

## Appendix 21

Application No: 09/01811/F		Ward: Bloxham and Bodicote	Date Valid: 21/12/09
Applicant:	Bewley Homes PLC		
Site Address:	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 trees 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 non-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 Ellis 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 Ellis 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 Pansh 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
- B1 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 are 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 Warner 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 09/00985/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>3</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

**G13** – 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 be 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.

## 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 have 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 and 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.

**CONTACT OFFICER:** Caroline Roche

**TELEPHONE NO:** 01295 221816

## Appendix 22

Mr Michael Courcier  
Barton Willmore  
3 Hardman Street  
Spinningfields  
Manchester  
M3 3HF

Our Ref: APP/U4230/A/11/2157433  
Your Ref:

Date: 16 July 2012

Dear Mr Courcier,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL BY PEEL INVESTMENTS (NORTH) LTD  
LAND AT BURGESS FARM, HILTON LANE, WORSLEY, MANCHESTER,  
M28 3TL  
APPLICATION REF: 10/58745/OUTEIA**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Mr C J Ball, DArch DCons RIBA IHBC, who held a public local inquiry between 22 and 29 November 2011 into your client's appeal against a decision of Salford City Council to refuse outline planning permission for residential development consisting of 350 dwellings, open space, nature parks, roads, foot and cycle links and landscaping; together with recreational and ecological works at land at Burgess Farm, Hilton Lane, Worsley, Manchester, M28 3TL in accordance with application number 10/58745/OUTEIA, dated 18 March 2010.
2. On 5 August 2011, the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 to Schedule 6 to, the Town and Country Planning Act 1990. The reason for this was because the appeal involves proposals for residential development of over 150 units or on sites of over 5 hectares which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeal be dismissed and planning permission refused. For the reasons given below, the Secretary of State disagrees with the Inspector's conclusions and his recommendation. He allows the appeal and grants planning permission subject to conditions. A copy of the

Department for Communities and Local Government  
Pamela Roberts, Decision Officer  
Planning Central Casework Division,  
1/H1, Eland House  
Bressenden Place  
London  
SW1E 5DU

Tel: 0303 444 4359  
Email: [pamela.roberts@communities.gsi.gov.uk](mailto:pamela.roberts@communities.gsi.gov.uk)

Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

#### **Procedural matters**

4. In reaching his decision the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. Having had regard to the Inspector's comments at IR22, the Secretary of State is content that the Environmental Statement complies with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the application.

#### **Matters arising after the close of the inquiry**

5. Following the close of the inquiry, the Secretary of State received a written representation, from Edwin John Howarth of the Burgess Farm Residents Group dated 3 April 2012 to Minister Bob Neil MP, which he has considered carefully. This related to the inclusion of the Burgess Farm site for housing in the Salford City Council publication (draft) core strategy, and is dealt with later on in this letter. He also received a letter from local resident Mrs Eileen Collier dated 25 April 2012. The Secretary of State has taken account of both of these representations in his consideration of the appeal before him, but is satisfied that that they did not raise matters which would require him to refer back to parties prior to reaching his decision.
6. Following the close of the inquiry, the Government published the National Planning Policy Framework (March 2012) (the Framework). This document replaces those Planning Policy Guidance and Statements, Minerals Planning Guidance notes, Circulars and Letters to Chief Planning Officers set out in its Annex 3. Following the publication of this document the Secretary of State wrote to interested parties on 19 April seeking their views on its implications, if any, on the proposal before him. On 14 May the Secretary of State circulated the responses, inviting further comments, and stating that he would then proceed to a decision. A list of those responding is set out in Annex A below.
7. The Secretary of State has carefully considered all of the representations received in his determination of this case. He considers that for the most part the issues raised cover those already rehearsed at the inquiry. In considering these further representations the Secretary of State also wishes to make it clear that he has not revisited issues which are carried forward in the Framework and which have therefore already been addressed in the IR, unless the approach adopted in the Framework leads him to give different weight to any of them. His views on the implications of the Framework are reflected in the relevant sections on Main Issues below.
8. Copies of the representations referred to in paragraph 5 and in Annex A may be obtained on written request to the above address.



### **Policy considerations**

9. In determining the appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
10. In this case, the development plan comprises the North West of England Plan – Regional Spatial Strategy to 2021 (2008) (RS) and the saved policies of the City of Salford Unitary Development Plan 2004-2016 (2006) (UDP). The Secretary of State considers that the development plan policies most relevant to the appeal are those set out by the Inspector at IR26-30.
11. The Salford City Council Core Strategy is in preparation and is not expected to be adopted until 2013. The Core Strategy is potentially subject to amendment and the Secretary of State concurs with the parties that that only very limited weight can be attached to the Core Strategy at this stage of its preparation (IR33). He is aware that the Core Strategy was submitted for examination in May 2012, but that does not alter the weight he attaches to it, as there are unresolved objections to relevant policies in the plan.
12. Other material considerations which the Secretary of State has taken into account include the Framework (see paragraph 6 above); *Technical Guidance to the National Planning Policy Framework* (March 2012); Circular 11/1995: *Use of Conditions in Planning Permission*; and the *Community Infrastructure Levy (CIL) Regulations 2010 and 2011*. The Secretary of State has also taken account of the Written Ministerial Statement of the Rt Hon Greg Clark MP, on *Planning for Growth*, dated 23 March 2011.
13. The Secretary of State considers that the revocation of Regional Strategies has come a step closer following the enactment of the Localism Act on 15 November 2011. However, until such time as the North West of England Plan is formally revoked by Order, he has attributed limited weight to the proposed revocation in determining this appeal.

### **Main issues**

#### **The relationship of the proposal to the development plan**

14. The Secretary of State notes the relevant development plan policies set out in IR26-30; and the clear conflict with UDP policies that designate the site as urban fringe and countryside, and other policies as set out in IR29. The Secretary of State notes that the Salford City Council took no real part in the inquiry and that it was not possible for the Inspector or objectors to explore policy and related matters with the Council (IR183). In response to the referral back to parties on the implications of the Framework, the Council advised that the RS policies for the sequential approach to development and for the priority locations for growth should no longer be used, as the Framework sets out new guidance. The Secretary of State agrees that the sequential approach to location of housing development is not reflected in the Framework. He has also had regard to the presumption in favour of sustainable development in the Framework which states

that where plans are out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Housing demand and supply, with regard to location, deliverability, need and the provision of market and affordable housing

15. The Secretary of State has carefully considered the Inspector's conclusions at IR 184-195. The Secretary of State agrees with the Inspector that over the 5 year period 2011-2016, there is at best 2.5 years supply in relation to the RS housing requirement. The Secretary of State notes that the Inspector considers that the Council's Interim Housing Figure is a material consideration of significant weight (IR192); that applying this requirement would result in about 6 years supply of land (IR193); and that the quantitative need to release the site for housing is not sufficiently justified (IR195). The Secretary of State disagrees with the weight that the Inspector accords to the Interim Housing Figure. He notes that the figure derives from updated household growth forecasts and explicitly seeks to meet only forecast growth and demand generated within Salford; that it has not been tested at examination and has no development plan status. He considers that in this case the housing requirement should be taken from the most up to date plan, which is the RS. On this basis there is a shortfall in the 5 year land supply.
16. The Framework states that policies for the supply of housing should not be considered up-to-date if a council cannot demonstrate a 5 year land supply. The Secretary of State considers that there is a significant shortfall of some 4,000 dwellings (2.5 years supply) against the 5 year housing land requirement and that the release of this site could provide 175 houses in the 5 year period. He notes that the Inspector casts doubt on this figure, but he has not seen any evidence to support the Inspector's concerns (IR190). He considers that the contribution this development would make to reducing the shortfall in 5 year land supply weighs significantly in favour of the proposal.
17. He agrees with the Inspector that the proposal would bring considerable benefits of additional market and affordable housing and contribute to the qualitative need for aspirational housing (IR194-195). However, he is not persuaded that there is insufficient justification to release a greenfield site (IR195). He gives less weight to the sequential approach to release of sites. National planning policy in the Framework encourages the use of previously developed land, but does not promote a sequential approach to land use. It stresses the importance of achieving sustainable development to meet identified needs.

The impact on the highway network and transport infrastructure, including public transport, and the sustainability of the location

18. The Secretary of State agrees with the Inspector's assessment at IR201-202 that there is a fairly free flow of traffic and that the proposal would not lead to an unacceptable impact on traffic flow and congestion at junctions. The Secretary of State also agrees with the Inspector, for the reasons given at IR199, that people living on the completed development would have access to adequate local bus services to Salford and Manchester centres. The Secretary of State notes the



Inspector's concern that residents to the south and west of the development would find it less attractive to walk or cycle to the town centre, schools and bus stops, but he disagrees that the site is poorly located in terms of access to public transport and local services (IR197). He notes the Inspector's reservations about the potential of the proposed shuttle bus service to establish viability, but he does not consider this concern attracts significant weight (IR198).

19. The Secretary of State has carefully considered the Inspector's assessment of Walkden railway station at IR200. He acknowledges that access to it is not ideal; that no location has been agreed for the Appellant's proposed cycle stands and lockers; and that current improvements to the station and upgrades to services are to meet existing demand. However, the station is only some 850m from the appeal site entrance, and although the rail service is already heavily used, it provides the potential for residents of the development to make use of public transport.

