



Appeal Decision

Hearing held on 10 January 2024

Site visit made on 10 January 2024

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2024

Appeal Ref: APP/C3105/W/23/3327581

Land North of Ells Lane, Bloxham, OX15 5EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Dean Weldon of Deeley Homes against the decision of Cherwell District Council.
 - The application Ref 23/00065/OUT, dated 6 January 2023, was refused by notice dated 11 April 2023.
 - The development proposed is outline planning permission for up to 30no. dwellings including access off Ells Lane, and demolition of the existing stabling on site, all matters reserved except for access.
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Decision

1. The appeal is allowed, and outline planning permission is granted for up to 30no. dwellings including access off Ells Lane, and demolition of the existing stabling on site, with all matters reserved except for access at Land North of Ells Lane, Bloxham, OX15 5EE in accordance with the terms of the application, Ref 23/00065/OUT, dated 6 January 2023, subject to the conditions listed in the attached schedule.

Application for costs

2. An application for costs was made by Mr Dean Weldon of Deeley Homes against Cherwell District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Outline planning permission is sought, but with all matters reserved, except for access. I have determined the appeal on this basis.
4. The Council has confirmed within its submission that it no longer wishes to defend refusal reason no.5 on its decision notice, in relation to drainage/flooding, as documents were submitted post decision, which enabled the Lead Local Flood Authority to remove its objection to the scheme.
5. The main parties have signed 2no. Statement of Common Ground (SoCG) documents. A SoCG dealing specifically with Housing Land Supply (the HLS SoCG) is dated 5 January 2024 and a more general SoCG (the SoCG) is dated 8 January 2024. It was established at the event that discrepancies exist in the SoCG regarding comments in relation to Housing Land Supply (HLS), which in turn conflicts with the HLS SoCG. On this basis, it was agreed verbally at the event by both main parties that the respective positions of the parties on HLS will be solely taken from the HLS SoCG and not the SoCG. Any HLS matters raised in the SoCG, albeit agreed will be ignored for the purpose of this appeal.

6. The Revised National Planning Policy Framework (the Framework) was published on 19 December 2023, after the appeal was lodged. An opportunity was given to submit comments on the implications of the Framework, both in writing and verbally at the event. Consequently, I will not prejudice any party by having regard to the Framework in reaching my decision.
7. Following the close of the Hearing, a section 106 Agreement (the s.106) signed by both parties was provided on 17 January 2024, which includes all of the planning obligations sought by the Council, albeit the appellant is questioning a number of contributions and suggesting a 'Blue Pencil Test'. I consider this further below.

Main Issues

8. The main issues of this appeal are:
 - Whether the site is an appropriate location for housing, having particular regard to the effect of safeguarding the countryside and ensuring a viable and sustainable pattern of settlements;
 - Whether the site would be in a suitable location with particular regard to access to local services/facilities;
 - The effect on the availability of best and most versatile agricultural land; and,
 - Whether the proposed development would make adequate provision for contributions towards community services and infrastructure.

Reasons

Sustainable location

9. The Development Plan comprises the Cherwell Local Plan 2011- 2031 (the CLP), saved policies of the Cherwell Local Plan 1996 (the saved LP), and the Bloxham Neighbourhood Plan (the NP). It is agreed that Bloxham is one of the larger Category A villages, ranking second after Kidlington in terms of population size, with a range of services. As such the principle of residential development at Bloxham is considered sustainable.
10. The appeal site currently comprises a field with some structures, used in connection with an existing equestrian use. The site is located outside the built-up limits of Bloxham, which is not disputed by the appellant and within Upstanding Village Farmlands Landscape Character Area. LP Policy ESD13 seeks to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations and secure appropriate mitigation where damage to local landscape character cannot be avoided. Within LP Policy ESD13, 6no. bullet points are listed. I find the most relevant points to be, one, three and five, which are: Cause undue visual intrusion into the open countryside; Be inconsistent with local character and Harm the setting of settlements, respectively.
11. LP Policy ESD15 seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby

