

<b>Application No:</b> 09/01811/F	<b>Ward:</b> Bloxham and Bodicote	<b>Date Valid:</b> 21/12/09
<b>Applicant:</b>	Bewley Homes PLC	
<b>Site Address:</b>	OS Parcel 1319 South of Paddington Cottage, Milton Road, Bloxham	

**Proposal:** Erection of 61 No. dwellings and associated access and landscaping

### **1. Site Description and Proposal**

- 1.1 This is a detailed application for a development comprising of 61 residential dwellings with associated access and infrastructure on a 1.9 hectare site to the south of Milton Road, Bloxham. Access to the site is to be obtained via a new vehicular access onto Milton Road, between two properties known as Rowan Court and Paddington Cottage.
- 1.2 The site is square/rectangular in shape and is located to the south of properties facing onto Milton Road and east of residential properties fronting onto Barford Road. To the east lies a public footpath, which passes from Milton Road towards Bloxham Mill across agricultural land. To the south lies further agricultural land. The site lies within an Area of High Landscape Value.
- 1.3 The site comprises fallow farmland, having been used for the grazing of horses but more recently left unmaintained. The site slopes from the higher ground to the west down towards the north-eastern corner. The site is largely bounded by existing tress and hedgerows, which provides some screening and boundary definition to adjacent properties and the open countryside beyond.
- 1.4 The application seeks permission for 61 residential properties. These are proposed to consist of 14 two bedroom properties, 37 three bedroom properties and 10 four (+) bedroom properties. 40% of the properties are proposed to be affordable units. The affordable units are shown as being distributed over the site in clusters of no more than 6 units.
- 1.5 This application is a full application therefore all matters are being considered, including the detailed design of the units.
- 1.6 **Planning History**  
The site has been the subject of previous applications which are relevant to the consideration of this application.

In July 1987, an outline application (CHN 352/87) for residential development was refused on the grounds that it would be contrary to policy and would be detrimental to the visual amenities and rural character of the locality. The subsequent appeal was dismissed in February 1988. The inspector commented that as the Structure Plan had made adequate provision for housing development he did not consider "that development of 4.8 acres would accord with the overall strategy for rural settlements as the appeal site could easily yield 30 to 40 new houses at modest densities".

The Inspector also commented that the "development of the appeal site would not

be well contained by features or boundaries and could lead to the general southward extension of the village into the quadrant farmland between Milton Road and Barford Road". He considered that the location and scale of the proposed development would have an adverse visual effect upon the rural character and landscape value of this locality.

In March 1998, planning permission was granted for the erection of a single dwelling (in outline) on land between Paddington Cottage and Rowan Court. This consent has lapsed. The site had a previous consent for the erection of a single house in October 1974. The vehicular access to the proposed development would be through this plot of land.

In January 2002, an outline application (02/00084/OUT) for residential development on the current site was submitted, with an indicative layout showing 45 dwellings on the site. This application was recommended for refusal at North Area Planning Committee on 28 February 2002 but was withdrawn prior to determination.

In October 2005, an outline application (05/01555/OUT) for residential development of up to 57 units was refused on the grounds that it would be contrary to policy, would have an adverse visual impact upon the rural character and landscape value of this locality and a lack of a satisfactory unilateral undertaking. The applicants did lodge an appeal against the decision but this was withdrawn prior to detailed consideration and determination.

In July 2009 an application was submitted for a 60-bed care home to provide specialist care for the frail and elderly sector and dementia sufferers and 44 residential units which were proposed to be split by way of 18 affordable dwellings age restricted to over 55+ and 26 private dwellings which were not proposed to be age restricted, although the Planning Statement did suggest that they would be aimed at the retirement market (application ref. 09/00965/OUT). This application was refused in October 2009 for the following reasons;

- 1. The application does not demonstrate that it meets an identified local housing need or would be delivered in a time scale to meet that need or deliver high quality development and given its location beyond the built up limits of the village is contrary to PPS3, South East Plan policies SP3, H3, Cherwell Local Plan policies C8, C7, H13, C13 and Non Statutory Local Plan policies H1a and H19.*
- 2. The proposed development generates a need for infrastructure, open space and affordable housing, which in the absence of a satisfactory planning obligation, would not be adequately met and as such is contrary to South East Plan policy CC7, H3, Cherwell Local Plan policy H5, R12 and Non Statutory Plan Policy H7 and R8.*

In April 2007, an outline application (05/02103/OUT) for residential development for up to 74 dwellings on the site to the north of Milton Road, on land east of the Telephone Exchange was approved. This site is located to the north east of the current application site. In summary this was approved as the site was allocated for development as part of Policy H1b of the Non-Statutory Cherwell Local Plan and the development of this site would contribute to the housing delivery targets which were not being met. Construction on this site is nearing completion and houses are being occupied.

## **2. Application Publicity**

- 2.1 The application was advertised by way of a site notice, press notice and neighbour notification letters. Due to the fact that additional properties needed consulting the final date for comment was 9 March 2010.
- 2.2 32 letters of objection have been received. In some instances more than one letter was sent from the same address. The main reasons for objecting to the proposal are;
- Policy position
    - Coming so soon after previous application, being on an identical site and a similar proposal it would seem that previous reasons for refusal are still valid and this application should be refused
    - Site is not within adopted Local Plan nor the Non-Statutory Cherwell Local Plan
    - Both plans state that development will be restricted to infill, minor development or conversion of no-residential buildings
    - Will result in additional and unnecessary green field development
    - This site has previously been refused for development – the same reasons must still apply
    - The Council has three major opportunities to deliver the housing stock required of it in the next 10-15 years eg. Bankside, Upper Heyford and North West Bicester
    - Bewley Homes submission relies on the Council's shortfall in housing land supply therefore must realise that in other circumstances the development would not be permitted – it suggests that all other policies can be ignored in order for Cherwell to meet its target
  - Visual impact
    - Development on the north side of Milton Road and other developments in Bloxham add to the urbanisation of the village
    - The proposed development will destroy the rural village atmosphere
    - Development not in keeping with properties around it or Bloxham Village
    - There has already been over development of the village at Ells Lane and Milton Road
    - The heritage of the village should be preserved
    - There is not sufficient open space within the site
    - The concentration of housing appears excessively intensive
  - Highway safety
    - Footpaths too narrow for wheelchairs and mobility scooters
    - Vision from the access with limited, inadequate and unsafe. It is too narrow and there will be no opportunity to widen it due to the proximity of existing houses
    - Already severe traffic pressures on the junction in Milton Road and Barford Road and over the railway bridge – increased danger to traffic and pedestrians with increase in traffic from development
    - Road inadequate for existing traffic flows – became apparent in recent snow events
    - No public transport along Milton Road
    - No plans for traffic calming on Milton Road as the traffic travels at