20. The Secretary of State has given careful consideration to the Inspector's analysis of accessibility and sustainability of the location at IR196-203. The Secretary of State disagrees with the Inspector's conclusions at IR203 that the site is not in a particularly sustainable location and that the proposal would therefore not be consistent with the development plan. He considers that on balance the location is sustainable. He finds that the site is within reasonable distance of rail and bus services and the site entrance is some 850m from Walkden town centre and schools, with local facilities within reasonable walking and cycling distance. Despite the Inspector's reservations, he considers that the proposed shuttle bus service would assist in improving accessibility to local facilities and that the proposed cycle facilities at the railway station would encourage cycling as a means of travel to the station.

The loss of farmland and the effect on the character and appearance of the area and the amenities of neighbouring residents

21. The Secretary of State agrees with the Inspector for the reasons given at IR205 that the loss to agriculture as a result of the development proposal would not be objectionable in principle. However, he disagrees with the Inspector's reasons at IR204 that the site should be protected from development. The Secretary of State acknowledges that development of the site would result in the permanent loss of an area of open countryside enjoyed by local people; encroachment into the wildlife corridor; a significant intrusion into the setting of Walkden; and that it would seriously degrade the character and appearance of the area and the amenities of neighbouring residents (IR206). The Secretary of State accepts that there is a clear conflict with UDP policies for the site, which support its retention as undeveloped land. He recognises that one of the core planning principles in the Framework is to contribute to the conservation and enhancement of the natural environment. However he considers that the loss of this land needs to be weighed against the substantial shortfall in housing land and the contribution that the proposed development could make to reducing that shortfall in a sustainable location.

### The impact on the adjacent Site of Biological Importance

22. The Secretary of State accepts the Inspector's conclusions at IR 207-209 and agrees with the Inspector that the detrimental impact of the development on the nature conservation interest of the Site of Biological Importance would be minimised as far as practicable.

### Other matters

23. For the reasons given at IR215-217 the Secretary of State agrees with the Inspector's conclusions on flooding and drainage, air quality, and provision of school places. On the issue of prematurity, the Secretary of State agrees with the Inspector at IR218 that the proposal would not significantly prejudice strategic decisions by pre-determining the scale and location of new housing currently being considered as part of the Core Strategy process. He therefore finds no argument for prematurity. In paragraph 15 above he sets out his reasons for disagreeing with the Inspector over the use of the Interim Housing Figures and in paragraph 11 he sets out the weight he attaches to the emerging Core Strategy. He therefore disagrees with the Inspector's conclusion at IR219 that it seems premature to release a greenfield site at this stage.
24. The Secretary of State notes the Inspector's comments that residents see this proposal as an attempt to pre-empt the Core Strategy process and to bypass local consultation (IR219). He considers that the community have had an opportunity to express their views through the application and appeal process, as well as through the preparation of the Core Strategy. In reaching his decision he has given very careful consideration to all the objections expressed to this development. He has given no consideration to the Barton Farm decision referred to in IR220, as this decision has been quashed by consent and will be redetermined in due course.

### Conditions and obligations

25. The Secretary of State agrees with the Inspector's reasoning and conclusions on conditions set out at IR174-180. The Secretary of State is satisfied that the proposed conditions are reasonable, necessary and comply with Circular 11/95. He has made minor changes to the wording of condition 19 to reflect the current national policy position, but does not consider that this materially alters the intent of the condition.
26. The Secretary of State has considered whether any consequential impact on local infrastructure would be overcome or substantially mitigated by the proposed planning obligation (IR210-214). He agrees with the Inspector for the reasons given at IR211 that the planning obligations to provide affordable housing, nature parks and a safer route to schools comply with policies in the Framework, meet the tests set out in CIL Regulation 122, and would overcome the impact on local infrastructure that the development would have in those respects (IR214). The Secretary of State agrees with the Inspector that the provision of the shuttle bus service and cycle stands meet the CIL tests (IR212-213). He considers that the assessment of whether these facilities will be adequate to mitigate the impacts of the development is a matter of judgement and in his view they are, as he

considers that the location is sustainable and that these facilities would encourage residents to use transport other than the private car to access local facilities. He does not therefore agree with the Inspector's conclusion at IR214 that these two obligations would not meet the tests of the CIL Regulations

#### Overall conclusions

27. The Secretary of State has carefully assessed the issues in this case and the conclusions of his Inspector. He considers that the proposal does not accord with the development plan and in particular that there is conflict with the site specific proposals for the land in the UDP. He disagrees with the Inspector over the housing requirement figure and considers that the requirement should be derived from the RS, as the most up to date part of the development plan. He finds there is a substantial shortfall in 5 year land supply against the RS housing requirement and he attaches significant weight to this factor. He is further guided by the Framework, a material consideration in his decision, which states that housing applications should be considered in the context of the presumption in favour of sustainable development. As there is not a 5 year land supply, the policies for housing supply should not be considered up to date and he has therefore considered whether the proposal represents sustainable development and whether any adverse impacts of granting permission would so significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
28. The Secretary of State has considered the three dimensions of sustainable development as set out in the Framework. At paragraph 20 above he sets out his reasons for finding that the site is a sustainable location for housing. He considers that the proposals fulfill an economic role by providing land for more aspirational housing to expand the quality and choice of housing; a social role, by providing market and affordable housing to meet identified needs; and an environmental role by providing open areas and nature parks. He accepts that there are substantial environmental disbenefits to the development of this site including the loss and countryside that is valued by residents and the impact on the rural setting of Walkden.
29. The Secretary of State has carefully assessed the factors weighing in opposition to the development against the significant deficiency in 5 year housing land supply. The Secretary of State considers that the proposals do, on balance, represent sustainable development, and he does not consider that the adverse impacts of allowing the development outweigh the benefits to be gained. He therefore considers that there are material considerations in favour of the development that outweigh the conflict with the development plan.

#### Formal decision

30. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby allows your client's appeal and grants outline planning permission for residential development consisting of 350 dwellings, open space, nature parks, roads, foot and cycle links and landscaping; together with recreational and ecological works at land at Burgess Farm, Hilton Lane, Worsley, Manchester, M28 3TL in accordance with application number



10/58745/OUTEIA, dated 18 March 2010, subject to the conditions listed at Annex B of this letter.

31. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
32. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
33. This letter serves as the Secretary of State's statement under regulation 21(2) of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999.

**Right to challenge the decision**

34. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
35. A copy of this letter has been sent to the Council, Burgess Farm Residents Group and Worsley Civic Trust and Amenity Society. A notification letter has been sent to all other parties who asked to be informed of the decision.

