

**The Bungalow
Cumberford Hill
Bloxham
Banbury
OX15 4HL**

15/01090/F

Case Officer: Matthew Parry **Ward(s):** Bloxham And Bodicote

Applicant: Inglenook Properties Ltd

Ward Member(s): Cllr C Heath

Cllr L Thirzie Smart

Proposal: Demolition of existing dwelling, garage and car repair workshop. Erection of a terrace of 4 new dwellings with associated landscaping and parking to the rear

Committee Date: 26.11.2015 **Recommendation:** Approve subject to conditions

Committee Referral: Referred by Development Services Manager

1. Site Description and Proposed Development

- 1.1 The application site consists of two distinct but adjoining properties located towards the bottom of Cumberford Hill in Bloxham. The first is a now vacant bungalow together with its associated curtilage and the second a vacant workshop premises formerly used for car repairs. The bungalow is a small uniformly proportioned dwelling featuring smooth rendered walls under a distinctive blue slate pyramidal roof with a centrally positioned red brick chimney stack. It has a garage to the rear of the bungalow which is of a more utilitarian style with a shallow pitched roof. The larger part of the application site comprises a rather dilapidated red brick workshop building and its associated hardstanding. This premises was previously home to a small car repair business but the site has been vacant for the past couple of years. The bungalow site slopes from east to west and features a number of retaining walls to manage this but the workshop premises is on flatter ground at the bottom of the hill where the ground level flattens towards Bloxham Brook.
- 1.2 The eastern edge of the site forms a boundary with the designated Bloxham Conservation Area and therefore impacts upon its setting. Further up Cumberford Hill to the east lies a cluster of grade II listed buildings set around the junctions with Queens Street and Colesbourne Road. The entirety of the site lies within Flood Zone 3 as defined by the Environment Agency's flood maps.
- 1.3 The application seeks consent for the demolition of all existing buildings on the site and the erection of a 2 ½ storey terrace of 4 x three bedroom houses with a four bay carport to the rear. A single vehicular access is proposed that would enter the site at the appropriate position of the existing workshop building and would lead through to car parking at the rear.

2. Relevant Planning History

95/00230/OUT - Demolish existing workshops and erect 3 no. dwellings with associated car parking spaces. (Outline) - **Application Permitted 07.04.1995.**

98/00164/OUT - Renewal of 95/00230/OUT. Demolish existing workshops and erect 3 No. dwellings with associated car parking spaces. (Outline) - **Application Permitted 27.03.1998.**

01/00535/OUT - Renewal of 98/00164/OUT. Demolish existing workshops and erect 3 No. dwellings with associated car parking spaces. (Outline) - **Application Permitted 10.05.2001.**

04/00502/OUT - Renewal of planning permission 01/00535/OUT for the demolition of existing workshops and erection of 3 No. dwellings with associated car parking spaces. (Outline) - **Application Permitted 21.04.2004.**

07/00406/OUT - Renewal of planning permission 04/00502/OUT for the demolition of existing workshops and erection of 3 No. dwellings with associated car parking spaces. (Outline) – **Withdrawn 26.04.2007.**

14/02147/F - Demolition of existing dwelling, garage and car repair workshop; erection of 5 No dwellings with associated landscaping – **Not determined. Dismissed at appeal 02.11.2015.**

3. Application Publicity

3.1 The application has been advertised by way of neighbour letters as well as a site notice and press notice. Amended proposals were received during the course of the consideration of the application and these were re-publicised in a similar manner. One third party objection was received in response to the latest amended proposals and the following comments were raised:

- The driveway serving the new house would run alongside the boundary of 1 Brookside Way with car movements increasing noise and light pollution to this neighbouring dwelling;
- The proposals result in the loss of an employment site contrary to the emerging Bloxham Neighbourhood Plan;
- No bungalows are proposed contrary to that required by the emerging Bloxham Neighbourhood Development Plan;
- The proposed buildings should be constructed out of natural stone in keeping with the Conservation Area rather than a combination of brick and stone.

3.2 Whilst the proposals have since changed from those originally consulted upon, for completeness the following comments were raised in three third party objections in response to the originally submitted proposals:

- The proposed 2 ½ storey buildings do not respect local context as they are too large for the street given that other buildings are predominantly two storey in height;
- The proposals overdevelop the site with limited space between and around the houses such they would visibly appear crammed into the site to the detriment of the adjacent Bloxham Conservation Area;
- As a result of the height of the buildings and their rearward projection into the site, Unit 4 would overshadow and overbear the adjoining garden of Brookside House. Upper level rear and side facing windows would allow significant overlooking of this neighbouring garden and also leave the new houses with little privacy as well;
- Demolition of The Bungalow could affect the stability of the adjoining house

and surrounding land which slopes down towards the brook at the northwest of the site;

- The proposals do not include sufficient off-street car parking for the new houses to serve both future residents and their visitors making it likely that some parking will take place on Cumberford Hill. This road already suffers from parking pressure with existing residents often parking on the verges/footways;
- There is no requirement for this new housing in Bloxham as there are extant planning permissions for hundreds of new dwellings already;
- The site was previously used as a gas works before it was used for car repairs. The surrounding area was formerly part of an old quarry and some houses shake when lorries pass by. These issues have not been adequately assessed as part of the application submissions;
- The proposals are on a site designated as Flood Zone 3 by the Environment Agency and the increase in the number of properties is likely to exacerbate problems arising from flooding from Bloxham Brook and there is no detail on how flood risk will be addressed;
- The proposals will result in the loss of employment facilities contrary to the requirements of the Cherwell Local Plan and Bloxham Neighbourhood Plan.