- high speeds on this stretch of road
  - Increase in traffic and congestion
  - Accidents/personal injuries have already occurred as a result of vehicles mounting the pavement to avoid heavy loads or blocking the road
  - Significant number of heavy trucks and school buses already use the road, ambulances also use it as a faster route to the hospital
  - Full impact of Taylor Woodrow development not yet known
  - Pedestrian crossing and street lighting is inadequate
  - Result in increase in traffic travelling through Milton
- Need for further dwellings
  - No demonstrable need for additional housing in Bloxham
  - Development on north of Milton Road is not yet complete and housing still remain unoccupied
  - Already experienced substantial expansion and over urbanisation through developments at Ells Lane and North of Milton Road – village boundary already stretched to an extreme
  - This application is for an even larger number of dwellings than the previous scheme
- Neighbour impact
  - Overlooking and loss of privacy
  - The proposals for planting along the boundaries will not be sufficient to provide privacy
  - Privacy will be worsened by the fact that the site is on higher land to the surrounding properties
  - The levels of anxiety felt by existing village residents cannot be ignored or underestimated
- Ecology and drainage
  - Flooding along Milton and Barford Road was noticeable this year
  - Fields are sodden most of the year
  - Area supports wildlife, including kingfishers, woodpeckers, owls and bats, deer, foxes, pheasants, rabbits and is unsuitable for buildings
  - Currently experience garden flooding in wet weather caused by water draining from this site, this will increase
  - Two small and apparently ancient ponds would be destroyed by development
  - Will result in a significant number of trees and bushes
  - Plans indicate planting along the boundary and the development, but these will not provide the level of privacy afforded by the current combination of trees and shrubs
  - The site used to be grade A arable land and could be restored to this state, it only appears poor quality as the land owner has chosen not to farm it
  - Disposal of rainwater is likely to increase as a result of the development and this may result in flooding on the adjacent land
- Services/infrastructure
  - Only a very few shops are available and difficult to access especially since the fish and chip shop and chemist have opened

- This form of development will place undue strain on doctors and dental facilities in the village
- Increase in population is not being matched by increase in infrastructure
- Inadequate parking in centre of village
- School cannot accommodate large number of additional pupils and if parents have to travel to other schools increasing the use of the car further. Increased student numbers in the schools can lead to safety issues relating to over crowding
- Currently experience electrical power cuts because of overload
- Other villages must be better placed to accommodate such large numbers of dwellings
- There was a burst water main in Milton Road since Christmas – there must be a fundamental problem somewhere
- Building companies should contribute to village life and not just fill the empty spaces with houses. There is a need for a bigger hall in Bloxham where residents can meet and a building for young people
- There are no businesses here so no jobs therefore no buyers

#### Non – planning matters

- Bewley Homes consultation with the Parish Council was kept very quiet and representatives misled members of the PC and villagers about why the original application was refused
- Bewley Homes have suggested that development on the site is inevitable therefore there is little reason to object
- People have increasing sense of powerlessness, of being over-ruled by those who do not have local interests at heart
- Houses on north side of Milton Road are already proving difficult to sell
- Continual approaches by developers will gradually grind down the villagers and Planning department until they relent
- The landowner will not permit a link across the field to the existing footpath
- Allowing development here will allow for further development in the future
- The most appropriate form of development would be infill of one house in the existing gap proposed to be used as the access
- House values will drop as a result of this development

### 3. Consultations

#### 3.1 **Bloxham Parish Council** objects to the application on the following grounds (in summary:

- Outside the village boundary, leading to loss of further green land around the village
- Shortage of visitor parking, but overall parking numbers are likely to comply with Central Government requirements
- Only one bus a week along Milton Road, but does not go into Bloxham village, The submitted map gives false impression of village being well served by public transport
- Additional bus stop by Texaco garage which is a long walk for elderly. No

service into or from Banbury on Sundays or weekday evenings. This will necessitate the use of a car

- This site will increase dependence on cars and does not comply with PPG13
- The appointment of a Travel Plan Coordinator is essential not only for lifetime of travel plan but ongoing. Is this going to materialise in current economic climate?
- The ponds that are described as dry on the plans are soft and boggy therefore the site may be liable to flooding.
- Report by Ground Investigation Services draws conclusions from site results although the work was terminated because of time constraints
- Any flooding on site is not acceptable
- A management company should be established to maintain the surface sweeps of the pavements – does economic climate allow this to be maintained?
- Who is responsible for the maintenance of the pumping station?
- Thames Water states that there is sufficient capacity within existing gravity foul sewer to serve the development but surface water will not be allowed to drain into it. This surely could lead to possible flooding.
- Agent has signed the application forms as not being an agricultural holding.
- The site for affordable/elderly is too far from the village and some of the footpaths are too narrow in places for wheelchairs and walking into the village
- Affordable, social housing should be closer to the village and not on the outskirts
- There is a large number of elderly people living in three bed houses who would wish to move to bungalows within the village, but they rarely become available.
- The schools are full and the infrastructure relating to gas, electricity and water are at full stretch and cannot accept any more major developments
- The surgery is also unable to take on further patients
- Photos showing hedgerows protecting the privacy of neighbouring properties are misleading as this is only the case due to the hedges not being maintained
- An independent survey is needed for the willow trees
- Bloxham is a village and as such it only needs minor infilling rather than major developments to enlarge it further.
- Consultation with the local community has not taken place, it was a presentation to the Parish Council
- 61 dwellings is a high density out of context with the other housing that surrounds it. Other sites in the village would be more suitable for this kind of housing development
- The DIY shop and Art shop have closed and are replaced by a pharmacy, fish and chip shop and Bespoke kitchens. The recreation ground used to accommodate the squash club but houses have now been built there. As far as the Parish Council is aware there is no leisure club at the employment site
- The site layout shows potential future access near the pump station, are there plans to extend the village further?
- For these reasons and the fact that there a number of mistakes in the application, the Parish Council trusts that the Committee will reject the application and this site should not be released for development

- If the application is agreed the Parish Council cannot accept financial responsibility or any other responsibility for the play area and trusts that the S106 monies will benefit the village and not elsewhere within the District.