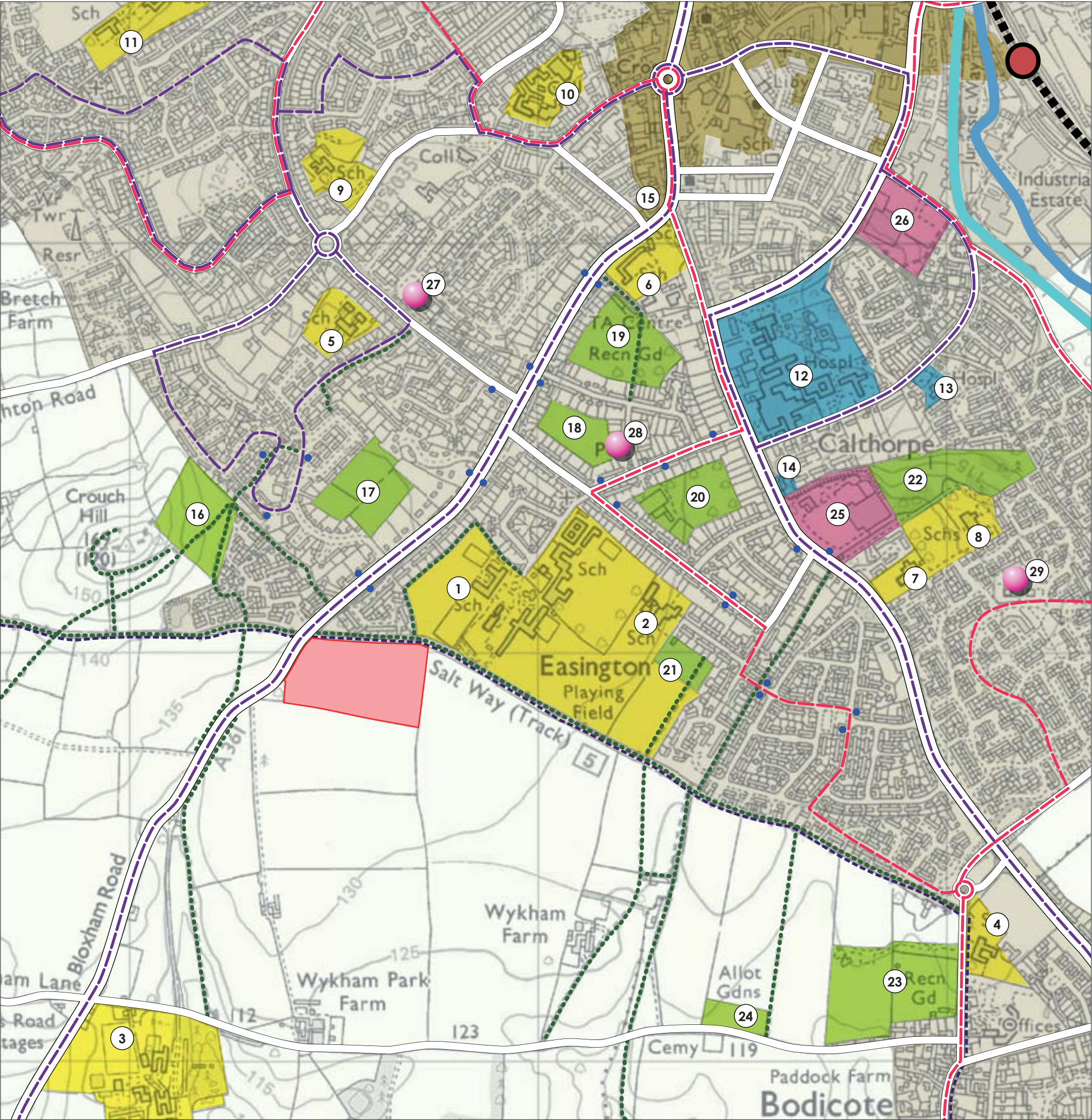
Yours sincerely,

**Pamela Roberts**

Authorised by Secretary of State to sign in that behalf







KEY

- proposed development site
- Banbury town centre
- education
- healthcare
- open space
- supermarket
- local shops
- public rights of way
- National Cycle Route 5
- bus stops
- high frequency bus route
- lower frequency bus route

1.

Banbury School
2.

Blessed George Napier Catholic School
3.

Tudor Hall School
4.

Bishop Loveday C of E Primary School
5.

Queensway Primary School
6.

Harriers Ground Primary School
7.

The Grange Primary School
8.

St Johns Roman Catholic Primary School
9.

Frank Wise School
10.

Oxford and Cherwell Valley College
11.

St Josephs Primary School
12.

Horton General Hospital
13.

Foscote Private Hospital
14.

Hightown surgery
15.

Horsefair surgery
16.

Waller Drive open space
17.

Browning Road park
18.

Easington allotments
19.

Easington Park
20.

Horton View sports ground
21.

Easington Sports Football Club
22.

Whimbrel Way open space
23.

Banbury Cricket Club
24.

Wykham Lane allotments
25.

Oxford Road Saninburys supermarket
26.

Swan Close Road Morrisons supermarket
27.

Queensway shopping centre - local shops
28.

Horton View shops & Easington Post Office
29.

Chatsworth Drive local shops & Post Office

land east of Bloxham Road, Banbury  
on behalf of Barwood

drawing no.	SK30	drawing	services and facilities
rev	-	job no.	OXF168221
scale	1:10,000 @ A3	date	26/10/2012
drawn by	KS		
checked by	AR		





**Cherwell District Council**

**Housing Needs Estimates**

**Produced by B.Line Housing Information**

**June 2009**





### *18. Numbers and percentages – relationship to overall new supply targets*

The resulting figures are an annual need, which would in principle be required for the seven year policy period adopted to address the backlog, and would then need to be revised downwards so that it addressed new need only. This is in reality, of course, highly unlikely, as not only is the method – indeed any method - inevitably imprecise, but many other factors may well change in future years anyway.

PPS3 sets out how figures should be treated in paragraphs 22 and 29.

*22. Based upon the findings of the Strategic Housing Market Assessment and other local evidence, Local Planning Authorities should set out in Local Development Documents:*

- The likely overall proportions of households that require market or affordable housing, for example, x% market housing and y% affordable housing.*
- The likely profile of household types requiring market housing e.g. multi-person, including families and children (x%), single persons (y%), couples (z%).*
- The size and type of affordable housing required.*

*29. In Local Development Documents, Local Planning Authorities should:*

- Set an overall (i.e. plan-wide) **target** for the amount of affordable housing to be provided. The target should reflect the new definition of affordable housing in this PPS. It should also reflect an assessment of the likely economic viability of land for housing within the area, taking account of risks to delivery and drawing on informed assessments of the likely levels of finance available for affordable housing, including public subsidy and the level of developer contribution that can reasonably be secured. Local Planning Authorities should aim to ensure that provision of affordable housing meets the needs of both current and future occupiers, taking into account information from the Strategic Housing Market Assessment.*

The numerical target for affordable housing which *could* be justified is therefore, on these estimates, up to 962 a year for the district of Cherwell overall taking account of all need, or 288 a year based only on the need for social renting.

This then requires conversion of the annual need numbers into percentages or policy setting, which can be done by comparing the need figures to actual or intended supply. Annual Monitoring Reports give actual supply, while an alternative denominator that can be used is the target new supply figure from the Regional Spatial Strategy or Plan. The South East Plan was published in May 2009, although is still subject to legal challenges, and Policy H1A requires Cherwell to prepare plans, strategies and programmes to ensure the delivery of the annual average net additional dwelling requirement of 670 a year, to give a total of 13,400 additional dwellings between 2006 and 2026.

On the basis of this level of annual new supply some 144% of total supply could be justified as needing to be affordable to meet all need, including all intermediate need, while 43% of the annual 670 dwellings should be affordable to meet need for social renting only.

The South East Regional Plan policy H3 requires that local authorities should adopt policies for “ *the development and inclusion of targets for the provision of affordable housing, taking account of housing need and having regard to the overall regional target that 25% of all new housing should be social rented accommodation and 10% intermediate affordable housing*”.

Actual new supply is monitored in Annual Monitoring Reports.

Table 29 Total completions from 1996 to 2009

<b>CDC Housing Completions (net)</b>	total completions	3 year rolling average	affordable completions	affordable %
<b>2001/02</b>	533		123	23%
<b>2002/03</b>	436		130	30%
<b>2003/04</b>	409	459	84	21%
<b>2004/05</b>	677	507	32	5%
<b>2005/06</b>	1067	718	61	6%
<b>2006/07</b>	853	866	166	19%
<b>2007/08</b>	455	792	133	29%
<b>2008/09</b>	426	578	87	20%
Totals & average	4856	607	816	17%

Source: Local Development Plan monitoring,

In reality new supply figures are normally quite variable, dependent on market conditions. The year 2005/6, during the house price boom, is a larger number than previously or since, as might be expected. The average new annual supply over the whole period was just over 600, and the average for the past 3 years was a little less, at 578. On this basis up to 150% or more of new supply could be justified as affordable to meet all need based on ability to buy, and almost 50% based on the need for social rented housing only.

Intermediate housing is recognised as a form of affordable housing, so in essence all of the new supply could be justified as needing to be within the intermediate price range to meet need, which merely demonstrates that open market prices are still too high to be affordable. There are local judgements and decisions to be made about how far the private rented sector can and should meet this intermediate demand and need, and so how much intermediate housing can and should be sought as part of S106 agreements. As discussed above, there are issues about how far shared ownership can meet housing need, especially in current housing market and mortgage lending conditions.

Affordable housing that has been provided *and already included in the supply side* should not be included to estimate the proportion of further additional new supply required in principle to be affordable. The baseline average of **new** supply is around

100 a year over recent years. This is a substantial proportion of the overall affordable supply, - but which needs to remain at similar rates to maintain the overall level. The total level of supply, including relets, as a proportion of stock in Cherwell is quite small, at less than 6% of total RSL stock. This means that the level of relets is even lower, – that is fewer tenants currently move out to release a home for relet. The national average for turnover of stock in all tenures is normally about 10-11% a year, although this average disguises wide variations, and has fallen recently.

This all suggests too that there may be scope for products and incentives to give tenants more opportunities to move and release properties for relet, especially under-occupiers.

However the supply of new affordable lets has increased recently as developers have switched from market to affordable provision where they can, which means that not all of it is included in the ‘regular’ supply of affordable housing based on CORE data.

Irregular ‘booms’ in new supply such as this will clearly help meet need, - provided that it is of the right type, size and in the right locations required -, but it then makes it more difficult to assess the percentage required over a longer period if compared to annual delivery rates. Acquisitions of affordable properties from other sources, such as purchase of existing properties, as Cherwell were able to do in 2009, will of course help address some of the most urgent needs; but unless the numbers are substantial will probably not make much impact on the overall requirement for more affordable housing, and for more affordable house prices in general.

Assessing the percentage of affordable housing required against a more stable figure such as the Regional Plan target and using the annual delivery rates to monitor this should therefore give clearer picture; - although in a dysfunctional and volatile housing market this figure too may well be unrealistic and undeliverable. In Cherwell the actual average annual supply and RSS target are reasonably close together. Whichever figure is used, therefore, the proportion which could be justified as affordable on the basis of housing need is up to over 100% of total new supply, or up to 43% for social housing only. However this does not take account of the financial viability of development, which is being assessed in a separate exercise.

While extremely high percentages, even over 100%, are unlikely to be delivered, it is not logically contradictory because housing need depends mainly on the resale market, and there is no direct logical connection between the extent of new supply and the level of affordable need - although there may be a longer term indirect link through market pressures of supply and demand. Levels of need of this order are common in high priced, high demand housing markets, and indicate that ‘need’ cannot be met through this level of new supply alone. Other methods can also be used to help meet it such as better utilisation of existing stock, improved functioning of the housing market, and increased overall supply.

