

Case Officer: James Kirkham**Recommendation:****Applicant:** Burrington Estates**Proposal:** Reserved matters application to 18/02147/OUT - Erection of 21 dwellings (consideration of Appearance, Landscaping, Layout and Scale)**Expiry Date:** 15 April 2021**Extension of Time:**

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is an agricultural field located to the west of Deddington to the north of the Hempton Road. The site contains an agricultural building located towards the south east corner of the site, which is served by an access from Hempton Road. The site is relatively flat, but the land beyond the northern boundary of the site falls away into a wide valley. To the east of the site is Wimborn Close which consists of a mix of relatively modern two storey properties and has a landscaping belt adjacent to the site. The 2 metre high hedge exists to the west of the site beyond which lies further agricultural fields.
- 1.2. Deddington nursery and the recreation ground exist to the south of the site beyond Hempton Road.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning permission 18/02147/OUT granted outline consent for up to 21 dwellings on the site. The current application seeks reserved matters (consideration of appearance, landscaping, layout and scale) for 21 dwellings.
- 2.2. The application has been subject to significant levels of negotiation during the application. The access point was agreed as part of the outline consent and the dwellings would be arranged on a road running through the centre of the site. To create frontage to Hempton Road there would be private drives either side of main road through the site which would include dwelling facing onto Hempton Road and to the west of the site. The red line site area has also been amended – to cover only a part of the red line site area for the outline application.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

Application: 18/02147/OUT Permitted 6 April 2020

Outline planning application for up to 21 dwellings comprising 1, 2, 3 and 4 bedroom dwellings together with access, garaging and landscaping (all matters reserved except the principal means of access from Hempton Road)

Application: 20/01145/DISC Permitted 27 July 2020

Discharge of Conditions 6 (Contamination Study) and 11 (Means of Access) of 18/02147/OUT

Application: 20/02083/OUT

Outline - Erection of 14 two-storey dwellings

Application: 21/00479/DISC

Discharge of Conditions 5 (finished floor levels), 10 (surface water drainage scheme), 12 (Construction Traffic Management Plan), 14 (Biodiversity Enhancement Scheme) and 15 (Landscape and Ecology Management Plan) of 18/02147/OUT

Application: 21/01226/DISC Permitted 2 June 2021

Discharge of Conditions 7 (Comprehensive Intrusive Investigation Report), 8 (Details of Remediation) and 13 (Energy Report) of 18/02147/OUT

Application: 21/02462/OBL

Discharge of schedule 2 paragraph 2.1.1 (affordable housing scheme) – of S106 relating to 18/02147/OUT

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 **23 July 2021**, 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:

- There is very limited provision for bird box in the scheme and more could be provided.

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. DEDDINGTON PARISH COUNCIL: **Comment.** Wish confirmation of the following:

- **Landscaping to boundaries.** The PC request that there is a condition that the on-going costs and management of the landscape is clearly defined. Will there be an

maintenance company responsible for this or an arrangement with OCC for the ongoing costs and management to be covered?

· **Link path to Wimborn Close.** The PC request confirmation of the financial contribution, in S106, for the construction and maintenance of the link path between the site and Wimborn Close.

· **Completion of S278.** To secure changes to highways alterations. In July 2020 the conditions on means of access and highways alterations were discharged, in accordance with a plan that shows the speed sign, and village welcome gates, with mini-protrusion to create Give Way chicane moved to the west. Has this S278 agreement been made to ensure these changes will go ahead?

· **S106 contribution confirmation.**

OTHER CONSULTEES

6.3. OCC HIGHWAYS: **No objection.** Originally requested details of cycle parking, tracking plan and car park dimensions. Further to the receipt of these and confirmation that EV charging infrastructure is required by a condition on the outline application raise no objections.