**3.2 Oxfordshire County Councillor for Bloxham Division (Keith Mitchell) has made the following comments;**

- This site is beyond the village envelope. It is difficult to see what will prevent a continual strip of housing along this road as far as Milton village if this random extension of the village boundaries is allowed to continue.
- Your council is proposing (in the Core strategy) 350 homes over a 16 year period for four villages (Adderbury, Bloxham, Bodicote and Deddington). Spread over 16 years and four villages looks like an average of 5 to 6 houses in each village in each year. This application represents eleven year's worth for Bloxham at one go. It is a large scale development, on the edge of the village. It does nothing for the quality of this village.
- People are highly unlikely to walk 547 yards to a bus stop for a pretty infrequent bus service. The County Council's reference (in its consultation response) to dependence on motor cars is very weak. You can guarantee that almost all of the residents here will rely on the motor car to go to the village let alone to Banbury or further afield. The A361 through this village is already a congested nightmare. This development should not add to it.
- The parking places on this site are wholly inadequate. Given the inevitable tendency of modern developments to turn out tiny dwellings with wholly inadequate living or storage space, most people use the garage as a storage area for household belongings and not their motor car. In many cases, garages are too small to accommodate the large vehicles many families favour. I calculate that a development of this size should have at least 200 parking spaces. You need to accept that a two bed house will generate two cars; a three bed house will generate three cars and a four bed house will very likely generate 4 cars. Affordable housing often generates more cars, not less. In addition, people do not live in isolation. They have goods and services delivered, wholly by car, van or lorry, their dustbins emptied, their oil tanks filled and they have friends who visit – almost always in this location by car. That is how I get to 200 parking places quite easily. You cannot design people out of their addiction to and need for the motor car.
- The local primary school is full – bursting at the seams. The Warriner secondary school is also full.
- This village has had huge housing growth it needs a breather from anything on this scale.

- Finally, look at what they are building on the opposite side of the Milton Road. In my view that development adds nothing to the quality of this beautiful village, in fact I think it detracts from it substantially.
- I ask you to recommend refusal of this application.

3.3 The **Local Highway Authority (LHA)** has made detailed comments relating to the following issues

1. Parking levels are acceptable. However, I note plot 57 (3 bed house) only has one space provided while plot 56 (2 bed house) has two – suggest these are re-allocated to meet the appropriate standard.
2. In my opinion some parking areas are too isolated/separated from the associated housing units and will only encourage on-street parking which raises safety and access concerns.
3. The allocation of parking spaces on the carriageway is unacceptable and cannot be supported, especially the ones within the proposed road adoption area.
4. The parking areas which abut boundary walls etc appear too tight for vehicle users to open car doors etc. Standard parking space dimensions in terms of width should be 2.5m with an additional 0.15m for residents to open/leave their vehicles.
5. Parking arrangements for plot 36 will obstruct vehicle using the parking area for plot 35.
6. There is no calming feature on the access road into the site to reduce vehicle speeds (previously requested 09/00965/OUT).
7. There appears to be no clear forward visibility splays along the road/street alignments within the development – requires plan showing them.
8. The vegetation shown on the edge of the play area is likely to hide/obstruct pedestrian from vehicles passing by – potential safety hazard.
9. The play area may attract vehicle parking upon its green areas – suggest high kerbing is provided to deter this – unless other measure is proposed.
10. Majority of vehicle accesses into plots do not have pedestrian visibility splays of 2m x 2m – requires attention by the applicant.
11. Visitor parking being provided is not adequate in terms of numbers or locations.
12. No service strip shown (min 0.6m required).
13. Rumble strip required by plot 20 as footway ends.
14. Layout should consider more calming measures in terms of physical and design in line with Manual for Streets.

The agent has responded to these comments and further comments are awaited from the LHA.

3.4 **Oxfordshire County Council's Strategic Planning Officer** has considered the application against the relevant policies and County Council Interests and makes the following conclusions;

The proposal is in accordance with the South East Plan in that the development would go some way to meeting the housing allocations outlined in policy AOSR1. The South East Plan and Cherwell Local Plan seek to concentrate development in the main urban areas and to protect the countryside from sporadic development but also allow necessary development in smaller settlements (like Bloxham) to appropriately support local economies and strengthen retention/provision of day-to-



day services to enable such places to thrive and be as self contained as reasonably possible. This application is for relatively large scale development of an unallocated green field site in the countryside. Whilst it is reasonably placed to access local facilities, and it may help to sustain the local shops etc and there are (limited) public transport services, the proposed development would also be likely to give rise to a need to travel to Banbury (and elsewhere) and these journeys are in all reality likely to take place by car. The District will need to be satisfied that development on the scale proposed is appropriate to support the viability of local services in this village and justified to meet the needs of the immediate local population in line with policy BE4 of the SE Plan and their emerging Core Strategy.

It is **RECOMMENDED** that the County Council informs Cherwell District Council that, in relation to application number 09/01811/F:

It has no objection in principle to the development outlined in planning application number 09/01811/F; provided that if the District is minded to allow the development:

(i) it is satisfied that this scale of development is required to meet particular local social and economic needs in line with the objectives of policy BE4 of the SE Plan; and

(ii) permission will be subject to a legal agreement to secure appropriate developer contributions to necessary transport and non-transport supporting infrastructure.

- 3.5 The **Council's Strategic Housing Officer** has stated that there are currently 53 applicants on our Housing Register with a local connection to Bloxham. 50% of new dwellings on rural schemes are prioritised for applicants with a local connection to the Parish but a scheme in Bloxham may also meet wider needs. We hope to undertake a housing needs survey which can help provide a more accurate assessment of local need as the housing register often under measures need (people don't apply for homes which don't exist).

- 3.6 The **Council's Landscape Planning Officer** made the following comments (in summary)

- The general gist of comments made in relation to the earlier application still applies
- The site is quite well concealed by topography, the site being in a shallow bowl.
- There would be some visibility from outside the site but not sufficient to refuse permission on landscape and visual impact grounds
- Some earlier concerns have been addressed
- There is now a 5m wide belt of planting along the eastern boundary. Most of the other boundaries are shown as being re-enforced. Given that the existing are leggy it would be best to plant another hedge line inside the existing.
- The western boundary needs more re-enforcing than is suggested by their visual analysis.

Specific comments were made with regard to the species to be used in the landscaping scheme. In response to the issues raised in the initial comments further landscape schemes were submitted and there are no overall objections but a few details still need to be addressed in relation to species mix and the layout of the LAP.

- 3.7 The **Council's Ecology Officer** has not commented on this specific proposal but in relation to the previous application considered that the ecological report submitted

seemed sufficient in scope and depth and she largely concurred with the conclusions within it. Conditions are required if the application is to be approved.

3.8 The **Council's Head of Building Control and Engineering Services** has examined the Flood Risk Assessment and agrees with the principal conclusions, namely,

- i. The risk of flooding from fluvial, groundwater and overland flows is negligible
- ii. Given that Thames Water have confirmed that there is sufficient capacity in their off-site foul sewer in Milton Road, a means exists to mitigate any foul water flooding
- iii. Because it has been shown that the permeability of the ground at this location is negligible the means of surface water drainage will have to be through attenuated flows to off-site watercourses.

