

**Case Officer:** Shona King

**Recommendation:** Approve

**Applicant:** Keble Homes Limited

**Proposal:** Reserved matters to 18/01491/OUT - Seeking approval of layout, landscaping, appearance and scale. Access details approved as part of outline permission

**Expiry Date:** 23 October 2019

**Extension of Time:**

## **1. APPLICATION SITE AND LOCALITY**

1.1 The site is located to the rear of a row of dwellings which front onto the A4095 and comprises an area of hardstanding, former Club building and a disused bowling green and associated changing rooms and maintenance shed. Access to the highway is via a narrow track onto the A4095 at the western end of the site. The site is bounded to the north and west by countryside and to the east by an established nursery/garden centre.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

2.1. The application seeks approval of the reserved matters details (for appearance, landscaping, layout and scale) of a development of 10 dwellings that was approved in principle under application 18/01491/OUT.

## **3. RELEVANT PLANNING HISTORY**

3.1. There is no planning history directly relevant to the proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
14/01565/OUT	Outline - Development of eight houses and access improvements	Application Refused
14/02132/OUT	Outline - Development of eight houses and access improvements.	Application Permitted
17/02148/OUT	OUTLINE - Demolition of existing club house, bowling club pavilion and ancillary store. Erection of 10no dwellings and access improvements	Application Refused
17/00079/SO	Screening opinion to 17/02148/OUT - OUTLINE - Demolition of existing club house, bowling club pavilion and ancillary store. Erection of 10no dwellings and access improvements (further to outline planning permission 14/02132/OUT, dated 8th April 2016) and having a lesser proposed cumulative floor area than that permission.	Screening Opinion not requesting EIA

18/01491/OUT	OUTLINE - Demolition of existing club house, bowling club pavilion and ancillary store. Erection of 10 no. dwellings and access improvements (further to outline planning permission 14/02132/OUT, dated 8th April 2016) and having a lesser proposed cumulative floor area than that permission.	Approved
18/00068/SO	OUTLINE to 18/01491/OUT - Demolition of existing club house, bowling club pavilion and ancillary store. Erection of 10no dwellings and access improvements (further to outline planning permission 14/02132/OUT, dated 8th April 2016) and having a lesser proposed cumulative floor area than that permission.	Screening Opinion not requesting EIA

#### **4. PRE-APPLICATION DISCUSSIONS**

4.1. No pre-application discussions have taken place with regard to this proposal.

#### **5. RESPONSE TO PUBLICITY**

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **13 September 2019**, although comments received after this date and before finalising this report have also been taken into account.

5.2. The comments raised by third parties are summarised as follows:

- Land ownership
- Proximity of dwellings not in line with outline consent
- Siting of Klargester
- Drainage
- Water supply
- Landscaping
- Street lights
- Access to existing dwellings
- Location of swift boxes
- Provision of hedgehog holes in fences
- Compliance with completed S106

- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## **6. RESPONSE TO CONSULTATION**

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. SHIPTON ON CHERWELL AND THRUPP PARISH COUNCIL: **No comment to date**

### STATUTORY CONSULTEES

- 6.3. OCC HIGHWAY AUTHORITY: **No objection** subject to tracking required to demonstrate refuse vehicle access and turning and the visitor parking bays finished with a solid surface rather than gravel. Conditions are also recommended regarding the construction of accesses, driveways and turning areas, turning for service vehicles, a Construction Traffic Management Plan and passing bay and visitor parking kept free of obstruction.
- 6.4. LOCAL LEAD FLOOD AUTHORITY: **Objects** as it hasn't been demonstrated that infiltration is feasible. They advise that if it isn't feasible then an alternative drainage strategy may be required which could affect the layout.
- 6.5. MINERALS AND WASTE: **No comment to date**

### NON-STATUTORY CONSULTEES

- 6.6. CDC ENVIRONMENTAL HEALTH: **No comment to date**
- 6.7. CDC ECOLOGY: **No comment to date**
- 6.8. CDC BUILDING CONTROL: **No comment to date**
- 6.9. CDC LANDSCAPE SERVICES: **Comments** that the provision of an unequipped LAP is appropriate but additional detail is required
- 6.10. CDC WASTE AND RECYCLING: **No comment to date**
- 6.11. THAMES VALLEY POLICE: **No objection** but comments on the detail of the proposed layout and advises on how it could be amended to improve the safety of the development

## **7. RELEVANT PLANNING POLICY AND GUIDANCE**

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The

relevant planning policies of Cherwell District's statutory Development Plan are set out below:

#### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- BSC1: District wide housing distribution
- BSC2: Effective and efficient use of land
- BSC3: Affordable housing
- BSC4: Housing mix
- BSC10: Protection of open space outdoor sport and recreation uses
- ESD1: Mitigating and adapting to climate change
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local landscape protection and enhancement
- ESD15: The Character of the Built and Historic Environment

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout design and external appearance of new development
- C30: Design Control

#### 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)

### **8. APPRAISAL**

#### 8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety

#### Principle of development

8.2. The principle of the erection of 10 dwellings on the site has been established with the granting of the outline consent under application 18/01491/OUT. An indicative layout was submitted with the outline permission which showed a similar form of development in terms of layout and footprint to that now proposed.

#### Design and impact on the character of the area

8.3. The Government attaches great importance to the design of the built environment within the Framework. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP which looks to promote and support development of a high standard which contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.