- heritage assets. There are additional requirements within this policy from 17no. bullet points. However, I find these requirements would be more applicable at Reserved Matters stage. Saved LP Policy C33 seeks to preserve a view or feature of recognised amenity, amongst other things.
12. LP Policy Villages 2 (V2) surrounds 'Distributing Growth across the Rural Areas' where the first part of the policy confirms that 'A total of 750 homes will be delivered at Category A villages' and that sites will be identified through, amongst other things, applications for planning permission. From the evidence, I find that it is highly likely that this number will have been exceeded. However, this figure is not a ceiling, and I am mindful of the Government's objective to significantly boost the supply of homes. I am also satisfied that the number of dwellings involved in the scheme would not harm the Council's housing strategy. Additionally, whilst recognising the policies within the NP, particularly BL1, BL2, BL6 and BL7 as highlighted in the SoCG, the NP does not expressly have a policy that prohibits the principle of residential development outside the 'built-up limits' of Bloxham.
13. The appellant submitted a Landscape and Visual Appraisal¹ (LVA) with the application, which I have had regard. I also viewed the site from majority of locations identified in the LVA and am satisfied that I saw everything I need to assess the impact of the development. I note the conclusions of the Council in respect of the LVA and that it does not disagree with the overall conclusions in the LVA and does not object to the application on grounds of landscape impact. Overall, it was considered that subject to hedgerow planting on the north and western boundaries of the site the proposal would not adversely affect the wider landscape. The Council confirmed verbally at the event, that its concern was more localised. I do not disagree with this view.
14. There is no doubt that erecting up to 30no. dwellings on this greenfield site would result in a change to its character and appearance, but overall, I do not find this change to be harmful. Given the proximity of the site to neighbouring development, particularly the residential scheme at Crab Tree Close, which is on the opposite side of Ells Lane to the site. Whilst Ells Lane has a rural character, the end of the road where the site is located is less rural in character due to the A361 and Crab Tree Close and the highways and residential paraphernalia respectively. For this reason, I do not share the concerns raised in respect of the visual impact of the proposed highways works that would occur as part of the proposed development.
15. Whilst the development would extend beyond Ells Lane in the direction of Banbury, I do not find that the proposed development would harm the existing gap between Bloxham and Banbury. Furthermore, given the form of the settlement at its northern end, in particular the residential development on the western side of the A361, I consider that the scheme would not harm the setting of Bloxham. The growth of Bloxham as a result of the proposed development would be organic, relating well to the pattern of development in the existing settlement. Whilst a proposed site plan has been provided this is for indicative purposes only. Nonetheless, I am satisfied that a suitable residential scheme could be achieved at Reserved Matters stage.
16. On balance, the above factors lead me to conclude that the proposed development would be in a suitable location, with reference to the housing

¹ Landscape and Visual Appraisal by Zebra Landscape Architects, dated January 2023

strategy for the area. The development of the appeal site would represent an accessible location, which I shall explore in more depth on the next main issue. This would maintain the vitality of the local community and based on the particular circumstances of this scheme would weigh in favour of the site being considered an appropriate location for residential development.

17. For the reasons given above, I find that the proposed development would not conflict with local and national planning policies, which seek to achieve a sustainable pattern of residential development. Although there would be minor conflict with the first part of LP Policy V2, I have found that there would be no conflict with the Council's overall development strategy in this policy. Additionally, I have found that the proposed development would not have a poor and incongruous relationship with the form, character and pattern of the existing settlement in accordance with LP Policies ESD13, ESD15 and saved Policy C33. Therefore, when the development plan is taken as a whole, I find the minor conflict with LP Policy V2 is clearly outweighed. Furthermore, the location of the proposed development can be considered sustainable as it would accord with guidance contained within the Framework.
18. Saved LP Policies C28 and C30 has been referred by the Council in relation to refusal reason no.1 on its decision notice. However, saved LP Policies C28 and C30 focus upon standards of layout, design and external appearance and the effect on existing dwellings, amongst other things. These are matters that would be thoroughly assessed at Reserved Matters stage. Consequently, I find the above policies are not directly applicable to this main issue.

Access to local services/facilities

19. It is agreed that local services and facilities in Bloxham are located approximately 800m from the site. At the event, a discussion took place surrounding the condition of the A361, as I had noted the presence of footpaths and street lighting during my site visit. It was also accepted by the parties that a regular local bus service² operated along this road to both Banbury and Chipping Norton. The closest bus stops for travel in both directions is approximately 100m away from the site in the direction of Bloxham and in proximity of Chipperfield Park Road.
20. When discussions took place at the event surrounding these matters and there bearing on the accessibility to facilities and services, the Council advised that if the footpath to the proposed development was installed then it would make the development accessible. I accept the concerns that the Council has raised with regards to the visual impact of the proposed footpath and the other highways works, but do not find the existing conditions prohibitive to the accessibility of the site. I am also mindful that the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nonetheless, I consider that alternative transport options exist. Given my own experiences driving/walking in the locality, I find that the site is within a safe and reasonable distance of a range of local services and facilities, with genuine opportunities to walk, cycle or utilise public transport.
21. For the reasons given above, I conclude that the development is in a suitable location with particular regard to access to local services/facilities. Consequently, the development would accord with the strategic aims of LP

² No's 488 and 489

Policies ESD1 and V2, which collectively encourage development to be located in the most sustainable locations, well located to services and facilities, amongst other things. The scheme also accords with the requirements of the Framework.

