

**Land Adjoining And West Of Bloxham Recreation
Ground South Newington Road Bloxham**

25/02895/OUT

Case Officer: Nicola Wheatcroft

Applicant: David Wilson Homes South Midlands

Proposal: Outline application with All Matters Reserved except for access, for up to 95 dwellings (Use Class C3) with associated works

Ward: Adderbury, Bloxham And Bodicote

Councillors: Councillors Gordon Blakeway, David Hingley, Rob Pattenden

Reason for Referral: Major development of 10+ dwellings

Expiry Date: 31 July 2026

Committee Date: 23 July 2026

**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 is a broadly rectangular parcel of land approximately 6 hectares in size located to the north-west of South Newington Road, and to the south of the village of Bloxham, outside of the village within the open countryside. To the north is the David Tyrell Recreation Ground and properties in Colesbourne Road. The western part of the site is bounded by the Slade Nature Reserve to the north and a mature hedge forms the western boundary. Access would be provided from South Newington Road.
- 1.2. Bloxham is one of more sustainable villages in the District falling within Category A of the Settlement Hierarchy of the Cherwell Local Plan 2011-2031 ('CLP 2015'). The village has a range of services including primary school, private secondary school, GP surgery, dentist, shop, post office, pubs, museum, and petrol station.

2. CONSTRAINTS

- 2.1. The application site is flat, former agricultural land. Bloxham Conservation Area is located approximately 165m away from the nearest part of the site with development in between. There are no listed buildings within the vicinity of the site.
- 2.2. A public footpath ref:298 4a/10 runs along the northern boundary of the recreation ground before turning south-west towards Milcombe.
- 2.3. The Slade Nature Reserve is located immediately to the north of the site.
- 2.4. The site is mainly located within Flood Zone 1 and not at risk of flooding from rivers. The northern part of the site is within an area of surface water flooding.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Outline planning permission is sought for up to 95 dwellings with all matters reserved for subsequent approval. The application is accompanied by a parameter plan which shows the site divided into two for housing purposes and separated by a green corridor. Two attenuation basins are proposed to the north of the site, with access provided from South Newington Road. Also submitted is an illustrative framework masterplan and indicative layout plan. These show formal frontages facing northwards onto the recreation area and adjacent housing area.
- 3.2. The illustrative layout is based on a developable area of 2.66ha which equates to a density of 35 dwellings per hectare. Landscaping and drainage are proposed around the north of the housing with a large area to the west to provide a buffer between the development and nature reserve.
- 3.3. *Timescales for Delivery:* The agent has advised that, in the event that planning permission is granted, they anticipate development commencing within 36 months.

4. RELEVANT PLANNING HISTORY

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

Application Number	Proposal	Decision
19/01705/OUT	Outline planning application for the erection of up to 95 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from South Newington Road. All matters reserved except for means of access.	Withdrawn
25/01763/SO	Screening Opinion in accordance with Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - Residential development of up to 125 dwellings (Use Class C3), and associated works.	Application is not EIA development and ES not required.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

Pre-app Number	Proposal	Outcome
25/01621/PREAPP	Residential development of up to 125 dwellings (Use Class C3), and associated works.	See below

- 5.2. The pre-application advice recommended that further work is carried out in order to reduce the impact on the character and appearance of the locality, including views towards the Grade I Listed Church.

It concluded that in light of the Council's housing land supply position, that provided the scheme was altered to reflect the comments stated the harm to the character and appearance of the locality of developing the site would likely be outweighed by the benefits of providing housing in the district.

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 (amend as appropriate). The final date for comments was **4 March 2026**, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. The comments raised by third parties are summarised as follows:

- Principle of development - Unsustainable location; Cumulative impact of 220 houses already permitted in Bloxham; Impact on infrastructure capacity, school places, public transport
- Impact on character of the area - Erode the rural edge of the village; Impact on historic village and community character
- Impact on amenity - Loss of privacy and light; Disturbance during the construction phase
- Impact on highway safety - Access problems, poor visibility; Increase in highway congestion; Highway safety problems
- Other matters – the proposal would lead to flooding of surrounding area; exacerbate drainage problems; Impact on wildlife, loss of biodiversity; Overshadowing of footpath.
- Non-planning matters raised - Impact on desirability of area and property prices

- 6.3. Cllr David Hingley writing as a County Councillor has raised concerns about the 4 other major residential developments recently granted permission in Bloxham and the cumulative impact in particular on the highway network;

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

7. RESPONSE TO CONSULTATION

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

- 7.2. BLOXHAM PARISH COUNCIL: **Objects** on the grounds of unacceptable flood risk and highway safety impacts, material harm to village character, recreation provision and settlement form and conflict with the statutory development plan.

