

**Site Address: Land South Of Milton
Road, Bloxham**

14/01017/OUT

Ward: Bloxham and Bodicote

District Councillor: Cllrs Chris Heath & Lynda
Thirzie Smart

Case Officer: Gemma Magnuson

Recommendation: Approval

Applicant: Mintondale Developments Ltd

Application Description: Residential development comprising up to 85 dwellings with access and associated infrastructure

Committee Referral: Major Development

Committee date: 04 September 2014

1. Site Description and Proposed Development

- 1.1 The site is situated south of the village of Bloxham, on the south side of Milton Road. The site lies within an Area of High Landscape Value and a Public Footpath (FP 136/4) cuts across the site from north to south. The Common Swift has been identified in the vicinity of the site. The land is potentially contaminated.
- 1.2 The application seeks outline planning permission for a residential development comprising up to 85 dwellings with access and associated infrastructure. Matters of appearance, landscaping, layout and scale are reserved.
- 1.3 The development has been the subject of a previous application for the same development 12/01139/OUT. The application was refused planning permission on 06 December 2012. An Appeal against the refusal was subsequently lodged and allowed on 23 September 2013 following a Public Inquiry.
- 1.4 The Inspector approved the application subject to, amongst others, Condition 2 that states;
- 1.5 *“Application for approval of the reserved matters shall be made to the local planning authority not later than once year from the date of this permission.”*
- 1.6 Whilst pre-application discussions with a developer have taken place an application for the approval of reserved matters has not been forthcoming. The Agent does not consider that an application will be submitted by 23 September 2014. The current application therefore seeks to extend this time limit.
- 1.7 The documents submitted as part of 12/01139/OUT have been resubmitted with the current application and the proposal has not altered.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was 24 July 2014. 89 letters were received, all objecting to the application. Due to the large number of responses received the comments have been summarised. Please refer to file for full versions.
 - Another application to turn Bloxham into a city.
 - Lack of school places, primary school is full, children will need to be driven out of the village to school.
 - Where will the water come from? Problems with water pressure and supply at

the moment.

- Overloaded sewerage system.
- Outdated/non-maintained infrastructure
- Major traffic problems and congestions, especially at rush hour.
- Mini roundabout at A361 is already at capacity, it will not cope.
- No more houses for Bloxham.
- Flawed sustainability arguments
- OCC will not provide additional primary school places
- Traffic study is out of date, there have been additional developments since; 2 x Adderbury and a distribution warehouse in Banbury.
- Potential for flooding remains unchanged.
- No joined up thinking between two adjacent sites.
- Inappropriate density and design will further urbanise Bloxham.
- Contrary to the 'Keep Bloxham Rural' campaign.
- Bloxham is being developed at 12 times the rate of most rural villages which is unreasonable.
- What has happened to expansion in the other areas around Banbury?
- Calls into question thoroughness of work being undertaken and potential inquiry into why this has happened.
- Development is opposed by 94% of residents in recent village questionnaire.
- Transport plan is out of date.
- No safe cycleways from development to local schools or north side of Banbury where employment opportunities exist.
- Further accidents waiting to happen.
- Other developers are queuing up for other sites in Bloxham – perhaps these developers should be sent to the back of the queue.
- Milton Road will be more of a rat run with housing a Adderbury end aswell.
- Impact on mothers walking children to school.
- Developers are picking off larger villages as the focus on local Councils who have not updated housing plans quickly enough.
- This is not Localism it is blatant opportunism.
- Village has already more than fulfilled its contribution to local housing requirements.
- Large villages are being picked off as soft option.
- Current climate, pace and density houses will take ages to sell.
- Mintondale should be deferred as failed to abide by the rules.
- Traffic on this road at school time is dreadful, will only get worse.
- Drainage capacity, water pressure and electricity supply problems currently, will only exacerbate the problems.
- Potential residents will need to travel for employment.
- Increased need for health and social care services.
- Loss of agricultural land.
- Hope footpath is preserved.
- About to experience major disruption from agreed building in village.
- Deliberate flouting of process following Public Inquiry and conditions set.
- Repeat application by developer who has concerns at being unable to secure a builder for the site in time to submit full planning application.
- Milton Road is a rural road, increased traffic already experienced as a result of other developments.
- Residents have difficulty in accessing and leaving their homes on Milton Road due to traffic.
- Traffic backs up through village, proposed solution to the extra burden on the mini-roundabout would have involved removal of the cycle path.
- No updated Transport Assessment has been provided.
- Cyclists need to use pavement on A361 to get to Banbury
- More commercial vehicles
- Wall collapses on A361 – due to extra traffic?
- Salt Way development will further add to traffic.

- Doctor appointments/health facilities stretched to limits. Surgery would find it difficult to expand due to GP shortages.
- Intermittent power supply raises concern over use of pumps to aid site drainage.
- Harm and visual intrusion into countryside.
- Environmental pollution, especially for those walking with pushchairs or wheelchairs.
- Not sustainable; will not benefit village or enhance local economy, does not improve social wellbeing of residents, traffic will increase environmental pollution.
- Development has proven that it is not deliverable at the timescale set.
- Indicated lack of interest from builders who probably realise Bloxham is being 'super saturated' with new housing.
- Not fair to keep developing our village whilst leaving others untouched.
- Two bed terraces are not wanted by housebuyers so why increase the housing density in our village with these homes that end up being bought by Housing Associations using public money?
- Material submitted by the developer is out of date.
- Reference to Oxfordshire Local Transport Plan 2011-2030 – would expect OCC to object to the proposal or undertake immediate remedial action before further housing development.
- Existing problems with cars in High Street – nearly knocked off of pavement, dog was run over two years ago on pavement, fear this will only get worse.

3. Consultations

3.1 Bloxham Parish Council object to the application:

Bloxham Parish Council (BPC) strongly objects to this re application.

In BPC's view this application is exactly the same as the original application 12/01139/OUT that was originally refused by Officers and Councillors at Cherwell District Council (CDC) in 2012.

BPC anticipate that Officers and Councillors will also view this application on its own merits and not as a necessity to allow a developer extra time to achieve a set condition.

This is still a speculative opportunist development in a village that should not be subject to additional housing, if the Submitted Local Plan is to be trusted.

The application was only approved after a Planning Inquiry in 2013 and subsequently recovered by the Secretary of State, who believed the site would be completed within a designated timescale.

The main reason for granting approval was based on the Appellant's argument that CDC could not demonstrate a five year housing land supply. This was further endorsed by CDC's consultant agreeing to this as a matter of fact. These conclusions were reached in the absence of a clear methodology having been recommended in either the NPPF or the NPPG.

To facilitate early delivery of the site, conditions were set as to the time for a reserved matters application to follow.

The Secretary of State agreed with the Planning Inspector's conditions with regards to time limits. Should this application be approved then it will set a precedent to allow

other speculative developers to flout conditions set. This in turn will further jeopardise CDC's housing land supply.

On granting approval Conditions were imposed, one of which being;

a Reserved Matters application to be submitted within one year from the date of the decision (23rd September 2013).

As the current application submitted in June 2014 cites

"There is concern that these details may not be ready for submission prior to the 23rd September 2014..."

In May 2014 correspondence was being exchanged between an interested party and CDC relating to this site. Yet it is felt that the September deadline may not be achieved, as shown in the most recent correspondence, indicating that potential builders may have concerns as to the viability and deliverability of this site.

With this in mind BPC contend that this application fails to comply with NPPF 47 footnote 12

"12 To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged."

The developer and their Counsel went to great lengths to convince the Inspector that there were builders queuing up for this site. Yet they have found the need to reapply due to there not being enough time to bring a Reserved Matters application to CDC.

This application has been submitted with the flawed documents from the previous application, with no change to accommodate for the additional developments that have been given approval in the interim. Since this application was heard there has been approval given for not only the application on the Barford Road but also for two further nearby developments in Adderbury on the same Milton Road. Approval has also been given for development on Tadmarton Road in Bloxham.

The cumulative impacts of these developments should now be included in any document submitted for this application to enable an accurate assessment as to the effects on the sustainability of Bloxham.

Housing:

The two recently built developments on the Milton Road (135), windfall (15) and approved developments (135), indicate that Bloxham's housing stock will have increased by 285 houses since 2009. This figures includes approximately 100 Affordable Homes. This is without the 85 for this application.

Para 015 NPPG

"Household projections published by the Department for Communities and Local Government should provide the starting point estimate of overall housing need"

As referenced in the recent SHMA this data is only till 2021. The SHMA argues that further projections need to be made to ensure accurate forecasting.

Data with a longer projection would eliminate the need to review the Local Plan to account for variation of demographic and economic changes that may occur throughout the Plan's life.

Housing need projection should be regularly analysed to prevent volatility in any set of years incorrectly influencing later projections.