- 8.4. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the urban or rural context of that development. Further, saved Policy C30 of Cherwell Local Plan 1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 8.5. The linear shape of the site restricts the possibilities for the layout of 10 dwellings on the site. The proposal follows the orientation of the existing row of properties to the south east of the site which face onto the highway and is considered to be compatible with the character of the existing built form.
- 8.6. The design of the dwellings is considered very uniform and repetitive with only two house types. This, however, could be improved through variation in the externally facing materials used. Materials are specified in the plans submitted but in some cases are not considered of an acceptable quality, and it is considered important given the site's location that locally distinctive materials are used, i.e. natural stone and slate.
- 8.7. Some of the dwellings are to have a ridge height of approximately 9m which would make them quite prominent from the access drive into the site and from the rear of the existing dwellings. However, given that the proposed development would be well screened in public views due to the location of the existing dwellings and the vegetation in the surrounding vicinity it would not have a significant impact on the visual amenities of the area. There is a footpath to the north west of the site, but this is some distance from the application site and views into the site would not be significant from here.
- 8.8. Overall, on balance, and subject to conditions, the design of the proposed development and its impact on the character and appearance of the area is considered acceptable.

#### Residential amenity

- 8.9. Both the NPPF and Policy ESD15 of the Local Plan seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space.
- 8.10. Saved Policy C30 of the Cherwell Local Plan 1996 states that design control will be exercised to ensure that new housing development provides standards of amenity and privacy acceptable to the LPA.
- 8.11. The proposed layout complies with the Council's informal space standards for separation distances and privacy. The distance between habitable room windows to existing dwellings on Bunkers Hill is approximately 38m at its closest point and the Council's standard is a minimum of 22m. In addition to this it is proposed that a strip of tree planting and an access road are provided between the two rows of dwellings reducing the potential sense of overlooking. Given the distances involved it is considered that the development would not result in a significant loss of light to the existing dwellings and their gardens.
- 8.12. The location of the proposed access into the site and the use for up to 10 dwellings would not result in a significant increase in the level of disturbance to the neighbouring properties adjoining the access over and above when the access was used for the Country Club.

### Highway safety

- 8.13. Means of access was considered under the outline application and conditions and informative notes relating to access details, visibility splays, road construction, vehicle tracking, drainage and the submission of a construction traffic management plan were imposed.
- 8.14. The Local Highway Authority (LHA) has commented on the current application and has raised no objections subject to the conditions of the outline consent, the demonstration that an 11.6m long refuse vehicle can access, turn and exit the site in a forward gear and the provision of a hard surface for the visitor parking bays.
- 8.15. The attention of the applicant's agent is drawn to the conditions of the outline consent.

### Other matters

- 8.16. Issues regarding the completed s106 and possible variations to this have been raised by existing residents. If the outline consent cannot be implemented due to the applicant not being able to comply with the s106 agreement then a fresh planning application, or an application to vary the completed s106 agreement, will be required.
- 8.17. OCC Lead Local Flood Authority has objected on the grounds that infiltration tests have not been provided to demonstrate that this type of drainage is feasible and if it is found at a later stage that infiltration is not feasible then an alternative drainage strategy may be required and this could affect the proposed layout. Any amendment to the layout other than very minor will require a fresh reserved matters application to be submitted and the revised layout will be formally considered.
- 8.18. Various drawings have been submitted apparently pursuant to the requirements of the conditions of the outline planning permission. The reserved matters application is not the appropriate means of discharging those conditions and a separate application will be required for the same. Those drawings will therefore be omitted from the list of approved plans on the decision notice.
- 8.19. Given the (large) scale of the dwellings, their (rural) location and the (close) proximity to each other, it is considered reasonable and necessary for permitted development rights to be restricted for the dwellings. Given the generous parking provision for each dwelling it is not considered necessary to impose a condition precluding the conversion of garages to habitable accommodation.

## **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. On balance and for the reasons set out in this report, and subject to conditions, the design, layout and scale of the proposed development is considered acceptable for the site. Therefore, it is recommended that reserved matters consent is granted subject to the following conditions.

## **10. RECOMMENDATION**

That permission is granted, subject to the following conditions

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and drawings numbered: 392/19/PL1000, PL1001A, PL1003, PL10.00A, PL20.00, PL30.00, 3287 BUNK ICS 01 XX DR C 004 P09 S4, 0753 1.1C and 1.2C, Landscape Management Plan.

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

2. Prior to the commencement of the development hereby approved above slab level, and notwithstanding the details submitted, a revised schedule of materials and finishes (including details of materials, type and colour finish) for the external walls, roofs of the development and windows and doors hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework and the National Design Guide.

3. Prior to the commencement of the development hereby approved above slab level, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in natural stone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development (where identified as being of natural stone finish) shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel, unless otherwise agreed in writing by the Local Planning Authority, and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and to comply with Policy ESD 15 of the Cherwell Local Plan 2011- 2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework and the National Design Guide.

4. Prior to the commencement of the development hereby approved above slab level, and notwithstanding the details submitted, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall not be installed within the building other than in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework and the National Design Guide.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no development

within Part 1 or Part 2 of Schedule 2 of the Order shall take place.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site, and to in order to safeguard the openness and rural character of the area, and to safeguard the living conditions of occupiers of the development and to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

**PLANNING NOTE**

Attention is drawn to the provisions and requirements of conditions imposed on the "outline" permission (App. No 18/01491/OUT) which should be read together with this approval. Any outstanding requirement of the conditions to submit details for approval by the Local Planning Authority should be particularly noted.

Case Officer: Shona King

DATE: 21/10/2019

Checked By: Nathanael Stock

DATE: 23.10.2019

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