the existing foul water network infrastructure to accommodate the needs of this development proposal. Thames Water have suggested two conditions to be added to any planning **permission**.
- 7.9. **OCC Highways** have previously objected to the application on highway safety grounds. Discussions have however been taking place between the applicant and the Local Highway **Authority**. At the time of writing this report, an updated consultation response has yet to be received from OCC Highways but based on the discussions that have taken place there is not expected to be a highway safety issue. OCC have requested a financial contribution of £172,380 towards bus service improvements.
- 7.10. **Environmental Health** have previously commented on the application and advised that they are satisfied with the Noise Assessment which accompanied the application. They have recommended that a condition is attached to the consent to require further contamination **assessment** work be undertaken. They have also requested an air quality assessment be undertaken along with an odour impact assessment. The applicant has since submitted an odour and air quality assessment as part of the application.
- 7.11. **CDC Ecology** previously objected to the application raising concerns over the accuracy of the bat surveys which accompanied the application. Concerns were also raised over the quantum of provision of bird and bat boxes along with the improvements to achieve a net gain in biodiversity. The applicant has since provided additional information and we are currently awaiting on an updated response from CDC Ecology.
- 7.12. **CDC Arboriculture** had raised concerns over the potential impact of the development on the existing trees on site. This includes the existing veteran trees on site. The Arboricultural Officer acknowledges that the development is in outline and matter surrounding layout which are mostly likely to affect the trees will be agreed through the submission and agreement of reserved matters.

OTHER CONSULTEES

- 7.13. **Planning Policy** have raised an objection, stating that Bloxham is a sustainable village, and Policy Villages 2 does make provision for some development in such settlements. Policy consider that the proposal would assist in meeting the District's housing need, including affordable housing provision but this would need to be policy compliant. Policy have advised that the merits of providing housing including affordable housing must be considered alongside the other impacts of the proposed development.
- 7.14. **Urban Design** have advised that the site is well related to existing settlement and development would reflect the existing morphology. The outline proposal is sensitively designed and reflects the site's constraints and opportunities. A number of amendments/clarifications were requested by the Urban Design Officer in his comments dated 14th October 2024.
- 7.15. **Thames Valley Police** have previously commented on the proposals and have encouraged the application to engage with Thames Valley Police for all forthcoming reserved matters.
- 7.16. **Strategic Housing** have commented on the application and set out the required mix for affordable housing should planning consent be approved.

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 (CLP 2015) was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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)

- BSC1 District Wide Housing Distribution
- BSC 3 Affordable Housing
- BSC 4 Housing Mix.
- BSC 9 Public Services and Utilities.
- BSC10 Open Space, Outdoor Sport and Recreation Provision
- BSC11 Local Standards of Provision – Outdoor Recreation
- ESD 1 Mitigating to climate change
- ESD 3 Sustainable Construction
- ESD 4 Decentralised Energy Systems
- ESD 6 Sustainable Flood Risk Management
- ESD 7 Sustainable Drainage Systems
- ESD 10 Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13 Local Landscape Protection and Enhancement
- ESD 15 The Character of the Built and Historic Environment
- Policy Villages 1: Village Categorisation.
- Policy Villages 2: Distributing Growth Across the Rural Areas
- Policy Villages 4; Meeting the need for open space, sport and recreation
- Policy INF1: Infrastructure.

CHERWELL LOCAL
PLAN 1996 SAVED POLICIES (CLP 1996)

- H18 – New dwellings in the countryside.
- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development.
- C31 - Compatibility of proposals in residential areas.

Draft Cherwell Local Plan

- SP1: Settlement Hierarchy.
- CSD1: Mitigating and adapting to climate change.
- CSD2: Achieving net zero carbon development residential.
- CSD 8: Sustainable Drainage Systems
- CSD 9: Water Resources and Wastewater Infrastructure.
- CSD 11: Protection and Enhancement of Biodiversity
- CSD 12: Biodiversity Net Gain.
- CSD 16: Air Quality
- CSD 18: Light Pollution
- CSD 23: Assessing Transport Impact/ Decide and Provide.
- LEC 6: Supporting A Thriving and Resilient Farming Sector.
- LEC7: Best and Most Versatile Agricultural Land.
- COM1: District Wide Housing Distribution
- COM2: Affordable Housing
- COM3: Housing Size/Type
- COM10: Protection and Enhancement of the Landscape.
- COM11: Cherwell Local Landscape Designations.
- COM 13: Settlement Gaps
- COM 14 Achieving Well Designed Places.
- COM 15 Active Travel - Walking and Cycling
- COM 20 Providing Supporting Infrastructure and Services.
- COM 22 Public Services and Utilities.
- COM23 Local Services and Community Facilities.
- COM24 Open Space, Sport and Recreation
- COM25 Local Green Space.
- COM 26 Historic Environment.

BLOXHAM NEIGHBOURHOOD PLAN

- BL1 – Policies on Sustainable Housing and Size of Developments
- BL2 – Sustainable Development.
- BL3 - Policy on Connectivity.
- BL 4 - Policies on Parking
- BL5 – Parking standards for existing residential development
- BL6 – Water consumption
- BL7 – Flood Risk
- BL8 – Housing that adapts to demographic change.
- BL9 – Residential amenity
- BL10 – Bloxham Conservation Area
- BL11 – Residential design
- BL12- Importance of space and key street scenes and views.

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Written Ministerial Statement (July 2024).
- Written Ministerial Statement (December 2024).
- Housing Economic Needs Assessment (December 2024)
- Guidance issued by Natural England on Ancient Woodland, Ancient Trees and Veteran Trees (January 2022)
- Department for Education Securing developer contributions for education dated August 2023 which is a material consideration in the determination of this application.