The 2014 SHMA has not been consulted on and has been demonstrated to be flawed by the Council for the Protection of Rural England (CPRE) in its critique of the SHMA by Alan Wenban-Smith M.A. MRTPI MSc, (copy attached).

Whilst there is any question as to the robustness of the data, a cautious approach should be taken. There should not be a rush to implementation of a potentially flawed methodology, especially if it would result in development that is in direct contradiction to the Submitted Local Plan (SLP).

Unless there is a complete reversal of CDC stance with regards to sites to accommodate housing development then villages are not to be the first call for additional development.

Sustainability:

Bloxham is consistently being referenced as a sustainable village. Sustainability, as described in the NPPF, is not an absolute matter. Therefore it is open to interpretation. The fact that a village has a Primary school, Secondary school, Doctors surgery etc. should not be taken in isolation, the ability for these services to be accessed by the community is the more important measure. It is not sustainable if children cannot access the primary school and dental appointments have to be carried out in Banbury.

Sustainable development is mutually dependant on economic, social and environmental gains.

It is not a matter of just seeking land to satisfy housing projections, but also the need for economic stability to enable house purchases to be made without returning to the sub-prime era.

Social:

Sustainable development should demonstrate a benefit to the Social aspect of a community and not adversely affect the access of services for existing and new residents due to facilities such as schools, doctors and dentist not having the capacity to cope or expand.

It is not enough to have a primary school in a village. Residents must be able, should they wish, to have access to the school.

Environmental:

Any development should contribute to protecting and enhancing our natural, built and historic environment, by helping to improve biodiversity minimise waste and pollution. This development will not enhance the natural environment; due to its location it will remove the existing green soft edge to Bloxham.

Given the lack of appropriate public transport this development will contribute to increased pollution as residents will need to rely on the car to access employment. The referenced cycle paths are not suitable for safe journeys. The additional housing would be in place before any amendments or changes to the current infrastructure could be made, and at present there do not appear to be any existing or emerging plans to improve the village infrastructure.

Sustainable development should not adversely affect the environmental infrastructure of a location.

Economic:

There is no evidence that this development will contribute to building a strong competitive economy. This application is not part of a coordinated approach to development that ensure appropriate provision of infrastructure.

For the previous application the report from the Inspector following the Appeal Inquiry recorded;

"116. I accept that Bloxham has seen a considerable amount of development since 2001 and note that residents consider it to be now 'full' [66]. However, as the appellants have pointed out there is no objective evidence to show that the character or functionality of Bloxham have been unduly harmed by this development. The Planning Obligation (see below) would address the pressures on local infrastructure and services as identified by the Council and the village is sustainable in relation to other rural locations. For these reasons I cannot accept that the quantum of development can be a determining factor in this appeal."

This indicates that whilst the Inspector accepted the considerable level of development in Bloxham, he gave the evidence provided by BPC no weight, because it was not backed up by CDC or Oxfordshire County Council (OCC). It is now necessary for both CDC and OCC to accept their responsibility in ensuring that services are available within Bloxham for all residents of Bloxham.

Education:

OCC rely on the Planning Obligations to mitigate the pressures on the local infrastructure.

For education the requested funding was for expansion of other nearby village schools where there was capacity to expand. Such expansion would enable OCC to accommodate the need demonstrated within the immediate vicinity of those schools but it does not indicate where children from Bloxham will be provided with Primary Education. It can be estimated that approximately 17 Primary school aged children will result from the Tadmerton Road development, adjacent to the primary school, a further 17 from Woodlands Gardens (now it is complete) and a further 17 from Barford Road. Given that Bloxham primary School is at capacity now, where are these children to be educated?

Highways:

The planning Inspector notes;

"131. Traffic matters, particularly relating to the mini-roundabout and the Barford Road/Milton Road junction, were a concern of many third parties and the parish council [67]. However, the highway authority had no objection to the proposed scheme on the condition that a sum of money was provided in mitigation. This sum of money has been agreed by the appellants and would be added to that already acquired from the recently permitted schemes. This would allow the highway authority to implement a suitable scheme at the junction. I note that the sums acquired from the other sites remains unspent, but do not consider that this necessarily means, as suggested by the Parish Council, that it is proving impossible to find worthwhile improvements. The highway authority indicated in their consultation reply to the planning application that they considered it feasible that improvements could be introduced either directly at the junction or elsewhere within the area to ease the pressure on the junction. In light of this I am not persuaded that the issue of traffic is one that justifies dismissing the appeal."

In OCC's 2014 Travel plan there is no mention of any mitigation for the A361 in this area.

NPP Guidance: "When are Transport Assessment and Transport Statements required?"

Paragraph: 013 Reference ID: 42-013-20140306

"Paragraph 32 of the National Planning Policy Framework sets out that all developments that generate significant amounts of transport movement should be supported by a Transport Statement or Transport Assessment.

Local planning authorities must make a judgement as to whether a development proposal would generate significant amounts of movement on a case by case basis (i.e significance may be a lower threshold where road capacity is already stretched or a higher threshold for a development in an area of high public transport accessibility). In determining whether a Transport Assessment or Statement will be needed for a proposed development local planning authorities should take into account the following considerations:

- the Transport Assessment and Statement policies (if any) of the Local Plan;
- the scale of the proposed development and its potential for additional trip generation (smaller applications with limited impacts may not need a Transport Assessment or Statement);
- existing intensity of transport use and the availability of public transport;
- proximity to nearby environmental designations or sensitive areas ;
- impact on other priorities/ strategies (such as promoting walking and cycling);
- the cumulative impacts of multiple developments within a particular area;
- whether there are particular types of impacts around which to focus the Transport Assessment or Statement (e.g. assessing traffic generated at peak times).

Revision date: 06 03 2014 " (My emphasis)

BPC wish to point out that no cumulative traffic impact assessment had been carried out by Oxfordshire County Council (OCC).

Transport Public;

The bus service has a £122,000 subsidy from Oxford County Council and is the subject of a current review. At present there is no Sunday service and no late night service. Frampton's suggest that their Travel Plan will allow for buses to co-ordinate with trains for distance working. No other Travel Plan for the existing "new" developments in Bloxham has managed to achieve this. The bus service at present does not accommodate the varying patterns of the working day, so cars are a necessity. It is not practical to maintain that there are cycle paths into Banbury and neighbouring villages. The cycle paths, where they exist are meandering and are mainly for leisure. The A361 and the Milton Road are not safe roads for cyclists due to hazards presented by both the increased traffic and heavy goods vehicles.

Water;

Thames Water has already stated in its response to this application (submission 11/09/12 " has identified an inability of the waste water infrastructure to accommodate the needs of this application ") it would require additional infrastructure being put in place (via a Grampian Agreement – this is a negative agreement and as such does not seem to be considered as a suitable agreement by certain Planning Authorities). Thames Water has concerns that there is a strong possibility of an increase in sewage overflow (this has already occurred in the village), and it can only guarantee to meet the minimum requirements for water pressure and water flow (1 bar and 9 litres/min). Residents are already subject to frequent loss of water and reduction in water pressure.

In the Cherwell District Draft Local Plan ESD 8

“development will only be permitted where adequate water resources exist, or can be provided without detriment to existing uses”.

Drainage;

BPC's original objection to the use of attenuation ponds still stands.

It should be noted that the possible interested party to the development is also concerned as to the long term management implications of such ponds. As OCC do not have the jurisdiction to manage this type of drainage arrangement it will fall to a management company to undertake the task and there will in consequence be an additional charge to the eventual residents of the development. This is not planning

for the future and reducing costs and risks to the environment and residents.

The Design Statement shows the use of balancing ponds on the site: - this would appear to be raising further the prospect of a hazard, in a public area.

As with the proposed development on the Barford Road, it appears that the developer is determined to use ponds as a method of alleviating the drainage problems associated with these sites. There is no information as to how or by whom these "ponds" will be serviced, cleaned and maintained free from potentially harmful insects and algae. Frampton's do not show how small children will be prevented from accessing the ponds and play safely in this area.

This concern still stands and appears to be endorsed by the recent correspondence between OCC and CDC.

Note e mail 16tMay between Tim Screen and Gemma Magnuson and Michael Deadman. (attached)

"We at SLS are concerned about the future adoption and maintenance of the balancing ponds... these types of issues have caused delays to the adoption process in the past"

Flood Risk:

The risk of flooding in this area of Bloxham is growing, due to the recent increase in dwellings along the Milton Road. The two recently developed estates rely on pumps and balancing ponds to cope with the excess drainage problem. The swale running alongside the development on the North side of the Milton road has shown an increased tendency to overflow. This is a problem that Frampton's clearly acknowledge in their documents (Flood Risk Assessment Page17 states

"this site is more vulnerable to flooding".

According to the Environment Agency mapping, this location is shown to be in an area liable to surface water flooding.

There does not appear to have been any dialogue or consideration between this development and the development on the Barford Road, regarding a comprehensive drainage strategy.