It must be strongly emphasised that research is not policy, and many other factors need to be taken into consideration to formulate the policy for the proportion of affordable housing as a starting point for negotiations before considering viability as set out in PPS3 paragraph 29 above.

This policy setting is the role of each local authority, but a reasonable starting point in Cherwell might be up to 40% affordable housing in the district overall, which would start to meet the justifiable requirement for social rented housing, and some proportion of the large amount of intermediate housing required.

However in the housing market conditions of 2009 this is seriously compromised by development viability questions. Higher, or lower, levels may be indicated by local evidence and considerations of the viability of particular sites and developments, and an important factor is also to help to create or sustain mixed communities and housing markets.

#### *19. Housing sub market area needs model*

In addition to the overall local authority needs estimates model, a further model was developed at housing submarket area level, to reflect the differences in house prices, incomes and supply of stock in different parts of the district. The concept of submarkets is becoming increasingly used and accepted in understanding how housing markets actually work, and there is a growing body of literature on them.<sup>4</sup> The underlying economic principle is that buyers consider transactions anywhere within a particular housing submarket area to be appropriate substitutes for each other. This tends to lead to market prices for similar houses within the area being similar, while houses in other submarket areas have different prices, and buyers will not see them as equivalent.

The concept of housing submarkets is thus based on underlying economic principles:-

- Substitutability: dwellings in the same submarket are considered as substitutes.
- Law of one price: any single market has a single price, therefore price differences (e.g. of dwelling attributes) indicate separate or "sub" markets.
- Information flows: one definition of a market is that borrowers & sellers have a reasonably coherent information set. Marked breaks in search behaviour or in responses to market signals or external shocks are indicative of separate markets.

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<sup>4</sup> [http://www.gwilympryce.co.uk/housing/39217\\_Housing\\_Market\\_Fibre.pdf](http://www.gwilympryce.co.uk/housing/39217_Housing_Market_Fibre.pdf)



# Cherwell Community Plan 2016

delivering a  
better quality of life  
in Cherwell

# Vision 2016

**Cherwell** Community  
Planning **Partnership**

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# Cherwell Community Planning Partnership

## Foreword

*This Community Plan is presented to the people of Cherwell by the Cherwell Community Planning Partnership.*

*The Cherwell Community Plan is intended to be a living and changing document that sets a long-term Vision for Cherwell to 2016 with specific aims and actions to move towards achieving the Vision.*

*It has taken the Partnership 18 months and consultation with literally thousands of individuals, groups and organisations to arrive at this Plan - delivering it will equally be no small task!*

*The Partnership is made up of many organisations, all with different ways of doing things, different priorities and many different plans. The challenge has been to hear what the people of Cherwell have told us, to agree the Vision, to bring together the many different plans, and set common aims and actions to move towards delivering the Vision.*

*Just as the Partnership is made up of many organisations the Cherwell population comprises many communities - young and old, carers and families, faith and ethnic groups, volunteers and businesspeople, to name just a few. All these different communities have a part to play in delivering this Plan.*

*The Cherwell Community Plan 2016 is the start of the process of "joined up" service delivery in Cherwell. Now we have to get down to delivering the Plan and updating it to reflect the changes as they arise.*

*We hope you will find the Plan meets your aspirations and that you will hold the Partnership to account for its delivery!*



Cllr Reynolds



Grahame Handley

Cllr G A Reynolds

Leader

Cherwell District Council

Grahame Handley

Chairman

Cherwell Community Planning Partnership

Banbury and District Chamber of Commerce · Banbury Town Council · Bicester and District Chamber of Commerce  
Bicester Town Council · Cherwell District Council · Cherwell Vale Primary Care Trust · Kidlington Parish Council  
Kidlington Voice · NE Oxon Primary Care Trust · North Oxfordshire College · Oxfordshire Rural Community Council  
Oxfordshire County Council · Oxfordshire Economic Partnership · Thames Valley Police · Voluntary Organisation Forum





# What is the Cherwell

## What is the Cherwell Community Plan 2016?

**The Cherwell Community Plan is a living and changing document that sets a long-term Vision for Cherwell to 2016.**

The Vision brings together the wishes and needs of Cherwell's local communities and co-ordinates the delivery of aims and actions towards achieving the Vision. For this Vision, "local communities" often means groups of residents living in a village or area of a town in Cherwell, but it can also mean residents who share a common interest, such as sport or voluntary work.

The Community Plan is not fixed in tablets of stone. It will change over time responding to both the needs of the many Cherwell communities and to external pressures, for example from national Government.

### Why 2016?

What Cherwell will look like in terms of the use of land for housing, roads and industry will be set out in the next Oxfordshire Structure Plan which will run until 2016. The Cherwell Local Plan will follow the same time-frame. This Community Plan links the delivery of the communities' wishes with the physical changes that will be occurring across the District.

### Who are the Cherwell Community Planning Partnership?

The Cherwell Community Planning Partnership is the "Local Strategic Partnership", made up of representatives of

Cherwell's public, private and voluntary sector organisations, who have come together to form a Partnership to develop and work towards delivering the Vision in this Community Plan. The Partners are as follows:

- Cherwell District Council
- Thames Valley Police
- Oxfordshire County Council
- Cherwell Vale Primary Care Trust
- North East Oxfordshire Primary Care Trust
- Oxfordshire Rural Community Council
- North Oxfordshire College
- Banbury Town Council
- Bicester Town Council
- Kidlington Parish Council
- Banbury and District Chamber of Commerce
- Bicester and District Chamber of Commerce
- Kidlington Voice
- Oxfordshire Economic Partnership
- Voluntary Organisation Forum

### How was this Community Plan developed?

The Partnership was formed in December 2000 and committed itself to a far-reaching programme of consultation during 2001 with the people and organisations who live and work in Cherwell. To begin with, a Stakeholders' Convention was held involving local organisations operating in Cherwell to start the creation of a common Vision to 2016. The Stakeholders' Convention helped frame a Quality of Life Survey conducted in the Spring of 2001 of a representative sample of 1,000 residents in Cherwell. This generated a Residents' Agenda of the main issues for people living in Cherwell in priority order. Following on from this a Regional Partners' Convention of regional and national agencies that influence the future of Cherwell was arranged and specific consultation was undertaken. This included

# Community Plan 2016?

workshops with Parish & Town Councils, tenants, young people, voluntary and environmental organisations and "Question Time" public meetings were held across the District.

The resulting draft Community Plan 2016 considered all the consultation feed back collated during 2001 and was structured around ten themes which reflect the top ten priorities that emerged from the Residents' Agenda. The draft Community Plan 2016 was summarised into an 8-page booklet and distributed with a questionnaire to Cherwell's 54,000 households in the winter 2001 issue of Cherwell Link, Cherwell District Council's magazine. 1,100 replies were received, of which over 80% agreed with the Visions, themes and actions set out in the summary of the Plan. Moreover, three-quarters of the replies said the Plan matched their own aspirations for the District.

It is important that this Plan is realistic so a number of assumptions were made at the outset, chief of which was that the money available to implement the actions would be within plus or minus 10 per cent of current budgets.

It is the role of the Cherwell Community Planning Partnership to monitor this Plan to make sure that everything is delivered. This will be done through a strong framework of control to manage implementation and robust arrangements for monitoring and review. In particular, there will be an annual review of the Plan following the end of each financial year where adjustments can be made to take account, for example, of changing needs and external pressures.

In addition to simply measuring delivery of the Plan it is important to gauge whether the quality of life of residents has improved. This will be assessed through specific indicators covering the economic, social, environmental well-being of the District and also through other quantitative and qualitative means such as further quality of life surveys.

In short, people in Cherwell can be confident that the aims and actions set out in this Plan will be delivered. Further, progress will be reported on regularly through Cherwell Link, Cherwell District Council's magazine, delivered to every household in the District three times a year.

## **How will the Actions actually be delivered and success measured?**

Each of the ten themes of the Community Plan 2016 contains aims and actions to be delivered over the 5 year period ending in December 2006. Sitting behind the Community Plan 2016 is a developing framework of medium term strategies and associated action plans to 2005/2006. Each action plan contains the detail of what, who, how, why, where and when for each aim and action in this Plan, plus many other actions that it has not been possible to include in the Plan.

## **How does the Cherwell Community Plan 2016 link with other Community Plans / Strategies in Oxfordshire?**

The Cherwell Community Plan is the first in a number of Community Plans/Strategies based on the District areas in Oxfordshire. There is agreement between all the Districts in Oxfordshire and Oxfordshire County Council that there will be an "Oxfordshire Community Strategy" co-ordinated by the County Council for the whole of Oxfordshire which will address issues of a county-wide significance.



# Cherwell in context

## Cherwell in context

Cherwell District is a predominantly rural area providing an excellent environment in which to live and work. There are three urban centres - Banbury, Bicester and Kidlington, which together contain 65% of the population.

The countryside is varied and distinctive in character. The area's environmental quality has been one of the main reasons for attracting investment. The past decade has brought a prosperous, diverse local economy. Banbury and Bicester in particular have witnessed significant commercial and housing development. The rural economy is also changing; increasingly less dependent on agriculture and other related rural industries.