22. LP Policy ESD15 has been referred by the Council in relation to refusal reason no.2 on its decision notice. However, this policy relates to the character of the built and historic environment, therefore I find it is not directly applicable to this main issue.

Best and most versatile agricultural land

23. The Council has confirmed that it used its own records and the London and South East Regional Agricultural Land Classification Map by Natural England (the Natural England map) in reaching its conclusion on this matter. However, putting aside the existing equestrian use of the site, the appellant has produced an Agricultural Land Classification Report³ (ALCR), which is specific to the site. Given that the ALCR appears to have been produced by a suitably qualified authority and in the absence of an equivalent report on the part of the Council, I have given it significant weight.
24. The Framework requires decisions to contribute to and enhance the natural and local environment by recognising the economic and other benefits of the best and most versatile agricultural land, which is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification. Whilst the Council is of the view that the site comprises grade 1 agricultural land, this is based upon evidence, which in the case of the Natural England map recognises that it represents a generalised pattern of land classification. The ALCR has been produced specifically for the site and concludes that the site has a classification of sub-grade 3b. In the absence of substantiated evidence to the contrary, I have found no good reason to conclude that the ALCR is unreliable in this or any other significant respect.
25. For the above reasons, the proposed development would not harm the availability of best and most versatile agricultural land. Therefore, the scheme does not conflict with the agricultural and economic aims of LP Policies BSC2, V2 and the requirements of the Framework.

Planning obligation

26. The parties have completed the s.106 in conjunction with Oxfordshire County Council which includes a number of obligations to come into effect if planning permission is granted. I have considered these in light of the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010 and paragraphs 55 and 57 of the Framework.
27. The s.106 contains various provisions. It secures the on-site provision of 35% affordable housing in accordance with the requirements of LP Policy BSC3. A mix of affordable rented, shared ownership and First Homes properties is secured in broad accordance with requirements set out by the Council's Housing Strategy and Development Team.
28. Provisions/contributions related to public open space and play provision, including the delivery and/or maintenance of informal open space, hedgerows,

³ Agricultural Land Classification Report by Fisher German, dated November 2022

mature trees, new and mature woodland, a local equipped area of play and sustainable drainage systems are justified in accordance with LP Policies INF1, BSC10, BSC11 and ESD7 as well as guidance contained within the Developer Contributions Supplementary Planning Document (February 2018) (the SPD). Potential commuted maintenance sums have been calculated in accordance with the Council's standard formulae.

29. There is also an intention to deliver a net gain in biodiversity in accordance with the requirements of LP Policy ESD10. However, there is some dispute between the parties as to whether the scheme should deliver a 'measurable net gain' or 'an overall percentage net gain of at least 10% above the base line'. I have no doubt that biodiversity enhancements are justified, but I am not convinced that currently anything other than a 'measurable net gain' is justified.
30. The s.106 also makes provision for various financial contributions towards Education (Primary and Special Needs), Transport Services, Community Hall Facilities, Indoor and Outdoor Sport facilities and Waste. In accordance with the requirements of LP Policies INF1, BSC10 and BSC12, as well as with the guidance contained within the SPD these provisions are all justified to secure improvements to existing infrastructure.
31. Health care is another matter that is subject of a financial contribution within the s.106. I do not doubt that there is demand on such services, particularly at Bloxham Surgery and that the proposed development would likely add to the existing demand. However, the appellant has provided 2no. judgments⁴ to support his position that there is no justification for such a contribution. I consider these judgments to be material considerations on this issue, which attract significant weight.
32. The Council in response have cited an appeal decision⁵ to support its position on this matter. Whilst this appeal decision was issued after the Leicester judgment, I have not been made aware if the Leicester judgment was before that Inspector. In the case of the Worcester judgment, this was issued after the cited appeal decision. In light of the judgments advanced by the appellant, I am not convinced that such a contribution towards health care has been justified, particularly as the Bloxham and Hook Norton Surgery Patient Participation Group raise concerns themselves stating: 'funds are more than likely to go to other practices with a higher priority within their area' and 'it is unclear if any funds could be given directly to Bloxham and Hook Norton Surgery to fund a new consulting room'.
33. Various highways works would also be secured through the s.106. These highway works would be in accordance with a Highways Agreement to be entered into, to include the provision of site access, footpath provision/improvements, the relocation of a speed limit sign and road markings. This is justified to provide the legal certainty that these works would indeed take place in a timely manner. I am also satisfied that the monitoring fees secured for both the District and County Council are proportionate and reflect the actual costs of monitoring. I am also content that, from the evidence