As can be seen from correspondence regarding the Woodland Garden development, insufficient care and consideration was given to drainage issues. Correspondence between CDC, Bewley Homes and Mr Barker between March 2011 and August 2011 showing the need to change from the drainage plan submitted to one that had, in the end, to rely on a pumped solution.

Landscape:

This proposed development will extend the village residential boundary, and further encroach into the countryside surrounding Bloxham. This development, as with all such developments in open countryside, will be seen from significant distances so will cause significant undue harm to the character of the countryside, and it is inappropriate to indicate otherwise.

This development together with the two recent approvals in Adderbury on the Milton Road, will lead to an obvious gross encroachment into the green fields between Bloxham, Adderbury and Milton.

Whilst the Inspector admitted that there is no mention of protection of farming land for the future, it is short sighted to continue to allow coalescence of villages in the countryside. The removal of significant hedgerows forming boundaries between fields and replacing these with built form will cause significant and adverse effects on both the landscape and the ecology of an area.

Right of Way:

This development shows a Right of Way, passing through the built form of the site, public rights of way in the countryside's are normally viewed as a place where you can "admire the view," how will this be possible through a housing estate? The route proposed will mean that this part of the footpath loses its defined identity and in future walkers may be challenged about their rights to walk through this development from the Milton road to the Barford Road.

At present both CDC and OCC appear to acquiesce to a layout that shows a footpath through a development. It would have shown greater sensitivity and been admirable if both parties had insisted that the footpath remain as it is and the development, if necessary, be located behind a natural barrier of trees or hedging, both of which would aid the drainage on this site.

Section 106 contribution.

Prior to the Planning Inquiry for the previous application S 106 agreements were decided and a legal agreement drawn up between Cherwell District Council and Oxfordshire County Council and the landowner, James Clive Barker, Linda Jane Barker, Andrew Barker and Susan Barker dated 23rd April 2013. If it is decided to hear this application and for a decision to be made in favour of the application then Bloxham Parish Council would expect to be involved in any subsequent Legal Agreement discussions concerning the allocation of S106 funding. BPC would in addition also expect the terms of any subsequent Legal Agreement referencing S106 funding to be equal in value if not better than the existing Legal Agreement.

If this application was to be approved, BPC would expect CDC to negotiate an agreed course of action with regards to the provision for play areas on site (LAPS and LEAPS) and involve BPC.

3.2 Milton Parish Council **object** to the application:

Milton Parish considers the proposed development does not conform to the Draft Local Plan. This is not a sustainable location, is not poor agricultural land and the proposed development does not conserve or enhance the countryside (SO12). The proposed development does not reduce dependency on the car (SO13). The proposed development will cause undue visual intrusion into the open countryside (ESD 13).

3.3 Barford St John and St Michael Parish Council:

No comments received.

3.4 South Newington Parish Council **object** to the application:

The Parish Council makes its comments on the assumption that Cherwell District Council will consider this application on its merits and not simply as an administrative adjustment to decisions previously made in relation to application 12/01139/OUT.

South Newington Parish Council objects for the following reasons:

1. In allowing the appeal of application 12/01139/OUT for the same development of the Milton Road site the Secretary of State set conditions that (a) the reserved matters should be submitted to CDC before any development begins, (b) CDC should approve the reserved matters within one year from the date of the Secretary of State's permission letter (i.e. on or before 22 September 2014), and (c) development should begin not later than one year from the date of approval of the last of the reserved matters to be approved.

If this new application is approved because the applicant has not been able to comply

with even the first condition of the Secretary of State's decision it will:

- frustrate the Secretary of State's objective of obtaining a rapid increase in housing supply;
- set a precedent that developments can be delayed contrary to approval conditions and permissions will still be extended. This can only encourage further speculative planning applications and increase the difficulties of rational infrastructure planning and community development. It will do nothing to ensure early delivery of additional housing.

2. The proposed development must now be assessed in the knowledge that two other significant developments have been approved in Bloxham, one of which, on Barford Road, has a known national house builder and is therefore likely to go ahead in the near future. It is therefore now virtually certain that:

- Bloxham Primary School will be unable to take children from outside Bloxham
- the junction of Barford Road and the A361 will be over capacity at peak times
- there will be higher demand on the medical and dental practices in Bloxham, which may make it increasingly difficult for them to accept patients from the surrounding villages unless they are able to expand.

South Newington Parish Council understands that the education authority had agreed s106 contributions towards the expansion of primary school facilities but is not planning to increase the capacity of Bloxham Primary School. Instead it is considering small increases in capacity elsewhere, including Hook Norton.

Currently the schools most commonly attended by children from South Newington are Bloxham Primary School and The Warriner School. However the schools' admissions policies mean that Bloxham residents take precedence. The approved developments in Bloxham means that it is virtually certain that in future South Newington parents will be forced by lack of space at the Bloxham schools, and the uncertain schools expansion policy, to send their children to a variety of other schools. This will reduce the cohesion of the young people in South Newington, to the detriment of their social lives and those of the village generally.

Employment patterns and the location of shopping and other facilities means that the majority of traffic from the approved developments on Barford Road and Tadmerton Road, and from the development on Milton Road if application 14/01017/OUT is approved, will use the junction of the A361 and Barford Road, Bloxham. It is acknowledged by developers and the highway authority that this junction is already at or over capacity at peak times, causing significant delays. Additional traffic from Milton Road, Barford Road and Tadmerton Road in the morning peak will cause additional delays at the mini-roundabout for residents of South Newington travelling to or through Bloxham. Increased delays are also likely on the A361 near the shops in the centre of Bloxham.

Again it is understood that the County Council, as the highways authority, has negotiated s106 funds to investigate improvements to the Barford Road/A361 junction but it is difficult to see what improvements can be made other than the introduction of traffic lights to reduce the effect of Barford Road traffic having precedence at the morning peak. Significant and increasingly delays are likely to occur if application 14/01017/OUT is approved, given that the Barford Road development is now in progress.

It is theoretically possible for the medical and dental practices to expand but it is not certain that they have either the desire or the space and resources to do so.

3. The proposed development is in open countryside outside the built boundary of Bloxham. The topography, uses and tree and hedge cover of the surrounding fields mean that the development will be visible from significant distances to the east and

southeast. It will therefore “cause undue visual intrusion into open countryside” contrary to draft Local Plan policy.

4. The proposed development is contrary to the policies for development in villages in the draft Local Plan. The additional 85 dwellings housing proposed in application 14/01017/OUT would exceed any reasonable allocation for Bloxham, given that two other developments have been approved and the Woodland Gardens development south of Milton Road has been completed. Between them these three developments will contribute some 200 dwellings without the proposed development south of Milton Road.

5. Policy Villages 1 of the draft Local Plan names South Newington as a satellite village of Bloxham because it is close to Bloxham and can improve the sustainability of both villages by using the educational, medical, shopping and entertainment facilities of Bloxham. Additional major development in Bloxham will threaten the viability of that concept by placing additional pressure on Bloxham Primary School, The Warriner School and the medical and dental practices, which South Newington Parish Council understands are effectively filled to capacity from the populations of the their current catchments. If current and future residents of South Newington cannot access these services they will be forced to travel further, causing inconvenience and additional costs and reducing the sustainability of South Newington.

7. It is not safe or practical to walk or cycle from South Newington to Bloxham because (a) the A361 lacks a footpath and the traffic is very heavy and (b) the unclassified road via the Barfords is very narrow. Cars must, therefore, be used to visit the shops in Bloxham but there is only limited parking (mostly on-road) in the centre of Bloxham, which is often very crowded at the current local population level. Any significant increase in the population of Bloxham, which the recently completed or approved developments, excluding the current Milton Road application make inevitable is likely to make parking unacceptably difficult. This means that residents of South Newington, having got into their cars, are likely to use facilities further afield, adversely affecting sustainability, increasing travel costs and reducing their use of the shops in Bloxham – all of which will tend to nullify the advantages of village clustering and be contrary to Local Plan and National Planning Policy Framework policies.

3.5 Milcombe Parish Council:

MILCOMBE PARISH COUNCIL makes the following comments regarding the above application for 85 dwellings, land south of Milton Road, Bloxham.

Bloxham Parish Council and Bloxham residents will make their own observations from the Bloxham village perspective and also anomalies contained within the developers application.

Milcombe Parish Council is seriously concerned about any further development in Bloxham which has already had more than double its allocation to 2031 and Milcombe has approved planning for a development of 29 properties when it was originally only allocated infill and extensions/alterations to existing properties.

This application is totally unsustainable with regard to infrastructure – both villages suffering low water pressure, frequent power cuts, a sewage system causing problems – all outdated and unable to cope with the current number of properties without further development.

Both villages suffer traffic congestion, particularly from HGV's as many use the main road through Milcombe either via their 'sat.nav.' systems or by local companies making their way to the A361 and then on through Bloxham. There is little likelihood of any highway improvements for either village.