- 7.3. OCC HIGHWAYS: **No objection**, initially the Highway Engineers objected on highway safety, connectivity and operational grounds. Following discussions with the applicants more information has been provided and the scheme refined addressing the concerns.
- 7.4. OCC LEAD LOCAL FLOOD AUTHORITY: **Objection**
- 7.5. OCC EDUCATION: **No objection**, subject to S.106 contribution towards primary and nursery provision.
- 7.6. OCC WASTE MANAGEMENT: **No objection**, subject to a S.106 contribution towards the expansion of the Household Waste Management Centre.
- 7.7. OCC ARCHAEOLOGY: **No objection** subject to conditions.
- 7.8. OCC MINERALS AND WASTE: **No comments**.
- 7.9. CDC STRATEGIC HOUSING: **No objection**, subject to the provision of 35% affordable housing secured by a S.106.
- 7.10. CDC RECREATION AND LEISURE: **No objection** subject to S.106 contributions towards community hall facilities, indoor and outdoor sports provision and public art.
- 7.11. CDC URBAN DESIGN: **No objection** following submission of revised parameter plan
- 7.12. CDC ENVIRONMENTAL PROTECTION: **No objection** subject to conditions on noise and contamination.
- 7.13. CDC BUILDING REGULATIONS: notes that the proposal is subject to the Building Regulations and will require an application to be submitted to a Building Control body for approval.
- 7.14. CDC PUBLIC RIGHTS OF WAY: **No objection**.
- 7.15. INTEGRATED CARE BOARD: **No objection** subject to a contribution of £86,066 towards additional clinical capacity at Bloxham and Hook Norton Surgery or other identified primary care estates project in the local area via S.106 agreement.
- 7.16. THAMES WATER: **No objection** subject to conditions and informative.
- 7.17. BERKSHIRE, BUCKINGHAMSHIRE AND OXFORDSHIRE WILDLIFE TRUST: **Objection** on potential impact on The Slade LNR and DWS (hydrological and recreational); Impact on UK priority species including breeding birds; Net gain in biodiversity should be in perpetuity; The management of hedgerows in order to achieve biodiversity net gain.

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)

- PSD 1: Presumption in Favour of Sustainable Development
- BSC 1: District-Wide Housing Distribution
- BSC 2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC 3: Affordable Housing
- BSC 4: Housing Mix
- BSC 10: Open Space, Outdoor Sport and Recreation Provision
- BSC 11: Local Standards of Provision – Outdoor Recreation
- BSC 12: Indoor Sport, Recreation and Community Facilities
- ESD 1: Mitigating and Adapting to Climate Change
- ESD 3: Sustainable Construction
- ESD 5: Renewable Energy
- ESD 6: Sustainable Flood Risk Management
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD 8: Water Resources
- 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
- ESD 17: Green Infrastructure
- Villages 1: Village Categorisation
- Villages 2: Distributing Growth across the Rural Areas
- Villages 4: Meeting the Need for Open Space, Sport and Recreation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control
- ENV1 – Environmental pollution
- TR7 - Development attracting development on minor roads
- H18 - New Dwellings in the Countryside

DRAFT CHERWELL LOCAL PLAN (DCLP) limited weight can be attributed to the Regulation 19 DCLP at this stage as it has not been tested at examination

- 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.

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

BLOXHAM NEIGHBOURHOOD PLAN

- BL1: 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.

8.4. A draft modified Bloxham Neighbourhood Plan has been prepared with the Plan passing the examination stage and the Inspectors report was published on 11 May 2026. This confirmed that subject to subject to modifications set out in the examiners report the Plan meets the basic conditions. It was recommended that the plan once modified proceed to referendum on the basis that it has met all the relevant legal requirements. The draft Neighbourhood Plan will now go before Cherwell District Council Executive Committee on 16th June in order to seek approval for it to proceed to referendum. The referendum must take place within 56 working days of the Council making the formal decision to proceed to a referendum.

8.5. The amount of weight at this stage to be attributed to the draft Neighbourhood Plan has therefore increased from limited to either significant or substantial. It is an emerging development plan document. However, it does not carry full weight as it has not passed the referendum stage, is not adopted and does not form part of the development plan against which planning applications are required to be assessed against. The following policies are considered relevant:

- BL1: Spatial Plan for Bloxham
- BL3: Connectivity
- BL4: Parking
- BL5: Housing Mix

- BL7: Residential Amenity
- BL8: Local Infrastructure
- BL9: General Design Guidance

8.6 Other Material Planning Considerations

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

9. APPRAISAL

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

- Principle of development
- Design and impact on the character of the area and landscape, including designated heritage assets
- Highways Matters
- Residential amenity
- Drainage
- Ecology impact

Principle of Development

Policy Context

- 9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 (‘CLP 2015’), the saved policies of the Cherwell Local Plan 1996 (‘CLP 1996’) and the policies in the Bloxham Neighbourhood Plan (‘BNDP’).
- 9.3. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. This is outlined in Policy BSC1 of the CLP 2015. With regards to villages, the plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does, however, advise that there is a need within the rural areas to meet local and Cherwell-wide needs and therefore allows for an appropriate and proportionate amount of growth in the rural areas.
- 9.4. Strategic Objective SO7 of CLP 2015 refers to the requirement to meet the housing needs of all sections of Cherwell’s Communities, particularly the need to house an ageing population.