9. APPRAISAL

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

Principle of Development;

- 9.2. Strategic Objective SO7 of the adopted Local Plan refers to the need to meet the housing needs of all sections of Cherwell's Communities, particularly the need to house an ageing population.
- 9.3. Policy ESD1 identifies the measures to be taken to mitigate the impact of development within the District on climate change. This includes distributing growth to the most sustainable locations as defined in the Local Plan.
- 9.4. Policies Villages 1 categorises the villages in Cherwell. Bloxham is categorised by Policy Villages 1 as being a Category A Village. These are the most sustainable villages as stated by the supporting text in paragraph XXII of the Local Plan (2015). Policy Villages 1 states that proposals for residential development within the built up limits of villages will be considered based on their categorisation. As Bloxham is categorised as a Category A Village by Policy Villages 1 it is identified by the Local Plan as being suitable settlement for minor development, infilling and conversions. The fact it is a Category A settlement further shows that it is a sustainable location to accommodate development.
- 9.5. The Cherwell Local Plan (2015) Policies Map does not contain settlement boundaries for settlements within the District. The Bloxham Neighbourhood Plan does not identify a settlement boundary for Bloxham either.
- 9.6. Whilst limited weight can be attributed to the Regulation 19 Draft Cherwell Local Plan at this stage as it has not been tested at examination, Policy SP1 of the draft plan continues to identify Deddington as a Category A Village Settlement. These are classified by the Draft Local Plan as being larger villages that have essential local services and facilities and often serve nearby smaller villages.
- 9.7. Policy Villages 2 sets out the distribution of growth across the rural area. It states that a total of 750 homes will be delivered at Category A Villages.
- 9.8. Policy H18 refers to the development of dwellings beyond the built up limits of settlements.
- 9.9. The published Cherwell District Council latest Annual Monitoring Report dated February 2024 confirms that Cherwell District Council can only demonstrate a housing land supply of 2.3 years. Policy Villages 1 and 2 along with H18, BSC1 and COM1 cannot therefore be considered up-to-date. Policy PSD1 of the Cherwell

Local Plan and the paragraph 11 (d) of the NPPF which set out the presumption in favour of sustainable development are therefore engaged.

- 9.10. Policy PSD1 states that *where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether: any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or specific policies in the Framework indicate that development should be restricted.*
- 9.11. Paragraph 11 (d) of the NPPF states where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
- i) The application of policies in this Framework that protect areas of assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii) 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
- 9.12. The key consideration pertinent to the principle of development is therefore whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits.
- 9.13. The Bloxham Neighbourhood Plan was adopted in December 2016. Paragraph 14 of the NPPF states that in situations where the presumption in favour of sustainable development applies to applications involving the provision of housing, *the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*
- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).*
- 9.14. As Cherwell District Council cannot demonstrate a five year housing land supply, the presumption in favour of sustainable development applies. The Bloxham Neighbourhood Plan became part of the development plan in December 2016 and is therefore more than five years old at the point of determination of this application. The reference to *and* in paragraph 14 of the NPPF implies that both parts A and B need to be met in order for the Neighbourhood Plan to be considered up-to-date. As the neighbourhood plan was adopted more than 5 years ago part A of paragraph 14 is not met. The housing policies in the Bloxham Neighbourhood Plan cannot therefore be considered up-to-date.
- 9.15. The recently published National Planning Policy Framework (2024) states that 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 grounds with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

The overall aim should be to meet an areas identified housing need, including with an appropriate mix of housing types for the local community.

- 9.16. The reference to the need to significantly boost the supply of housing aligns with the government's objective of building 1.5 million homes over the next 5 years as set out in the Building the Homes we Need Written Ministerial Statement dated December 2024.
- 9.17. In order to achieve this objective it is clear that sites in sustainable locations should be considered for development. The Cherwell Local Plan Proposals Map does not identify settlement boundaries. There is no reference to a settlement boundary with the Bloxham Neighbourhood Plan either. As Cherwell District Council cannot demonstrate a five year housing land supply, there is need to look at sites on the edge of sustainable settlements in order to meet this housing need. The site is considered a sustainable location being on the edge of the built up boundary of Bloxham which in-turn is a sustainable settlement. This is reflected by its Category A Settlement status which is also be carried forward in the new Cherwell Local Plan.
- 9.18. Although the application is in outline with all matters reserved except access, having viewed the site it is clear that pedestrians could choose to walk from the site to the centre of Bloxham where there are a variety of shops and services. I acknowledge that some of the pedestrian footways to and from the village centre are narrow in nature. The applicant has also committed to widening the existing pedestrian footway running between the proposed access point on South Newington Road and Bloxham Village Centre. A pedestrian crossing over South Newington Road between the site and the recreation ground opposite is also proposed in order to ensure the safe crossing of pedestrians.
- 9.19. Policy PSD1 requires the Council to take a proactive approach to reflect the presumption in favour of sustainable development contained within the NPPF. It goes on to state that the Council will always work proactively with applicants to jointly find solutions which meant that an application can be approved wherever possible. Cherwell District Council has held regular meetings with the applicant throughout the application process and been clear on timescales for when amended plans are required to be submitted in order to meet key deadlines.
- 9.20. Upon submission, the application was for up to 150 dwellings. Following a request by Cherwell District Council for a proving layout to be submitted the scale of development was reduced down to up to 130 dwellings.
- 9.21. Of the 130 dwellings proposed, the applicant has committed to provide 35% as affordable housing thereby according with Policy BSC3 of the Cherwell Local Plan.
- 9.22. The provision of 130 dwellings will make an important contribution to the overall housing needs of the District along with the government's wider objective for 1.5 million homes. This includes the high need for affordable housing which is recognised across the country.
- 9.23. The applicant has confirmed that there are no land ownership constraints that would prevent the development coming forward should it be approved.
- 9.24. The principle of development is therefore considered acceptable subject to no adverse impacts significantly and demonstrably outweighing the impacts. Further details on the assessment of impacts is contained below.

Highways.