6.4. CDC STRATEGIC HOUSING: **Comment on original plans.** The market housing looks squeeze compared to the market housing and the parking layout differentiates it. The parking should be application. The same materials will be used as on the market housing. The houses need to meet the NSS and at least 50% of the rented dwelling should be M4(2) (2). No outdoor space for the flats and lack of details on bin stores. (*officer note: Whilst no detailed or formal comments have been received on the amended scheme, Housing have now confirmed that whilst they do not consider the scheme is ideal in terms of the size of units and no outdoor space for the maisonettes on the amended scheme they are satisfied with the amended scheme*)

6.5. CDC LANDSCAPE: **Comment.** The revised landscaping proposals are acceptable. Further information is required on the LEMP in regard to the maintenance of some areas

6.6. CDC ARBORIST: **Comment.** Raise some concern over the use of Malus domestica on plot 4. Request fruit trees in gardens. Queries whether trees to frontage will be retained and protected.

6.7. CRIME PREVENTION DESIGN ADVISOR: **Comment.** On the original application raised a number of concerns over blank gables not providing surveillance, location of bin and cycle stores, lighting, safety of parking barn, lack of information on boundary treatments, concerns over rear access to plots 15-21, pedestrian link to the neighbouring site is excessively permeable.

6.8. OCC ARCHAEOLOGY: **No objection.**

6.9. CDC BUILDING CONTROL: **No objection.**

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 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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)

- BSC1 - District Wide Housing distribution
- BSC3 - Affordable Housing
- BSC4 - Housing Mix
- BSC10 - Open Space, Outdoor Sport & Recreation Provision
- BSC11 - Local Standards of Provision - Outdoor Recreation
- ESD1 - Mitigating and Adapting to Climate Change
- ESD7 - Sustainable Drainage Systems (SuDS)
- 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 of new residential development
- C31 - Compatibility of proposals in residential areas

- 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
- Appearance, layout and scale
- Landscaping
- Highways
- Affordable Housing and housing mix
- Conditions on outline
- Other matters

Principle

- 8.2. The principle of the development has already been considered acceptable under the approved outline application for up to 21 dwellings and is not a matter for consideration in this case. 21 dwellings are proposed under this application which is in accordance with the quantum of development approved.

Appearance, Layout and Scale

- 8.3. The current application has been subject to significant levels of negotiation during the course of the application to provide a layout and appearance which is considered to be acceptable by officers.

- 8.4. The layout of the site includes a central street through the site and smaller driveways serving a number of properties off this. It is important to note that a resolution to grant permission for a further 14 dwellings exists to the north of the site and therefore access through the current site is provided for this and the current scheme is effectively phase 1 of the wider development.
- 8.5. The site bounds the open countryside to the west and therefore a looser form of development is proposed to the western part of the site and the denser form of development is provided to the east of the main access road adjacent to the properties in Wimbourne Close which are also relatively dense in layout. This is considered to be an appropriate approach to the site given the constraints of the site and the relationship with the existing built form and open countryside.
- 8.6. The houses are orientated so that frontage is provided to Hempton Road to address the main road into the village and respond to the layout of other developments in the vicinity and the dwellings facing onto the western boundary are generally set away from the boundary (with the exception of plot 1) to allow for landscaping to help soften the visual impacts of the development in views from the west.
- 8.7. The dwellings have been amended during the course of the application to reflect a more vernacular appearance and form in line with the Residential Design Guide SPD. Amendments include the use of shallower depth wider fronted properties more simple properties in more prominent locations and the use of traditional pitched roofs rather than hipped roofs. Whilst some of the proposed properties still have rather large plan depths (such as plots 5, 13-14 and 17-21) these are in locations that are less prominent and would not be key buildings in the scheme and on balance are therefore considered to be acceptable. It will also be important that Phase 2 of the development provides appropriate vista stoppers in the scheme to create an attractive and distinctive appearance.
- 8.8. The fenestration of the dwellings is largely considered to be appropriate to the more rural character of the village particularly in light of the relatively modern properties in the locality. The proposed dwellings located on corner plots provide windows in the side elevations to provide surveillance and active frontage to the streets.
- 8.9. The proposed development includes 15 dwellings in natural ironstone and 6 properties in a blended red brick. The natural stone properties are located around the edge of the site on the more prominent plots and would form the predominant character of the scheme which is considered to be important in terms of local distinctiveness. The stone dwellings would be constructed with natural slate. Artificial slate is proposed to be used on the brick properties in less prominent locations which, on balance, is considered to be acceptable given the proposal is not in the vicinity of any heritage assets. Chimneys have been added to the properties to provide a sense of rhythm and vertical emphasis to the scheme and provide a higher quality traditional form to the development. All the dwellings would be 2 storey in height and this is considered to be compatible with the surrounding properties.
- 8.10. The Crime Prevention Design (CPDA) advisor provided a number of comments on the original layout and many of these have now been address by the amended plans. A plan of the external lighting is required by condition 16 of the outline planning consent and details of the boundary treatments can be controlled through planning condition. The CPDA has raised concerns that the footpath link to Wimbourne Close makes the development 'excessively permeable'; however, in planning officers' opinion this is required to provide access to the adjacent open space and the play area, and the permeability it would afford is to the benefit of the development. It is important to note that as part of the outline application it was