However, besides transport problems, the main concern is that of shared facilities between the villages, i.e. Doctors, Dentist and Schools, which are already full to capacity. Pre-School and rising 5 children currently living in these villages have to be accommodated. The Horton General Hospital has been saved for the immediate future but will be hard pressed to cope with all the additional approved developments in the Cherwell pipeline.

Any further developments in Bloxham will cause serious impact on the residents of Milcombe and therefore Milcombe Parish Council urges Cherwell Planning officers and the Planning Committee to refuse permission of this application.

Cherwell District Council Consultees (in summary)

3.6 **Planning Policy:** no comments received at time of writing.

3.7 **Urban Design:** no comments received at time of writing.

3.8 **Strategic Housing Officer:** I have no objection in principle to the proposed residential development in this location.

There is to be a 35% affordable housing requirement which should provide a mix of 70/30 affordable rent and shared ownership or other such intermediate housing as agreed with the Council.

There will need to be a range of affordable housing types to be provided on site which will be determined at reserved matters application.

The clustering of affordable housing should not exceed 15 units together and no more than 10 affordable rent units together in one cluster.

The Registered Provider which takes on the affordable housing will need to be agreed with the Council

A minimum of 50% of the affordable rented homes will need to meet lifetimes homes standards together with 1 unit to meet wheelchair standards.

The affordable units should comply with the space standards detailed by the HCA.

3.9 **Environmental Protection Officer:** Land contamination may be an issue depending on any former potentially polluting activities that may have been undertaken from the site or even possible elevated levels of natural occurring contamination such as arsenic.

No information has been provided with respect to any risk assessment in this respect and so we would therefore make no adverse comment subject to imposition of appropriate safeguarding conditions

Conditions recommended.

3.10 **Arboricultural Officer:** no comments received at time of writing.

3.11 **Landscape Officer:** There is potential for POS/footpath connectivity with the Barford Road (Bovis) site. The most current Bovis proposals need to be judged against the connectivity proposed by Miltondale.

The western boundary hedgerow will be under threat of removal by occupiers in

future because of light restriction/shade issues on rear gardens. Given the importance of retaining this hedgerow for reasons of visual mitigation of homes on the Bovis site. RPA and the legal 'redline' boundary is to be overlaid over Tree and Hedgerow survey drawing to allow us to determine ownership, and to alleviate this pressure the units should be are to be located further away avoid the RPA and lessen potential light/shade/structural damage.

Similar issues are to be address for the southern hedged (Bloxham Business park) boundary.

There is no LAP or a LEAP This provision is essential must be designed into scheme in a sensitive manner.

The suggestions that attenuation tanks are to be under the play areas is a major concern. Reasons for our objection to this:

Forgotten, or lack of maintenance of SUDs (due to cost cutting) resulting in the build up of silt with subsequent saturation of play areas, where waterborne contaminants present a risk to children - resulting in closure of play areas.

Any excavations to repair or replace SUDs elements will mean the closure of the play areas during the course of the works that will result in no play opportunities on this development when play is crucial for a child's early development.

There is likely to be a issues relating to differential settlement of surfaces in play areas where trenching has been carried out, resulting in uneven surfaces and cracking. There must be no utility access boxes or manholes in the play area due to this reason.

These elements can become targets for unintended play, or vandalism, resulting in damage with subsequent H&S and cost implications.

The standard of play equipment and its play value will be diminished because of the reduced depth of foundations determined by the finished level of the SUDs tank, as larger play equipment will require deeper concrete foundations for stability. This will be detrimental to the early development of 2 -12 year old children.

SUDs under play areas appears to be an easy default option for the developer because of lower costs and 'easy' construction methods, as compared to locating them under permeable surfaces, where they should be to be adopted by OCC. The developer has obviously not addressed the quality of play provision, H&S issues, or the maintenance implications of SUDs attenuation under play areas!

Footpath connectivity with at least two gated entrances/exits for the LEAP play facility (for ease of escape if children feel threatened).

Adoptable highway to have prominent street trees within wide verges to accommodate increased soil volumes than normal. Greater environmental benefits and the wellbeing of residents will result. Tree planting to be mainly on the southern side of the adoptable street to negate light and shade issues.

No proposals for the southern area POS, west of Bloxham Business Park have yet been submitted. The PRoW requires a 2 metre wide macadam path link between the PRoW accesses on Barford Road and Milton Road. This is to enable ease of accessibility for all users (DDA compliance). 1 m wide close mown verges are necessary.

The Milton Road frontage hedgerow must be indicated on the drawing, then the

POS/buffer/private drive, proposed trees and footpath will be acceptable

The Inspector's Decision Notice mentions that the landscape impact and effect of the development when approaching from Adderbury should be mitigated by landscaping re the reinforcement of the hedgerows on Milton Road and the eastern site boundary. It is evident from the proposals that the east boundary, although separated from the build development by the access road does not provide the appropriate landscaping to satisfy this requirement.

Conditions are recommended.

- 3.12 **Ecology Officer:** The ecological survey report by ecolocation in 2012 stated that the pond on site (and the one in the adjacent field) had average potential to support great crested newts and therefore recommended that a newt survey was carried out. Since no further surveys have been carried out since, the possible presence of great crested newts on site is still an unknown factor.

The indicative layout for this application shows the existing pond being retained within the development. However, if the ponds are to be lost, a licence will need to be obtained prior to any development starting, and mitigation in the form of an alternative pond and suitable terrestrial habitat will need to be provided.

Great crested newts are known to be present in Bloxham, so it would not be unlikely for them to be found on site.

Condition recommended.

Oxfordshire County Council Consultees

Please note these comments have been summarised for the purposes of this report and the full versions can be viewed online via the electronic file.

- 3.13 **OCC Highways:** *no objection subject to conditions.*

Key issues:

Site history (12/01139/OUT) with associated S106 Agreement dated 23 April 2013.

Access arrangements previously approved.

Submitted DTA Transport Assessment (TA) dated August 2012 previously approved.

Layout design issue – future pedestrian and cycle link.

Legal Agreement required:

Section 278 Highways Act 1980.

Section 38 Highways Act 1980.

Section 106 Agreement Town & Country planning Act.

Conditions:

Same highway conditions quoted on decision notice for 12/01139/OUT are to be imposed on 14/00825/OUT (if approved by Cherwell District Council).

Other conditions and informatives relating to Right of Way and access arrangements suggested, please refer to file.

Detailed Comments:

The planning documentation (including the TA) that has been submitted for planning application 14/01017/OUT appears to be the same as approved at planning appeal

last year (ref 12/01139/OUT and APP/C3105/A/12/2189191 dated 23/09/2013).

I understand this planning application has been submitted to renew the existing outline planning permission. On this basis please refer to my previous comments for 12/01139/OUT for:

Access arrangements
Footway improvement
Traffic impact (TA assessment)
S106 transport contributions
Layout design issue

The Local Planning Authority (Cherwell District Council (CDC)) is currently considering a reserved planning application (ref 14/00761/REM) for the Barford Road site which is located to the rear of the Milton Road development site. This planning application has indicated an access road is to be provided between the two sites. Such a road link has not been discussed or promoted by CDC and the Local Highway Authority, and will not be accepted. A pedestrian and cycle link remains the preferred choice for a link between the two sites, which is to be shown in any future reserved application submissions for these sites. Such a link is to be secured by planning condition.

Travel Plan comments

Same contributions and conditions as previous application.

Oxfordshire County Council's Guidance on Transport for New Developments: Transport Assessments and Travel Plans (March 2014) or any subsequent document.

As the development has a previous permission on the site the conditions from that application for a travel plan will need to be transferred to this application.

Legal Agreements

The proposed site has a recently completed S106 Agreement associated with its outline planning permission (12/01139/OUT). This agreement will require amending/a new agreement will be required to secure the same highway works and transport contributions for 14/01017/OUT. The details of these works and transport contributions are to remain the same.

- 3.14 **OCC Rights of Way:** Bloxham Public Footpath 4 (136/4) runs through the site from a point in the northwest corner, across the field in a southerly direction and then continues along the edge of the next field until it joins with the vehicular access to Bloxham Mill Business Centre at the Barford Road. The footpath alignment shown on the site layout plan seems to reflect the line on the Definitive Map.

The path is shown to run through the northern part of the site as a surfaced route. A surface should also be provided along the remainder of the path so that an all weather route is available which will link the Milton Road with the Barford Road.

There are four access roads shown to cross the public footpath on the site layout plan. These roads are providing access to a small number of properties and vehicle movements will be low, however, they are still roads that have to be negotiated by pedestrians. This will be particularly onerous for people with small children. Ideally the footpath should provide an attractive, safe, traffic free route from the Milton Road to the Barford Road with as few interruptions as possible.

- 3.15 **OCC Education:** Approval, subject to conditions.