- 9.5. Policy ESD1 of CLP 2015 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.
- 9.6. Policies Villages 1 (PV1) of CLP 2015 categorises the villages in Cherwell. Bloxham is categorised by PV1 as being a Category A Village. These are the most sustainable villages as stated by the supporting text in paragraph XXII. PV1 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 PV1 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.
- 9.7. The CLP 2015 Policies Map does not contain settlement boundaries for settlements within the District. The adopted Bloxham Neighbourhood Plan does not identify a settlement boundary for the village either. However, it should be noted that The Modified Bloxham Neighbourhood Plan 2025 does contain a settlement boundary although this plan has significant weight it does form part of the development plan.
- 9.8. Whilst limited weight can be attributed to the Regulation 19 Draft Cherwell Local Plan (DCLP) at this stage as it has not been tested at examination, Policy SP1 of the draft plan continues to identify Bloxham 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.
- 9.9. Policy Villages 2 (PV2) of the CLP 2015 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.
- 9.10. Saved Policy H18 of the CLP 1996 refers to the development of dwellings beyond the built up limits of settlements.
- 9.11. The latest Cherwell District Council Annual Monitoring Report dated December 2025 confirms that Cherwell District Council can only demonstrate a housing land supply of 3.1 years. PV1 and PV2 along with H18 and BSC1 cannot therefore be considered up-to-date. Policy PSD1 of the CLP 2015 and the paragraph 11 (d) of the NPPF which set out the presumption in favour of sustainable development are therefore engaged.
- 9.12. Policy PSD1 of the CLP 2015 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.
- 9.13. 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.

9.14. 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.

9.15. The Bloxham Neighbourhood Plan ('BNDP') was made 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).

9.16. As Cherwell District Council cannot demonstrate a five year housing land supply, the presumption in favour of sustainable development applies. The BNDP became part of the development plan in 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 BNP cannot therefore be considered up-to-date.

9.17. Bloxham Parish Council has prepared a new neighbourhood plan. The draft BNDP 2024-2042 is at an advanced stage having been through examination, and should now be afforded either significant or substantial weight as an emerging development plan document. The Executive Committee agreed on 16 June 2026 that Draft Modified Neighbourhood Plan meets the Basic Conditions with the Examiner's proposed modifications and resolved to send the Neighbourhood Plan (as modified) to referendum and that a Decision Statement be issued. At the time of writing this report the date for the referendum has not been fixed. Until the referendum has taken place and the plan is adopted the BNDP does not carry full weight in the planning process. Only once the referendum has taken place and the draft neighbourhood Plan made does it become part of the Development Plan and full weight be given to its policies.

9.18. The NPPF 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 area's identified housing need, including with an appropriate mix of housing types for the local community.

9.19. 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. In order to achieve this objective it is clear that sites in sustainable locations should be considered for development.

Assessment

9.20. The application site is located outside the built up limits of the settlement, in light of which Policy Villages 2 is central to assessing the acceptability of the proposal. The policy states that *“a total of 750 homes will be delivered at Category A villages”*.

9.21. The development would not be in accordance with the development plan’s allocations – the site is not allocated for development, over 750 dwellings have been delivered at Category A villages, and the overall goal of the CLP 2015 is to direct housing towards the most sustainable, metropolitan areas such as Banbury, Bicester and Kidlington.

9.22. However, given the current housing land supply within the district the tilted balance is engaged, and various appeal decisions (e.g. APP/C3105/W/23/3327213, July 2024; APP/C3105/W/23/3331122, May 2024) have established that this figure is not a cap or ceiling to development and that proposals at Category A villages that are otherwise acceptable can nevertheless still be supported. Thus, the numerical element of PV2 is nullified and without effect, but this is the case anyway given the Council’s housing land supply position.

9.23. Policy Villages 2 states that *“In identifying and considering sites, particular regard will be given to the following criteria:*

- *Whether the land has been previously developed land or is of lesser environmental value*
- *Whether significant adverse impact on heritage or wildlife assets could be avoided*
- *Whether development would contribute in enhancing the built environment*
- *Whether best and most versatile agricultural land could be avoided*
- *Whether significant adverse landscape and impacts could be avoided*
- *Whether satisfactory vehicular and pedestrian access/egress could be provided*
- *Whether the site is well located to services and facilities*
- *Whether necessary infrastructure could be provided*
- *Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period*
- *Whether land the subject of an application for planning permission could be delivered within the next five years*
- *Whether the development would have an adverse impact on flood risk.”*

9.24. The majority of these criteria will be assessed in detail in the following sections of this report; however, it is self-evident that the site is not previously developed land. As detailed in later sections, the site is not of high environmental value and is not sensitive in heritage terms. With appropriate design and mitigation, significant adverse impacts on wildlife assets and the wider landscape could be avoided, satisfactory vehicular and pedestrian access/egress could be provided, and the development would contribute to enhancing the built environment.

9.25. The site is on the edge of a Category A village and it is considered that, subject to the provision of footpath and cycle way from the site to the village centre, the proposed development would be in a sustainable location and close to a wide range of facilities including a school, shops, community centres and has good transport links to towns including Banbury and Chipping Norton.