4. Consultations

4.1 Bloxham Parish Council: Object to the amended proposals for the following reasons:

- The land has previously been used for employment and the emerging Bloxham Neighbourhood Plan seeks the retention of such sites to meet the needs of its growing population. It is questionable whether the land was properly marketed for employment;
- The proposals represent overdevelopment of the site detrimental to the setting of the adjacent Conservation Area;
- Part of the site flooded as recently as November 2012 and the Parish Council is not satisfied that adequate measures have been proposed to ensure that no future flooding of the site will occur;
- No safe and secure bin and cycle storage is proposed;
- It is not clear that the site is suitable for this residential development given contamination from previous use of the land as a gas works;
- The height of the houses is not sympathetic to the local area and red brick should not be used where visible from the street. The proposals include an awkward catslide roof which is not typical of the area. The front door to Unit 1 is in the side elevation facing onto the shared driveway which appears awkward.
- There is no need for this additional housing within Bloxham and there are other more sites available;
- The proposals would significantly reduce privacy for occupants of 1 Brookside Way and could allow overlooking of properties in Cherrys Close to the rear;
- There is inadequate car parking provision within the site making it likely that on-street parking will increase on surrounding roads. Parking on pavements is already a significant problem in Bloxham.

Cherwell District Council Consultees

4.2 Conservation Officer: There have been a series of schemes put forward for this site which have ranged in architectural style from contemporary to this scheme which is faux C19 terraced vernacular housing. All the elements that an observer would expect to see in C19 artisan housing are represented in this row of proposed dwellings. The materials are right (stone, brick and slate for the roof), window and door design is correct, passageway and umbrella porches are there. There are not enough chimney stacks as original cottages of this type would have had a stack each

– but that is just an observational detail as chimney stacks are not necessarily essential to modern living. Unit 4 would preferably have a second floor window on the front elevation – a total of three windows, one per floor – to balance the front elevation.

- 4.3 Environmental Protection Officer: The Listers Geotechnical Consultants Phase I Geoenvironmental Desk Study Report (report no. 14.12.009, dated January 2015) and Phase II Preliminary Intrusive Investigation (report ref AD/CN/14.12.009a, dated 20 February 2015) demonstrates that the site is affected by contamination but that such contamination can be viably and acceptably remediated. Further works will be required to clarify the exact risk and inform remedial proposals but these can be provided through conditions.

Oxfordshire County Council Consultees

- 4.4 Highways Liaison Officer: No objection subject to conditions requiring the following to be carried out prior to occupation of the dwellings:
- Extension to existing footway to ensure that it continues along the front of the new houses;
 - Re-location of pedestrian crossing point.

Further conditions have been recommended requiring approval of the specification of the proposed shared driveway and its connection to the public highway prior to commencement of development.

Other Consultees

- 4.5 Environment Agency: No objection subject to conditions requiring:
- The development to be carried out in accordance with the submitted Flood Risk Assessment;
 - Approval of a scheme providing unhindered 24 hour access for Environment Agency staff to and from the Bloxham flood warning station;
 - Intrusive ground investigation and contamination remediation strategy;
 - No infiltration of surface water into the ground unless otherwise approved by the LPA subject to it being demonstrated that there is no risk to controlled waters;
 - A scheme for the provision and management of an 8m wide buffer zone along the Bloxham Brook.

5. Relevant National and Local Policy and Guidance

5.1 Development Plan Policies

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1 (LPP1)

BSC1 - District Wide Housing distribution

BSC2 - The Effective and Efficient Use of Land

BSC3 - Affordable Housing

BSC4 - Housing Mix

BSC9 - Public Services and Utilities

ESD1 - Mitigating and Adapting to Climate Change

ESD3 - Sustainable Construction

ESD6 - Sustainable Flood Risk Management

ESD7 - Sustainable Drainage Systems (SuDS)

ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

ESD15 - The Character of the Built Environment

VILLAGES 1 - Village Categorisation

Cherwell Local Plan 1996 (Saved Policies) (LP 1996)

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

C31 - Compatibility of proposals in residential areas

ENV12 - Development on contaminated land

ENV1 - Development likely to cause detrimental levels of pollution

C23 - Retention of features contributing to character or appearance of a conservation area

5.2 **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Cherwell District Council's Home Extensions and Alterations Design Guide (March 2007)

6. **Appraisal**

6.1 The key issues for consideration in this application are:

- Principle of Residential Development;
- Housing Mix;
- Design, Appearance and Impact on the Bloxham Conservation Area;
- Impact on Neighbouring Properties;

- Quality of Accommodation;
- Access and Parking;
- Flood Risk;
- Land Contamination;
- Energy Efficiency.

