

Case Officer: Bob Neville

Recommendation: Approval

Applicant: Ms Lucy Coltman

Proposal: Erection of a new 1 bed, two storey dwelling - It forms a side extension to the west of 10 Reid Close

Expiry Date: 12 February 2021

Extension of Time:

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to a semi-detached two storey residential property sitting at the end of a Cul-de-Sac in an established residential area within Banbury. To the west is a block of garages with residential properties to the rear (north) and attached to the east. The existing property is finished in brick and render under a concrete tiled roof. The property has existing garden areas to side and rear, integral garage with hardstanding for parking to front.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The application seeks planning permission for the erection of a two storey, 1-bed dwelling attached to the side of 10 Reid Close, with associated parking to the front. The proposals are to be constructed in materials to match those in use on the existing building.

2.2. The application's site boundary was revised during determination to include all land necessary to achieve access to the adopted highway. Amended plans were received along with a revised certificate of ownership, and the application was re-publicised and appropriate re-consultations undertaken.

3. RELEVANT PLANNING HISTORY

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

4. PRE-APPLICATION DISCUSSIONS

4.1. The following pre-application discussions have taken place with regard to this proposal:

Application: Response Sent 14 August 2020
20/01873/PREAPP

Pre-Application Enquiry - Erection of a new 3-bedroom dwelling house.

Applicant advised that whilst the site is a geographically sustainable one for new residential development, the proposals would not represent an appropriate form of sustainable development, and any future planning application for the proposals as set out within the pre-application scheme not be considered favourably.

The proposals were considered to represent over-development of a constrained site, resulting in a substandard unit of residential accommodation being created with a poor cramped living environment; and further would likely have significant detrimental impacts on the safety and convenience of

highway users as a result of the lack of appropriate on-site parking provision leading to increased demand for on-street parking.

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 **16 January 2021**.
- 5.2. No comments have been raised by third parties.

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. BANBURY TOWN COUNCIL: **No objections subject to conditions** concerning parking provision and materials

OTHER CONSULTEES

- 6.3. BUILDING CONTROL: **No objections**. Building Regulations application will be required for the proposals.
- 6.4. CDC LAND DRAINAGE: **No objections**. Provides comments to the applicant in respect of potential need for a build over agreement with Thames Water
- 6.5. ENVIRONMENTAL HEALTH: **No objections**.
- 6.6. LOCAL HIGHWAY AUTHORITY: **No objections subject to conditions** in respect of vehicle and cycle parking being secured.

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 2015)

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land
- ESD1: Mitigating and Adapting to Climate Change
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDS)

- 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 NPPF's key objective is to support the achievement of sustainable development through the planning system; recognising the need to secure gains in the overarching objectives (economic, social and environmental). In respect of new residential development there is a requirement for the provision of new housing of the right type in the right location at the right time, and that development should also contribute to protecting and enhancing our natural, built and historic environment, as well as fostering a well-designed and safe built environment (Para. 8). These aims are echoed within the policies of the CLP 2015 which looks to support sustainable development.

8.3. The CLP 2015 states that housing growth will be directed towards the urban areas of Banbury and Bicester. Paragraph B.88 states: *'By focussing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth'*.

8.4. Policy BSC 1 of the CLP 2015 sets out the distribution of housing growth throughout the Cherwell District Council area up to 2031, stating 22,840 homes are to be delivered during the plan period, with 7,319 of those to be delivered within Banbury.

8.5. The site is within the built up limits of Banbury, and it is considered that the principle of new development may be considered acceptable in general sustainability terms of the location, with overall acceptability dependent on other material considerations including visual amenity, residential amenity and highway safety issues, discussed further below.

Design, and impact on the character of the area:

8.6. 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 2015 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness.

8.7. 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 context of that development. Further, saved Policy C30 of CLP 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.

- 8.8. The proposals have evolved from the scheme considered at the pre-application stage, with the applicants taking on board advice given, particularly in respect of the scale of the proposals and reducing the number of bedrooms to achieve a more appropriate internal layout.
- 8.9. The existing street consists of brick and render, two-storey, semi-detached and blocks of terraced properties. Whilst the proposals would introduce a new dwelling unit, the design is such that it would have the appearance of being a subservient two storey side extension to the existing dwelling, replicating some of the design features present within the existing street-scene. The front elevation of the first floor would be set slightly behind that of the existing dwelling and the roof ridgeline would also demonstrate a degree subservience to the existing dwelling.
- 8.10. The front garden of the existing dwelling would be given over to hardstanding to provide parking. However, this is an existing feature of several properties within the local area.
- 8.11. Subject to materials being consistent or similar to those in use on the existing property it is considered that the proposals would not appear overly dominant, out-of-place or to the detriment of the visual amenities of the site or the wider street-scene and therefore acceptable in this regard.