9.26. Concern has been raised by some of the local residents about the considerable level of future development in Bloxham. The Parish Council has stated that:

'the proposal is so substantial, and its cumulative effect with recent and other planned schemes would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale and location of new development that are central to the emerging Modified Bloxham Neighbourhood Plan.'

9.27. Officers acknowledge the concerns raised regarding the emerging neighbourhood plan and have given significant weight to those concerns in reaching their recommendation

9.28. Application 24/02541/OUT for up to 130 houses on land on the opposite side of South Newington Road was considered at Committee in May 2025. Another more recent application 25/01009/OUT for up to 100 houses on land east of Barford Road was considered at Committee in early June 2026. In both cases the Planning Committee resolved to grant the application and the S.106 agreement is currently awaiting completion.

9.29. Policy BL1 of the draft BNDP allocates four sites for housing development whilst looking to restrict housing outside of the settlement boundary. The draft BNDP has advanced through the adoption process, passing through the examination stage, and accordingly should now be afforded either significant or substantial weight in the decision-making process. It will only carry full weight once it has passed the referendum and is a 'made' plan forming part of the development plan against which planning applications are assessed.

9.30. Once the BNDP is adopted the current application would be contrary to the BNDP, in particular Policy BL1 (Spatial Plan for Bloxham). This states that development proposals will not be supported outside of the settlement boundary unless their use and scale are specifically suited to, or require, a countryside location. The adoption of the draft BNDP would meet the requirements of paragraph 14 of the NPPF, thereby disengaging the tilted balance and presumption in favour of sustainable development caused by the inability to demonstrate a five year supply of housing. But at the moment the draft BNDP is not adopted and does not therefore form part of the development plan. Therefore, the tilted balance still applies.

9.31. Bloxham Parish Council has objected to the application on the grounds of prematurity as set out in paragraphs 49 and 50 of the NPPF. Paragraph 49 confirms that weight may be given to relevant policies in emerging plans according to their stage of preparation as well as other factors. The Parish Council also refers to paragraph 50 stating that refusal may be justified where a proposal is of such scale or cumulative impact that granting permission would undermine the plan-making process by predetermining decisions central to the emerging plan.

9.32. Paragraph 50 of the NPPF states:

Arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

9.33. When assessing the proposal against paragraph 50, the application is a major application at 95 dwellings but it is considered that it is not so significant as to undermine the planning process and impact on the delivery of allocated sites. The impact of the proposed development is discussed in detail below with regard to matters such as highways, landscape and ecology. It is considered that granting permission for the development would not accord with the draft neighbourhood plan but it would not prejudice the delivery of other sites or the outcome of the plan-making process in line with paragraph 51 of the NPPF.

9.34. The provision of 95 dwellings would 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.

9.35. The applicant has confirmed that there are no land ownership constraints that would prevent the development coming forward should it be approved. They have confirmed that if planning permission is forthcoming they would be happy for the condition requiring the submission of reserved matters to be limited to 18 months rather than the standard 3 years. This would help ensure that the development is built in a timely fashion, helping to meet the Council's housing land supply figures and prevent landbanking of sites.

Conclusion

9.36. The provision of residential development on this site would assist in meeting the overall housing requirements of the district and would contribute to the provision of affordable housing in a sustainable location.

9.37. The latest housing supply figure for Cherwell District is calculated at significantly less than 5 years (3.1 years supply). As such the 'tilted balance' is engaged and there is a presumption in favour of sustainable development. The extent of this housing shortfall offsets the policy conflict in this instance, and the site is located on the edge of one of the more sustainable villages within Cherwell and would benefit from proximity to existing infrastructure and facilities. These matters will need to be weighed in the planning balance.

Design and impact on the character of the area and landscape, including designated heritage assets

Legislative and policy context

9.38. 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. 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 and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.

- 9.39. These aims are also echoed within Policy ESD15 of the CLP 2015 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness, stating that, new development proposals should respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly designed active public frontages.
- 9.40. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Furthermore, saved Policy C30 of CLP 1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.41. PV2 of CLP 2015 states that in identifying sites, particular regard will be given to:
- Whether land has been previously developed land or is of less environmental value;
 - Whether development would contribute in enhancing the built environment
 - Whether significant adverse landscape and impacts could be avoided
- 9.42. 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.

Assessment

- 9.43. The site is not identified as falling within the Area of Outstanding Natural Beauty or being within a locally designated valued landscape area. It does fall within the "Ironstone Hills and Valleys" landscape character area.
- 9.44. The application is accompanied by a Landscape Visual Impact Assessment (LVIA), which concludes that the proposal could be integrated without any notable adverse effects upon the receiving landscape character and visual environment.
- 9.45. The application site is bounded by the recreation ground and residential development in Colesbourne Road to the north, South Newington Road to the east and open countryside to the south and west. It is therefore considered that the site would be connected to the built form of Bloxham (via the recreation ground) and would not necessarily appear as a standalone development within the open countryside. It is considered that the site could be developed in a way that ensures it has connection to the existing built form.
- 9.46. Nevertheless, it is considered that the proposed development is in a prominent open location at the entrance to the village, would be readily seen from a relatively wide surrounding area and would have an urbanising effect on this currently rural, greenfield open area. This is particularly the case when considered in conjunction with the proposed development of the site on the opposite side of South Newington Road (application 24/02541/F), but the current proposal would have a greater visual impact than the aforementioned scheme owing to land levels, lack of enclosure and spatial relationship with the A361.