⁴ R. (on the application of University Hospitals of Leicester NHS Trust v Harborough DC) [2023] EWHC 263 (Admin) (the Leicester judgment) and Worcestershire Acute Hospital NHS Trust [2023] EWHC 1995 (Admin) (the Worcestershire judgment)

⁵ APP/C3105/W/23/3315849

before me, both the legal agreement and a supplemental Deed of Covenant, which ensures the agreed obligations are secure, are fit for purpose.

34. In view of the above, apart from reference to 10% bio-diversity net gain and the contribution towards health care, I consider the obligations set out in the s.106 are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. Therefore, they meet the tests within CIL Regulation 122 and those set out in paragraph 57 of the Framework. As such, I have taken them into account in reaching my decision. Consequently, I conclude that there is no longer any conflict with LP Policy INF1, the SPD or the Framework.

Other Matters

35. I have had regard to the number of objections received from local residents and others, as part of this appeal. I also note the views expressed by the local councillors who attended the Hearing, expressing a wide range of concerns including, but not limited to the following: Housing growth in Bloxham; Insufficient infrastructure, including the General Practice surgery, which is an accredited Veteran Friendly Service; The NP being updated; Highway safety; Congestion in the village centre; Low water pressure; Other development in the area and flooding, amongst other things. However, I note that these matters were considered where relevant by the Council when it determined the planning application. Whilst I can understand the concerns of the interested parties, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

Conditions

36. I have considered what planning conditions would be appropriate in light of the discussions at the Hearing, making amendments and minor corrections, where necessary, to ensure clarity and compliance with the tests contained within Paragraph 56 of the Framework and the Planning Practice Guidance. In addition to conditions relating to the time limit for implementation, for reasons of certainty a condition requiring the development to be undertaken in accordance with approved plans/documents is necessary.
37. A pre-commencement condition relating to the submission of a Reserved Matters application is reasonable and necessary for the avoidance of doubt and to define the permission. Pre-commencement conditions for an Archaeological Written Scheme of Investigation and associated works; Access (highways); Construction Environment and Traffic Management Plan; Construction Environmental Management Plan; Landscape and Ecology Management Plan; Acoustic insulation; Surface water drainage scheme and an arboricultural method statement are all reasonable and necessary in the interest of the living conditions of neighbouring occupiers, highways safety and the environment. With regard to the archaeological condition, the suggested wording by the appellant was accepted verbally at the event by the Senior Archaeologist at the County Council.
38. A pre-occupation condition regarding the submission of a record of the installed SuDS and site wide drainage scheme is reasonable and necessary in the interest of the environment. Other conditions have been included surrounding the contamination, the landscaping scheme and Building Regulations, which are all reasonable and necessary in the interest of satisfactory living conditions of

future occupiers, character and appearance and water efficiency.

Planning Balance and Conclusion

39. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires this appeal to be determined in accordance with the development plan unless material considerations indicate otherwise.
40. The appeal scheme would accord with the development plan, when considered as a whole, and there are no other material considerations, including the provisions of the Framework, that indicate it should be determined other than in accordance with the development plan. Accordingly, whilst there is an obvious dispute between the parties surrounding the Council's Housing Land Supply position and it was identified as a main issue at the event, it is not determinative to this appeal. Thus, it has not been necessary for me to consider such matters. Furthermore, given my conclusions on the main issues, the proposed development would also amount to sustainable development in the context of LP Policy PSD1 and the Framework.
41. For the reasons given above, I conclude that the appeal should be allowed.

W Johnson

INSPECTOR

SCHEDULE OF CONDITIONS

Time Limit

- 1) Details of the layout, scale, appearance, and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Approved Drawings

- 3) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in accordance with drawings numbered PL001 (Location Plan), SK01 C (Proposed Access Arrangements) and SP01 B (Swept Path Analysis Refuse Vehicle).

Pre-commencement

- 4) Prior to any demolition and the commencement of the development a suitably qualified archaeologist shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
- 5) Following the approval of the Written Scheme of Investigation referred to in condition no.4, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.
- 6) No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.
- 7) No development shall commence unless and until a Construction Environment and Traffic Management Plan (CETMP) has been submitted to and approved in writing by the Local Planning Authority. The CETMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods and the following:

- The CTMP must be appropriately titled, include the site and planning permission number;
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site;
- Details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents;
- Details of and approval of any road closures needed during construction;
- Details of and approval of any traffic management needed during construction;
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway;
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions;
- The erection and maintenance of security hoarding / scaffolding if required;
- A regime to inspect and maintain all signing, barriers etc;
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided;
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc;
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500;
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc;
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted;
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution;
- Any temporary access arrangements to be agreed with and approved by Highways Depot; and,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

The approved CETMP shall be implemented and operated in accordance with the approved details.