Regarding ii) above the application indicates that an on-site pumping station will be needed. It is not shown how this will be maintained thus mitigating the ongoing risk of foul water flooding. Defra guidance now points to all such pumping stations being constructed to a standard whereby they can be adopted without any modifications on the mass-transfer of private sewers to the Water Company in 2011.

Regarding iii) above he is satisfied that the proposed attenuation volume of 697m<sup>2</sup> will be sufficient. However whilst the applicant has shown that part of it under adoptable highway will be maintained it is not shown how the rest will be, other than by alluding to the formation of a Management Company. Defra guidance points to all sustainable drainage being built to the requirements of the Lead Local Flood Authority (OCC) and offered to them for adoption. The attenuation solution also depends upon OCC agreeing a license for the proposed discharge into the highway ditch, and furthermore, the applicant has not shown there is a safe overland flood route should this design event be exceeded.

In response to some of the issues raised here the applicants provided a detailed response which satisfied the Council's Engineer.

3.9 The **Council's Environmental Protection Officer** states that as this development is of a sensitive nature an appropriate phased risk assessment condition should be included on any consent.

3.10 The **Council's Head of Planning & Affordable Housing Policy** comments as follows;

The site comprises 1.9 hectares of agricultural land. It is my view that apart from a small area of land between properties known as Paddington Cottage and Rowan Court, the site lies outside the built-up limits of Bloxham and in an area of countryside. The site is not allocated for development in either the South East Plan 2009 or the saved (adopted) Cherwell Local Plan 2011; nor is it allocated in the Non-Statutory Cherwell Local Plan 2011. I consider the main planning policy considerations below.

#### South East Plan 2009

Policy SP3 of the South East Plan states that the prime focus for development should be urban areas in order to foster accessibility to employment, housing, retail

and other services and avoid unnecessary travel. LPAs are required to formulate policies which, amongst other things, concentrate development within or adjacent to urban areas and seek to achieve at least 60% of all new development on previously developed land.

Bloxham is not considered to be an urban area and as the application site comprises greenfield land it would not contribute to achieving this 'brownfield' target.

Policy BE5 states that in preparing Local Development Documents (LDDs), LPAs should plan positively to meet the defined local needs of their rural communities for small scale affordable housing, business and services. LDDs should define the approach to development in villages based on their functions performed, their accessibility, the need to protect or extend key local services and the capacity of the built form and the landscape setting of the village. All new development should be subject to rigorous design and sustainability criteria so that the distinctive character of the village is not damaged.

Bloxham is considered to be one of the district's most sustainable villages in terms of the presence of local services and facilities, including a regular bus service, and in view of its proximity to a large urban area. It is a Category 1 village in both the saved and non-statutory Local Plans and is proposed to be a Category A village in the Council's Draft Core Strategy (proposed policy RA1). However, the impact of the proposal on village character will need to be considered and the advice of the Head of Housing Services should be taken to determine the extent to which the mix of housing (affordable & market) would help meet defined local needs. I note that the mix of market housing is limited.

Policy H2 of the South East Plan states that Local Planning Authorities (LPAs) will work in partnership to allocate and manage a land supply to deliver both the district housing provision [13,400 dwellings from 2006 to 2026] and sub-regional/regional provision. In doing so, LPAs are required to take account of a number of considerations including:

- the scope to identify additional sources of supply elsewhere by encouraging opportunities on suitable previously developed sites;
- providing a sufficient quantity and mix of housing including affordable housing in rural areas to ensure the long-term sustainability of rural communities;
- the need to address any backlog of unmet housing needs within the housing market area in the first 10 years of the plan.

The policy requires LPAs to plan for an increase in housing completions to help meet anticipated need and demand. Housing land supply is considered later in these comments.

Policy H3 requires a substantial increase in the amount of affordable housing in the region to be delivered including by taking account of housing need and having

regard to the overall regional target that 25% of all new housing should be social rented and 10% intermediate affordable housing. The application's proposal for 39% affordable housing, higher than the Council's current requirement of 30%, is a favourable consideration. The Council's Draft Core Strategy (para' A.142) states that local housing needs estimates (2009) suggest a need for some 390 affordable homes per year (288 on top of the current average supply of 102 per year). The 2009 Annual Monitoring Report notes however (para' 5.57) that the Council remains on track to meet the Housing Strategy target of at least 600 dwellings from 2005 to 2011.

#### Saved (Adopted) Local Plan 1996

Policy C8 of the saved Local Plan seeks to resist sporadic development in the open countryside whilst policy C7 seeks to prevent demonstrable harm to the topography and character of the landscape (the site lies within the Ironstone Downs Area of High Landscape Value (AHLV) - see policies C13 and C28). Policy C30 requires the character of the built environment to be considered.

As the proposal entails the loss of greenfield land in open countryside there is a need to consider the district's housing land supply position (below) as well as whether there would be unacceptable harm to landscape and local character.

#### Non-statutory Cherwell Local Plan 2011

Land south of Milton Road, was identified by officers as being a potential housing site for consideration in a 1999 public consultation paper entitled 'Housing and Employment in the Rural Areas'. Consultation responses were considered in a report to the former Development Committee on 8 July 1999. Officers considered that the site was favourable to most other areas of land examined and was worthy of further consideration with a view to including it as an allocation in the deposit draft local plan. However, the Committee resolved not to include the site in view of concerns about further development in the village, the potential for increased traffic movements along the A361 road, possible access difficulties and the number of properties adjacent to the site. It was considered that an alternative site to the north of Milton Road was the 'least worst option' and should be included in the deposit draft plan despite officer advice to the contrary. The general policy position regarding the two sites remained unchanged following consideration of representations to both the deposit draft and revised deposit draft plans and to proposed pre-inquiry changes.

Policy H1a of what is now the Non-Statutory Cherwell Local Plan 2011 sets out criteria for considering proposals for new housing development which include the availability and suitability of previously developed sites and empty or under-used buildings for housing and, in the case of category 1 and 2 villages such as Bloxham, whether it would meet an identified local housing need (not just affordable housing). These policies must now be considered in the context of Planning Policy Statement 3 (Housing) which provides current national policy on managing housing land

supply (see below).

The Non-Statutory Plan contains similar restrictions on building beyond the built up limits of settlements and to achieve protection of the landscape and local character as the saved local plan (policies H19, EN30, EN34 and D3).

Policy R8 of the NSCLP sets out standards for the provision of children's play space and formal sports provision, and policy R9 of the NSCLP seeks provision of amenity open space on site for a development of this size. The layout plan indicates a small area of amenity open space together with a children's play area. For a development of this size policy R8 requires the following:

61 dwellings x 2.43 persons per dwelling= 148 people

Children's playspace @ 8 sq m per person= 1184 sq m

Formal sports provision @ 16 sq m per person = 2368 sq m

As there is no on-site formal sports provision an off-site contribution would normally be required. Recreation and Health will be able to advise further on the level of contribution and what the contribution would go towards.