- 9.47. That said, the site is located adjacent to existing dwellings at Colesbourne Road, which turn their back on the countryside providing a relatively unattractive entrance to Bloxham when approaching from Chipping Norton. Thus, there is an opportunity to improve the village entrance and the way the edge of the village relates to the countryside with well-sited / orientated dwellings set in an appropriate landscape setting. It is the site's location adjacent to the southern edge of the village that means that, whilst it is open, rural and undeveloped, it is also viewed in conjunction with the adjacent housing. And further housing would not be inconsistent the character of the area. The relatively low density of housing proposed would help to ensure that a robust screening of the site could be introduced. It should be noted that the application is in outline and so all matters such as layout, landscaping and appearance will be dealt with at reserved matters stage.
- 9.48. The Council's Urban Design Officer ('UD Officer') notes that the application proposals have evolved since pre-application stage to allow greater space to the Nature Reserve and a view to the church. Concern was initially raised by the UD Officer that the parameter plan potentially promoted a loose layout form typical of suburban areas and not typical of Bloxham the historic and more attractive and locally distinctive parts of which have a more compact urban form. The parameter plan has subsequently been amended to address this point. The UD Officer also raised concerns about potential non-descript left-over spaces as a result of the dispersed arrangement of the dispersed arrangement of development and the open space. He also requested a more compact settlement form and a meaningful extension to the nature reserve. The parameter plan has been amended to show the development parcels having a stronger relationship with the existing built edge and recreation ground. The UD Officer is broadly happy with the additional information and raises no objection. The layout and form of development would be dealt with in depth when the reserved matters application is considered.
- 9.49. The vehicular entrance to the development would be from South Newington Road at the south-eastern end of the site. One of the weaknesses of the site is its location on the periphery of Bloxham separated from the village by the recreation ground. This has resulted in some difficulties in providing acceptable pedestrian and cycle links to the village. The only feasible pedestrian and cycle route, not crossing the recreation ground is using the highway verge to form a pedestrian/cycle way.
- 9.50. With regard to the acceptability of this arrangement from a highway safety perspective, discussions have been ongoing between the Local Highway Authority and the applicant on this matter. The highway alterations would be carried out as off site highway works and technical details are discussed below in the highways section of this report but the route has implications in terms of visual impact.
- 9.51. The provision of a cycleway along the length of the application site, the adjacent recreation ground and beyond would change the appearance of the area. The loss of the grass verge and potentially some trees would significantly alter the village entrance to Bloxham by removing the vegetation and introducing a more engineered 'hard' route dominated by hardstanding with housing and built development in the background. It would also necessitate retaining structures for a part of its length which along with the replacement of the existing grass verge with hardstanding would have a significant urbanising impact on the character and appearance of the South Newington Road from what is currently a semi-rural entrance to the village. The proposed pedestrian/cycle way weighs against the proposals.
- 9.52. That said, the harm from the current proposal could be mitigated to some degree by the retention of some of the hedge which runs along South Newington Road. It should also be noted that South Newington Road will also see some changes as a

result of the proposed development on the other side of the road (application 24/02541/OUT) including the introduction of a light controlled crossing.

- 9.53. The site is located away from the Conservation Area (CA) and there are which no listed buildings within proximity. A built heritage statement has been submitted which confirms that the CA and St Mary's Church are the designated heritage assets of most significance to the site. The distance from both church and CA is noted together with the intervening modern housing. The statement concludes that the proposed development would not result in harm to the significance of either the Conservation Area or the Church of St Mary, nor to any other designated or non-designated assets. The Officers agree with this interpretation.

Conclusion

- 9.54. It is noted that there would be some change to the landscape, and some moderate harm through development of a greenfield site. In addition, the provision of a 3 metre footpath / cycle way along the South Newington Road would have an urbanising impact and result in a significant change to the character of the street scene. However, the proposal would allow for retention of some the existing hedgerows and would enhance the planting around the Slade Wildlife reserve. The proposal would not cause harm to the key heritage assets. In addition, the proposal has the potential to provide a more aesthetically pleasing entrance to the village.
- 9.55. Overall, it is considered the proposal would result in some adverse effects in this regard and there is some degree of conflict with policies ESD15, BL11 and BSC2 of the CLP 2015 as well as C28 and C30 of the 1996 LP. This weighs against the proposals.

Highway Matters

- 9.56. Policy ESD15 of the CLP 2015 states that new development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions. Policy SLE4 states that all development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.
- 9.57. Paragraph 115 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) sustainable transport modes are prioritise taking into account or the vision for the site, 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, other transport elements and the content of associated standards reflects 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 through a vision led approach.
- 9.58. In addition to this paragraph 116 of the NPPF 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.