8) No development shall commence unless and until full details of a scheme for acoustically insulating all habitable rooms within the dwelling(s) such that internal noise levels do not exceed the criteria specified in Table 4 of the British Standard BS 8233:2014, 'Guidance on sound insulation and noise reduction for buildings', shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the dwelling(s) affected by this condition shall be insulated in accordance with the approved details prior to the first occupation of the affected dwellings and shall be retained and maintained as such thereafter.

9) No development shall commence, unless and until a specialist acoustic consultants report that demonstrates that the World Health Organisations guideline noise value for outdoor areas of 50 dB LAeq (16 hr) or less can be achieved during the time period 07:00 to 23:00 hrs for domestic gardens and recreation areas used in common has been submitted to and approved in writing by the Local Planning Authority. Where acoustic barriers, planting or other features are required to achieve this standard full details of these elements shall be submitted with the report for approval. Thereafter and prior to the first occupation of the affected dwellings and the first use of the common areas, the acoustic barriers shall be installed and retained in accordance with the approved details.

10) No development shall commence, unless and until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- Risk assessment of potentially damaging construction activities;
- Identification of 'Biodiversity Protection Zones';
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- Use of protective fences, exclusion barriers and warning signs.

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

11) No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved LEMP.

12) No development shall commence until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full accordance with the approved details before the development is completed.

13) No development shall commence unless and until an arboricultural method statement in line with BS5837:2012 is to be submitted for review, outlining protective measures, and working practices to allow retention of the trees.

Pre-occupation

14) Prior to first occupation of any dwelling, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- As built plans in both .pdf and .shp file format;
- Photographs to document each key stage of the drainage system when installed on site;
- Photographs to document the completed installation of the drainage structures on site;
- The name and contact details of any appointed management company information.

Other

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

16) The landscaping scheme submitted with the Reserved Matters application shall include:

- a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
- location, type and materials to be used for hard landscaping including specifications, where applicable for: a) permeable paving, b) tree pit design, c) underground modular systems, d) Sustainable urban drainage integration, e) use within tree Root Protection Areas (RPAs);
- a schedule detailing sizes and numbers/densities of all proposed trees/plants; and,
- specifications for operations associated with plant establishment and maintenance that are compliant with best practise.

17) The development shall be constructed so as to meet as a minimum the higher Building Regulation standard for water consumption limited to 110 litres per person per day.

****End of Schedule****

APPEARANCES

FOR THE APPELLANT:

Mrs K Parsons LLB (Hons) MSc (agent)	Director, RCA Regeneration
Mr D Weldon BSc (Hons) MSc	Development Manager, Deeley Homes
Mr S Harris BSc (Hons) MRTPI	Managing Director, Emery Planning
Mr J Bullock BA (Hons) PgDip CMLI	Director, Zebra Landscape Architect
Mr K Sykes MEng MCIHT	Associate Director, Rappor Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr N Stock BA(Hons) DipTP MRTPI	Development Management Team Leader, Cherwell District Council (CDC)
Mr J Goodall MA (Cantab) MSc	Director, Strategic Planning Research Unit, DLP Planning Limited
Mrs E Whitley BSc (Hons) MSc MRTPI	Senior Planning Officer, CDC
Mr T Darlington	Senior Community Infrastructure Officer, CDC
Mr R Oliver	Infrastructure Funding Negotiator, Oxfordshire County Council (OCC)
Mr R Oram	Senior Archaeologist, OCC

INTERESTED PARTIES:

Cllr D Hingley	CDC
Cllr A Neil	CDC
Cllr Dave Bunn (Chairman)	Bloxham Parish Council (BPC)
Cllr Steve Craggs	BPC

HEARING DOCUMENTS

- A S106 and accompanying letter, dated 17 January 2024.
- A 223 signature petition presented by BPC at the event.
- Written comments by the appellant on the Framework, dated 5 January 2024
- The HLS SoCG, dated 5 January 2024
- CDC and OCC CIL Compliance Statements
- The SoCG, dated 8 January 2024
- An application for Costs from the appellant, dated 9 January 2024
- A response to the Costs application from the Council, dated 10 January 2024