Cherwell continues to change, with rapid population growth, currently totalling 140,000, projected to increase to some 178,500 by 2021.

Growth has brought pressures both on the local environment and service provision. The challenge is to maintain and improve services, preserve what is best about Cherwell and develop sustainable physical and social infrastructures to match the future growth.

### Key

Ward Boundary

#### 1 Banbury:

• Calthorpe; Essington; Grimsbury and Castle; Hardwick; Neithrop; Ruscott

#### 2 Bicester:

• Town; North; East; South; West

#### 3 Kidlington:

• North; South



Cherwell Map of electoral Wards from 2002 onwards

## 5 Secure more affordable housing: increasing choice

"Increase choice, care and social housing provision through flexible design, funding, planning and co-operation between agencies"

vision 2016

**Cherwell District has one of the fastest growing populations in the country.** Coupled with a vibrant local economy, Cherwell has seen sharp increases in house prices and private sector rents which has generated a variety of housing needs, many of which the private housing market can satisfy.

There is, however, an ever-increasing gap between what the market provides and what people can afford. For the vast majority of households unable to bridge the gap, the provision of suitable social rented housing is the only realistic and affordable solution.

The popularity of "Right to Buy" - particularly in the villages - has meant the loss of over 5,000 Council properties for rent across the District. The Council now owns just over 4,000 homes and Registered Social Landlords operating in Cherwell manage just under 3,000 affordable homes in the District. With a growing waiting list, currently registering around 3,000 applicants, it is clear that many families stand little prospect of being housed without waiting many years. As well as the pressures that this creates for local families, the high prices in the private housing market makes the recruitment and retention of key public workers - policemen, nurses, doctors, teachers and firemen - increasingly problematic. The main focus in Cherwell therefore, is the provision of more affordable homes in both the urban and rural areas.

It is vital to make the best use of the District's current social housing stock and give greater

individual choice to applicants, particularly to allow people to remain in rural areas where they grew up. Neither should vulnerable members of the community be excluded from the opportunity to live independently. To allow this to be the case, partner organisations work together to assess individual needs, implement adaptations to properties and arrange support.

Everyone's quality of life is affected by the quality of the house in which they live. This has been recognised nationally with the Government setting a series of targets for the rejuvenation of the country's housing stock and improvement in the energy efficiency of individual homes. In Cherwell District, private sector housing is in relatively good condition and so rejuvenation is being focused in two areas of need: the Grimsbury area of Banbury and the replacement of defective Airey-type properties in a number of rural villages.

To address the deteriorating physical condition of Cherwell District Council's stock an "appraisal exercise" was carried out in 2001 to see how best to address the problem. This showed transfer of the stock to a Registered Social Landlord to be the best solution and the Council decided to pursue this option by applying to the Government to join its 2002/03 programme. Transfer of the stock ultimately requires a positive vote from the Council's tenants.

The Cherwell Housing Strategy to 2005 contains aims and actions to address the housing needs identified above which are summarised here.



# More affordable housing 5

## Aims

1. Maximise affordable housing, across a range of tenures, throughout the District - urban and rural
2. Develop affordable housing for key workers in the public sector
3. Enable home adaptations for disabled people
4. Rejuvenate Cherwell's housing and its environment
5. Provide supported housing schemes
6. Promote and support sustainable, balanced communities
7. Raise the standards of Cherwell District Council's housing stock

## Key actions to 2006 include:

1. Maximise affordable housing, across a range of tenures, throughout the District - urban and rural

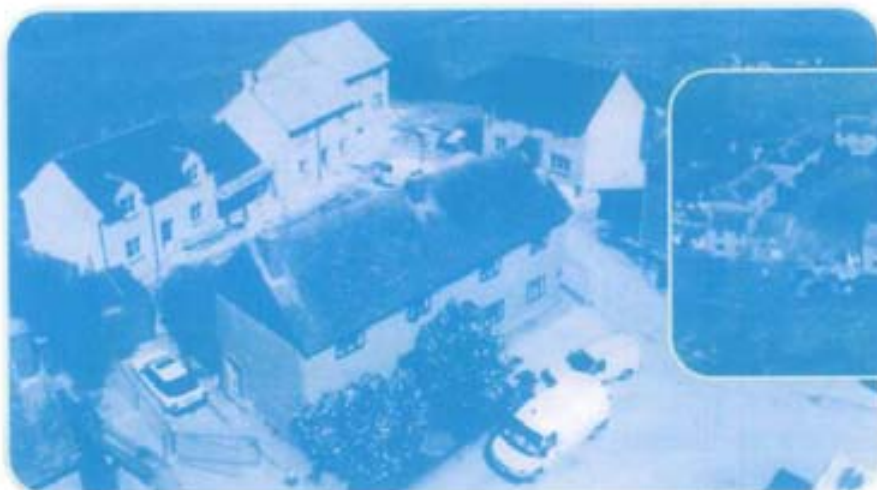
- Using planning policies, secure at least 30% affordable housing on new, qualifying housing developments across the District
- Secure a minimum of 500 additional affordable homes by 2005 across a mix of tenures
- Secure a minimum of 100 new affordable homes in rural areas by 2005



2. Develop affordable housing for key workers in the public sector

- Secure a minimum of 28 affordable homes for key workers in the public sector





### 3. Enable home adaptations for disabled people

- Fulfil the annual programme for adaptations to Council and private homes
- Secure 4 self-contained flats with overnight care facilities for young adults with physical disabilities
- Secure a halfway house to support people with a physical disability discharged from hospital, before they return home

### 4. Rejuvenate Cherwell's housing and its environment

- Regenerate rural Airey-type homes in partnership with the private sector
- In the Grimsbury area of Banbury, each year
  - purchase, modernise and let a minimum of 6 properties that are in need of major repair to let to people on the Council's waiting list
  - deliver a minimum of 5 major & 15 minor property improvement schemes



### 5. Provide supported housing schemes

- Provide 40 flats with support for special needs groups
- Secure a Women's Refuge in Banbury
- Open the "Bridge Direct Access Project" for emergency single homeless in Banbury
- Provide supported accommodation for people wishing to access the 'Turnaround' drug and alcohol treatment programme



# More affordable housing 5

## 6. Promote and support sustainable, balanced communities

- Introduce a 'choice-based' lettings system to allocate social housing
- Increase the priority given to local residents when allocating social housing in villages
- Implement common estate management procedures for Cherwell District Council and Registered Social Landlords

## 7. Raise the standards of Cherwell District Council's housing stock

- Install replacement double-glazed windows & doors and central heating in all Council-owned properties
- Deliver the annual programme of environmental improvements and security measures determined by the Council Tenants' Working Party
- Apply to the Government to join the 2002/03 programme to transfer to a Registered Social Landlord



## Delivering Theme 5

Lead Organisation:  
**Cherwell District Council**

Supporting Organisations assisting the delivery of this Theme include:

Forums such as Cherwell Housing Providers' Forum  
Oxfordshire County Council  
Oxfordshire Rural Community Council  
Parish and Town Councils  
Registered Social Landlords  
Tenants' Associations  
Voluntary Organisations







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Shirwell Crescent  
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[savills.com](http://savills.com)

Dear Sir/Madam

## **LAND AT CROUCH HILL ROAD, BANBURY, OXFORDSHIRE**

Savills have been formally instructed to approach a limited number of parties who may be interested in acquiring the above development opportunity in Banbury.

The method of sale is to be by way of informal tender, and we are pleased to write to you setting out brief details for your consideration. A full technical pack is available at [www.savills.co.uk/crouch-hill](http://www.savills.co.uk/crouch-hill)

Unconditional offers are invited for the freehold interest by **12:00 noon on Friday 18<sup>th</sup> November 2011**. Further details regarding timescales and information required in support of your offer are set out in the relevant sections below. Please note that the Vendor is not bound to accept the highest or any other offer.

## **SITE DESCRIPTION**

The site currently comprises an area of scrubland located off Crouch Hill Road, a residential cul-de-sac situated approximately 1.6 km (1 mile) to the south west of Banbury town centre. Extending to circa 0.60 hectares (1.48 acres), the site runs parallel with Crouch Hill Road, and is bounded by residential development to the north, south and west. The north eastern boundary is lined by a belt of trees, beyond which lies a residential property known as The Old Quarry, which is to be retained by the Vendor.

We attach an Ordnance Survey extract at **Appendix 1** showing the site boundary edged red.

## **LOCATION**

Banbury is a historic market town located off the M40 motorway approximately 71.7 km (44.8 miles) to the south east of Birmingham and 129.1 km (80.7 miles) to the north west of London. Oxford is located 37.9 km (23.7 miles) to the south, and Milton Keynes is situated 50.2 km (31.4 miles) to the south east.

With a population of over 40,000 (2001 Census data), the town has experienced rapid growth as a result of its excellent transport links, and is now the major commercial and retail centre in north Oxfordshire, providing a range of shops, schools and leisure facilities.

Banbury is well located, with the M40 motorway (Junction 11) providing access to Oxford, Birmingham, London and the wider motorway network. Banbury railway station provides regular direct services into



London's Marylebone station with fastest journey times from 51 minutes. Direct services are also provided into Birmingham New Street, Snow Hill and Moor Street stations with fastest journey times from 44 minutes.