Principle of Residential Development

- 6.2 Policy SLE1 of the LPP1 resists the loss of existing employment sites unless, inter alia, it is demonstrated that it is no longer economically viable or that there is no genuine interest has been expressed despite long term marketing. The policy also adds that regard will be had to whether the location and nature of the employment activity is having an unacceptable adverse impact on neighbouring residential properties. Notwithstanding this, over the past two decades there have been numerous planning applications submitted and approved for residential development on the workshop site. Between 1995 and 2007 there was extant consent for the demolition of the workshop and the erection of a terrace of three houses along the front of the site. The Council has therefore previously accepted that this employment site can be redeveloped for residential purposes although the planning policy context has since changed. Despite the granting of numerous planning permissions, the car repair business continued to operate on the site and only vacated the premises in the past couple of years.
- 6.3 However, prior to the submission of this planning application the applicant had submitted another application proposing a scheme for five houses on the site. Officers raised significant concerns about this scheme and an appeal against non-determination of this application was lodged before the Council could issue a decision. The Council resolved however that it would have refused the application were it still able to do so for, amongst other reasons, the harm caused by the loss of an employment site without sufficient marketing evidence to demonstrate that it was no longer necessary or viable. Whilst the appeal was ultimately dismissed earlier in November 2015 on other grounds, in his decision the Inspector concluded that it was appropriate to redevelop the employment site given its poor state of repair, the unsuccessful marketing that had been carried out and the general need for housing in the District. As a consequence, officers are satisfied that the principle of the loss of the employment site is acceptable and that no objection to the proposals can reasonably be sustained on this basis.
- 6.4 With the principle of the loss of the employment site accepted, it is also necessary to consider the principle of erecting housing on the site given the time that has elapsed since the expiration of previous planning permissions and the changes to the planning policy context in the interim. In doing so, it is necessary to have regard to the requirements of Policies BSC1 and Villages 1 of the LPP1. Together these policies set out the approach to delivering housing to meet the objectively assessed needs of the District over the next 15 years. Larger, more sustainable Category A villages such as Bloxham are expected to contribute towards meeting this housing need and to reflect this there is planning policy support for small scale windfall residential developments within the built-up limits of Bloxham. Consequently, officers are satisfied that in principle a small-scale development of new housing on the employment site is acceptable in the interests of sustainably delivering planned growth in the District.

Housing Mix

- 6.5 The NPPF requires local authorities to plan for a mix of housing to meet the identified current and future needs within their administrative areas. To this end the LPP1 includes policies that require affordable housing as part of developments over specified thresholds as well as appropriate mixes of dwellings within schemes. Whilst there is no policy requirement of this scheme to make provision for affordable housing, Policy BSC4 of the LPP1 does require an appropriate mix of homes to be provided to meet identified housing need. The proposed development however is of small scale and as such there is little scope to make provision for a genuine mix of housing in a manner that would make efficient use of land and be visually compatible with its surroundings. Nevertheless, the Oxfordshire Strategic Housing Market Assessment (SHMA) of 2014 did however conclude that Cherwell District was in greatest need of 3 bedroom homes and the proposals would help to contribute towards meeting this need. Consequently officers are satisfied that given the constraints of the site the proposals would deliver a type of housing that is generally consistent with the housing needs of the District in accordance with the requirements of Policy BSC4 of the LPP1 and Government guidance set out in the NPPF.

Design, Appearance and Impact on the Bloxham Conservation Area

- 6.6 Policy ESD15 of the LPP1 requires new development to complement and enhance the character of its context through sensitive siting, layout and design. It also adds that proposals should respond to local distinctiveness and successfully integrate within existing streets. Policy ESD15 of the LPP1 and Policy C23 of the LP 1996 further add that new development should be designed and sited to ensure that heritage assets are conserved or enhanced in a manner appropriate to their significance. Policy BSC2 of the LPP1 is also material in that it requires new development to make efficient and effective use of previously developed land. Together these development plan policies are consistent with national planning policy set out in the NPPF which, inter alia: encourages prioritisation of brownfield sites over greenfield land; emphasises the importance of good design in achieving sustainable development; requires significant weight to be attached to conserving designated heritage assets; and expresses desirability for new development to make a positive contribution to local character and distinctiveness. Furthermore, given the proximity of the site to the designated Bloxham Conservation Area, the Council should also have regard to its statutory duty to consider the desirability of preserving or enhancing conservation areas.
- 6.7 The Council's Bloxham Conservation Area Appraisal document identifies views of the bottom of Cumberford Hill as having an adverse impact on the special character of the Conservation Area. This adverse impact particularly stems from the unkempt appearance of the workshop site and the dilapidated condition of the building. Whilst the bungalow is of an unusual form, scale and detailing, it is nonetheless an interesting and characterful feature within the streetscene. Its open curtilage and large gap to its side however together with its more utilitarian driveway and garage building are rather at odds with the more intimate and close-knit pattern of buildings in the more established streetscene of Cumberford Hill. Overall therefore, officers consider the application site to be having an adverse effect on the setting of the Conservation Area and in principle welcome new development where it would deliver an enhancement to this designated heritage asset.
- 6.8 The proposals involve a terrace of four x 2 ½ storey houses that continue the pattern of development from that to the east by abutting the highway verge. The terrace proposed is however not uniform as it seeks to reflect the undulating scales and varying styles evident in existing buildings as they decline down Cumberford Hill as well as the mixed pallet of materials used in their construction. As a result, Unit 4 is proposed to be of red brick construction with a ridge and eaves height greater than that of the following three new houses. Officers endorse this approach which responds to the more organic character of the immediate streetscene. Whilst the