Key issues:

£336,341 Section 106 required for necessary expansion of permanent primary school capacity in the area. Bloxham Primary School is the catchment school for this development and has very limited spare places.

£353,354 Section 106 required for necessary expansion of permanent secondary school capacity in the area. The Warriner School is the catchment school for this development and has limited spare places.

£16,715 Section 106 required as a proportionate contribution to expansion of Special Educational Needs provision in the area.

Legal Agreement required to secure:

£336,341 Section 106 developer contributions towards the expansion of permanent primary school capacity serving this area, by a total of 29.04 pupil places. This is based on Department for Education (DfE) advice weighted for Oxfordshire, including an allowance for ICT and sprinklers at £11,582 per pupil place. This is index linked from 1st Quarter 2012 using PUBSEC Tender Price Index.

£353,354 Section 106 developer contributions towards the expansion of permanent secondary school capacity serving the area by a total of 20.08 pupil places (including 2.56 Sixth Form places). This is based on Department for Education (DfE) advice for secondary school extension weighted for Oxfordshire and including an allowance for ICT and sprinklers at £17,455 per pupil place and £18,571 per Sixth Form pupil place. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index.

£16,715 Section 106 developer contributions towards the expansion of permanent Special Educational Needs school capacity by a total of 0.55 pupil places. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index. We are advised to allow £30,656 per pupil place to expand capacity in special educational needs schools.

Conditions:

Planning permission to be dependent on a satisfactory agreement to secure the resources required for the necessary expansion of education provision. This is in order for Oxfordshire County Council to meet its statutory duty to ensure sufficient pupil places for all children of statutory school age.

Detailed Comments:

Bloxham Primary School has been expanded to the full extent of its site capacity, and further population growth in the village is likely to mean that not all children who live within the catchment will be able to secure a place at the school. However, some parts of the Bloxham catchment area are shared with three other schools. Although these schools are also under pressure, they are being studied for expansion, with one expected to expand in 2015, and at least one other subsequently. Therefore children generated by housing development within Bloxham could be accommodated at Bloxham Primary School, but with the following provisos:

Children moving in already of primary age are likely to have to travel to another school, with the consequent travel costs and inconvenience to parents;

The school will have to turn away younger siblings of out-of-catchment children who were able to get in while local demand was lower, with the consequent loss of amenity to existing residents;

In the smaller villages surrounding Bloxham, which have historically fed to Bloxham Primary School, it is likely that children will need to attend a different primary school, this being made possible by the expansion of that school.

Developer contributions will therefore be required towards this expansion of primary school capacity in the area, even though it may not be at Bloxham Primary School itself. Such expansion is a necessary action to ensure that the county council can meet its statutory duty to provide sufficient school places, and without such expansion, there would be a shortage of primary school places as a direct result of housing development.

Expansion of secondary school capacity in the area would be necessary as a direct result of housing development. This area feeds to the Warriner School, which is regularly oversubscribed, and effectively full. Paragraph 72 of the NPPF makes clear that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to expand schools to maintain, or widen choice in education. Without expansion of the Warriner School, housing development would adversely impact on the operation of parental preference and result in a loss of amenity to young people already living in the area, who would be less likely to secure a place at their first preference school as a direct result. As such it would go against the intention of NPPF para 72 by reducing the choice of school places available to meet the needs of existing and new communities.

If the Warriner School is not expanded, children who would otherwise have attended the school would be displaced to other schools in nearby Banbury. These schools currently have spare places, but these places will be filled as a result of the population growth which is already evident in the local primary schools. Secondary school capacity in Banbury will need to be expanded as these higher pupil numbers feed through, and therefore should the schools also be required to accommodate growth as a result of housing development in Bloxham, the scale of expansion would be greater as a consequence. Expansion of secondary school capacity either at the Warriner School or at schools in Banbury is therefore necessary to ensure the needs of the current and future populations can be met, and to ensure the council can meet its statutory duty to ensure sufficient school places. The previous application for this site was approved on appeal in September 2013 (Ref: APP/C3105/A/12/2189191). At that time, the Planning Inspector commented:

“122. In terms of education contributions the expected demands are based on the 2008 Oxfordshire Survey of New Housing and also take account of location, scale and mix of the dwellings, development phasing and attendance at non state funded schools. The information provided by OCC indicates that both the secondary and primary schools in Bloxham are effectively full and are oversubscribed. Contributions would go towards the expansion of the Warriner School in Bloxham and a neighbouring primary school. Costs are based on DfE cost multipliers for extensions of schools adjusted for regional variation and local requirements for ICT provision and fire suppression. The appellants have provided no evidence to contest that put forward by OCC and therefore, in light of the information before me, I find nothing to indicate that such a contribution would be contrary to the tests. However, in the light of my findings in the Barford Road case (2189896), where far more evidence was presented on this issue, the SoS may wish to seek further evidence before determining the suitability of the preferred undertaking in this regard.

123. The information provided by OCC for the contribution towards Special Educational Needs (SEN) indicates that the quantum of the required contribution is related to the mix of dwellings and the costs of previous extensions of SEN schools. The contribution would go towards the expansion of a Special School in Banbury for

which I note that a bid is currently being prepared. In light of the information before me I conclude that the required contribution for SEN complies with the tests.

In the other case referred to in paragraph 122 above (Ref: APP/C3105/A/13/2189896) the same Inspector also ruled the primary education and SEN contributions to be compliant, a decision that was confirmed by the Secretary of State. However, he ruled that the secondary education was not CIL compliant:

172 Overall I consider it would be unreasonable for the appellants to have to contribute towards secondary education need when the Warriner School currently makes provision for about 40% of pupils from outside the catchment area.

In essence, the Inspector in this case accepted the developer's argument that the secondary school in Bloxham would have space for the development's generation as out-of-catchment children would be displaced back to other schools, in Banbury.

However, in a subsequent appeal for a different site in Bloxham, (Ref: APP/C3105/A/13/2204000, Land to the south west of Tadmarton Road, Bloxham, Banbury, OX15 4HP, March 2014) the Inspector accepted the county's evidence that displacement of children to Banbury schools was not a cost-free solution, as those Banbury schools are themselves forecast to be filled as a result of existing local population growth. The Inspector in this, more recent, case ruled that all the requested education contributions were CIL compliant:

31. The County Council seeks contributions to primary, secondary and special needs education. Based on 60 dwellings the development is projected to generate a demand for 20 primary school places, 12 secondary school places and 2 sixth form places. Bloxham Primary School is effectively full and is oversubscribed and expansion of primary school capacity is therefore required. The Secondary School (including sixth form) at Bloxham (The Warriner) is similarly effectively full and is oversubscribed and its expansion is required. The contributions sought by the County Council are based on a cost multiplier per child and the Appellant does not dispute them. The contributions towards primary and secondary schools meet the CIL tests.

32. The contribution sought in respect of special education needs (SEN) is based on the likely increased demand for pupils requiring SEN provision and expansion of SEN capacity as a result of the increased school age population. The Appellant agrees to the contribution and I find that it is necessary, fairly and directly related to the development."

It is therefore the county's case that S106 contributions towards primary, secondary and SEN school capacity are CIL compliant.

3.16 **OCC Minerals:** *No objection.*

Key issues:

The proposed development would sterilise deposits of ironstone within the site and would prejudice the possible working of ironstone within adjoining land. It therefore needs to be considered against Oxfordshire Minerals and Waste Local Plan policy SD10. In view of the constraints on and uncertainty over the possible working of these mineral deposits, it is unlikely that the mineral sterilisation that would result from the proposed development would be sufficiently significant to justify safeguarding the ironstone deposits within the site against built development.

Detailed Comments:

Published BGS mapping shows the north eastern part of the application site to be underlain by deposits of ironstone, which form part of an outcrop of ironstone on the south east side of Bloxham, north and south of Milton Road. These deposits extend

across land adjoining the proposal site to the east.

The Council is not aware of any detailed geological information on the depth, extent and quality of these ironstone deposits, and there is no history of mineral working or of minerals industry interest in the immediate area. It is therefore uncertain whether there is a commercially workable deposit of ironstone in this area.

The proposed development needs to be considered against saved Oxfordshire Minerals and Waste Local Plan policy SD10 on protection of mineral resources. This policy dates from 1996 but it is consistent with the NPPF (paragraph 143, bullet 3). Under policy SD10, development which would sterilise the mineral deposits within this site should not be permitted unless it can be shown that the need for the development outweighs the economic and sustainability considerations relating to the mineral resource.

The proposal site is already constrained by housing and other development to the north, west and south, forming the south eastern part of Bloxham. The need for unworked margins (buffer zones) between the existing dwellings and any mineral working would significantly reduce the area of the site that could be worked for ironstone. It would also affect any working of the ironstone deposits within the land adjoining the proposal site to the east. The extent of these unworked margins would be increased by housing development on the proposal site but it is unlikely that this would greatly increase the quantity of mineral that would be prevented from being worked. In view of this, and taking into account the uncertainty over the commercial potential for them to be worked, I consider there to be insufficient justification for these mineral deposits to be safeguarded from the effect of built development and, accordingly, no objection should be raised to this proposed development on minerals policy grounds.