- 9.25. Policy SLE4 states that development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.
- 9.26. Paragraph 115 (B) of the NPPF requires safe and suitable access to the site to be achieved for all users. Part D of paragraph 116 requires *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 through a vision-led approach.*
- 9.27. Paragraph 116 of the NPPF states that development *should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.*
- 9.28. Paragraph 118 of the NPPF requires all developments which *generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a vision-led transport statement or transport assessment so the likely impacts of the proposed development can be assessed and monitored.*
- 9.29. The applicant has submitted an Outline Travel Plan (OTP) as part of the supporting documents to this application. The OTP sets out a range of measures and incentives to facilitate and encourage all users of the site to utilise sustainable modes of travel wherever possible. A more detailed Travel Plan providing further details on travel patterns, targets, measures and management is recommended part of the conditions should planning consent be approved. The application was accompanied by a Transport Assessment in order to assess the highways impacts of the proposals. Oxfordshire County Council have not raised concerns over the methodology used within the Transport Assessment to assess the highways impacts. Paragraph 118 of the NPPF is therefore considered to be accorded with.
- 9.30. Means of access is matter for consideration in the determination of this application. The following are the key highways considerations,
- 1) Whether safe and suitable access can be achieved for all users
 - 2) Whether the development would result in an unacceptable impact on highway safety
 - 3) Whether the residual cumulative impacts on the road network , following mitigation would be severe, taking into account all reasonable future scenarios.
- 9.31. A single vehicular access point is proposed off South Newington Road into the site. The existing agricultural access off Barford Road will widened to 3m in width to become a pedestrian and cyclist only access point into the site.
- 9.32. Oxfordshire County Council initially objected to the application, raising concerns over the suitability of the proposed vehicular access point and the ability to achieve the required visibility splays. I also raised concerns with the applicant over the impact of the initially proposed access point on the root protection area of mature oak tree closest to South Newington Road. The tree in question is identified as tree T3-A1 in the submitted Arboricultural report. The amended plans submitted in December 2024 showed the vehicular access point moving to the north in order to minimise the impact on the tree in question.
- 9.33. OCC have subsequently confirmed that the proposed access point will ensure an 87m visibility splay can be achieved as it is in excess of the minimum required in Manual for Streets 2. OCC also confirmed that the trip generation numbers were

considered acceptable for 150 dwellings. They did not foresee any issues regarding trip generation.

- 9.34. A new signalised crossing across the A361 is required due to the increased desire for users of the site to access the recreational field opposite, nearby public rights of way, bus stops and village amenities. OCC Highways have confirmed that they are satisfied that the signalised crossing as shown on plan 173902-ACE-XX-00-DR-C-0002C (note this plan has been updated to rev D) demonstrates the driver visibility to the proposed signalised crossing and the site access on South Newington Road. OCC have advised that the installation of the crossing will require mitigation methods that include, but are not limited to, relevant high friction surfacing, additional 'SLOW' road markings on both approaches to the site access, associated road markings and signage, warning signs on the approach to the signalised crossing in both directions, 30mph road marking to the south of the signalised crossing in both directions. In addition, OCC require both the site access junction and the signalised crossing to be lit. OCC consider that providing this mitigation will help to create a more urbanised feel at the site access, reducing vehicle speeds and warning drivers of the pedestrian crossing. I accept that these works would fundamentally change the rural character of this part of the village for those entering or existing the village. These works would however only be required to bring forward the proposed dwellings which in their own right will fundamentally change the character of this part of the village. The slowing of cars in this part of the village a result of the works can only be seen as a positive factor.
- 9.35. OCC have accepted that the proposed location of the site access point combined with the nature of the A361 mean it will not be possible to facilitate bus stops at the site access or with the vicinity of the A361 South Newington Road. OCC Public Transport accept this reasoning and have requested that the bus stops to the north of the A361 within the village adjacent to the Esso garage are improved either through the S278 or by receiving a further public transport infrastructure contribution of £36,000. OCC consider that these bus stops will serve the residents of the site.
- 9.36. A pedestrian crossing over the junction between Cumberford and the A361 was previously proposed as part of the application. OCC raised concerns over the proposed crossing, stating that it lacked forward visibility between vehicles turning left from the A361 and lacked pedestrian visibility for the same move at the crossing point. OCC considered that this crossing could not be considered safe for pedestrian use and given the land constraints/highway boundary position, it isn't possible to improve the layout of this junction to improve the visibility parcels. OCC have confirmed they have no objection to the removal of this crossing as part of the development proposals but have requested the developer provides plans for the surface improvement to the existing tactile crossing around the corner that is currently in a poor condition.
- 9.37. Concerns have been a raised by a third party over the accuracy of the road safety data used in the Transport Assessment which accompanied the application. The concerns related to a fatal accident that occurred on A361 near to where the proposed vehicular entrance is proposed. I have raised this both with the applicant and OCC. The applicant responded on the 01st April 2025 confirming that at the time of producing the Transport Assessment, the Crashmap database only included recoded incident to the end of 2022. The Crashmap database has since been updated to include the year 2023, which highlighted a fatal accident on South Newington Road in August 2023. The applicant has confirmed that they have obtained the latest accident data from Oxfordshire County Council covering the most recent 5 year period available between 2020-2024. This highlighted a total of three recorded incidents within close proximity of the site. Two the accidents occurred on Barford Road in October 2021 and February 2022 and were both classed as slight in

severity. These incidents were accounted for in the updated Transport Assessment (April 2024) and do not change the conclusions of the report. The fatal accident raised by the third party related to an incident which occurred outside no.11 which is located to the west of the site to the south of the existing recreation area. The accident data supplied by OCC shows that the fatal incident related to a 81 year old cyclist colliding with a stationary delivery vehicle. OCC have reviewed the incident and confirmed that it was an isolated incident and does not change their conclusions on the suitability of the access point or the impact of the development on the highway network.

- 9.38. Based on the above I consider the development can facilitate safe and suitable access for all users, would not result in a severe cumulative impact and would not result in a highway safety issue. It would accord with Policy SLE4 and paragraph 115 and 116 of the NPPF.

Flood Risk.

- 9.39. Policy ESD6 (Sustainable Flood Risk Management) states the Council will manage and reduce flood risk in the District through *using a sequential approach to development; locating vulnerable developments in areas at lower risk of flooding. Development proposals will be assessed according to the sequential approach and where necessary the exceptions test as set out in the NPPF and NPPG. Development will only be permitted in areas of flood risk when there are no reasonably available sites in areas of lower flood risk and the benefits of the development outweigh the risks from flooding.*
- 9.40. Policy ESD7 requires all development to use sustainable drainage systems for the management of surface water run-off.
- 9.41. Policy BL7 of the Bloxham Neighbourhood Plan states that development should not increase flood risk and requires planning applications for development within the Plan area to be accompanied by a Flood Risk Assessment. Policy BL7 goes on to state that *all proposals must demonstrate that flood risk will not be increased elsewhere and that the proposed development is appropriately flood resilient and resistant.* Policy BL7 encourages the use of sustainable urban drainage systems.
- 9.42. Paragraph 170 of the NPPF states that inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 173 of the NPPF requires a sequential risk based approach to be taken to individual applications in areas known to be at risk now or in the future from any form of flooding.
- 9.43. Paragraph 174 of the NPPF states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 9.44. Paragraph 175 of the NPPF requires the sequential test to be used in areas known to be at risk now or in the future from any form of flooding.
- 9.45. The flood risk map for planning shows the site to fall within flood risk zone 1. The lowest part of the site on the western side, adjacent to South Newington Road is shown to be at high risk of surface water flooding (More than 3.3% chance each year). There are also smaller areas of surface water flooding in the centre of the site

and on the sites southern boundary. A copy of the surface water flood map for planning is contained in Appendix 1.