- 9.59. The proposed development would have access from South Newington Road, a new priority junction designed with a 5.5m carriageway and 2m footways on both sides is proposed. Visibility splays of 99m to the north and 90m to the south are achievable according to the applicant, and the 30mph limit is proposed to be extended along the Site frontage.
- 9.60. The means of access is a 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.
- 9.61. The Local Highway Authority ('LHA') objected to the application when initially submitted as the visibility splays for the site access were not in line with standards. There were also concerns about the reliability of the impact assessment and clarification was required on the methodology used for trip generation. These issues have all been resolved following discussions with the LHA.
- 9.62. However, one objection remained as the proposals did not provide safe and suitable access for all users, contrary to NPPF paragraph 115(b). The development would be accessed from South Newington Road in the south-eastern corner of the site. The access itself meets all the requirements regarding visibility and capacity, but failed to provide adequate pedestrian and cycle access to provide a safe and usable non-vehicular route to the village centre. Discussions have been on going between the applicant and the LHA to seek to resolve this issue.
- 9.63. The solution involves using the grass verge along the side of South Newington Road as the cycleway. The shared footway/cycleway is mainly 3.0 metres in width and would extend from the site entrance to the junction with Cumberford. However, there is a short section of approximately 25 metres where the width reduces to 2.8m, the LHA advising that for this section a 2.8m cycleway is acceptable in line with standards. As a result, the LHA no longer objects to the proposal. The proposed pedestrian and cycle link would be located outside the application site and carried out as off-site highways works.

Conclusion

- 9.64. The LHA has no objection to the proposal in terms of traffic generation and impact on the local highway network. And following discussions with applicant and revised proposals re the footpath/cycleway the LHA is satisfied that the proposal includes safe and suitable access for all users through the provision of an off-site shared pedestrian and cycle route. Therefore, the proposal is in line with paragraph 115 of the NPPF and Policy ESD15 of the CLP 2015.

Residential amenity

- 9.65. Saved 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 amongst other

things 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.

- 9.66. The application is in outline form at this stage; therefore, the detailed consideration of residential amenity will take place at reserved matters stage. However, several local residents have raised concerns about potential loss of amenity from overlooking. The submitted indicative masterplan shows the SUDS and landscaping closest to the proposed housing, providing a good buffer of at least 30m to existing dwellings.
- 9.67. It is considered that the proposed development can accommodate 95 dwellings without any significant impact on the amenities of the existing properties and proposed dwellings. It is therefore considered that the proposal respects the requirements of Policies C30 of CLP 1996 and ESD 15 of the CLP 2015.

Flood Risk and Drainage

- 9.68. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 181 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 9.69. Paragraph 182 of the NPPF continues by stating that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.
- 9.70. Turning to the Development Plan, Policy ESD6 of the CLP 2015, consistent with the NPPF, resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

- 9.71. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.
- 9.72. The site is located within a flood zone 1, which is land which has less than 1 in 1,000 annual probability of river flooding. The applicant submitted a Flood Risk Assessment as part of the application. The Lead Local Flood Authority (LLFA) initially raised an objection as the proposed drainage strategy was shown to discharge to the ground via soakaways and they required a minimum of 1m clearance to ensure the protection of groundwater quality.
- 9.73. Additional information has been submitted by the agent confirming that the required distance can be provided and the LLFA has been reconsulted. At the time of writing the report, the LLFA has not commented on the revised information. This matter is a technical issue, which can be overcome. Any comments from the LLFA will be reported within the written updates.

Ecology Impact

Legislative context

- 9.74. 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.
- 9.75. 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.
- 9.76. 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.
- 9.77. 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.

9.78. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy context

9.79. Paragraph 180 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.

9.80. Paragraph 186 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.

9.81. Paragraph 191 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.

9.82. 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.

9.83. 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.

9.84. 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.

9.85. 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

- 9.86. The application is accompanied by an Ecological Appraisal which documents the methods and findings of the baseline ecology surveys and desktop study carried out in order to establish the existing ecological interest of the site, informing an appraisal of the likely ecological effects of the proposals. Some concerns were raised by the Council's Ecologist about the submission; a number of these were also raised by Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT).
- 9.87. The application site is located adjacent to the Slade Local Nature Reserve (LNR) which contains habitats of principle importance such as wet woodland, lowland mixed deciduous woodland and lowland fen and numerous protected and notable species. The Council's Ecologist and BBOWT have concerns that habitat types that are vulnerable to changes in hydrology, both water quality and water quantity and there may be a potential negative impact as a result of changes in hydrology from the development. In order to address this the Council's Ecologist requires the submission of a scheme for approval prior to commencement of hydrological mitigation for the LNR with baseline measures, monitoring and remediation proposals.
- 9.88. Policy ESD 10 of the CLP 2015 requires that impact on UK priority species should be avoided. Thus appropriate bird surveys should be undertaken prior to consideration of the application. This hasn't happened in this instance so the Council's Ecologist has requested the submission of bird surveys together with a mitigation scheme which includes 15m buffer each side of hedgerows (without footpaths to ensure their continued function for wildlife) and to refuge areas which are inaccessible to the public/dogs. This should help to ensure that the impact on birds is kept to minimum in line with Policy ESD 10.
- 9.89. The District licence route will be pursued for Great Crested newts and specific conditions are proposed to control this matter.
- 9.90. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Infrastructure

- 9.91. Policy INF1 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.92. Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –
- (a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development

9.93. Oxfordshire County Council have requested a developer contribution of **£960,298** towards the expansion of Bloxham Primary School and special education. The applicants have raised concerns about these sums are not currently justified based on the existing capacity and space. Discussions will continue on this matter and Members will be updated at the meeting.