agreed that a commuted financial sum by provided in lieu of on site play provision and this has been secured on the outline permission to upgrade this area or other nearby play areas). The footpath has been designed to be well overlooked by properties facing onto it and will help integrate the development into the surrounding pedestrian movement network and is therefore considered to be acceptable. The principle of these matters was considered acceptable in the outline application and whilst the footpath terminates at the site boundary the commuted sum secured on the outline application is able to be spent on the provision of the footpath off of the site which is outside of the applicants control.

- 8.11. In terms of the impact of the development on residential amenity, the proposed dwellings are considered to be a sufficient distance from existing neighbouring properties to ensure they would not significantly adversely impact on their amenity. The properties would be visible from Wimborne Close; however, given the distance and the existence of a landscaping screen, the impacts in terms of outlook and privacy are not considered to justify refusal of the application. In terms of the interrelationship between the proposed houses the separation distances between them now generally comply with the guidance in the Residential Design Guide SPD to provide a good standard of amenity. In the one instance where the distance is below this standard, between plots 2 and plot 8, garages help to screen direct overlooking between habitable windows of the properties.
- 8.12. Overall, on balance, the amended layout, scale and appearance of the dwellings are therefore considered to be acceptable.

Landscaping

- 8.13. The proposed landscaping plans have been amended during the course of the application to address the concerns raised by the Councils Landscape Officer and they are now satisfied with the detailed landscaping plans. The western boundary would include an area of open space planting with trees and native scrub planting to help filter some of the views of the buildings on the approach to the village along Hempton Road which will need to mature to provide a more robust screen. As noted above the western part of the site is less dense and more spacious to provide a gentler transition to the open countryside beyond.
- 8.14. The landscape officer has raised some concerns regarding the landscape maintenance provisions for certain areas within the LEMP however this can be addressed through the discharge of condition application relating to the LEMP under 21/00479/DISC
- 8.15. The Councils Arborist has requested clarification that the trees on the frontage will be retained. There is a sycamore and horse chestnut tree on the Hempton Road frontage which are both noted to be category B1 trees in the tree report accompanying the outline application. The applicant has confirmed both of these will be retained along with the hedgerow to the western boundary and it is recommended that a condition is imposed to ensure these are protected in accordance with the British Standards during construction (note: the Ecology Appraisal accompanying the outline application also included this as a recommendation which is conditioned under the outline application).
- 8.16. In terms of the quantum of open space the site falls slightly short of the general green space provision against the standards in table 7 accompanying Policy BSC11 of the Cherwell Local Plan if the SUDs facility is excluded; however, if the SUDs is included the amount of general green space is slightly above the standard. The green space is largely used for the provision of biodiversity gain on the site with wildflower meadow and other planting. During the course of the application officers

have requested that a path and bench be provided around the attenuation feature in the south east corner of the site to make this area of open space more useful to the occupants of the development and this has now been provided. Whilst the Council's landscape officer did have some concern over anti-social behaviour associated with the provision of a bench this is located in an area that has good surveillance to the front of the development and is not considered to be likely to result in any significant issues. On balance the level of green space is considered to be acceptable to serve the development and it is noted that the landscape officer has raised no objection to the application on this basis.