houses proposed are 2 ½ storey and have accommodation in the roofspace, from the street they will appear to continue the two storey rhythm of adjacent houses and so integrate successfully into the established rhythm of the street. Beyond the scale and form, the houses are also proposed to incorporate traditional vernacular design detailing including through the use of building materials appropriate to their setting (natural rubble ironstone and red brick external walls, blue slate roof), pitched roof forms, clipped eaves and verges, modest front canopy porches, red brick chimneys and timber framed windows and doors. Whilst dormer windows are proposed to the rear, these have been avoided in the front roof slopes in keeping with existing buildings of Cumberford Hill to ensure the predominantly simple unbroken roofslope character is preserved. Where dormer windows and rooflights have been proposed, these are to the rear and are modest and traditionally styled so that they do not dominate their roof slopes. Conditions are recommended to be imposed to ensure appropriate control over any changes to these design features.

- 6.9 To the rear the houses have a little more variation consistent with that at other surrounding buildings. Given the site constraints the houses are relatively narrow and therefore project comparatively deeply into the site to generate sufficient floorspace. The two central houses are larger and feature 2 ½ storey gabled elements to the rear whereas the two end-terrace units feature 1 ½ storey catslide lean-to additions. The central 2 ½ storey rear additions are relatively large but are still thought to be proportionate to the scale of the overall terrace and, as they are sited to the rear, will not be prominent in key public views. From the northwest on the approach to the Conservation Area it will be the side wall of Unit 1 that will be principally experienced in public views and this features a natural ironstone main flank wall with a subservient red brick lean-to addition to the rear – a combination historically common in the locality and which should add definition and interest to streetscene views. The side wall of Unit 1 also features a handful of traditionally proportioned timber casement windows to ensure an active wall faces onto the public realm. As a result, in comparison to existing views from the north and west, the proposals should represent a significant enhancement to the experience of the streetscene and Conservation Area.
- 6.10 A timber post and beam four bay car port is proposed to the rear. Whilst being relatively wide so as to accommodate four cars it is modest in height and in practice would have little appreciable impact on the character and appearance of the surrounding area. However, with its simple traditional form and blue slate roof it should complement the character of the proposed new houses and sit comfortably within the resultant residential environment.
- 6.11 Officers are mindful of Government guidance in the NPPF and its requirement for great weight to be afforded to the conservation and enhancement of designated heritage assets as they represent irreplaceable resources. For reasons set out above, officers are satisfied that the proposals overall would improve the appearance of the site and thereby enhance the setting of the Conservation Area in a manner that also makes efficient and effective use of this previously developed land. In this regard the proposals are found to be consistent with both national and local planning policy objectives.

Impact on Neighbouring Properties

- 6.12 Policy ESD15 of the LPP1 requires the amenity of both existing and future development to be adequately safeguarded in terms of privacy, outlook, natural light and indoor/outdoor space. Policy C30 of the LP 1996 has similar requirements. Together these policies reflect one of the core principles of the planning system which is to seek a good standard of amenity for existing and future occupants of land and buildings.

- 6.13 The amended proposals have significantly reduced the depth and height of Unit 4 where it projects past the rear wall of Brookside House, the adjacent property. As a result the eaves of 1 ½ storey rear element to Unit 4 would not extend significantly above the existing high boundary fence and should therefore neither unacceptably overbear nor overshadow the neighbouring property having regard to the daylight assessment criteria set out in the Council's Home Extensions and Alterations Guide. Upper floor side facing windows are not proposed in Unit 4 either so that neither actual nor perceived privacy for occupants of Brookside House would be adversely affected.
- 6.14 Existing houses to the rear would be separated from the new houses by a generous distance with close to 20m between the flank wall of 3 Brookside Way and the rear walls of the proposed new houses. This comfortably exceeds the separation distances generally considered to be appropriate within the District having regard to the Home Extensions and Alterations Guide. Moreover, there are no principal windows to habitable rooms in the flank wall of 3 Brookside Way that would be unduly affected by overlooking from rear facing windows in the new houses. Whilst there is the potential for some loss of privacy for the rear gardens of 3 Brookside Way and 9 Cherrys Close from rear facing upper floor windows in Units 3 and 4, this would be modest due to the distances involved and in the context of existing mutual overlooking between properties.
- 6.15 1 Brookside Way is sited on the opposite side of Bloxham Brook. The existing workshop building is located alongside the brook and in far closer proximity to this existing dwelling than any of the proposed houses. Demolition of the workshop building would therefore improve the daylight and outlook experienced from the rear of this dwelling. Whilst windows are proposed in the side wall of Unit 1 these would not allow significant overlooking of 1 Brookside Way given that this neighbouring house features few windows in its rear elevation and its main private garden is situated to the side of the house rather than the rear with the house itself therefore blocking direct views of it from the new dwellings.
- 6.16 It should also be recognised that the existing lawful use of the employment site (general industrial – Use Class B2) has the potential to cause noise and disturbance for surrounding residential properties. Whilst the previous car repair operator did not appear to be causing undue nuisance, a future occupier could well do so without being subject to any planning control. As a consequence, residential development of the site would secure a more neighbourly use for the site in the long term to which weight should be afforded. In the interests of protecting neighbouring amenity during construction works, officers have recommended a condition that requires the prior approval and implementation of a Construction Environment Management Plan that would need to set out, amongst other things: hours of working, controls over noise and dust, disposal of materials and the routing/parking arrangements for construction vehicles.
- 6.17 For the above reasons officers have concluded that the proposals would adequately safeguard neighbouring residential amenity in accordance with both national and local planning policy requirements and so consequently, in this regard, the proposals are found to be acceptable.