- 9.46. The sites susceptibility to flood risk has been highlighted by third party comments. This includes part of South Newington Road running parallel with the sites western boundary. The surface water run-off from the proposed development will be attenuated in a surface water basin in the eastern side of the site. According to the latest surface water drainage plan (drawing no. 173901-002 Rev H) the proposed attenuation basin will be located outside the areas identified at risk of surface water flooding.
- 9.47. Surface water will be stored in the attenuation basin before being discharged at a greenfield run-off rate into the existing water course in the western corner of the site. The attenuation basin has been designed to accommodate surface water run-off from the development plus 40% climate change. The LLFA have confirmed they have no objection to the proposed development subject to conditions. The Environment Agency have confirmed they won't be commenting on the application as it is below their thresholds for commenting.
- 9.48. The applicant has confirmed they are prepared to commit to a maintenance strategy that would ensure the existing culvert that runs between the site under South Newington Road would be kept clear at all times. This would represent betterment on the existing situation
- 9.49. The applicant has submitted a sequential flood risk assessment as part of the application. The application has concluded that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Policy ESD6 and paragraph 174 of the NPPF are therefore considered to be accorded with.
- 9.50. Paragraph 177 of the NPPF requires the exception test to be applied on sites where it is not possible for the development to be located in areas with a lower risk of flooding. The need for the exception test to be applied is dependent on the potential vulnerability of the site and of the development proposed. Annex 3 of the NPPF classifies residential dwellings as 'more vulnerable'.
- 9.51. Planning Practice Guidance states that *the exception test should only be applied as set out in table 2 and only if the sequential test has shown that there are no reasonably available, lower risk sites, suitable for the proposed development, to which the development could be steered. (Paragraph 032)*. As per table 2 of the PPG (Paragraph 080), development within flood risk zone 1 that falls within the category of 'more vulnerable to flood risk' is not required to undertake the exception test. Paragraph 177 of the NPPF is not therefore engaged and there is no need for the applicant to submit an exception test assessment.
- 9.52. Based on the above it is considered that Policy ESD6, ED7 of the Cherwell Local Plan, policy BL7 of the Bloxham Neighbourhood Plan and the NPPF are accorded with.

Affordable Housing

- 9.53. Paragraph B.104 of the Cherwell Local Plan (2015) states that Cherwell has a high level of need for affordable housing.
- 9.54. Paragraph B.109 of the Cherwell Local Plan (2015) states that securing new affordable housing on site as part of larger developments is the most significant way in which homes can be provided.

- 9.55. Policy BSC3 requires affordable housing at 35% to be provided on all schemes of 11 or more dwellings. Of the 35% required 70% should be rented and 30 % should be intermediate.
- 9.56. BSC4 requires new residential development to provide a mix of homes to meet current and expected future requirements.
- 9.57. Paragraph 66 of the NPPF states that planning policies and decisions should expect that the mix of affordable housing, required meets identified local needs, across social rent, other affordable housing for rent and affordable home ownership tenures.
- 9.58. Paragraph 2.3.4 of the planning statement refers to a local connection mechanism for affordable housing to allow residents to remain in, or come back to Bloxham. No further information have been provided on this at this stage but such mechanisms have been successfully done elsewhere in the District are therefore appropriate in planning terms. It is considered that further details on this can be dealt with as part of the S106 discussions.
- 9.59. The applicant has confirmed that they are committed to providing 35% of the final dwellings as affordable. The Councils Affordable Housing Officer has requested that that the affordable dwellings are provided in a mix of social rent and affordable rent with 33 rented dwellings (70%) and 13 shared ownership (30%) split. The affordable housing officer has advised that *the most pressing needs are for 3 and 4 bed rented homes and a smaller number of 5 or 6 beds where possible. The need for rented 4-beds has increased due to the very limited supply, with waiting times of around 4-5 years for those with significant housing needs to secure a rented 4-bedroom home through the housing register. The following affordable housing mix will therefore be required.*

Social/Affordable rent (total 37 units)

8x 1-bed, 2-person maisonettes or houses (with ground floor units being M4(2) and incorporating level access showers from the outset)

8x 2-bed, 4-person houses

10x 3-bed, 5-person houses

6x 4-bed, 7-person houses

1x 3-bed, 5-person wheelchair accessible [M4(3)(2b)] bungalow

Shared Ownership

13x 2-bed and 3-bed houses

- 9.60. This dwelling mix will be secured through a Section 106 Legal Agreement. As the application is in outline for up to 130 dwellings, the final number of dwellings to come forward on the site is unknown at this stage. The Cherwell Local Plan clearly recognises there is high need for affordable homes. Should 130 dwellings come forward on this site, this would provide around 46 affordable dwellings. This I consider would make a valuable contribution to the District's need for affordable housing.
- 9.61. Reference is made in paragraph 2.3.5 of the Planning Statement to the provision of bungalows. Whilst not affordable dwellings, the provision of bungalows is consistent with policy BL8 and the need to ensure 20% are for older people. The applicant has committed to providing a minimum 4 open market bungalows. In addition, 8x1 bed 2 person maisonettes or houses will

be built incorporating level access. Such provision also accords with the Cherwell Local Plan recognised need for older person accommodation as contained in paragraph B.125 of the Local Plan.

9.62. Policy BS3, BSC4, BL8 and the NPPF is therefore accorded with.

Arboriculture.

9.63. Policy ESD10 encourages the protection of trees and aims to increase the number of trees in the District.

9.64. Paragraph B.253 of the Cherwell Local Plan states the Council will seek to retain woodlands, trees, hedges, ponds, walls and other features which are important to the character and appearance of the local landscape as a result of their ecological, historic or amenity value.

9.65. Policy ESD13 encourages the planting of new trees.

9.66. Paragraph 193 of the NPPF, sets out 4 principles that should be applied when determining planning applications. The third principle (C) states *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons*. Footnote 70 of the NPPF provides clarity on what constitutes wholly exceptional reasons, this include infrastructure projects including nationally significant infrastructure projects.