- 8.17. During the course of the outline application it was agreed that off-site contributions would be secured in lieu of a local area of play on the site to provide enhancements elsewhere in the village and this is secured by the legal agreement accompanying the outline planning consent. Therefore, a LAP is not required to be accommodated on site.

Highways

- 8.18. The main access into the site was approved as part of the outline application and was deemed to be acceptable at that stage. The works to the wider highway network are secured through the Section 106 and will be provided through a S278 agreement with the County Council.
- 8.19. The Local Highway Authority (LHA) has not raised any objection to the amended layout of the proposed site and it is considered to be acceptable from a highway safety and convenience perspective. Tracking plans demonstrate that larger vehicles will be able to use the site such as a fire tender and the Highways Engineer has raised no objection to this.
- 8.20. The properties are considered to be served by an appropriate level of parking to serve their needs and the LHA has raised no objection in this respect. Footpaths are provided either side of the main access to the site and will provide safe and suitable access for pedestrians into the site and to connect to the neighbouring site.

Affordable Housing and Housing Mix

- 8.21. The affordable housing is provided in the north western part of the site (plots 15-21). The Strategic Housing Officer commented on earlier versions of the proposal but no formal comments have been received on the latest set of plans although ongoing discussion have taken place. Concerns were raised that the affordable units were not tenure blind given the parking to the front and the density of this area.
- 8.22. The approach to the density of the development is outlined elsewhere in the report (i.e. more dense adjacent to existing built form and less dense adjacent to the countryside) and this is considered to be acceptable. The layout of the parking in this area is different however it is considered to be acceptable and allows surveillance and frontage onto the path to Wimbourne Close. The allocation of the parking would be up to the Registered Provider which needs to be agreed with the Council. These dwellings would be constructed in the same materials as the market dwellings and would have a similar overall appearance. On balance they are therefore considered to be suitably integrated into the site and in design terms would be tenure blind and would not stand out as affordable housing.
- 8.23. In terms of the housing mix ((2 x one bed (9%), 5 x two bed (24%), 10 x 3 bed (47%) and 4 x four bed (20%)) whilst the scheme provides slightly higher levels of larger housing than outlined in the SHMA table accompanying Policy BSC4 of the CLP given the small size of the scheme small changes can make larger percentage

differences and the scheme can be considered as a whole with Phase 2 when it comes forward. Furthermore the advice in the SHMA is guidance and it does not require every scheme to stringently comply with this policy. On balance therefore in this case the overall housing mix is considered to be acceptable.

- 8.24. The mix of affordable housing overall is in line with the requirements of the S106 in terms of the size of the units. The applicant has confirmed that all the affordable dwellings will meet the National Described Space Standard. In accordance with the requirements of the S106 50% of the Affordable Rent properties are required to meet the M4(2) accessibility standard. The applicant has been alerted to this and has provided plans and has confirmed that plots 19-21 will be constructed to M4(2) standard which is considered to be acceptable. The applicant will have to satisfy themselves that these standards are met as they are a requirement of the S106 on the outline planning consent.

Conditions on the outline planning consent

- 8.25. Condition 6, 7 and 8 detailing ground investigation and remediation have been discharged under earlier discharges along with condition 11 (means of access) and condition 13 (energy report). Condition 9 will require a verification report to be provided to the LPA in respect of the remediation once it is completed.
- 8.26. An application is currently pending consideration for conditions 5 (finished floor levels), 10 (surface water drainage scheme), 12 (Construction Traffic Management Plan), 14 (Biodiversity Enhancement Scheme) and 15 (Landscape and Ecology Management Plan) under 21/00479/DISC.
- 8.27. Condition 16 (external lighting) and 17 (travel information packs) will need to be considered at a later date and are not pre-commencement conditions. Conditions 17 (water efficiency), 19 (ecological recommendations) and 20 (electric vehicle infrastructure) are compliance conditions so do not require further details but do require the applicant to comply with them.