- 3.17 **OCC Drainage:** Cellular storage beneath ponds and detention basins would inhibit future maintenance. The developer will need to adhere to the requirement of the Flood and water Management Act 2010 when finalising their surface water drainage design. Prior to the development commencing on site, a full drainage design and calculations will need to be submitted to and approved by the Lead Flood Authority (Oxfordshire County Council).
- 3.18 **OCC Property:** no objection subject to conditions.

Key issues:

The County Council considers that the effect of the application forming this development will place additional strain on its existing community infrastructure.

The following development mix has been used:

1 no. x One Bed Dwellings
24 no. x Two Bed Dwellings
47 no. x Three Bed Dwellings
13 no. x Four Bed Dwellings

It is calculated that this development would generate a net increase of:

232.52 additional residents including:
17.7 resident/s aged 65+
157.75 resident/s aged 20+
21.02 resident/s aged 13 – 19

Legal Agreement required to secure:

Library £19,764
Waste Management £14,881
Museum Resource Centre £1,163
Adult Learning £2,524
Health & Wellbeing Resource £18,887

Total*

£57,219

*Total to be Index-linked from 1st Quarter 2012 Using PUBSEC Tender Price Index

Administration & Monitoring £5,000

The County Councils legal fees in drawing up and/or completing a legal agreement will need to be secured.

Conditions:

An alternative entrance to the development is agreed

The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. We would therefore ask you to add the requirement for provision of hydrants in accordance with the requirements of the Fire & Rescue Service as a condition to the grant of any planning permission.

Informatives:

Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems

Detailed Comments:

Library: Oxfordshire County Council has an adopted standard for publicly available library floor space of 23 m² per 1,000 head of population, and a further 19.5% space is required for support areas (staff workroom, etc), totalling 27.5 m². Adderbury Library is significantly below national library space standards. Contributions are based on the Cost of extending a library is £2,370 per m² at 1st Quarter 2012 price base subject to review. The proposal would generate the need to increase the core book stock held by the local library by 2 volumes per additional resident. The price per volume is £10.00. This equates to £85 per person at 1st Quarter 2012 price base.

The full requirement for the provision of library infrastructure and supplementary core book stock in respect of this application would therefore be based on the following formula: £20 x 232.52 (the forecast number of new residents) = £19,764

Strategic Waste Management

Under Section 51 of the Environmental Protection Act 1990, County Councils, as waste disposal authorities, have a duty to arrange for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of that waste. To meet the additional pressures on the various Household Waste and Recycling Centre provision in Oxfordshire enhancements to these centres are either already taking place or are planned, and, to this end, contributions are now required from developers towards their redesign and redevelopment. A new site serving 20,000 households costs in the region of £3,000,000; this equates to £64 per person at 1st Quarter 2012 price base £64 x 232.52 (the forecast number of new residents) =

£14,881

County Museum Resource Centre

Oxfordshire County Council's museum service provides a central Museum Resource Centre (MRC). The MRC is the principal store for the Oxfordshire Museum, Cogges Manor Farm Museum, Abingdon Museum, Banbury Museum, the Museum of Oxford and the Vale and Downland Museum. It provides support to these museums and schools throughout the county for educational, research and leisure activities. The MRC is operating at capacity and needs an extension to meet the demands arising from further development throughout the county. An extended facility will provide additional storage space and allow for increased public access to the facility. An extension to the MRC to mitigate the impact of new development up to 2026 has been costed at £460,000; this equates to £5 per person at 1st Quarter 2012 price base. $£5 \times 232.52$ (the forecast number of new residents) = £1,163

Adult Learning

The County Council is looking to improve and provide a more sustainable Adult Learning facility at Banbury Adult Learning. A new 2 classroom facility costs £440,000 at 1st Quarter 2012 price base. This facility will provide for 1,350 learners per annum; this equates to £326 per learner. At least 5% of the adult population are likely to take up adult learning; this equates to £16 per person. $£16 \times 157.75$ (the forecast number of new residents aged 20+) = £2,524

Health & Wellbeing Resource Centre – including Day Care Facilities

To meet the additional pressures on day care provision the County Council is looking to expand and/or improve day care facilities in Banbury Health & Wellbeing Resource centre. A new Day Care centre offering 40 places per day (optimum) and open 5 days per week costs £11,000 per place at 1st Quarter 2012 price base. Based on current and predicted usage figures we estimate that 10% of the over 65 population use day care facilities. Therefore the cost per person aged 65 years or older is £1,100. $£1,100 \times 17.17$ (the forecast number of new residents aged 65+) = 18,887

Administration

Oxfordshire County Council requires an administrative payment of £5,000 for the purposes of administration and monitoring of the proposed S106 agreement.

Indexation

Financial contributions have to be indexed-linked to maintain the real values of the contributions (so that they can in future years deliver the same level of infrastructure provision currently envisaged). The price bases of the various contributions are covered in the relevant sections above.

General

The contributions requested have been calculated where possible using details of the development mix from the application submitted or if no details are available then the County Council has used the best information available. Should the application be amended or the development mix changed at a later date, the Council reserves the right to seek a higher contribution according to the nature of the amendment. The contributions which are being sought are necessary to protect the existing levels of infrastructure for local residents. They are relevant to planning the incorporation of this major development within the local community, if it is implemented. They are directly related to this proposed development and to the scale and kind of the proposal.

Other Consultees

- 3.19 **Environment Agency:** we have no objection to the application as submitted, subject to the inclusion of a condition, detailed under the headings below, to any subsequent planning permission granted.

Without the inclusion of this condition we consider the development to pose an unacceptable risk to the Environment

Condition

Development shall not begin until a surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (RSK, Ref. 131733-R1(1), August 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

Demonstration that the surface water runoff generated by all storm events up to and including the 1 in 100, with appropriate allowance for climate change event will not exceed the run-off from the undeveloped site of 10.8 l/s for a 1 in 1 year storm and 15.6 l/s for the 1 in 100, with an appropriate allowance for climate change, storm event.

Demonstration that onsite storage will be of sufficient volume to safely contain the surface water runoff from all storm events up to and the 1 in 100, with an appropriate allowance for climate change, event. This is estimated in the FRA to be 857m³.

Demonstration that infiltration measures are used where possible, unless infiltration tests demonstrate that this is not practical.

Details of how the scheme shall be maintained and managed after completion.

Reason

To prevent the increased risk of flooding.

Thames Water:

- 3.20 Waste Comments

Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Surface Water Drainage - With regard to surface water drainage it is the responsibility

of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Supplementary Comments

No documentation containing confirmed details of the proposed drainage plan could be located on the local authority website. In order for Thames Water to determine whether the existing sewer network has sufficient spare capacity to receive the flows from the proposed development, a drainage strategy must be submitted detailing both the foul and surface water strategies. Details of any proposed connection points or alterations to the public system, including; calculated foul and surface water discharge rates (pre and post development), details of any attenuation and associated capacity requirement calculations, and details of incorporated SuDS, must be included in the drainage strategy.

If initial investigations conclude that the existing sewer network is unlikely to be able to support the demand anticipated from this development, it will be necessary for the developer to fund an Impact Study. To ascertain, with a greater degree of certainty, whether the proposed development will lead to overloading of existing waste and surface water infrastructure, and, if required, recommend network upgrades.

In accordance with the Building Act 2000 clause H3.3. Positive connection to a public surface water (or combined) sewer will only be consented when it can be demonstrated that the hierarchy of disposal methods have been examined and proven to be impracticable. The disposal hierarchy being;- 1st Soakaways; 2nd Watercourses; 3rd Sewer.

Thames Water's preferred option would be for all surface water to be disposed of on-site using SUDs.