9.67. An Arboricultural Impact Assessment has been prepared and submitted as part of the application. It provides an assessment on the trees and hedges within the application site. As already stated above, the assessment has revealed that there are 3 trees on site which are classed as veteran.

9.68. Guidance issued by Natural England on Ancient Woodland, Ancient Trees and Veteran Trees (January 2022) is a material consideration in the determination of this application. It states that *When making decisions on planning applications, you should assess the direct and indirect effects of development on:*

- *Ancient woodland*
- *Ancient trees and veteran trees*

9.69. It goes onto state that the decision maker should consider both the construction and operational effects of the proposed development. Direct effects of development include, damaging or destroying ancient woodland or ancient and veteran trees by damaging functional habitat connections, such as open habitats between the trees in wood pasture and parkland, increasing levels of air and light pollution, noise and vibration. Indirect effects include increasing the amount of dust, light, water, air and soil pollution, increasing damage to habitat, for example trampling of plants and erosion of soil by people accessing the woodland or tree root protection areas, increasing damaging activities like fly tipping and the impact of domestic pets.

9.70. The guidance issued by Natural England advises working with the developer to make sure there's enough suitable evidence to make a decision.

9.71. The key consideration for the decision maker is therefore whether the development would result in the loss or deterioration of the veteran trees on site.

- 9.72. The applicants Arboricultural Impact Assessment submitted as part of the application concludes that *Subject to the detailed design of ground-level changes and underground utility connections, there would be no loss or deterioration of the veteran tree habitats. If the construction of the new site access is carefully managed through an approved Arboricultural Method Statement, it should be possible to maintain the longterm impact on the health and longevity of oak tree T3 at a low level.* This has been achieved through a veteran tree buffer zone of 15 times the tree's stem diameter around each of the veteran trees in accordance with the advice issued by the Forestry Commission.
- 9.73. The Cherwell District Council Arboricultural Officer has confirmed the development will not result in a deterioration of the veteran trees subject to a tree management plan and the required tree protection areas being carried forward in the final layout.
- 9.74. The applicant has submitted a Design and Access Statement as part of the application along with a proving layout. As the application is in outline, the providing layout cannot form part of the approved documents should the application be approved. It does however show that new trees can be planted within the site including achieving the NPPF objective of tree lined streets.

Ecology.

- 9.75. Policy ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment) seeks to protect and enhance biodiversity and the natural environment.
- 9.76. Policy ESD10 sets out 12 criteria for how biodiversity and the natural environment will be achieved. The criteria include achieving a net gain in biodiversity, protection of existing trees, increasing the number of trees through planting of new trees and incorporation of features to encourage biodiversity.
- 9.77. Policy BL11 states that all development shall be encouraged to respect the local character and the historic and natural assets of the area. Policy BL11 goes onto state that development should take opportunities to protect and wherever possible enhance biodiversity and habitats.
- 9.78. Paragraph 187 of the NPPF states planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 9.79. The applicant has submitted an ecological appraisal and biodiversity net gain assessment as part of the application. The Ecological Appraisal has assessed the impact of the proposed development on important ecological features which are anticipated to be affected from the construction or operation of the development. The important ecological features assessed include:
- Slade Local Nature Reserve
 - Non-Statutory Sites
 - Veteran Trees
 - Hedgerows, tree and woodland
 - Ponds
 - Bats
 - Birds
 - Reptiles
 - Great Crested Newts

- 9.80. The Ecological Appraisal considers there will be no significant effect on the important ecological features assessed. The Council's Ecologist has reviewed the information provided and raised no objection subject to conditions covering matters such as the Construction Environment Management Plan. Given no objection has been raised by the Council's Ecologist I am satisfied that existing biodiversity on site will be protected.
- 9.81. The Environment Act 2021 introduced mandatory biodiversity net gain for planning permissions in England, with a minimum of 10% increase in biodiversity value. The applicant has submitted a Biodiversity Impact Assessment as part of the application. It shows that the proposals will result in a net loss of 39.69% in habitat units with a net gain of 24.27% of hedgerow units. The latest concept masterplan showing the potential layout for the development includes a 0.61 km planting of new species-rich native hedgerow along with new trees and species rich native hedgerow. The proposed on-site biodiversity gain will be secured through a S106 legal agreement.
- 9.82. In order to off-set the loss of habitat units and achieve a 10% net-gain, the applicant has committed to securing off-site bio-diversity units through registration under the Biodiversity Gain Register and through details to be contained within a Habitat Management Plan.
- 9.83. The applicant has provided a letter of confirmation from the Trust for Oxfordshire's Environment to William Davis Homes of where the off-site biodiversity units will be spent.
- 9.84. The letter confirms the 25 credits will be spent at Ells Farm, Broughton which is within 2km of the development site. The site extends to 15 hectares and will transform grazed pasture into a rich mosaic of wetland, meadow, scrub and woodland habitats.
- 9.85. Based on the above, I consider that existing biodiversity will be protected and enhanced. Policy ESD10 and BL11 along with the relevant provisions in the NPPF will be satisfied.

Landscape.

- 9.86. Policy ESD13 states that development will be required to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. The inclusion of this wording suggests that damage to local landscape character will sometimes be unavoidable. The policy goes on to list 6 criteria where proposals will not be permitted. An assessment of the proposals against the 6 criteria is contained in table 1 below.
- 9.87. Strategic objective 12 of the Cherwell Local Plan seeks to focus development in Cherwell's sustainable locations, making efficient and effective use of land, conserving and enhancing the country and landscape and the setting of its towns and villages.
- 9.88. Paragraph B.87 of the Cherwell Local Plan states that *Cherwell's countryside, landscape and green spaces are important natural resources. It goes on to state that they form the setting of our towns and villages, contribute to their identity and the well-being of Cherwell's communities. The countryside's intrinsic character and beauty is important to the quality of life in Cherwell and remains an economically important agricultural resource.*