#### Housing Land Supply

Planning Policy Statement 3 (PPS3) requires a flexible supply of land for housing by, amongst other things, maintaining a five-year rolling supply of deliverable (available, suitable and achievable) housing land. LPAs are required to monitor the supply of deliverable sites on an annual basis, linked to the Annual Monitoring Report review process.

The Council's 2008 Annual Monitoring Report (AMR) noted that the district had a 5.3 year rolling supply for the period 2009-2014. The 2009 AMR shows that for the same period the district now has a 4 year supply rising to 4.5 years for 2010-2015 and 5.1 for 2011-2016.

PPS3 requires scenario and contingency planning to identify different delivery options, in the event that actual housing delivery does not occur at the rate expected. Policies and proposed management actions are expected to reflect the degree to which actual performance varies from expected performance, as indicated in housing and previously developed land trajectories. Where actual performance, compared with the trajectories, is within acceptable ranges (for example within 10-20 per cent), and future performance is still expected to achieve the rates set out in the trajectories, PPS3 states that there may be no need for specific management actions at that time and that LPAs will wish to continue to monitor and review performance closely and consider the need to update the five year supply, of deliverable sites where appropriate.

In accordance with PPS3, the district's rolling supply of deliverable housing land takes no account of unidentified, small site windfalls. Planning permission does exist for some additional 500 homes which if 90% implemented would be more than

enough to boost rolling supply over 5 years in 2010/11. However, small, unidentified windfalls cannot be considered until they are recorded as complete. New LDF sites will also emerge over the next couple of years, boosting both near and long-term supply. Once such sites are considered to be available, suitable and achievable as defined by PPS3 they could be considered as part of the rolling supply of deliverable sites.

At the present time, however, it is considered that there is a need to increase the supply of housing that will be delivered over the period 2010/11 to 2014/15 so that the rolling supply of deliverable land increases back towards 5 years (from 4.5 years) for the year 2010/11. Performance over the next two years is expected to be low with an estimated 369 dwellings in 09/10 and 181 in 10/11.

PPS3 states that where LPAs cannot demonstrate an up-to-date five-year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in PPS3 including the following considerations:

- achieving high quality housing
- ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- the suitability of a site for housing, including its environmental sustainability;
- using land effectively and efficiently;
- ensuring the proposed development is in line with planning for housing objectives;
- reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.

In the context of the district's housing supply position, this application should be carefully considered to see whether or not it meets PPS3 criteria as well as other policy considerations including the South East Plan, the saved policies of the adopted Cherwell Local Plan 1996 and the Non-Statutory Cherwell Local Plan 2011.

As a 'regulation 25' consultation document, the Council's Draft Core Strategy carries little weight. However, it sets out proposed directions of growth for the district having regard to available evidence. I am of the view that, in principle, the proposed development would not prejudice the continued preparation of the Core Strategy. Although the site lies in a rural area, outside built-up limits, Bloxham is one of the district's most sustainable villages and has been identified (proposed policy RA2) as a village at which it would be sustainable to accommodate some additional housing. The scale of development proposed in the application is also in keeping with the draft policies for rural areas. Careful consideration should nevertheless be given to detailed issues including the site's relationship with the village's built up area and accessibility to services and facilities.

If the proposed development were to be considered favourably, it must be clearly demonstrated that the site is deliverable (available, suitable and achievable) and capable of being recorded as complete by the end of the next 5 year rolling period i.e. by 31 March 2015. Completions after this date would have no effect on

increase the rolling supply for 2010/11 from 4.5 years. Sufficient certainty is needed to enable the site to be added to the district's rolling supply of deliverable housing land upon the grant of any planning permission.

3.11 **Oxfordshire County Council's Archaeologist** suggest that if the application is approved the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction.

3.12 The **Environment Agency** has made the following comment;  
The Flood Risk Assessment carried out by Stuart Michael Associates dated November 2009 ref 3307.FRA&DS has provided sufficient evidence to demonstrate that the proposed development will not increase flood risk from surface water run-off.

The applicant has undertaken infiltration tests which show that infiltration methods to dispose of the surface water is not feasible and will therefore be providing on site attenuation using permeable paving and geo-cellular techniques. The run-off will discharge from the site into the adjacent highway drain no greater than the existing run-off rate.

The above has demonstrated the surface water strategy is feasible and will not increase flooding to the site and the surrounding area. As part of the detailed design we request that the applicant considers other SUDS methods that are above ground such as ponds and swales in order to have undertaken a hierarchy and best practice approach. This is a greenfield site and therefore we would expect the surface water to be mimicked as closely as possible.

We have **no objections** to the proposed development subject to conditions.

3.13 **Thames Water** has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the application be approved a condition should be imposed requiring a drainage strategy and an informative should also be included in relation to water pressure. In relation to water infrastructure Thames Water raise no objections.

3.14 **Thames Valley Police Crime Prevention Design Advisor** states that the Design and Access Statement makes reference to Secured by Design and the principles of it are referenced in the design of the scheme. The affordable housing will be expected to achieve Secured By Design accreditation to qualify for grant funding. In light of the undertakings to build to the principles of Secured by Design no objections are raised but it is requested that a condition be imposed to ensure that all properties are built to achieve the standard of Secured by Design – New Homes – Section 2.

3.15 The **Council's Anti Social Behaviour Manager** raises no objections or observations.

3.16 The **Council's Rural Development and Countryside Manager** states that the public right of way will not be affected by the development. The proposed screening planting seems to isolate the development from its rural context. If a link could be made from Bloxham FP4 to the eastern side of the site it would give residents of the development direct access to the countryside.

3.17 The **Council's Urban Design Officer** has made detailed comments in relation to the layout and design of the house types and stated that once these had been addressed she would be content for this application to be approved subject to conditions relating to materials, enclosures, hard and soft landscaping and the provision of design details for fenestration, porches and eaves. In response to earlier comments there have been some amendments to the detail of the scheme. However the further changes may be made but it is unlikely that these would affect the principle of the development.