4. Relevant National and Local Policy and Guidance

Development Plan Policy

4.1 Adopted Cherwell Local Plan (Saved Policies)

H5: Affordable housing

H12: New housing in rural areas

H13: Category 1 settlements

H18: New dwellings in countryside

TR1: Transportation funding

R12: Provision of public open space

C2: Protected species

C7: Topography and character of the landscape

C13: Area of High Landscape Value
C27: Development in villages to respect historic settlement pattern
C28: Layout, design and external appearance of new development
C30: Design of new residential development
ENV12: Contaminated land

Other Material Policy and Guidance

4.2 National Planning Policy Framework (NPPF)

4.3 Submission Cherwell Local Plan (January 2014)

The Submission Local Plan (January 2014) has now been through public consultation and was submitted for examination in January 2014, although this plan does not have Development Plan status, it is a material planning consideration. The plan sets out the Council's strategy for the District to 2013. The policies listed below are considered to be material to this case:

BSC1: District wide housing distribution
BSC2: The effective and efficient use of land
BSC3: Affordable housing
BSC4: Housing mix
BSC7: Meeting education needs
BSC10: Open space, outdoor sport and recreation provision
BSC11: Local standards of provision – outdoor recreation
BSC12: Indoor sport, recreation and community facilities
ESD3: Sustainable construction
ESD6: Sustainable flood risk management
ESD7: Sustainable Drainage Systems
ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
ESD13: Local Landscape Protection and Enhancement
ESD16: The character of the built environment
Policy Villages 1: Village categorisation
Policy Villages 2: Distributing growth across the rural areas

4.4 Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it can be considered as a material planning consideration. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

TR5: Minimising conflict between road users

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant planning history
- Principle of the development, including the NPPF and Sustainable Development
- Proposed Submission Local Plan
- Landscape and Visual Impact

- Design and Layout
- Affordable Housing and General Housing Mix
- Highway Safety and Sustainable Travel Patterns
- Flooding
- Ecology
- Neighbourhood Development Plan
- Planning Contributions
- Delivery of the site

Planning History

- 5.2 An Appeal was submitted to the Planning Inspectorate on 06 December 2012 against a failure by Cherwell District Council to give notice within the prescribed period of a decision on outline application ref: 12/01139/F that sought consent for a residential development comprising up to 85 dwellings with access and associated infrastructure at this site.
- 5.3 The Council were therefore unable to issue decision for the application. The matter was reported to Planning Committee on 03 January 2013 where it was decided what the reasons for refusal of the application would have been had there been opportunity to determine the application. These were as follows:
1. The proposal represents development beyond the built up limits of Bloxham within open countryside contrary to policies H12, H13 and H18 of the adopted Cherwell Local Plan and policies H15 and H19 of the Non-Statutory Local Plan and policy SP3 of the South East Plan. It is considered that the development of this site will cause harm to the character and appearance of the countryside on the south eastern edge of Bloxham contrary to policy C7 of the adopted Cherwell Local Plan and policy EN34 of the Non-Statutory Cherwell Local Plan and ESD 13 of the Cherwell Local Plan proposed Submission Draft August 2012 and policy CC6 of the South East Plan and to the core principles of the NPPF. It is also considered that the submitted and revised indicative layout fails to demonstrate that the development of the site will result in a high quality Appeal by Mintondale Developments Ltd – Land south of Milton Road, Bloxham and inclusive design contrary to policy C28 of the adopted Cherwell Local Plan and the NPPF. Notwithstanding the Council's present inability to demonstrate that it has a five year supply of housing land required by paragraph 47 of the NPPF, the development of this site cannot be justified on the basis of the temporary land supply deficiency alone and that significant harm will result.
 2. Having regard to the level of new development recently accommodated in Bloxham, the fact that the site is not identified for development by existing or emerging policy, and is not supported by the local community, the proposal is considered to go beyond that which would reasonably be expected to be accommodated in the village during the Cherwell Local Plan period. In the particular context of housing delivery at Bloxham and South East Plan Policy BE5 requirements (including local planning authorities should encourage community-led local assessments of need and action planning to inform decision making processes in rural communities), it is considered the proposed development would adversely affect consideration of how to sustainably meet rural needs through the production of Development Plan Documents and a Neighbourhood Development Plan (especially where the local community has indicated its intention to prepare a Neighbourhood Development Plan). As such the proposed development is contrary to Policy Villages 2 of the Cherwell Local Plan Proposed Submission Draft August 2012 and to the core principles of the National Planning Policy Framework set out at paragraph 17 and in particular the requirement that decisions should be

genuinely plan-led; empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.

3. In the absence of a satisfactory planning obligation the Local Planning Authority cannot guarantee that the infrastructure directly required to service or serve the proposed development will be provided, thus adding to the pressures on local infrastructure and services resulting in an unsustainable form of development, contrary to policy CC7 of the South East Plan, policies H5, TR1 and R12 of the adopted Cherwell Local Plan and policies H7, TR4, R8, R9 and R10A of the non-Statutory Local Plan 2011.

5.4 A Public Inquiry was held on 23-25 April 2013 where the Inspector recommended that the Appeal be allowed and the Secretary of State agreed with the Inspector's conclusion that was as follows:

5.5 *Given the housing land supply situation in the district the provision of housing carries considerable weight, and the provision of the required amount of Affordable Housing adds to this. The proposed development would also have social and economic benefits in a village that is sustainable in terms of a rural settlement. Against this has to be weighed the conflict with Policies C7 and H18, although I have found that the latter carries only limited weight and the harm occasioning the conflict with C7 is localised. I have also found that only limited weight should be attributed to the prematurity and localism issues. Overall, I consider that the need for housing and Affordable Housing and the economic benefits outweigh the negative factors that have been identified.*

5.6 Conditions were attached the decision, the most pertinent to this case being Condition 2 that states:

5.7 *Application for approval of the reserved matters shall be made to the local planning authority not later than one year from the date of this permission.*

5.8 The date of the permission was 23 September 2013 and the permission remains extant.

5.9 The Secretary of State considered the Appeal at the same time as three other Appeals in the same District; Bourne Lane, Hook Norton, Barford Road, Bloxham and Bloxham Road, Banbury.

5.10 Pre-application discussions have taken place between the Council and a developer although an application for Reserved Matters has not yet been submitted. The applicant is therefore seeking an extension to the time limit for the submission of an application for Reserved Matters.

Principle of the Development, Sustainability and The Submission Local Plan

5.11 The acceptability of the principle of the development was explored as part of the previous application and subsequent Appeal. The Inspectors decision and letter from the Secretary of State have been attached to this report as **Appendix 1**. At the time of the Appeal the Council were unable to demonstrate a five year housing land supply and it therefore followed that the relevant policies for the supply of housing should not be considered up to date. Para. 49 of the Framework also makes clear that housing applications should be considered in the context of sustainable development. The Council is currently able to demonstrate a 3.4 year supply.

5.12 The Council accepted at the Inquiry that in terms of housing, Policies H12, H13 and H18 of the adopted Cherwell Local Plan are out of date. Policy H18 has a function of

protecting the countryside and therefore has some relevance in line with the Framework. The Inspector considered that notwithstanding this, given the time expired nature of the adopted Local Plan and the fact that 60% of new housing will have to be on greenfield land, limited weight should be afforded to Policy H18. Consequently, to dismiss the appeal would necessitate showing that any adverse impact of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 5.13 During the Inquiry the Council accepted that Bloxham performs well in terms of sustainability and is in the group of rural settlements that are proposed to accommodate the highest level of growth in development plan period up to 2031. The Inspector concluded that the economic and social benefits arising from the development weigh in favour of the scheme.
- 5.14 At the time of the Appeal the Submission Local Plan had not been submitted for examination. The Submission Local Plan was submitted during January 2014 although the examination was suspended by the Inspector as the Plan does not make sufficient provision to meet the objectively assessed need for 22,800 homes (2011-2031) as identified in the new 2014 Oxfordshire Strategic Housing Market Assessment (SHMA).
- 5.15 The Planning Policy Team have been undertaking additional work in order to address the identified housing shortfall. The dwellings approved as part of 12/01139/OUT have been included in the calculation of the five year supply figures. The revised Submission Local Plan is currently out for another round of public consultation. Whilst work is on-going, it is considered that limited weight should be afforded to the Submission Local Plan.
- 5.16 Similarly, limited weight can be attributed to matters of prematurity and localism for the above reason.
- 5.17 It is noted that Bloxham Parish Council have raised objection to the application as the original intention behind the one year time limit for a reserved matters application was to ensure that the site would be completed within a designated timescale. Concern is raised that approval of this application would set a precedent to allow other speculative developers to flout conditions set, further jeopardising the housing land supply. In addition, concern is also raised that as the time limit has not been met, this is an indication that the potential builders may have concerns as to the viability and deliverability of the site.
- 5.18 The Council and a developer have been involved in confidential pre-application discussions prior to the submission of the current application and, had this not been the case, some doubts may have existed over the future of the scheme. However, as interest has been shown in developing the site, and steps have been taken towards the submission of a Reserved Matters application, the Council currently consider that a Reserved Matters application is likely to be submitted in the near future with a commencement of development within the next year.
- 5.19 It is not considered that an undesirable precedent would be set if the application were approved; a developer has actively sought to produce an acceptable scheme within the set timescale and if a similar condition is re-applied the situation can be reviewed again in one year if necessary. The above approach is considered to accord with the Government requirement in the NPPF to be both positive and proactive when determining planning applications.
- 5.20 In light of the above history, it is not considered that, if refused, the decision could be successfully defended at Appeal and the principle of the development remains acceptable.