- 9.89. Policy BL11 of the Bloxham Neighbourhood Plan states all development shall be encouraged to respect the local character and the historic and natural assets of the area. Policy BL11 requires new development to make a positive contribution to the character of Bloxham and its rural feel.
- 9.90. The Cherwell District Council proposals map does not identify the site as falling within the Area of Outstanding Natural Beauty or being within a locally designated valued landscape area.
- 9.91. The Landscape Assessment (1995) which forms part of the evidence base to the Local Plan shows Bloxham as falling within the Ironstone Hills and Valleys Character Area. This is defined as a strongly undulating complex of farmed hills and valleys. The LCA goes on to state that the *resulting landscaping is an intricate blend of mixed farming, with small variations in scale and local land use being closely related to topography, a tightly knit small scale rolling farmland with strong field pattern.*
- 9.92. The Cherwell Landscape Designation Assessment (2024) which forms part of the evidence base to the draft Cherwell Local Plan shows the site along with the wider area as falling within the Ironstone Downs Local Landscape Designation. However, as the draft Local Plan has yet to be submitted for examination and does not form part of the development plan this designation carries limited decision making weight.
- 9.93. Based on the above, Paragraph 187(a), 188 and 189 of the NPPF are not engaged.
- 9.94. The site was not assessed as part of the Cherwell Landscape Site Assessment dated September 2024 which forms part of the evidence base to the draft Cherwell Local Plan Review 2024.
- 9.95. The applicant has submitted a Landscape Visual Impact Assessment with the application. The assessment finds that the adverse landscape and visual effects are at a lower-level (moderate to adverse) or considered to be negligible. It does find that there is likely to be some higher-level adverse effects (moderate/major adverse at completion) from immediately adjacent private residential dwellings (non-public views). The LVIA considers these to be unavoidable due to the nature of the changes and as a result of the proximity of the receptor. This does reduce to moderate adverse after a 15-year establishment period following the maturing proposed intervening boundary tree and hedge planting. The report goes on to state there will be lower-level adverse effects on the local landscape character and the site's landscape resource as well as some visual receptors within 400m of the site. From other visual receptors beyond 400m of the site the appraisal considers there will unlikely be any visual effects as the proposed development is not likely to be visible or experienced at such a distance that would assimilate it into the surroundings. The LVIA concludes by stating that the development would protect the landscape character, avoid undue visual intrusion and would not harm Bloxham's rural or heritage setting thereby complying with the requirements of LLP1, ESD13, ESD15, BL11 and BL12.
- 9.96. Cherwell District Council appointed Mr Mark Cooper of MCA Landscape to review the submitted landscape visual impact assessment. Mark provided his response to the LVIA on the 04th January 2025. Mr Cooper concluded that the development would *detract from the rural village setting of Bloxham's southern boundary and would impact significantly in views towards the village in some locations, causing a substantial level of harm with the loss of open land and the extension of the village into verdant and picturesque landscape.* Following the publication of Mr Cooper's findings the applicant submitted a response (dated April 2025) which clarified the fact the assessment had been undertaken in the summer months did not render it

any contrary to any requirements set out in guidance. In order to support the LVIA winter photographs were undertaken to support the assessment. They also considered the use of the term substantial harm to describe certain effects as not being a standard term. Mr Cooper subsequently reviewed the response dated April 2025 and clarified that GLVIA3 states that *Landscape Visual Impact Assessments may need to be provided for both the winter season and the summer conditions.*

9.97. Mr Cooper clarifies that the use of substantial harm is not an expression used in the GLVIA3 but went onto clarify that he was not writing a LVIA and it was used to indicate:

- *The permanent loss of the appeal site as open fields and the consequent loss of their historic contribution to 'openness' and to the setting of Bloxham as a rural village set in countryside.*
- *The permanent change in the character of the appeal site from arable pastures in a framework of hedgerows and mature trees to a built up area in which the retained hedgerows and trees lose their verdant setting and become elements in a residential layout.*

9.98. Mr Cooper confirmed that he was in agreement with the selection of viewpoints chosen to assess the LVIA. Mr Cooper has clarified that the magnitude of change when viewed from some viewpoints would be greater than that concluded in the LVIA. On the whole I am in agreement with the findings of Mr Cooper and consider that the development undeveloped agricultural field parcel on the edge of Bloxham which is viewable from nearby points including residential dwellings, those using nearby public rights of way and travelling along the South Newington Road would be negatively impacted and result in a high degree of harm.

9.99. As set out above, policy ESD13 states that development would not be permitted if they would:

Policy ESD13 requirement	My response.	Accordance with ESD13 bullet points.
Bullet point 1. Cause undue visual intrusion into the open countryside.	Whilst the proposal would cause visual intrusion, I do not consider that the development would cause undue visual intrusion into the countryside given the sites containment on all sides.	Yes
Bullet point 2. Cause undue harm to important natural landscape features and topography	As set out above, whilst the site falls within a character area it is not affected by a local or national landscape	Yes

	designation.	
<p>Bullet point 3.</p> <p>Be inconsistent with local character</p>	<p>The character of the site is rural in nature. It is however seen in the context of the existing residential dwellings to the north and east and is adjacent to Bloxham. It cannot therefore be considered an entirely undeveloped site.</p>	Yes
<p>Bullet point 4.</p> <p>Impact on areas judged to have a high level of tranquillity</p>	<p>The Cherwell Landscape Character Assessment (2024) which forms part of the evidence base to Cherwell Local Plan 2042 includes a tranquillity map in figure 4.4. The map identifies areas in the district as being the most tranquil with blue being the least tranquil and yellow being the most tranquil. The site in question is shown in light blue and cannot therefore be considered to have a high level of tranquility. A copy of the map is contained in Appendix 2 to this Officer report.</p>	Yes
<p>Bullet point 5.</p> <p>Harm the setting of settlements, buildings, structures or other landmark features, or</p>	<p>I consider there would be some degree of harm to the setting of Bloxham. Those mostly affected will be those properties backing onto the site on Barford Road and those entering and existing Bloxham</p>	No.

	along South Newington Road.	
Bullet point 6 Harm the historic value of the landscape.	The site is characterised by ridge and furrow which is a non-designated heritage asset. The loss of the ridge and furrow has not been raised by the Conservation Officer in their consultation response.	Yes

Table 1. Policy ED13 criteria.