3.18 The **Council's Arboricultural Officer** has made the following comments

- The most significant trees on the site are T3 – an oak, T4 – a willow and T5 – an oak.
- These trees at present are not protected by any statutory legislation.
- A TEMPO assessment was undertaken to assess their potential for inclusion within a TPO. The trees returned scores of 15, 12 and 15 respectively. Trees which return scores of 11 or above are considered worthy of long-term protection by a TPO.
- The trees are visible from the public footpath which is located in the field to the east of the proposed development site. T3, a mature open grown oak tree, in particular is of considerable public amenity value being clearly visible from the adjacent highway. The willow tree is the smallest of the three trees. It will attain prominence as it matures.
- No significant defects were noted at the time of the site visit.
- Although the trees are shown for retention as part of the development proposals, it is proposed that the trees are afforded some protection through the making of a TPO.
- As long as protective fencing is installed in accordance with BS5837:2005 prior to beginning of construction works proposed development should have minimal impact on trees 3 and 4.
- It is proposed that a pumping station be sited within the RPA of tree 5. I feel this to be unacceptable. The pumping station should be sited outside of the RPA of this tree.
- Reference is made to a detailed Arb Method Statement, but this does not appear to be included within the submitted information.
- Little provision appears to have been made on site for green space. The above three trees, as well as the existing hedgerows bordering the site will be important for softening the impact of the proposed development on the surrounding countryside.
- I am concerned that there will future pressure on tree 3 in particular regarding requests for pruning works for reasons of shade, leaf drop etc. The aspect of the rear garden for plot 9 will be dominated by this mature oak tree. I would like to see this plot removed from the proposal and for this area to become a small area of open space.
- Although it is proposed that a management company will maintain the hedgerows and other areas of landscaping for five years, who will be responsible for the maintenance of the hedgerows after this date?

I would like to see some amendments made to the proposals. Namely 1) the pumping station sited outside the RPA of tree 5, and 2) Plot 9 removed from the proposals to ensure that tree 3 is not compromised by future requests for pruning. This is a very prominent tree and an important landscape feature.



The other issues can be dealt with by way of planning conditions.

#### **4. Relevant Planning Policies**

##### **4.1 South East Plan**

**SP3** – Urban Focus for development

**CC7** – Infrastructure and implementation

**H2** – Managing the delivery of the regional housing provision

**H3** – Affordable Housing

**H4** – Type and size of new housing

**BE5** – Village Management

**AOSR1** – Scale and location of housing development in the rest of Oxfordshire

##### **4.2 Adopted Cherwell Local Plan**

**H13** – Residential Development in Category 1 Settlements

**H18** – New dwellings in the countryside

**C13** – Conserve and enhance the environment in Areas of High Landscape Value

##### **4.3 Non Statutory Cherwell Local Plan**

**H15** – Residential Development in Category 1 Settlements

**H19** – New dwellings in the Countryside

**EN34** – Conserve and enhance the character and appearance of the landscape

#### **5. Appraisal**

##### **5.1 Main Planning Considerations**

The main issues to consider in the determination of this application are as follows –

- Whether the proposal complies with the current policies in the adopted Cherwell Local Plan
- Whether the proposal complies with the policies in the Non-Statutory Cherwell Local Plan 2011
- Housing delivery
- Whether there is a need for additional housing in this location
- Whether the proposal would have an adverse landscape impact
- Whether the proposal is acceptable on Design grounds
- Whether the proposal would have an adverse impact upon amenities of neighbouring properties
- Whether the proposal would have an adverse highway impact
- Whether the proposal would have any other adverse planning impacts

Each of the above points will be considered in turn.

##### **5.2 The Adopted Cherwell Local Plan**

The adopted Cherwell Local Plan contains no specific allocation for the application site. It is therefore defined as countryside (i.e. previously undeveloped land) where there is a presumption against general residential development on unallocated sites without any special justification.

Policy H13 of the adopted Local Plan states that new residential development within Category 1 settlements, such as Bloxham, is restricted to infilling, minor development within the built up area of the settlement and the conversion of existing

buildings; subject to other policies in the Local Plan.

Policy H18 of the adopted Local Plan states that new dwellings beyond the built up limits of settlements will only be permitted where they are essential for agricultural or other existing undertakings.

Apart from the small plot of land between the properties known as Paddington Cottage and Rowan Court, which is the site of the proposed access, the site clearly lies beyond the existing built limits of Bloxham and in an area of open countryside. The built up limits of the village in this case are the rear boundaries of the gardens of the properties fronting Milton Road and Barford Road.

The proposal is not infilling, nor within the built up area of the settlement and the development is therefore contrary to Policies H13 and H18 of the adopted Cherwell Local Plan.

Policy C13 of the adopted Cherwell Local Plan states that within designated areas of high landscape value the Council will seek to conserve and enhance the environment. This policy will be considered in more detail in the assessment of landscape impact.

### 5.3 Non-Statutory Cherwell Local Plan

The application site has no specific allocation in the Non-Statutory Local Plan and is therefore defined as open countryside. It was identified by officers as being a potential housing site for consideration in a 1999 public consultation paper entitled 'Housing and Employment in the Rural Areas'. Consultation responses were considered in a report to the Development Committee on 8 July 1999. Officers considered that the site was favourable to most other areas of land examined and was worthy of further consideration with a view to including it as an allocation in the deposit Draft Local Plan. However, the Committee resolved not to include the site in view of concerns about further development in the village, the potential for increased traffic movements along the A361 road, possible access difficulties and the number of properties adjacent to the site. It was considered that an alternative site to the north of Milton Road was the 'least worst option' and should be included in the deposit Draft Plan despite officer advice to the contrary. The general policy position regarding the two sites remained unchanged following consideration of representations to both the Deposit Draft and Revised Deposit Draft Plans.

Policy H19 states that permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements when it is essential for agriculture or other existing undertakings, or to provide a small, low-cost, affordable housing exception site to meet a specific and identified local housing need that cannot be satisfied elsewhere. Policy H15 of the same plan identifies Bloxham as a Category 1 village and states that new residential development will be restricted to infilling, minor development comprising small groups of dwellings within the built up area of the village and conversions.

Policy EN34 is similar in its guidance to Policy H4 of the adopted Cherwell Local Plan and the same consideration is relevant.

The proposal is contrary to Policies H15, H19 and EN34 of the Non-Statutory Local Plan for similar reasons to those outlined above in relation to the adopted Cherwell

Local Plan.

#### 5.4 Housing Delivery

The Council's current position on housing delivery is set out in the comments of the Head of Planning & Affordable Housing Policy's comments in detail at 3.10 above. These highlight that the Council currently has less than a five year housing land supply, as required by PPS3, identified at the current time. However for the current proposal to impact on this it would need to be demonstrated that it would be delivered by March 2015. The current proposal seeks to demonstrate that this can be achieved. Unlike the earlier application which was in outline only this proposal shows all details which demonstrates that full consideration has been given to the layout and design and also removes the need for a further submission and further delays. A letter from the landowner's agent also confirms that the land is available for development immediately as Bewley Homes plc has an extant Option to Purchase the land and subject to a satisfactory planning permission being granted, they must exercise their right to purchase within a strict period of time shortly thereafter. Bewley Homes have also confirmed that funds are available to enable this to take place. In addition to these steps the applicant's are willing to accept a shorter time limit to help ensure that the development commences in the immediate future and is complete by 31 March 2015.