Landscape and Visual Impact

- 5.21 With regard to landscape impact, the Inspector concluded that any change to the landscape would be localised and would not have great significance in longer range views. The Appeal site is relatively flat and the proposed development would be seen against the adjacent housing development in Milton Road and also in conjunction with the Bloxham Business Centre. The existing hedge and tree boundaries would in the main be retained and would also be reinforced with further planting. Also, due to the business centre, the travellers site and scrap yard along Milton Road, the Inspector did not consider that the development would be introducing built form into an area devoid of such. The harm that would be caused by the development was not considered to be greater than would be caused by any greenfield development.
- 5.22 It is considered that site circumstances have not changed so significantly since the Appeal to warrant the refusal of the application on the grounds of significant harm to the landscape and visual amenity. The benefits of the proposed development are considered to outweigh the harm and subsequent conflict with saved Policies C7 and H18 of the adopted Cherwell Local Plan, and consequently accords with Government guidance contained within the NPPF.

Design and Layout

- 5.23 Whilst no comments have been received by the Urban Design Officer at the time of writing, as the plans have not altered since the previous application it can be assumed that the opinions are the same as those previous. In short, concerns were raised regarding the illustrative plan submitted with the application. However, prior to the Inquiry the Council agreed that matters of design should not be considered at outline stage.

Affordable Housing

- 5.24 Not less than 35% of the proposed dwellings would constitute affordable housing. At the time of the Inquiry there was an identified on-going unmet need for affordable housing and no objection has been raised to the development by the Strategic Housing Officer as part of the current application. At the Inquiry the Council confirmed that the provision of affordable housing weighs substantially in favour of the development. It is not considered that there is any reason to justify deviating from the previous stance of the Council put forward at the Inquiry, and that the provision of affordable housing continues to add weight in favour of the development.
- 5.25 It is anticipated that the final mix and tenure types of affordable housing would be confirmed as part of the Reserved Matters application. The development accords with Government guidance contained within the NPPF in terms of delivering a wide choice of high quality homes.

Highway Safety

- 5.26 Despite the submission of the same documents that were considered as part of 12/01139/OUT Oxfordshire County Council Highway Authority have not requested an update, or raised any objections to the scheme. Concerns regarding the A361 mini-roundabout were raised as part of the previous application and it is noted that these have been raised again as part of public consultation. The Highway Authority have requested the same S106 contributions as previous to facilitate mitigation measures.
- 5.28 The Inspector concluded that the issue of traffic could not justify the dismissal of the Appeal. The same conclusion was reached by the Inspector when considering the later Appeal at Tadmarton Road (ref: 13/00496/OUT) that was allowed on 27 March 2014.

- 5.29 The Secretary of State considered the Appeal (ref: 12/01139/OUT) at the same as three other Appeals in the same District, inclusive of the adjacent Barford Road site, and there was no disagreement on highway grounds. The proposal accords with Government guidance contained within the NPPF in terms of sustainable transport solutions.

Flooding

- 5.30 The Inspector accepted that flooding has been an issue in the village but providing the conditions suggested by Thames Water and the Environment Agency were imposed and satisfied the issue of flooding could not justify the dismissal of the Appeal.
- 5.31 Both Thames Water and Environment Agency have raised no objection to the current application in terms of flooding, drainage and water supply/sewerage treatment. It is not considered that the refusal of the application on these grounds could be justified.
- 5.32 The proposal accords with Government guidance contained within the NPPF in terms of conserving and enhancing the natural environment.

Ecology

- 5.33 Matters of ecology were addressed via Condition 14 of the Inspectors decision whereby a Biodiversity Enhancement Scheme is required to be submitted to and approved in writing prior to the occupation of the dwellings. The Ecology Officer has considered the current application and raises no objection, although has recommended the attachment of a condition requiring the submission of a Great Crested Newt mitigation strategy prior to the commencement of development. It is considered that these conditions are sufficient to address concerns with regard to ecology. It is considered reasonable to impose this additional condition.
- 5.34 The proposal accords with Government guidance in terms of conserving and enhancing the natural environment and saved Policy C2 of the adopted Cherwell Local Plan.

Planning Contributions

- 5.35 A S106 Agreement was completed prior to the Public Inquiry, although as part of the Inspector's decision some of the contributions were considered to not meet the tests outlined in the Community Infrastructure Levy (CIL) Regulation 122. The tests are that the obligation is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonable related in scale and kind to the development.
- 5.36 The applicant has requested that the S106 is re-negotiated in light of the Inspectors conclusions, effectively omitting those requests that are not considered to be CIL compliant. At the time of writing the matter has not been concluded although it is expected that an agreement would be complete by 24 September 2014. The Parish Council also sought some re-negotiation with regards to play and open space provision.
- 5.37 The Heads of Terms are likely to be public transport and transport infrastructure, library provision, education, Special Educational Needs, outdoor sports facilities, maintenance of two ponds, hedgerows, trees, ditches, play areas and public open space.

Delivery of the Site

- 5.38 As previously stated, the Council have been in discussions with a developer with regard to a Reserved Matters application and are therefore confident at present that the site remains likely to be delivered if the time limit for submission of Reserved Matters is extended by one year.

Engagement

- 5.39 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the approval of development that accords with sustainable development principles as set out in the NPPF.

Conclusion

- 5.35 It is considered that it would be unreasonable to refuse planning permission for the proposed development in light of the recent Appeal decision, the continued lack of five-year housing supply and the pre-application discussions that have taken place with a developer. The provision of housing, affordable housing and associated social and economic benefits outweigh the identified conflicts with saved policies C7 and H18 of the adopted Cherwell Local Plan. The proposed development continues to accord with Government guidance contained within the National Planning Policy Framework.

6. Recommendation

Approve, subject to conditions:

1. Details of the appearance, landscaping (including the protection and enhancing of existing hedgerows around the site), layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

2. Application for approval of the reserved matters shall be made to the local planning authority not later than one year from the date of this permission.

Reason - This permission is in outline only and is granted 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 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

3. The development hereby permitted shall begin not later than one year from the date of approval of the last of the reserved matters to be approved.

Reason - This permission is in outline only and is granted 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 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

4. No development shall take place until details of the finished floor levels of the proposed dwellings in relation to the existing ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. The dwellings shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

6. The landscaping scheme as approved under condition 1 shall be carried out in accordance with a landscaping phasing plan to be submitted and approved in writing by the local planning authority and retained thereafter. Any new or existing hedgerows around the perimeter of the site shall be retained and any plant dying or removed within a period of 5 years from the completion of the development shall be replaced with one of a similar size and species during the next planting season.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. No development shall take place until a scheme for the surface water drainage of the approved development in accordance with RSK's Flood Risk Assessment dated August 2012 (reference 131733 – R1(1) – FRA) has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved works have been carried out.

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. No development shall take place until a drainage strategy detailing on and/or off site drainage works has been submitted to and approved in writing by the local planning authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. No development shall take place until a scheme for additional street lighting along Milton Road between the site access and Barford Road has been submitted to and approved in writing by the local planning authority. The street lighting shall be

carried out in accordance with the approved details at a time previously agreed with the local planning authority.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

10. When the new access hereby permitted is brought into use, the existing accesses from Milton Road will be permanently closed in a manner to be agreed with the local planning authority.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

11. No dwelling shall be occupied until details of a scheme for the provision of a footpath along Milton road, as shown on drawing 14043-06 (submitted to the local planning authority on 20/11/12) including construction and drainage details, has been submitted to and approved in writing by the local planning authority and the scheme completed.

Reason - In the interests of highway safety and public amenity and to comply with Government guidance contained within the National Planning Policy Framework.

12. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking and turning of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) control of noise emanating from the site during the construction, including hours of work
- iv) the location of the site compound
- v) means of minimising the deposit of mud and other debris on the highway during construction
- vi) measures to control the emission of dust and dirt during construction

Reason - In the interests of highway safety and to safeguard the amenities of the occupants of the adjacent dwellings during the construction period and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. No dwelling shall be occupied until a travel plan has been submitted to and approved in writing by the local planning authority. The provisions of the travel plan shall be implemented thereafter as approved.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

14. No dwelling shall be occupied until a Biodiversity Enhancement Scheme (BES) has been submitted to and approved in writing by the local planning authority. The BES shall include the following elements:-

- i) Details on native landscaping
- ii) The management regime for public open areas/features
- iii) The type and location of biodiversity enhancement measures such as bat and bird boxes
- iv) The timing of the implementation

The BES shall be carried out as approved in a timescale agreed with the local planning authority.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15. No more than 85 dwellings shall be accommodated on the site.

Reason - In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

16. Prior to the commencement of the development hereby approved, including any works of site clearance, the findings of a great crested newt survey, which shall include a mitigation strategy for great crested newts (if they are found to be present), shall be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall include the timing of all works, location of exclusion fencing and the location and design of retained ponds or alternative ponds and terrestrial habitats. Thereafter, the mitigation works shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way by determining the application in a timely and efficient manner.