Location and situation plans are attached at **Appendices 2 and 3** respectively.

## **PLANNING**

The site benefits from outline planning consent for residential development (10/00388/OUT, Cherwell District Council - 22<sup>nd</sup> December 2010).

The consent is a renewal of an earlier permission for residential development (06/02499/OUT). In line with planning policy at the time, 30% of the dwellings are to be affordable, 70% of which will be social rented with the remaining 30% comprising shared ownership housing. Details regarding the layout, scale, appearance, access and landscaping are to be determined by a reserved matters application to be submitted no later than three years from the date of granting outline consent.

A Section 106 Agreement was entered into between the Vendor and Cherwell District and Oxford County Councils on 29<sup>th</sup> March 2007. A Supplemental Agreement was subsequently entered into on 14<sup>th</sup> December 2010.

Copies of the Decision Notices, Section 106 Agreement and Supplemental Agreement, as well as various supporting documents relating to matters such as ecology are contained in the Technical Pack.

## **SERVICES**

Responses from the relevant utility companies in relation to mains services are contained within the Technical Pack. Purchasers are advised to make their own enquiries to the supply companies in respect of their specific requirements in terms of the ability to connect and confirmation of sufficient capacities.

## **RIGHTS, RESERVATIONS AND RESTRICTIONS**

The Vendor intends to impose a restrictive covenant on the land shown shaded blue on the attached plan, preventing any form of development or the erection of any structures, either permanent or temporary in nature, on this area and restricting its use to garden land.

The purchaser will be required to erect a 2m high close boarded fence along the north eastern site boundary. This fence should be maintained in perpetuity.

There is a restrictive covenant on the seller's title from a 1933 Conveyance, a copy of which is contained within the Technical Pack. The Seller will take out an indemnity insurance policy in respect of this.

The Vendor may require a vehicular access to be constructed through the site. We therefore request that interested parties submit proposals on each of the following bases:

1. Incorporating a vehicular access to be constructed to adoptable standards at the purchaser's expense, linking Crouch Hill Road with the north eastern boundary of the site, to abut the boundary between points A and B on the attached plan. The Vendors will retain full rights of access, service provision and rights to connect into existing services over this road way;
2. An alternative proposal which does not include the access way through the site.

## METHOD OF SALE

Offers for the freehold interest are invited by **12:00 noon on Friday 18<sup>th</sup> November 2011**. Please note that the Vendor is not obliged to accept the highest or any other offer.

In order that we are able to accurately appraise all offers received please provide the following information in support of your bid:

- Details of your proposals for the site, including a proposed site layout plan;
- Confirmation of any conditions attached to the offer, and the anticipated timescales for satisfying the conditions;
- Provide details of any further information required or investigations to be carried out prior to exchange, including anticipated timescales for carrying out the proposed works;
- Specify any proposed uplift or overage provisions contained within your offer;
- Specify any assumptions made in relation to anticipated abnormal development costs;
- Specify any assumptions made with regards to affordable housing receipts;
- Confirmation of your anticipated timescales for exchange and completion of contracts;
- Provide details of how you propose to fund the purchase, including confirmation that your bid has received full board approval, or equivalent, and if not, the process required to obtain such approval;
- Specify your proposed exchange deposit sum and confirm that this will be non-refundable;
- Provide any other information that you feel should be taken into consideration in the assessment of your bid, for example recent experience in delivering schemes of this nature in the vicinity or in dealing with Cherwell District Council.

## TECHNICAL PACK

A full Technical Pack is available on line at [www.savills.co.uk/crouch-hill](http://www.savills.co.uk/crouch-hill)

The pack contains all relevant background relating to planning, legal and technical matters. A full list of information included is provided at **Appendix 4** of this letter. Additional documentation will be added as it becomes available.

In order to access the website interested parties will need to contact the selling agent for an access code on 01908 508200.

## VIEWINGS

The site is easily viewed unaccompanied from Crouch Hill Road. Interested parties are advised to contact the selling agents prior to viewing to discuss any particular points which are likely to affect their interest in the site, in order that a wasted journey is not made. If you wish to view the site accompanied please contact Savills to arrange an appointment. **Under no circumstances should you attempt to access either the site or enter The Old Quarry unaccompanied.**

## LOCAL AUTHORITIES

Cherwell District Council: Bodicote House, Bodicote, Banbury, Oxfordshire OX15 4AA  
01295 221572 [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

Oxfordshire County Council: County Hall, New Road, Oxford, Oxfordshire OX1 1ND  
01865 792422 [www.oxfordshire.gov.uk](http://www.oxfordshire.gov.uk)

## IMPORTANT NOTICE

Savills, their clients and any joint agents give notice that:

1) They are not authorised to make or give any representations or warranties in relation to the property either here or elsewhere, either on their own behalf or on behalf of their client or otherwise. They assume no responsibility for any statement that may be made in these particulars. These particulars do not form part of any offer or contract and must not be relied upon as statements or representations of fact.

2) Any areas, measurements or distances are approximate. The text, images and plans are for guidance only and are not necessarily comprehensive. It should not be assumed that the property has all necessary planning, building regulation or other consents and Savills have not tested any services, equipment or facilities. Purchasers must satisfy themselves by inspection or otherwise.

I trust that the above development opportunity is of interest to you, and look forward to receiving your proposal in due course. If you have any queries, wish to arrange a viewing or would like to discuss matters in further detail, please do not hesitate to contact either myself or Jason Hill.

Yours sincerely

A handwritten signature in dark ink, appearing to read "Tim Watson", written in a cursive style.

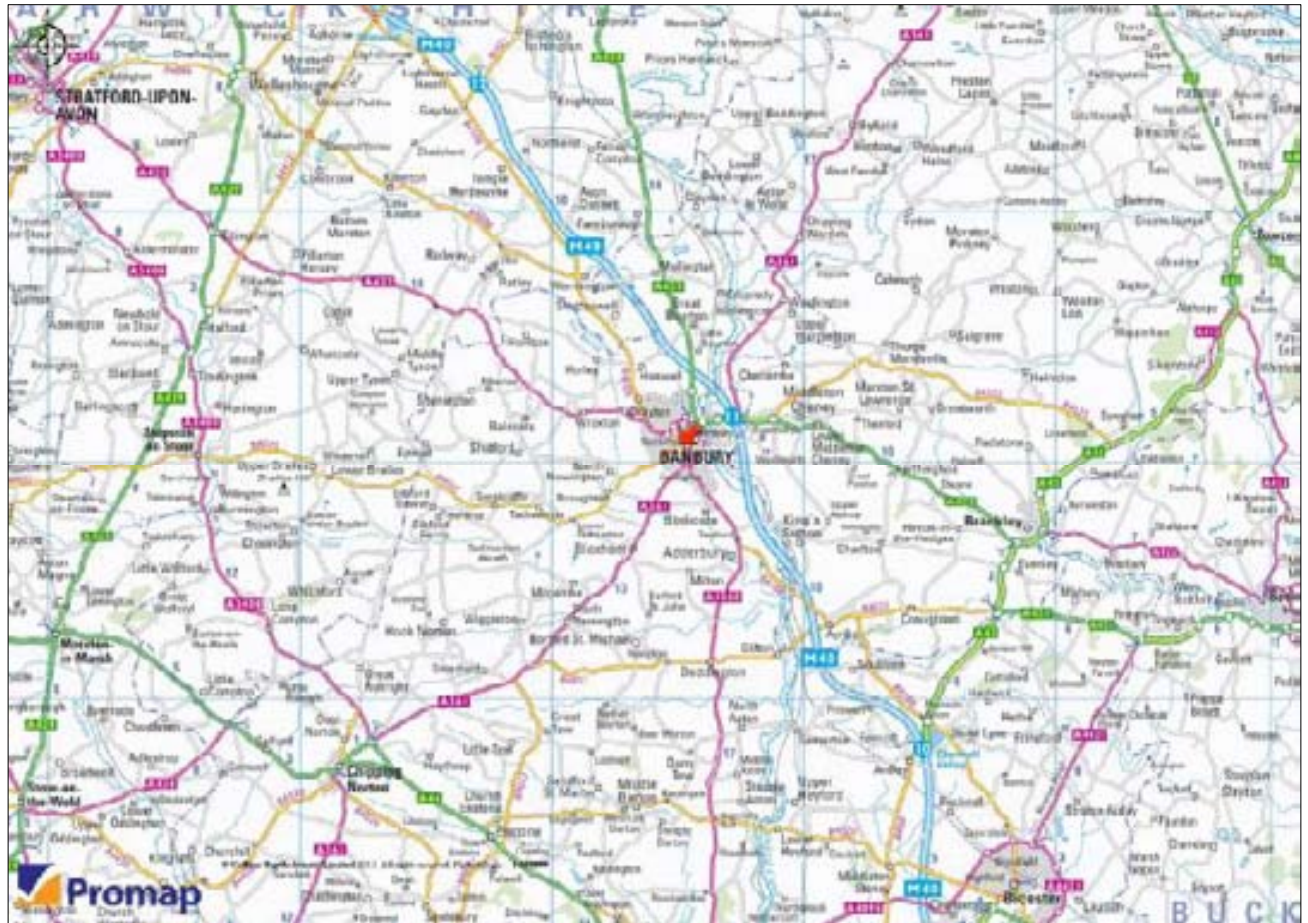
**Tim Watson MRICS**  
**Development Land & Valuation**