Quality of Accommodation

- 6.18 Policy C30 of the LP 1996 requires new residential development to provide an acceptable standard of amenity for future occupiers which reflects the core planning principles that underpin national planning policy set out in the NPPF.
- 6.19 Each of the new dwellings is laid out in such a manner that all habitable rooms are genuinely usable with a reasonable quality outlook and access to sufficient levels of

sunlight/outlook to ensure they provide satisfactory living accommodation. Whilst the two central units are proposed to feature 2 ½ storey rear additions they would not project significantly past the rear walls of the other two proposed end-of-terrace units (Units 1 and 4) and so would not overbear or overshadow these houses or their gardens. Whilst the proposals would give rise to the potential for mutual overlooking of the gardens of the new houses, this is a relationship inherent within any development of terraced housing and is therefore thought to be appropriate. The distances to other existing dwellings also ensures that there would not be unacceptable levels of privacy within the new houses or their gardens.

- 6.20 Units 2, 3 and 4 are shown to be served by comparatively generous rectilinear rear gardens with all having direct pedestrian access to car parking at the rear as well as to the street. As a result, dedicated bin and cycle storage provision could be made within the rear gardens and a condition is recommended to be imposed to secure this prior to occupation of the houses. Unit 1 would be served by a smaller rear garden which is restricted due to the siting of the proposed carport to the rear. Whilst small in comparison to the house, the garden is south facing and has a good usable layout. It should therefore, on balance, provide sufficient space for occupants to enjoy sitting outdoors and growing plants as well as have capacity for storage of their bins. However, reflecting the more constrained nature of the rear gardens and the relationships between the new houses, it is recommended that a condition be imposed removing householder permitted development rights to erect extensions or outbuildings. Subject to such a condition, officers are content that the proposals would deliver new housing of an acceptable standard in accordance with the requirements of both local and national planning policy and so have no objection to the proposals in this respect.

Access and Parking

- 6.21 National planning policy of the NPPF states that decision-taking should take account of whether, inter alia, safe and suitable access to the site can be achieved for all people. The Council no longer has specific car parking standards within its development plan and guidance in the PPG resists the use of such standards unless robustly justified with local evidence. Nevertheless, a common sense approach is required and the County Council (as LHA) has developed its own parking standards document for residential development which can be material.
- 6.22 The scheme proposes three bedroom houses and includes two off-street car parking spaces per dwelling. This ratio accords with the LHA's own residential parking standards document and is consistent with the approach typically taken by the Council in the past on other similar developments. Each space proposed is of an appropriate size (at least 2.5m x 5m) and, whilst it results in tandem parking within the site, there is sufficient space to easily manoeuvre vehicles and exit safely onto the highway to ensure that the parking arrangement is attractive to use. To this end the LHA is satisfied with the parking arrangements proposed and has found that the new access arrangement provides sufficient vision splays to enable safe entry and exit of the site for all users.
- 6.23 At present a grass covered highway verge lies to the front of the site. If this were to remain, pedestrian access to the new houses would not be encouraged and at the advice of the LHA, officers recommend a condition that requires an extension of the existing footway all along the front of the new houses to be completed prior to occupation of the homes. The re-sited vehicular access into the site would also prejudice an existing pedestrian dropped kerb crossing point which is useful to wheelchair users and those with pushchairs. To ensure that this dropped kerb continues to be provided, a condition is recommended at the advice of the LHA that requires the repositioning of this dropped kerb further along Cumberford Hill at the applicant's expense prior to occupation of the development.

- 6.24 Notwithstanding all of the above, it is recognised that it may occasionally be desirable for future residents and/or their visitors to park on the roadside as it could be more convenient than using the parking court to the rear. Whilst occasional limited parking here on the verge is unlikely to be materially harmful to safe and efficient use of the highway for vehicles or pedestrians, it could become so if it were to be a more common occurrence. Parking on the verge in this location could also adversely affect the appearance of the street. As a consequence, and in reflection of the concerns raised by the Parish Council, officers are recommending a condition that requires the submission, approval and completion of a scheme of wooden posts to be installed along the edge of the newly created footway that would prevent car parking on the verge and thereby encourage use of the rear parking court. The wording of the condition would prevent occupation of the new dwellings until such posts have been installed in agreement with the LHA.
- 6.25 In accordance with national planning policy, it is also necessary for new development to encourage and prioritise sustainable modes of travel. To this end, there is sufficient space within each garden for a dedicated cycle store to be provided with easy access out onto the highway and so a condition is recommended requiring cycle stores to be provided for each dwelling prior to their first occupation. Subject to the recommended conditions set out above, officers are satisfied that the proposals would be acceptable in terms of access and parking provision in accordance with the requirements of national planning policy set out in the NPPF.