- 9.100. Policy EDS13 does not make reference to the above criteria being a closed list nor does it contain reference to the word *following* that would require all the criteria to be satisfied. I therefore consider that the criteria contained within policy ESD13 when read a whole are satisfied.
- 9.101. The development concept plan submitted shows new tree and hedge planting around the perimeter and within the application site. This will not reduce the landscape impact of the proposals to zero but will help reduce the level of impact once the planting has reached a 15-year maturity age.
- 9.102. However, It should be noted that policy ESD13 envisages that damage to local landscape character will sometimes be unavoidable. I do not therefore consider that the development would conflict with policy ESD13 when read a whole. The Inspector deciding the scheme at Warwick Road, Banbury (APP/C3105/W/24/3338211) came to a similar conclusion on policy ESD13.
- 9.103. I acknowledge that the development does not comply with strategic objective 12 or BC11. However, the site is a sustainable location and given the absence of a housing land supply little weight can be attributed to BC11.

Design and impact on the character of the area.

- 9.104. Policy ESD15 (The Character of the Built and Historic Environment) requires new development to complement and enhance the character of its context through sensitive siting, layout and high-quality design. It goes onto state that all new development will be required to meet high design standards.
- 9.105. Policy BL11 of the Bloxham Neighbourhood Plan and BSC2 of the Cherwell Local Plan require all new development to not exceed 30 dwellings per hectare. The supporting text (paragraph B.102) to policy BS2 makes clear that it is important to make efficient use of land. It goes onto state that in general, new housing should be provided at a net density of at least 30 dwellings per hectare and that the density of housing development will be expected to reflect the character and appearance of individual localities. Based on a net developable area of 3.72 Hectares and the development of 130 dwellings, the density is expected to be 35 DPH. Policy BSC2 refers to *at least* 30 dwellings per hectare. The author of the policy clearly therefore considered that 30 DPH is not a maximum figure. Given the shortfall in Cherwell's

housing land supply and the governments commitment to build 1.5 million homes over the next 4 years there is a need to make effective use of land in sustainable locations such as this. I do not therefore consider the development would be in conflict with Policy BL11 or BSC2.

9.106. The Cherwell Residential Design Guide states a *High quality design supports a positive legacy, leaving successful places which are both functional and beautiful, which engender a sense of community, are long lasting and age well.*

9.107. The application has been submitted in outline with all matters reserved except access. Matters surrounding the layout, scale and appearance of the dwellings will all be dealt with through the submission and approval of reserved matters should planning consent be approved.

9.108. The applicant has submitted a Design and Access Statement which provides an overview of how the development has taken account of the sites opportunities and constraints. The Cherwell District Council Urban Design Officer has advised that the submitted DAS clearly illustrates how the design principles have been informed by the site's constraints and opportunities.

9.109. In commenting on the landscape framework, the Urban Design Officer goes onto state that planting to the site's southern boundary would reinforce containment with the open space and attenuation feature on the western corner of the site helping to retain the prominent tower of St Mary's church within the Bloxham Conservation Area.

9.110. The residential layout is considered to provide a sensitive frontage and low-key gateway into the scheme whilst the majority of the development parcels would be contained perimeter blocks with clear residential frontages and private rear gardens.

9.111. The Urban Design Officer provided a number of amendments/clarifications in their response dated 14th October 2024. The applicant has provided a response to their comments in their response dated 20th December 2024. At the time of writing this report we are still awaiting comments from the Urban Design Officer in response to the latest consultation as to whether his previous comments had been satisfied.

9.112. Third parties have raised concerns over the loss of privacy and amenity as a result of the development. As the application is in outline matters surrounding loss of privacy and amenity will be considered at the reserved matters stage.

9.113. Subject to no objection from the Urban Design Officer, policy ESD15, BL11 and BSC2 of the Cherwell Local Plan (2015) are considered to be accorded with along with C28 and C30 of the 1996 LP.

Infrastructure.

9.114. Policy INF1 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.

9.115. Oxfordshire County Council have requested a developer contribution towards the expansion of Bloxham Primary School and towards special education. A contribution was previously requested by OCC towards replacing the temporary classrooms at the Warriner School (Secondary School). Oxfordshire County Council subsequently advised that this contribution was no longer required as this project had been fully funded.

- 9.116. The contribution towards Bloxham Primary School is being sought towards the final phase of the expansion of the primary school in order to create a new larger hall and kitchen and create space to support the delivery of the curriculum. OCC have advised that this phase of the capital project has been costed at £2.866 million. Of this £0.434 m of the cost has already been secured through Section 106 funding secured by the Council to mitigate the impact of new housing within the schools catchment area, leaving a shortfall of £2.224m.
- 9.117. Funding has therefore been sought by OCC towards completing the necessary capital works to expand the school. OCC have advised that the capital works were phased in response to a shortage of capital funding, but it became unreasonable to delay this final phases any longer to the detriment of pupils at the school. OCC have referred to Department for Education Guidance (paragraph 15) in their response which makes clear that *When school places have been forward funded, you can secure developer contributions to recoup the monies spent, including interest, fees, and expenses as well as the principal sum spent.* OCC have requested a contribution of £1,242,300 towards the expansion of facilities at the primary school. This contribution was based on the 150 unit scheme, we are currently awaiting a revised contribution for education based on the 130 dwelling unit scheme.
- 9.118. The applicant did submit an Education Report which reviewed the education landscape in relation to the proposed development. The applicant initially considered that the contribution requested was not CIL Reg 122 Compliant stating *as the school is already operating at 420 places, and has a published capacity at that quantum. The contribution is not therefore adding capacity, but is instead solving a pre-existing problem not related to the growing number of places available in the area.* Following discussions with the applicant they have formally agreed to the S106 contribution requested towards primary education.
- 9.119. The Oxfordshire County Council Pupil Place Planning Manager has provided a response (Email dated 01/04/2025) to the Education Report to clarify that whilst the contribution is not about increasing classroom space it is for the expansion of accommodation required for increased pupil numbers. The pupil place manager has also reviewed the cost place figures contained in the Education Report which are higher than those quoted by Oxfordshire County Council.
- 9.120. Paragraph 56 of the NPPF requires local planning authorities to consider whether otherwise unacceptable development could be made acceptable through the use of condition or planning obligations. The Department for Education Guidance makes clear that when school places have been forward funded you can secure developer contributions to recoup the monies spent.
- 9.121. I consider that due to the increased number of primary school aged children attending Bloxham Primary school the contribution requested towards primary education meets the three tests contained in paragraph 58 of the NPPF in terms of being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 9.122. A contribution of £118,038 (Note this is based on 150 dwellings and we are currently awaiting on a revised contribution based on 130 dwellings) has also been sought towards Special Education Provision serving the development. The proposed development is expected to further increase demand for places at special schools in the area, and a contribution towards the expansion of special schools is therefore sought based on the percentage of the pupil generation who would be expected to require places at a special school. OCC have based their contribution on pupil census data. The Education Report submitted by the applicant has confirmed

(paragraph 7.6) that the contribution is justifiable. The Special Education provision is therefore considered to meet the three tests contained in paragraph 58 of the NPPF.