9.94. Oxfordshire County Council Highways have requested the following financial contributions:

- Traffic Regulation Order - relocation of Speed Limit on South Newington Road - **£3820**
- Public transport services **£129,580** Continuation and improvements to Public Transport Services serving the site.
- Travel Plan Monitoring **£2035** monitoring of travel plan over a 5-year period.
- Public Rights of Way **£45,000** improvements to the Rights of Way surrounding the site

9.95. The Recreation and Leisure team at Cherwell District Council have requested the following contributions towards:

- Improvement/expansion or enhancements of Community Hall Facilities in the Bloxham based on 2.4 person per dwelling for 95 dwellings = **£104,690.76**
- Outdoor Sport provision to go towards improvements to Bloxham recreation ground, based on 95 dwellings = **£266,791.00**
- Indoor Sports provision contribution off-site indoor sport contribution towards the expansion / enhancement of indoor facilities at Woodgreen Leisure Centre or towards a new facility in the locality based on 95 dwellings = - **£101,131.00**
- Public Art a contribution based on 95 dwellings of **£24,752.00**

9.96. The integrated Care Board have requested **£86,088** towards additional clinical capacity at Bloxham and Hook Norton Surgery or an identified primary care estates project in the local area to serve the development. The applicants would

10. PLANNING BALANCE AND CONCLUSION

10.1. In determining this application the Council is required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine the application in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Cherwell Local Plan 2011-2031 Part 1, saved policies of the Cherwell Local Plan 1996 and the Bloxham Neighbourhood Plan.

- 10.2. The proposed development would not accord fully with the Development Plan. The application site lies outside the existing built form of Bloxham, on greenfield land within the countryside. The proposal would therefore conflict with the spatial strategy of the Development Plan and would also conflict with the emerging Modified Bloxham Neighbourhood Plan, which has progressed through examination and is awaiting referendum. Significant weight is afforded to this conflict.
- 10.3. The proposal would also result in the loss of open countryside and would have an urbanising effect on the southern approach to Bloxham. Whilst the submitted parameter plans, landscape strategy and ecological enhancements would assist in mitigating these impacts, it is acknowledged that the development would change the character and appearance of the site and its surroundings. Moderate adverse weight is therefore attributed to the identified landscape and visual harm.
- 10.4. Against this, substantial weight must be given to the benefits arising from the proposal. The development would deliver up to 95 new dwellings, including 35% affordable housing, contributing towards both market and affordable housing needs within the District. The delivery of new housing attracts significant positive weight. The affordable housing provision is a particularly important benefit given the recognised and continuing need for affordable homes and attracts very substantial positive weight.
- 10.5. The latest published housing land supply position demonstrates that Cherwell District Council is only able to demonstrate approximately 3.1 years of deliverable housing land supply. This represents a significant shortfall against national policy requirements and is a matter that attracts substantial weight in favour of proposals capable of delivering housing in sustainable locations. The application site adjoins a Category A Village, one of the most sustainable rural settlements within the District, where residents would have access to a broad range of services and facilities. The site's location therefore attracts moderate positive weight.
- 10.6. The proposal would also generate economic benefits during both the construction and occupation phases of development and would support local businesses and services. Further benefits would arise through ecological enhancement, biodiversity net gain, on-site open space provision and financial contributions towards local infrastructure, education, healthcare, recreation, transport and community facilities secured through the Section 106 Agreement. These benefits attract moderate positive weight in the planning balance.
- 10.7. The Council cannot currently demonstrate a five-year supply of deliverable housing land. Consequently, the most important policies for determining the application are out-of-date and the presumption in favour of sustainable development set out within Policy PSD1 of the Cherwell Local Plan and paragraph 11(d) of the NPPF is engaged. The application must therefore be assessed on the basis of whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
- 10.8. Officers have attached significant weight to the conflict with the spatial strategy of the Development Plan and the emerging Modified Bloxham Neighbourhood Plan, together with the landscape and visual impacts arising from the development of this greenfield site. However, these harms are not considered to give rise to any unacceptable impacts in respect of heritage assets, highway safety, residential amenity, ecology or other technical matters that could not be appropriately mitigated through conditions and planning obligations.

10.9. Having regard to the Council's substantial housing land supply shortfall, the sustainable location of the site adjoining a Category A Village, the delivery of up to 95 dwellings including 35% affordable housing, and the associated economic, social and environmental benefits arising from the development, it is concluded that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF taken as a whole.