Flood Risk

- 6.26 The site lies with an area that the Environment Agency (EA) flood maps indicate to be in Flood Zone 3 which means that it has a greater than 1 in 100 year risk of fluvial flooding. Policy ESD6 of the LPP1 reflects national policy by resisting any development that would increase flood risk either locally or elsewhere. The applicant has submitted a Flood Risk Assessment (FRA) for the development and, in accordance with statutory requirements, the EA has been consulted on this application. In response the EA has found that the development is likely to reduce flood risk overall as a result of the demolition of the existing workshop building which increases flood storage by over 30 cubic metres within the site and provides a significant increased gap between buildings and Bloxham Brook. 1 in 100 year flood levels provided by the EA have been used in the FRA in order to determine minimum floor levels for the new houses and guide the siting of the houses to ensure a minimum of an 8m buffer zone to the Brook has been provided to reduce the risk of the houses themselves being affected by flood water and to improve on-site flood water storage. All hardsurfacing within the development is proposed to be fully permeable to improve surface water drainage and therefore flood water storage capacity in comparison to existing site conditions. In accordance with EA advice, the new homes have also each been shown to have a safe secondary means of escape away from the Brook in the event of a flood. Consequently, subject to the imposition of conditions requiring the FRA recommendations to be carried out, an 8m buffer zone to be maintained to the Brook and access to be made available to the EA monitoring station at times, the EA is satisfied that the new dwellings would not be unduly at risk of flooding and the proposals would be likely to reduce the risk of flooding locally.
- 6.27 Notwithstanding the above, in accordance with the NPPF and related guidance set out in the PPG, it is necessary for both a sequential and exception test to be passed before residential development of a non-allocated site in Flood Zone 3 can be considered acceptable. The sequential test is the first that needs to be carried out and its purpose is to consider whether other appropriate sites at lesser risk of flooding are reasonably available by firstly considering those in Flood Zones 1 and 2 before finally accepting Zone 3. The FRA submitted by the applicant assessed the

suitability and availability of other sites in Bloxham which officers consider to be a reasonable and proportionate search area in this case due to the small scale nature of the proposals. It concluded that there was no other previously developed land available in Bloxham at lower flood risk that could accommodate a similar scale and type of development. In doing so officers accepted that it was preferable for greenfield land surrounding Bloxham to be excluded from the search as, whilst some land would be at lower risk of flooding, the overall adverse environmental consequences would be greater and thus render it unsuitable.

6.28 Having concluded that that the site is sequentially acceptable in planning policy terms, in accordance with national policy it is then necessary to apply the exception test. Doing so means that the proposed development has to meet both of the following criteria:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

6.29 The EA has already confirmed in its consultation response that the development meets the latter of these two criteria subject to appropriate conditions being imposed. The first criterion is however more of a matter for the LPA to consider having regard to the overall benefits of the scheme. Officers' consider the scheme to have a number of significant benefits which together weigh heavily in its favour:

- It would deliver much needed 3 bedroom housing in one of the most sustainable villages locations that would make a contribution as a windfall site towards meeting the overall housing need identified over the Plan period;
- For reasons set out earlier in this report, the proposals would enhance the setting of the Bloxham Conservation Area, a designated heritage asset;
- The proposals would make more efficient use of a redundant employment site;
- It would reduce the risk of flooding overall in the local area;
- For reasons to be set out later in this report, the proposals provide the opportunity to remediate the site that would otherwise remain contaminated.

6.30 The overall sustainability benefits of the proposals are therefore found to be significant and would, in officers' view, outweigh the risk of flooding to the new houses. As such, officers' consider that the proposals pass the exception test. Consequently officers are satisfied that the proposals are acceptable in flood risk terms and accord with the requirements of Policy ESD6 of the LPP1 as well as national planning policy and guidance.

Land Contamination

6.31 Policy ENV12 of the LP 1996 requires adequate measures to be taken to remove any threat of contamination to future occupiers of the site and the surrounding environment. It has been established through ground investigations that the site is contaminated as a result of its previous use as a gas works and car repair business. Residential development is a sensitive land use and, without remediation, could present health risks to future occupants due to contact with contaminants.

6.32 The Council's Environmental Protection Officers have visited the site and considered the results of the ground investigations carried out by consultants. Having done so they have established that the site is not as contaminated as first feared and that there is no doubt that the site can be remediated successfully prior to occupation of any of the dwellings to ensure future occupants are not at risk. Environmental Protection Officers are similarly satisfied that such remediation can ensure that any

construction work would not cause leaching of any contaminants outside the site or into controlled waters. They have therefore concluded that contamination and remediation can be addressed through the use of planning conditions which would prevent any development taking place until a full remediation strategy has been approved by the Council and that this remediation is then carried out before a verification report is submitted to the Council certifying that the site is acceptably remediated prior to occupation of the new dwellings. The proposals therefore provide benefits associated with the remediation of this contaminated site that would otherwise not have taken place and officers' recommend that some weight be afforded to this accordingly.