Other matters

- 8.28. The Parish Council has made a number of comments relating to the following issues which are addressed below:
- Queries over maintenance and costs associated with landscaping – The S106 requires details of the management of the areas of public open space to be provided and agreed with the Council. From discussions with the applicant this is likely to be through a management company. This will be secured through the provision of scheme through the legal agreement and will include a service charge to residents of the development.
 - Link path to Wimborne Close – The plans show the provision of a link to Wimborne Close within the application site. The remainder of this link (on land outside of the application site) would need to be provided by the owner of that land (believed to be the parish council). The Section 106 agreement with the outline application includes an offsite financial payment in respect of play provision. The definition of this in the legal agreement also allows the money to be spent on the provision of a new footpath so this money could be spent on providing the off-site footpath.
 - Highway works – The outline application includes a S106 which requires the applicant to enter into a S278 with the County Council to provide a number of highway works. This will be provided through the requirements of the S106 and

the reserved matters application does not alter this. This has been raised with the Local Highway Authority.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. Overall, for the reasons set out in this report, the development is considered to comply with the provisions of the Development Plan and other material considerations and it is recommended that planning permission be granted.

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 the following plans and documents: P100 A, P101 A, P102 F, P104 D, P106 C, P201 C, P202 C, P237 A, P203 E, P204 D, P205 A, P206 A, P207 A, P208 A, P209 B, P210 B, P238 A, P211 B, P212 C, P213 B, P214 B, P215 B, P216 C, P217 C, P218B, P219 B, P220 C, P221 C, P222 C, P223 D, P224 B, P225 B, P226 B, P227 B, P228 B, P229 B, P230 B, P231 B, P232 C, P233 D, P234 C, P235 E, P236 B, P239 A, 20 218 D01 J, ES20.020 06.02 P3, ES20.020 060.03 P3, ES20.020 060.04 P3 and 20_218_D01K

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. No development shall commence unless and until the trees and hedgerows to be retained (as shown on the approved landscaping plan including the tree belt to the east, the mature trees on the Hempton Road frontage and hedgerow to the west) have been protected in accordance with BS 5837:2012. The tree/hedgerow protection measures shall remain in place throughout the construction period unless otherwise agreed in writing by the Local Planning Authority under a separate discharge of planning condition.

Reason – To protect the existing trees and hedges to be retained in the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development 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. No development shall commence above slab level on any dwelling to be constructed of stone until a stone sample panel (minimum 1 sq m in size) has been constructed on site and inspected and approved in writing by the Local Planning Authority. Thereafter, all of the external walls of the properties and garages shown to be constructed in natural stone on drawing 201-P106 Rev B shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel 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 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. No development shall commence above slab level on any dwelling to be constructed of brick until a brick sample panel (minimum 1 sq m in size) has

been constructed on site and inspected and approved in writing by the Local Planning Authority. Thereafter, all of the external walls of the properties and garages shown to be constructed in brick on drawing 201-P106 Rev B shall be laid, coursed and pointed in strict accordance with the approved brick sample panel 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 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.

5. Notwithstanding the details submitted, and prior to the construction of any dwelling above slab level, full details of the architectural details of the dwelling(s) and garages, including windows (including material, colour and recess from brick/stone face), doors, heads, cills, lintels, eaves and verges shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented fully in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure and retain the satisfactory appearance of the completed development and in the interests of the character and appearance of the area 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.

Note: All windows should have balanced casements with even sightlines. Glazing bars should be true glazing bars or external glazing bars.