APPENDIX 1 – ORDNANCE SURVEY EXTRACT

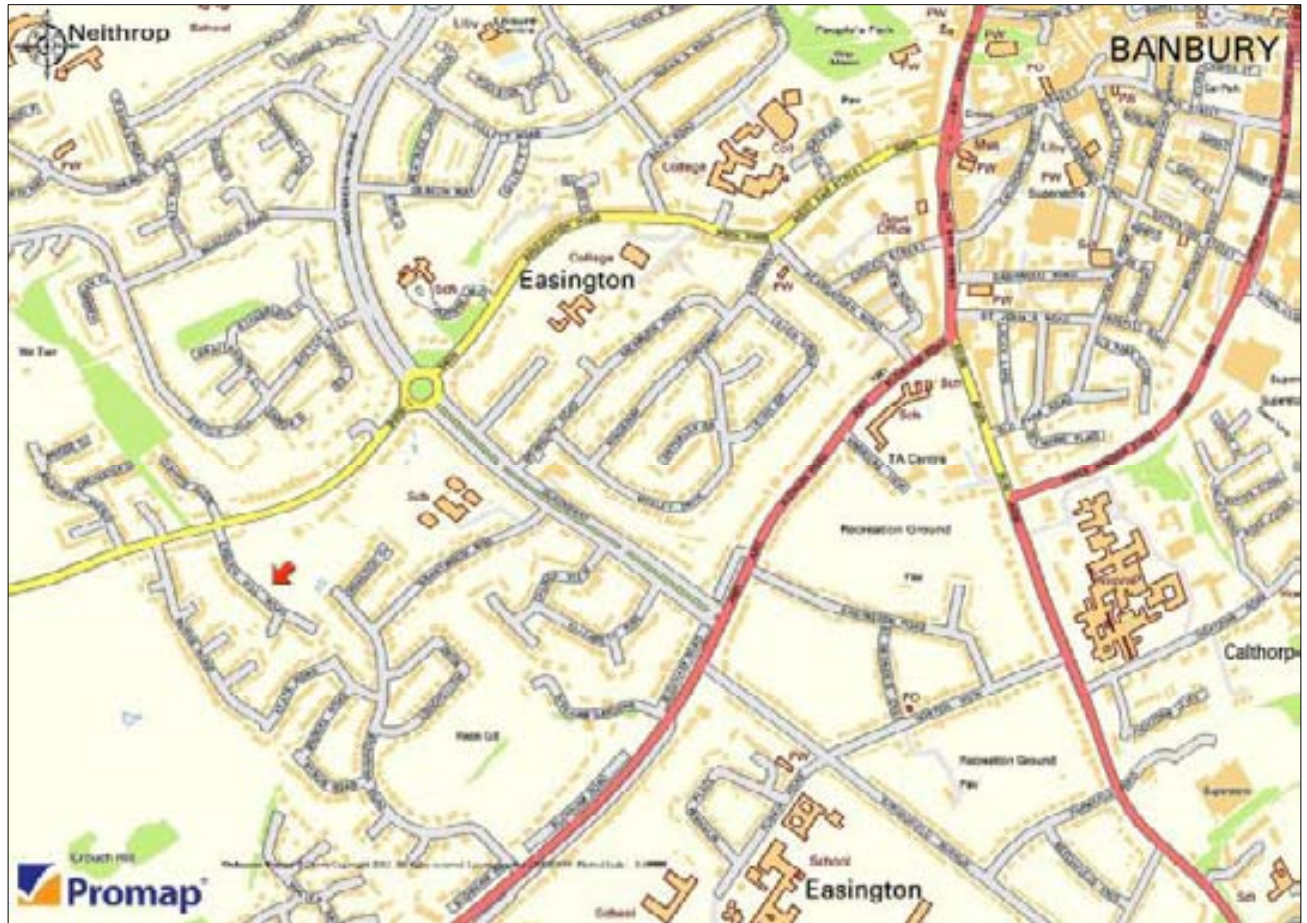




## APPENDIX 2 – LOCATION PLAN



## APPENDIX 3 – SITUATION PLAN



## APPENDIX 4 – TECHNICAL PACK CONTENTS

- **Sales Particulars**
  - Sales Particulars
- **Plans & Photographs**
  - Location Plan
  - Situation Plan
  - Ordnance Survey Extract
  - Site Photographs
- **Planning**
  - Decision Notice (10/00388/OUT)
  - Site Plan
  - Original Decision Notice (06/02499/OUT)
- **Section 106**
  - Section 106 Agreement – March 2007
  - Supplemental Agreement – December 2010
- **Technical Documents**
  - Topographical Survey
  - Topographical Survey (CAD)
  - Phase 2 Preliminary Ground Investigation (Part 1)
  - Phase 2 Preliminary Ground Investigation (Part 2)
  - Geotechnical Survey
  - Baseline Ecological Appraisal – February 2007
  - Interim Protected Species Report – September 2008
  - Ecological Survey Report – June 2009
  - Habitat Management & Maintenance Plan – June 2009
  - Updated Ecological Assessment – October 2010
  - Updated Ecological Assessment Plan – October 2010
- **Legal Information**
  - Title Register ON274080
  - Title Plan ON274080
  - Copy of 1933 Conveyance
- **Services**
  - Thames Water
  - Southern Gas Networks
  - Eon
  - BT



## Residential development opportunity

62-64 Oxford Road, Banbury, Oxfordshire



**The site measures  
approximately 0.41 ha  
(1.01 acres) in total**

- The land benefits from planning consent for 11 dwellings
- Guide price of £1,200,000

### Savills Oxford

Wytham Court, 11 West Way  
Oxford, OX2 0QL  
Birmingham, B3 2HJ  
**01865 269000**

### Savills Birmingham

Innovation Court, 121 Edmund Street,  
Birmingham, B3 2HJ  
**0121 6348484**

### Contact:

Edward Keeling (01865 269067)  
ekeeling@savills.com

### Contact:

Jo Hess/Simon Horan (0121 6348484)  
jhess@savills.com/shoran@savills.com

**Bicester 21.1 miles (34.0 km), Oxford 30.0 miles (48.3 km), Milton Keynes 35.6 miles (57.3 km) and the M40 1 mile (1.6 km).**

**Directions**

Leaving junction 11 travelling north on the M40, follow the A422 for approximately a quarter of a mile until Concord Avenue on your left. Join Concord Avenue (A4260) until the road reaches a t-junction after approximately 1.5 miles which enters on to Oxford Road. The site is positioned on the opposite side of the road at this t-junction between Concord Avenue and Oxford Road.

**Situation**

The site is situated just 1 mile (1.6 km) south of Banbury town centre, a bustling market town and one of Oxfordshire's main settlements, which boasts an array of local services and amenities including state and public schools, supermarkets, pubs, and a range of retail facilities. The town is also well connected to the national motorway network via the M40, giving good access to Oxford and London to the south and Birmingham to the north.

There is a main line train service from Banbury (from 1 hour and 28 minutes) into London Paddington and to Birmingham New Street (within 55 minutes).

**Site**

The site sits opposite Horton General Hospital, adjacent to the boundary of the Banbury conservation area. The whole site measures approximately 1.01 acres (0.41 ha), with a fairly flat topography, and is fronted by the two existing guesthouses called 'Ashlea' and 'Fairlawns', and a pair of semi-detached houses.

To the west lies various recreational land boxed in by Bloxham Road, Harriers View, Easington Road and Easington Gardens. Access to the new development will be immediately off Oxford Road. Oxford Road incorporates numerous large detached properties, many of which have been converted to provide guesthouses with long extensive gardens to the rear of the properties.

**Description**

The land comprises 1.01 acres benefitting from consent for the development of 11 houses and associated amenity spaces, roads, parking and landscaping (07/02377/F).

Guide price: £1,200,000

Our client would also consider offers for the land that the guest houses sit on at 58 and 60 Banbury Road. Please see the plan on page 3.

**Proposed scheme**

The scheme offers 24 parking spaces and the following accommodation:

Plot	Floor			Gross Internal Floor Area	
				Sq m	Sq ft
1	4 bedroom semi-detached house	2.5	4	186	1998
2	4 bedroom semi-detached house	2.5	4	186	1998
3	2 bedroom cottage house	2	2	72	779
4	4 bedroom semi-detached house	2.5	4	186	1998

5	4 bedroom semi-detached house	2.5	4	186	1998
6	4 bedroom detached house	2	4	171	1842
7	4 bedroom terraced house	2.5	4	155	1662
8	4 bedroom terraced house	2.5	4	155	1662
9	4 bedroom terraced house	2.5	4	155	1662
10	4 bedroom terraced house	2.5	4	155	1662
11	4 bedroom detached house	2.5	4	160	1716
Total				1764	18977

**Planning**

The site benefits from the following detailed planning consents as listed below:

Application No.	Date of Decision	Proposal
07/02377/F	01/10/08	Development of 11 houses and associated amenity spaces, roads, parking and landscaping at 58 – 64 Oxford Road, Banbury,

The planning permission contains a number of conditions and a copy of them, along with the approved plans are contained in the information pack.