- 6.33 Members should be cognisant of Government guidance which advises that planning permission should not be refused where any residual concerns can be adequately addressed by the use of planning conditions. With this in mind and taking account of the views of the Council's Environmental Protection Officers, officers are satisfied that any contamination on the site can be properly addressed by the imposition of the conditions that have been recommended.

Energy Efficiency

- 6.34 Recent changes to Government policy since the publication of LPP1 has left Policy ESD3 no longer fully up-to-date. Whilst parts of this policy remain relevant, it is no longer possible to require all new dwellings to be designed to achieve zero carbon standard. However, until Part L of the Building Regulations has been fully updated the Council is still able to require new dwellings to achieve an energy performance standard equivalent to the former Code for Sustainable Homes Level 4. As a result, officers are recommending conditions be imposed to achieve this as well as a condition that imposes a water efficiency limit on the new homes.

Conclusion

- 6.35 The proposals would deliver much needed new housing on a redundant employment site in a sustainable location and as such make efficient and effective use of previously developed land. The proposals have been appropriately designed to ensure that the development would enhance the setting of Bloxham Conservation Area and adequately safeguard neighbouring residential amenity. Whilst the proposed new dwellings would be located in an area of higher flood risk, no other suitable sites at lower flood risk are available and the scheme has been designed so that the houses are safe for their use whilst reducing the risk of flooding locally. The site can be appropriately remediated to ensure that the new dwellings are safe for occupation whilst delivering the wider public benefit of cleaning up a site that would otherwise remain contaminated. Consequently, subject to the imposition of the recommended conditions set out below, officers have found that the benefits of the proposals significantly outweigh any harm associated with them and that the scheme is in accordance with the overall requirements of relevant policies of the development plan. Officers therefore recommend that Members resolve to approve the application.

7. Recommendation

Approval, subject to the following conditions:

- 1 The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and drawings:

S5:722-001C

S5:722-002C

S5:722/03C

S5:722/04C

S5:722/05C

S5:722/06C

S5:722/08C

S5:722/09C

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

3 Prior to the commencement of the development hereby approved, samples of the external roofing materials to be used in the construction of the roof of the buildings in the approved development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the samples so approved.

Reason - It is necessary for this requirement to be pre-commencement to ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4 Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural ironstone which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason - It is necessary for this requirement to be pre-commencement to ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5 Prior to the commencement of the development hereby approved, a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m² in size) shall be constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be constructed in strict accordance with the approved brick sample panel.

Reason - It is necessary for this requirement to be pre-commencement to ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6 Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. It is necessary for these details to be submitted at pre-commencement stage to ensure that the development is constructed in a manner appropriate to its context

7 Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels of the proposed development in relation to existing ground levels on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

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. Submission of details at a later stage would prevent the local planning authority adequately assessing the scale of the development given the sloping site levels.

8 Prior to the commencement of the development hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be installed on site in accordance with the approved details prior to first occupation of any of the approved dwellings.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. Such details are required at pre-commencement stage to ensure that, from the outset, the development is constructed in a manner appropriate to its context.

9 No dwelling hereby approved shall be occupied until 3 bins for the purposes of refuse, recycling and green waste have been provided for that dwelling in accordance with the following specification:

- One 240 litre blue wheeled bin for the collection of dry recyclable material
- One 240 litre green wheeled bin for the collection of residual waste
- One 240 litre brown bin for the collection of garden waste material

Reason - To provide appropriate and essential infrastructure for domestic waste management in accordance with the provisions of Policies INF1 and BSC 9 of the Cherwell Local Plan 2011 - 2031 Part 1.

10 No occupation of any of the approved dwellings shall take place until details of dedicated bin and cycle storage facilities for each dwelling have been submitted to and approved in writing by the local planning authority. No occupation of the dwellings shall take place until the approved facilities have been provided on site and they shall be retained as such thereafter.

Reason - To ensure the amenities of future occupants are adequately provided for and to prevent unsightly storage of bins in the public realm in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Policy C30 of the Cherwell Local Plan 1996.

11 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Ref: 14-1731-08-001 Rev B (Infrastruct CS Ltd, June 2015) and the following mitigation measures

detailed within the FRA:

1. Provision of compensatory flood storage as described in section 7 of the FRA and shown on Drawing 100 P02 (12 June 2015)
2. Provision of a safe route into and out of the site
3. Finished floor levels are set no lower than 110.35m above Ordnance Datum (AOD).
4. The use of flood resilient construction techniques.

The mitigation measures shall be fully implemented prior to occupation or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason - To reduce the risk of flooding to the proposed development and future occupants and prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with the requirements of Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1.

12 Prior to commencement of development a scheme shall be submitted to, and approved in writing by, the local planning authority in consultation with the Environment Agency ensuring unhindered 24 hour access for Environment Agency staff to and from the Environment Agency's Bloxham flood warning station, both during construction and upon completion of the development .

Reason - To allow the continued operation of the Bloxham Flood Warning Station, enabling the Environment Agency to operate a flood warning service on the Bloxham Brook. Such details are required at pre-commencement stage to ensure that the development is constructed in a manner that enables access to the flood warning both during its construction and after its completion.