In addition to this demonstration of deliverability PPS 3 requires sites coming forward to meet the following requirements ;

- provide high quality housing;
- provide a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- be suitable site for housing, including its environmental sustainability;
- represent an effective and efficient use of land;
- be in line with planning for housing objectives;
- reflect the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives;

It is considered these criteria have largely been met with the current scheme as, with the exception of local residents, the majority of the consultation responses have come back with no in principle objections to the scheme and the detail of which will be discussed in the following sections. As submitted it is considered that the proposal meets the requirements of PPS3.

#### 5.5 Need for housing in this location

The earlier outline application was for a development comprising of a nursing home and retirement dwellings. It was determined that there was no identified need for this specialised form of development and that it did not contribute to the shortfall in the housing land supply. This therefore formed part of the earlier refusal reason. However this scheme does not provide specialised housing but instead provides a mix of market and affordable dwellings. It is considered that this contributes to the shortfall in housing land supply and at the same time will help meet local needs for affordable units of accommodation.

#### 5.6 Landscape Impact

The site lies within the Ironstone Downs Area of High Landscape Value where

policies C13 and C28 of the adopted Cherwell Local Plan seek to conserve and enhance the environment and require development to be sympathetic to the character of the area. Policy EN34 of the Non-Statutory Local Plan also seeks to conserve and enhance the environment.

The site lies beyond the built-up limits of the village in an area of open countryside. Whilst the site is contained within existing hedgerows development within it would be visible from a number of vantage points. It is recognised that the proposed development would intrude into the open countryside but it is not considered that the visual impact would be so significant that the application could be refused on these grounds.

The proposal includes a detailed landscaping scheme which seeks to soften the appearance of the development but will not completely screen it. The layout has been designed as such that there are as few gables and rear elevations as possible along the outside edges. This in itself softens the edges and does not form a harsh built edge to the village.

As a result of a detailed site visit by the Council's Arboriculturalist three trees have been protected by Tree Preservation Orders. These are yet to be confirmed. However the development proposal has sought to retain these trees as part of the layout and therefore the trees should not effect implementation. However it was suggested that Plot 9 be removed from the scheme to avoid any future pressure for works to the tree. However this is not justified given that the location of the property takes into account the retention of the tree and the construction of the property is unlikely to affect it.

### Design

The application has been submitted in full and provides a detailed layout and elevation and floor plans of each property.

The proposed scheme results in a housing density of approximately 32 dwellings per hectare. Although this density is likely to be significantly greater than that found on adjoining sites it is just above the minimum of 30 dwellings per hectare as recommended in PPS3 Housing. This is therefore considered to be appropriate for a village location.

The layout is such that a series of small closes are created which lead off a central road through the development. When entering the site there will be an open aspect resulting from the open space and play area which acts as a village green. A large number of properties will face onto this space.

The house types vary in design but there are a variety of terraced, semi-detached and detached properties. One bungalow is proposed. With the exception of the bungalow all the other properties are two storey in height. Whilst the precise details of the materials will be controlled by condition the proposed materials will a mixture of buff and red brick, stone, slate and concrete tiles. These are all found in the vicinity of the site and are appropriate for the location. The Council's Urban design Officer has considered the proposals and is generally happy with the layout and design of the scheme.

A large proportion of the properties benefit from on plot parking whilst the rest have

allocated spaces in small parking courts. Each property benefits from its own garden all of which are appropriately sized for the size of properties.

The layout of the site and design of the buildings is considered acceptable and should provide a high quality living environment.

#### 5.7 Neighbouring amenities

The site is bounded on two sides by existing residential development, with such properties enjoying an attractive open aspect, privacy and pleasant amenities as a consequence of adjoining open countryside. This would be significantly altered by the development of the site although substantial landscaping and careful design and siting helps to mitigate the impact of the development upon neighbouring properties. This concern is reflected in the letters of objection from local residents and the Parish Council.

Notwithstanding the concerns, the relationships between the existing and proposed properties meet the Council's informal standards for space around buildings. Existing properties located on Barford Road benefit from gardens of up to 23 metres in length. Where there are new properties proposed there is a further gap of 12 metres between rear facing elevations. A shorter gap exists between the rear elevation of Bryher and the side elevation of Plot 54, but this still more than complies with our informal space standards. Existing properties on Milton Road have shorter gardens but where there are rear facing elevations a minimum gap of 24 metres is retained. The proposed bungalow is within 15 metres of the rear of a property called Andsu but the side elevation faces the rear of the existing property and given the nature of the bungalow there will be limited harm caused as a result. These arrangements indicate that this form of development can be accommodated on site without causing demonstrable harm to the living amenities of neighbouring properties.

#### 5.8 Highway Impact

The proposal includes the creation of a new access between Paddington Cottage and Rowan Court. As set out in the previous submission the access width is acceptable and the vision splays can be achieved by trimming back overhanging vegetation. There is no objection in principle to the proposed access, although the detailed design would need to be addressed.

In terms of pedestrian links to the village the proposal includes an extension to the footpath on the south side of the road. Although the Local Highway Authority would prefer to see this link closer to the junction it is acknowledged that this is not easily achieved due to land ownership and existing planting. Therefore the Local Highway Authority are satisfied with this detail.

After initial concerns were raised in relation to the level of parking further details have been provided and the LHA are now satisfied that the parking levels are adequate. In general terms the parking level is just over two spaces per dwelling but the precise number of spaces is adequately distributed in relation to the size of dwellings.

Although the LHA did not raise objections about the principle of the development clarification was sought on a number of issues. The agents have attempted to address these and further comment are awaited from the LHA.

## 5.9 Other Considerations

### Planning Obligation

The proposed development would generate a need for infrastructure and other contributions, that need to be secured through a planning obligation, to enable the development to proceed. Negotiations are underway which seek to secure the development contributes sufficiently to providing the infrastructure required as part of this development. However the precise details have not been agreed to date as the developers are seeking some reduction in the overall level of contributions as they consider that the initial contributions sought could affect the delivery of the scheme. It is considered that there is a balance to be reached between the developers being able to viably deliver the scheme within a shorter timescale to help meet the Council housing land supply shortage and the development providing sufficient infrastructure contributions to support it. Although details are still being discussed it is likely that heads of terms will include;

- Affordable housing – the application proposes 40% affordable housing, (10% more than the Council requires). Furthermore, whilst the Council seeks 50% of the affordable units to be built to Lifetime Homes Standards the developers are proposing to provide 100% of the affordable units being built to this standard.
- Outdoor sports facilities
- Open space contributions
- Highways and public transport contributions
- County Council Education contributions
- County Council Library contributions
- County Council Day Centre for the Elderly contributions
- County Council waste recycling contributions
- District Council refuse bin contributions
- District and County Council administration/monitoring fees

Public art, indoor sports, museum resource and Thames Valley Police contributions have been removed from the draft heads of terms as there are currently no policy justifications for requiring these sums and whilst desirable failure to provide them will not adversely affect the quality of the development or the infrastructure provision to existing and future residents. Whilst public art will not form part of the legal agreement the developers have agreed that they would be prepared to provide some form of feature in or around the open space, for example decorative railings. In terms of maintenance these are unlikely to be more costly than standard railings that would be required as part of the open space scheme.