6. Notwithstanding the details on the approved plans, prior to any works above slab level full details of the boundary treatments to the site and each plot, including position, height, appearance and materials, shall be submitted and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be provided in accordance with the approved details prior to the first occupation of any dwelling and shall be retained as such thereafter.

Reason: To protect the character and appearance of the area and provide a safe and durable development in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the first occupation of any dwelling, the means of access, parking and turning area serving that dwelling shall be provided, constructed and retained in accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority under a separate discharge of planning condition. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety 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.

8. Notwithstanding the details on the approved plans the roofs of the proposed dwellings and garages shall be externally faced in accordance with the following details unless otherwise agreed in writing with the local planning authority under a separate discharge of planning condition:

- Natural slate (Capimor (Centera Bada) Slates as certification received by the Local Planning Authority on 12.07.2021) on properties shown to be constructed of natural stone on drawing 201-P106 Rev B
- Cembrit Westerland fibre cement slates on properties shown to be constructed of brick on 201-P106 Rev B

Reason - To ensure and retain the satisfactory appearance of the completed development and in the interests of the character and appearance of the area 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.

9. The hard and soft landscaping of the development shall be carried out in accordance with the landscaping scheme shown on drawing number 20_218_D01K unless otherwise agreed in writing under a separate discharge of condition. The hard landscaping shall be carried out in accordance with the approved details prior to the first occupation of the development and shall be retained as such thereafter. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the commencement of development or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development 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.

10. Notwithstanding the provisions of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), no walls, gates or fences shall be erected beyond the front elevation of any dwelling hereby permitted without the grant of further specific planning permission from the Local Planning Authority.

Reason: To afford adequate visibility at the access and to ensure a pleasant and attractive environment and to safeguard the character and appearance of the area and in accordance 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.

11. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998:Recommendations for Tree Works.
- b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this reserved matters permission.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development 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.

12. Prior to the first occupation of the development hereby permitted, covered cycle parking facilities and bin stores shall be provided to all the dwellings in accordance with drawing 201-P104 Rev D unless otherwise agreed in writing under a separate discharge of planning condition. Thereafter, the cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

13. Before each respective dwelling is first occupied all first floor openings identified on the plans listed in Condition 1 of this permission to be obscurely glazed (as shown on the drawings for plots 2 plots 8) along with the first floor windows in the side elevation of Plot 5 serving the open study and bathroom shall be glazed with obscure glass (at least Level 3) only and, unless fixed shut, fixed with a ventilation stay restricting the opening of the window to no more than 30 degrees from the elevation in question, and must be permanently maintained as such at all times thereafter.

Reason - To safeguard the living conditions of neighbouring residents and future occupiers of the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), in the case of Plots 1, 2, 5, 6, 7, 8, 11, 12 and 17 to 21 inclusive no additional windows, doors or any other openings shall be inserted at first floor level or above in the development hereby permitted without the grant of further specific planning permission from the Local Planning Authority.

Reason - To safeguard the living conditions of neighbouring residents and future occupiers of the development 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.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), in the case of Plots 1, 2, 7, 8, 9, 10, 11, 12 and 17 to 21 inclusive no development within Schedule 2, Part 1, Classes A - E (inclusive) shall take place on the

dwellinghouses hereby permitted or within their curtilage without the grant of further specific planning permission from the Local Planning Authority.

Reason - To ensure and retain the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and to ensure a satisfactory living environment for future occupiers, and in the interests of highway safety 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.

16. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

INFORMATIVE: The applicants attention is drawn to the outline permission and legal agreement covering this application. The stipulations of these remain and nothing in this consent overrides them. The applicants particularly attention is drawn to:

- The highway works required under the legal agreement
- The requirement for 50% of the social/affordable rent properties to meet M4(2) accessibility standard under the Building Regulations and all affordable homes to meet the Nationally Described Space Standard.
- The requirement for pre-commencement conditions on the outline planning consent and the obligations of the legal agreement to be met at certain trigger points.

Case Officer: James Kirkham

DATE:

Checked By: Nathanael Stock

DATE: 20.08.2021