10.10. Accordingly, and applying the presumption in favour of sustainable development, the proposal constitutes sustainable development and planning permission should be granted subject to the completion of a Section 106 Agreement and the conditions set out below.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR - PLANNING TO GRANT PERMISSION AND SUBJECT

- i) TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- ii) THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

- **Provision of 35% affordable housing on site based on a 70:30 social rent and shared ownership tenure splits.**
- **Payment of financial contributions towards improvements to off-site community and healthcare, policing services and infrastructure.**
- **Payment of contributions towards transport and public transport enhancements.**
- **Off-site transport improvement works.**
- **Payment of contributions towards education provisions.**
- **Payment of contributions to Health infrastructure.**
- **BNG provisions related to HMMP and monitoring fees.**
- **Appropriate monitoring fees for the delivery of the s106.**
- **Commuted sums and maintenance provisions for open spaces/recreational facilities.**

FURTHER RECOMMENDATION: IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED BY 31st July 2026 AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR - PLANNING IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING

REASON: 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 and provisions required as a result of the development and necessary to make the impacts of the development

acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies BSC3, BSC10, BSC11, BSC12, SLE4 and INF1 Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework.

CONDITIONS

Time Limit

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of 18 months from the date of this permission and the development hereby permitted shall be begun either before the expiration of 18 months from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

2. Details of the layout, scale, appearance, access and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

Compliance with Plans

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans
 - Site Location Plan, prepared by Savills - 715976 –
 - Bloxham - 01 Red Line
 - Development Framework Plan, prepared by Savills - 715976 - Bloxham - FP01A Framework Masterplan
 - Parameters Plan, prepared by Savills - 715976 - Bloxham - parameter plans
 - Landscape Strategy Plan- forming part of the Green Infrastructure Strategy (CSA) o Access drawing- 4456 F01 Rev E- Proposed Site Access (for approval)

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Contamination

4. Prior to the development commencing full details of the mitigation measures (glazing and alternative means of ventilation) required to achieve satisfactory internal levels in all habitable rooms as specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.

Reason: In order to safeguard the amenities of the occupiers of the dwellings hereby permitted in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

5. Prior to the development commencing full details of the mitigation measures (glazing and alternative means of ventilation) required to achieve satisfactory internal levels in all habitable rooms as specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.

Reason: In order to safeguard the amenities of the occupiers of the dwellings hereby permitted in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential or other sensitive properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with the occupiers of those properties shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason: To ensure the environment is protected during construction in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework

8. If remedial works have been identified in condition 7, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 7. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

9. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

10. No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk.

11. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development" The developer can request information to support the discharge of this condition by visiting the Thames Water website at

thameswater.co.uk/preplanning.

12. Prior to the first occupation of any dwelling, a Residential Travel Plan meeting the requirements set out in the Oxfordshire County Council guidance document, Transport for New Developments; Transport Assessments and Travel Plans (March 2014) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved revised Residential Travel Plan.

Reason - To encourage occupiers to use sustainable modes of transport.

13. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

14. No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details and shall be retained and maintained as such thereafter. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

15. Prior to first occupation of the development hereby approved a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in full accordance with the approved LEMP including any/all timescales set out therein.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

16. No development shall commence (including demolition, ground works, vegetation clearance) unless and until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include as a minimum:

- Risk assessment and mitigation of potentially damaging construction activities
- Identification of 'Biodiversity Protection Zones'
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- The location and timing of sensitive works to avoid harm to biodiversity features
- The times during construction when specialist ecologists need to be present on site to oversee works
- Responsible persons and lines of communication

- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

17. Prior to the first use of the development hereby approved details of the external lighting/security lighting/floodlighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the approved scheme prior to the first use of the development hereby approved and shall be operated and maintained as such at all times thereafter.

Reason: In the interests of visual amenity and highway safety and to protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

18. No development shall commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The HMMP shall include:

- a non-technical summary
- the roles and responsibilities of the people or organisation(s) delivering the HMMP
- the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan.
- the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the approved completion date of the development
- the monitoring methodology and frequency in respect of the created or enhanced habitat
- Details and number and location of bird and bat boxes to be provided.
- Notice in writing shall be given to the local planning authority when the: HMMP has been implemented
Habitat creation and enhancement work as set out in the HMMP have been completed.
- The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP or such amendments as agreed in writing by the local planning authority.
- Monitoring reports shall be submitted to the local planning authority in writing for approval in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

19. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR150, or a 'Further Licence') and with the proposals detailed on plan "Land Northwest of South Newington

Road: Impact plan for great crested newt District Licensing (Version 1)", dated 7th April 2026.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML OR150, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

20. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR150, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

21. No development shall commence until bird surveys and a mitigation scheme for birds has been submitted to and approved by the local planning authority. This shall include a commitment to a 15m buffer each side of hedgerows (without footpaths to ensure their continued function for wildlife) and to refuge areas which are inaccessible to the public/dogs.

Reason: To ensure that the development does not cause harm to birds, protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

INFORMATIVES

1. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

2. If works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council. This is separate from any planning permission that may be granted.

CASE OFFICER: Nicola Wheatcroft