A S.106 agreement has been entered into requiring various contributions, which totals £115,044. A copy of the agreement is contained in the information pack.

Our client's architects have provided the gross internal floor areas and as such the agents have no liability with regard to their accuracy. Copies of the plans are contained within the information pack.

**Tenure**

The site is sold freehold. Vacant possession can be obtained by serving the appropriate notices within the appropriate timeframes.

**Title**

The site is registered with title absolute and will be sold subject to and with the benefit of any wayleaves, easements, rights of way and covenants. The purchaser should consider the title information contained in the information pack and take advice from a legal professional.

**Services**

Responses from the relevant utility companies in relation to mains services are contained within the information pack. Purchasers are advised to make their own enquiries to the supply companies in respect of their specific requirements in terms of the ability to connect and confirmation of sufficient capacities.

**Method of Sale**

Offers are invited by way of informal tender and the Vendor will not be obliged to accept the highest or any other offer. Please refer to the covering letter for the supporting information we require.



## Information Pack

An information pack is available on request. The pack is comprehensive and includes copies of the planning consents, design and access statement, S.106 agreement, approved plans, desk top ground report, official copies of register of title including filed plans, arboricultural report and plans illustrating the location of the mains utility apparatus.

## Viewing

Viewing is by appointment with the selling agents. Prior to viewing, interested parties are advised to contact the selling agents to discuss any particular points which are likely to affect their interest in the property, in order that a wasted journey is not made. Please note that Savills do not take any responsibility for any loss or injury caused whilst carrying out a site visit.

## Contact

Edward Keeling  
ekeeling@savills.com  
01865 269067  
Savills, Wytham Court,  
11 West Way  
Oxford, OX2 0QL

Jo Hess / Simon Horan  
jhess@savills.com / shoran@savills.com  
0121 6348484  
Savills, Innovation Court,  
121 Edmund Street,  
Birmingham, B3 THJ

## Local Authorities

Cherwell District Council: Bodicote House, White Post Road,  
Bodicote, Banbury, OX15 4AA. Tel: 01295 277001  
[www.cherwell.gov.uk](http://www.cherwell.gov.uk)

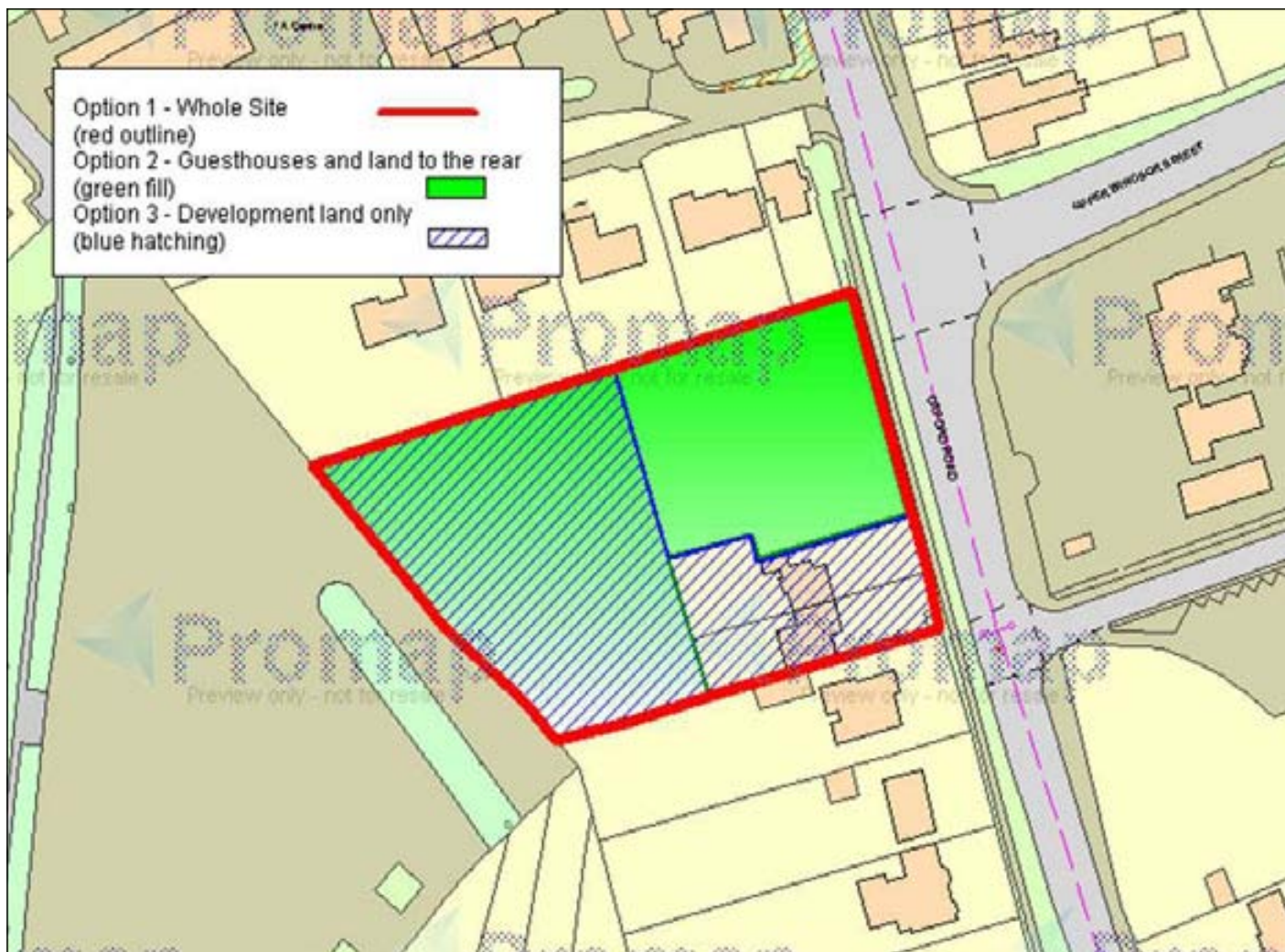
Oxfordshire County Council: County Hall, New Road, Oxford,  
OX1 1ND. Tel: 01865 792422  
[www.oxfordshire.gov.uk](http://www.oxfordshire.gov.uk)

## Important Notice

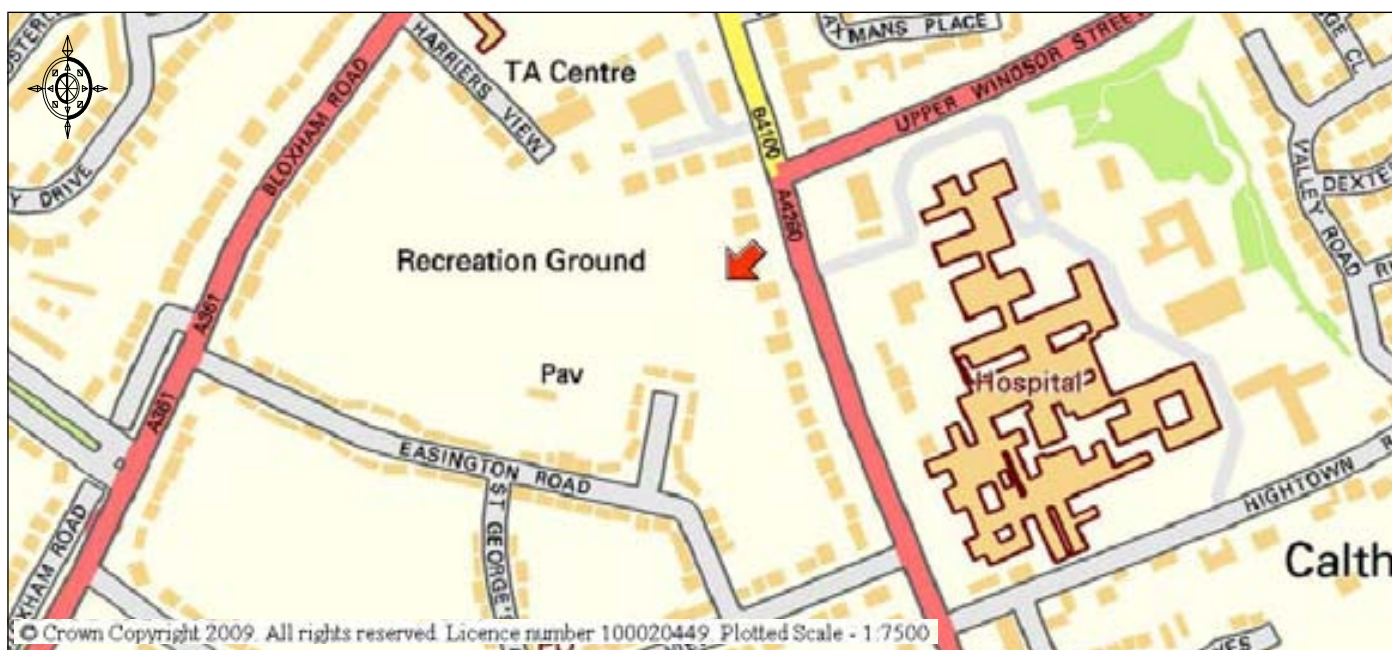
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## Viewing

Strictly by appointment with Savills.

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Savills Birmingham - Development

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