13 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason - Infiltration through previously contaminated ground from the site's former uses as a garage and gasworks have the potential to mobilise pollutants into groundwater. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

14 Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. It is

essential that such details are required prior to commencement of development to ensure the site is investigated and remediated appropriately before occupation by a vulnerable residential use.

15 If contamination is found by undertaking the work carried out under condition 14, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. It is essential that such details are required prior to commencement of development to ensure the site is investigated and remediated appropriately before occupation by a vulnerable residential use.

16 If remedial works have been identified in condition 14, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 15. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority prior to occupation of any of the approved dwellings.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

17 Prior to the commencement of the development hereby approved, full details of the means of vehicular and pedestrian access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed in accordance with the approved details prior to first occupation of the dwellings and retained as such thereafter.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework. It is necessary for such details to be provided at pre-commencement stage to ensure the access to the public highway is of an acceptable standard before construction works commence.

18 Prior to the commencement of the development hereby approved, full specification details of the driveway including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the approved dwellings, the development shall be constructed in accordance with the approved details.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework. It is necessary for the

treatment, drainage and means of construction of the driveway to be assessed prior to its construction to ensure that it provides a suitably safe access to the highway and takes the opportunities available to reduce flood risk.

19 No occupation of any dwelling shall take place until a scheme for the construction of an extension to the existing footway so that it continues across the road frontage of all the approved dwellings has been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. No occupation of any of the approved dwellings shall occur until the approved works to the footway have been completed.

Reason - To ensure suitable pedestrian access to the new dwellings in the interests of highway safety in accordance with the requirements of Government guidance set out in the National Planning Policy Framework.

20 No development shall take place until a scheme for the relocation of the existing dropped kerb pedestrian crossing point has been submitted to and approved in writing by the local planning authority. No occupation of any of the approved dwellings shall occur until the pedestrian has been relocated in accordance with the approved details.

Reason - To ensure the safety and convenience of pedestrians is not adversely affected by the development in accordance with the requirements of Government guidance set out in the National Planning Policy Framework. It is necessary for such details to be provided at pre-commencement stage to ensure existing residents continue to have a suitable and safe means of crossing the road at all times.

21 Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments/enactments, the approved dwellings shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.

Reason - To ensure that the development does not result in a cramped relationship on the site or adversely affect the living conditions enjoyed by occupants of both proposed and existing dwellings in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 as well as Policy C30 of the Cherwell Local Plan 1996.

22 Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments/enactments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within 8m of the bank of Bloxham Brook without the prior express planning consent of the Local Planning Authority.

Reason - To avoid harm to flood water flows in accordance with the requirements of Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1.

23 No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the Bloxham Brook shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out and managed thereafter in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from buildings, structures, lighting and domestic gardens and form part of wider green infrastructure provision along the brook.

Reason - To ensure the setting of the brook and its value to biodiversity is preserved

in accordance with the requirements of Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1. Such details are required at pre-commencement stage to ensure the scheme incorporates such a buffer within the development from the outset.

24 No occupation of any of the approved dwellings shall take place until a scheme for the prevention of car parking on the verge/footway of Cumberford Hill to the front of the approved dwellings has been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. No occupation of the approved dwellings shall occur until the approved scheme has been carried out and the measures shall be retained as such thereafter.

Reason - To prevent residents and visitors parking on the verge/footway to the detriment of uses of the footway, highway safety and visual amenity in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance set out in the National Planning Policy Framework.

25 No occupation of the approved dwellings shall take place until the areas for the parking and turning of cars as shown on drawing no. S5-722-002C have been fully laid out and made available to occupants of the approved dwellings. Such areas shall be retained as approved for the parking of motor vehicles thereafter.

Reason - To ensure that the development does not result in on-street parking to the detriment of highway safety and neighbouring amenity in accordance with the requirements of Government guidance set out in the National Planning Policy Framework.

26 Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not significantly adversely affect neighbouring residential properties together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP at all times.

Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. Such details are required at pre-commencement stage to ensure that from the outset the construction works are appropriately managed to avoid causing unnecessary and undue disturbance for occupants of surrounding dwellings.

27 Notwithstanding anything shown to the contrary in the approved plans, any rooflight to be inserted into the approved dwellings shall be of flush fitting conservation type where no part of it projects beyond the roofslope in which it is positioned.

Reason - To ensure the development is visually appropriate to its context in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

28 No development shall commence until details demonstrating how each dwelling on the site will achieve an energy efficiency standard equivalent to at least a 44% improvement over the Target Emission Rate (as determined in the 2006 Building Regulation Standards) have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until it has been constructed to meet the required energy performance standard in accordance with the approved details.

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and

Government guidance contained within the National Planning Policy Framework. Details are required at pre-commencement stage to ensure that from the outset each dwelling is designed and constructed to achieve a high level of fabric efficiency in the interests of environmental sustainability.

29 No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit from thereon.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

Informatives

1. In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), the Council has worked positively and proactively to determine this application in an efficient manner having worked with the applicant/agent where necessary to resolve any concerns that have arisen during consideration of the application in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

2. Under the terms of the Water Resources Act 1991, and the Thames Regional Byelaws 1981, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Bloxham Brook, designated a 'main river'.

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 to enable amended proposals to be submitted during the course of the application.