Further clarification on this will be provided.

### Flood Risk Assessment

Since the previous application the Flood Risk Assessment has been revised and the Environment Agency are now satisfied with the flood risk assessment submitted with the application. This view is supported by the Council's own Engineer.

### Departure Procedures

This proposal is considered to be a departure from the development plan and in the past such an application would had to have been referred to the Government for the South East. However the publication of Circular 02/2009 revises this position and it

is no longer necessary for applications such as this to be referred.

5.10 Conclusion

The application is for development beyond the built up limits of Bloxham in the open countryside. As such the application is contrary to both the adopted and Non Statutory local plan policies. However, given the current position on housing land supply which is below five years it is necessary to consider if it would be appropriate to release this site for development. The previous proposal for a nursing home and retirement dwellings was not considered to demonstrate that it would contribute to increasing the five year housing land supply figure or to fully meet the requirements of PPS 3 with regard to releasing such sites, particularly with regard to meeting local needs. However this scheme, by providing 100% housing, with 40% affordable, and demonstrating deliverability is considered to contribute to this housing land supply. In addition to contributing towards this shortage the development is considered to meet the other tests set out in PPS3 (set out in the Head of Planning and Affordable Housing Policy section above). It is therefore recommended that this application be approved.

**6. Recommendation**

**Approve subject to**

**a) the completion/signing of a section 106 agreement**

**b) the following conditions;**

1. That the development to which this permission relates shall be begun not later than the expiration of 2 years beginning with the date of this permission. (RC2)
2. SC 2.2AA Samples of walling materials (RC4A) 'bricks and stone' 'new dwellings and garages'
3. SC 2.2BB Samples of roofing materials (RC4A) 'slates and tiles' 'new dwellings and garages'
4. SC 5.5 AA Submit New Design Details (RC4A) 'Doors, windows'
5. SC 2.10A Finished floor levels (RC7A)
6. SC 3.1A Carry out Landscaping Scheme and Replacements (RC10A)
7. SC 3.10A Open Space (RC12B)
8. SC 4.1AB Access, specification proposed (RC13BB)
9. SC 4.5AA Vision Splay Dimensions (RC13BB) 'first occupation' 'proposed development' '4.5m by 90m'
10. SC 4.9AB New Estate Roads (RC14AA)
11. SC 4.10AA Estate Accesses, Driveways (RC14AA)
12. SC 4.13CD Parking and Manoeuvring Area Retained (RC13BB)
13. SC 4.14DD Green travel plan (RC66A)
14. Prior to the first occupation of the proposed development the required off-site works are to be constructed, laid out and to the approval of the Local Highway Authority and constructed strictly in accordance with the highway authority's specifications and that all ancillary works shall be undertaken. (RC16AA)
15. SC 9.3 Construction Environmental Management Plan (RC84)
16. SC 9.4A Carry out mitigation in ecological report (RC85A) 'Sections 4 and 5' 'Ecological Appraisal' 'Diversity' 'July 2009'
17. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out 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 shall be 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 that it is satisfied that no potential risk from contamination has been identified. 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 PPS23: Planning and Pollution Control.

18. If a potential risk from contamination is identified as a result of the work carried out under condition w, 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: as above
19. If contamination is found by undertaking the work carried out under condition x, 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: as above
20. If remedial works have been identified in condition y, the remedial works shall be carried out in accordance with the scheme approved under condition y. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority. Reason: as above
21. SC5.9AA Archaeological Watching Brief (RC28AA)
22. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Dated November 2009, carried out by Stuart Michael Associates ref 3307.FRA&DS and the following mitigation measures detailed within the FRA:
  - Limiting the surface water run-off rate generated by the development to 3.4l/s/ha so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
  - Providing sufficient attenuation for a volume of 697m<sup>3</sup> so that it will not exceed the run-off volume from the undeveloped site and not increase the risk of flooding off-site.
  - All adoptable roads and parking areas will be permeable paving and all dwellings will have water butts.

**Reason:**

- To prevent flooding by ensuring the satisfactory disposal of surface water from the site.



- To prevent flooding by ensuring the satisfactory storage of surface water from the site.
- To provide sufficient attenuation and other benefits such as water quality and water re-use.

23. Development shall not commence until a drainage strategy detailing any on or off site drainage works, has been submitted to and approved in writing 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 on the community.

### **Advice to Applicant**

1. From 6 April 2008 it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000.

The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT.

For projects estimated at between £300,000 and £500,000 (excluding VAT) the SWMP should contain details of the:

- types of waste removed from the site
- identity of the person who removed the waste
- site that the waste is taken to.

For projects estimated at over £500,000 (excluding VAT) the SWMP should contain details of the:

- types of waste removed from the site
- identity of the person who removed the waste and their waste carrier registration number
- a description of the waste
- site that the waste was taken to
- environmental permit or exemption held by the site where the material is taken.

At the end of the project, you must review the plan and record the reasons for any differences between the plan and what actually happened.

You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.

Further information can be found at [www.netregs-swmp.co.uk](http://www.netregs-swmp.co.uk)

It is suggested that larger areas of hard standing e.g. walkways/car-parking are constructed following the recommendations set out in Sustainable Urban Drainage Systems guidance. This can be continued with designs for open space and landscaping within the area. The use of SUDS can attenuate the disposal of water and reduce the impact of pollutants to nearby watercourses. Guidance is available from Planning Policy Statement 25 or from the Environment Agency website, [www.environment-agency.gov.uk/suds](http://www.environment-agency.gov.uk/suds)

Rainwater harvesting should be used where possible.

**SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council as local planning authority, has determined the application having had careful regard to the development plan and other material considerations. Although the site is not allocated for development in the adopted Cherwell Local Plan the Council considers the following material considerations sufficient to justify the granting of planning permission as a departure from the adopted Local Plan. The need for the site to be developed to accord with the Council's strategy for meeting housing delivery requirements, development that results in high quality housing and minimises and mitigates landscape and other impacts has led the Council to consider the proposal acceptable. The proposal is in accordance with PPS3 – Housing and Policies BE5, H2 and H3 of the South East Plan.

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