Residential amenity:

- 8.12. Para. 180 of the NPPF advises of the need Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.13. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states that: *'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'*.
- 8.14. The proposals include the necessary internal facilities required for day to day living and also outdoor amenity garden space. Whilst the proposal would see a reduction in the garden/amenity area associated with 10 Reid Close it is considered that both the existing and proposed dwellings retain sufficient amenity space that it would not be to the significant detriment of the living conditions of either present or future occupants and not represent over-development of the site. In this respect it is considered that the proposals would provide an acceptable standard of living for potential future occupants and is considered acceptable in this regard.
- 8.15. The proposals would introduce no further impacts on the amenity of neighbouring properties through potential over-looking than the existing situation, separation distances to properties at the rear (~35m) being sustained. It is considered that the proposed dwelling is sited such that it would not result in any significant impact on the amenities currently enjoyed by neighbouring properties in terms of any potential for loss of light, over dominance or loss of privacy.
- 8.16. For these reasons discussed above, officers consider that the proposed development would accord with saved Policy C28 of the CLP 1996 and Policy ESD15 of the CLP 2015 and are therefore considered acceptable in terms of residential amenity.

Highway safety:

8.17. The NPPF (Para. 108) advises that in assessing specific applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

8.18. The NPPF further states that: *‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.*

8.19. Both Policies ESD15 and SLE4 of the CLP 2015 reflect the provisions and aims of the NPPF. Policy ESD15 of the CLP 2015 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work”*; whilst Policy SLE4 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported”*.

8.20. The LHA has assessed the proposals and raises no objections to the application, considering that appropriate parking provision for the level of accommodation proposed (1 bed dwelling) could be achieved on site and that the proposals are unlikely to have any significant detrimental on the highway network or highway safety.

8.21. The site benefits from existing integral garage and hardstanding to the front of the dwelling and plans demonstrate additional that parking can be achieved at the front of the property. Officers therefore see no reason to disagree with the LHA’s advice and consider that parking provision for both vehicles and cycles at the site could be secured by way of appropriate conditions attached to any such permission.

8.22. It is considered that the proposals would not result in any severe impacts on the local highway network or be to the detriment of the safety and convenience of other highway users and are therefore acceptable in terms of highway safety.

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. It is considered that the development assessed within this application, which contributes additional residential development in a location which accords with the Council’s housing strategy, would not cause significant harm to neighbour amenity or highway safety; and its design and scale is such that it would not significantly detrimentally impact on the visual amenities of the surrounding area, whilst providing standards of amenity which are considered acceptable.

9.3. As such, the proposals are considered to comply with the above-mentioned policies and the application is therefore recommended for approval as set out below.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents: Design & Access Statement, Planning Statement and drawings numbered: 1010 FCA XX XX PL A 0001/P03, 1010 FCA XX ST PL A 0011/P04, 1010 FCA XX 00 PL A 0110/P04, 1010 FCA XX 01 PL A 0111/P03 and 1010 FCA XX XX EL A 0310

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to safeguard the character and appearance of the area and the living conditions of existing and future residential occupiers and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

3. The materials to be used for the external walls and roof of the dwelling hereby approved shall match in terms of colour, type and texture those used on the existing building (10 Reid Close).

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy ESD15 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.

4. Prior to the first use/occupation of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with the plan approved (Drawing No. 1010 FCA XX ST PL A 0011/P04) and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring areas shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason: In the interests of highway safety and flood prevention and to comply with Policies ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

5. The dwelling hereby approved shall not be occupied until space has been laid out within the site in accordance with drawing no. 1010 FCA XX ST PL A 0011/P04, for bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.

Reason: In the interests of promoting sustainable transport modes in accordance with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Planning Notes:

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or

someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

2. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Environmental Protection Team Leader for further advice on this matter.
3. The applicant should be aware that the site may be affected by a minor public sewer. The applicant is therefore advised to investigate and if found liaise with Thames Water regarding the need for a "build-over" or "build near-to" agreement.

Case Officer: Bob Neville

DATE: 12/02/2021

Checked By: Nathanael Stock

DATE: 12.02.2021