9.123. Other developer contributions have been requested towards this development can be summaries as follows:

- Expansion and efficiency improvements of Household Waste Recycling Centre. £13,244
- £117,805 towards creation of additional clinical capacity at Bloxham and Hook Norton Surgery or an identified primary care estates project in the local area to serve the development. As part of their response the ICB have provided evidence to demonstrate that the cross internal area of the practices at Bloxham and Hook Norton are below the NHS England size standards. There is therefore a need to reconfigure Bloxham and Hook Norton surgery in order to provide additional clinical space and to improve the existing GP services to accommodate the increase in population.
- The Recreation and Leisure team at Cherwell District Council have requested the following contributions towards:
 - Enhancement of Community Hall Facilities in the locality based on 2.4 person per dwelling = £143,261.04
 - Outdoor Sport provision based on £2,017.03 per dwelling = £262,213.9. This contribution is considered to accord with policy BSC11 and the CDC Playing Pitch Strategy which identifies the need for improved pitches at Bloxham Recreation Ground.
 - Indoor Sports provision contribution based on £335.32 per occupier of each dwelling based on 2.4 person per dwelling. = £104,619.84. This contribution will go towards improving indoor sport provision at Banbury Spice Ball and Wood Green Leisure Centre.
 - Community Development Worker contribution of £18,724.80. The Community Development Worker would help integrate residents into the community and wider area.
 - Community Development Fund. Based on £45 per dwelling = £5,850. This contribution is considered to accord with the aims of chapter 8 of the NPPF and promoting health and safe communities, specifically the aim of promoting social interaction.
 - Public Art. A contribution of £250 per dwelling plus 5% management and 7% maintenance has been requested towards public art. Based on the above this would amount to £32,500 based on 130 dwellings plus £1,625 for the management fee and £2,275 for the maintenance fee. No details have been provided on what public art this will be used to fund so I do not consider that it would meet the three tests contained within paragraph 58 of the NPPF. The applicant has however agreed to pay this contribution so this is a benefit in the planning balance.

9.124. Oxfordshire County Council have requested a financial contribution of £114,699 towards highway improvement works in order to improve cycle infrastructure of route 7 as outlined within the Banbury LCWIP. They have also requested a contribution towards public transport services, of £172,380 to support the provision and

enhancement of bus services serving Bloxham. A Travel Plan Monitoring contribution of £1,985 has been requested to enable the Travel Plan to be monitored for a period of five years.

9.125. Oxfordshire County have provided further information in their response to back up the above contributions and demonstrate how they meet the three tests contained in paragraph 58 of the NPPF.

9.126. The applicant has also agreed to pay the above contributions should planning consent be granted.

Other Matters

9.127. As set out above, Thames Water's latest comments have raised an objection to the proposed development. In their response they refer to an inability of the existing foul water network infrastructure to accommodate the needs of the development proposal. They go on to request that a condition is attached to any planning permission that would restrict the occupation of the dwellings until upgrades to accommodate the additional flows of the development have been completed or a development and infrastructure phasing plan has been agreed with the LPA in consultation with Thames Water to allow the development to be occupied. Their latest comments do not align with their comments dated December 2024 in which they raised no objection nor raised concerns over the capacity of the foul network to accommodate additional flows. Their comments dated December 2024 were in conjunction with a larger scheme of 150 dwellings. Further advice has therefore been sought from Thames Water to better understand how and why their position has changed.

9.128. It is also worth noting that the Inspector deciding the appeal at Tadmorton Road, Bloxham (APP/C3105/W/23/3329533) for 60 dwellings referred to the Environment Agency's comments on that application which made reference to a recently completed scheme to increase the capacity of flows at Bloxham Sewage Works. The Inspector went on to state that *there would appear to be foul water infrastructure in place to accept flows associated with the proposal. Thames water also note that there is inability of the existing water network infrastructure to accommodate the needs of this development proposal. However, Thames Water and the Council suggest that this matter should be dealt with via condition. With regard to this particular scheme and in the absence of any further detailed evidence regarding water pressure, I have no reason to disagree with this approach, were I minded to allow the appeal. To conclude on this matter there is nothing to indicate that the development could not be adequately served by water infrastructure.*

9.129. The above appeal was subsequently dismissed by the Inspector so the capacity available would not have been taken by the 60 dwellings scheme proposed.

9.130. Until the foul capacity issues have been resolved I do not consider that attaching a condition that requires the reserved matters to come forward sooner than the standard 3 years would meet the required tests contained in paragraph 57 of the NPPF. Such conditions are being looked at by CDC in order to speed up housing delivery given the shortfall in housing delivery.

10. PLANNING BALANCE AND CONCLUSION

9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.

- 9.2. It seems plausible that additional residents living on the edge of a sustainable village would result in additional spending in local shops and services both within Bloxham and further afield. The economic objective of the NPPF is therefore satisfied.
- 9.3. The development of 130 dwellings which would include affordable homes (35%) along with bungalows would help meet the social objective of sustainable development, ensuring sufficient and a range of homes are provided.
- 9.4. Whilst the development will result in a net loss of on-site habitat units, this will be offset through development or purchasing of off-site/credits. The environmental objective of the NPPF is therefore met.
- 9.5. Cherwell's current poor housing land supply position means sites previously considered unsuitable and not require need to re-considered providing the adverse impacts of granting consent do not outweigh the benefits. At the same time, the government through the NPPF makes clear reference to the need to significantly boost the supply of housing. This has been re-iterated through the governments written ministerial statement and the need to build 1.5 million homes over the next 4 years.
- 9.6. It has been demonstrated that the development will not have a significant adverse impact on landscape, highways, flood risk and drainage. At the same time the applicant has committed to meet current shortfalls in infrastructure as a result of the development through financial contributions which will be secure by way of S106 Agreement.
- 9.7. It is therefore recommended that planning consent is approved subject to conditions.

11. RECOMMENDATION

That permission is granted, subject to conditions and Section 106 Legal Agreement, further details on which will be provided in due course, and subject to overcoming the Thames Water objection.

Appendix 1.

