

Case Officer: Bob Neville**Recommendation:** Approval**Applicant:** Mr Lee Jones**Proposal:** Erection of dwelling house, garage and associated vehicular access off Oxford Road A4260 - re-submission of 20/02152/F**Expiry Date:** 1 March 2021**Extension of Time:**

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to land associated with 13 Blackwood Place, a large two-storey detached dwelling located on a residential street in the south-east of Bodicote, to the south of Banbury, and further an area of highway verge. The existing dwelling (recently extended and altered) at the site is externally faced in a mixture of facing red brick and painted render elevations with grey powder coated aluminium windows and doors under a plain tile roof. The existing site benefits from a large area of hardstanding to the front with access taken off Blackwood Place.
- 1.2. The property also benefits from a big plot with a substantial large rear garden, with patio and grass areas, and recently constructed flat-roofed outbuilding. The site shares boundaries with neighbours to the north and south. The rear boundary backs onto the Oxford Road (A4260). Boundary treatments are a mixture of vegetation and timber fencing.
- 1.3. The site is not, nor does it contain, a listed building and is not located within a designated conservation area. There are no other significant site constraints relevant to planning and this application.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks planning permission for the erection of new 1½ storey dwelling with rooms in the roof-space, with single garage and new vehicular access taken off Oxford Road (A4260). The proposed dwelling would have a footprint of ~143m² and overall height of ~6.8m providing residential accommodation (3-bedrooms) on two floors; to be of brick finish under a slate roof with UPVC windows and doors. The garage would be constructed in the same materials as the proposed dwelling. The proposals would include a new access taken across highway land to the east of the site, serving a new area of permeable hardstanding at the front/side of the proposed new dwelling.

3. RELEVANT PLANNING HISTORY

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

Application: 19/01813/F Permitted 19 November 2019

Demolish garage. Replacement roof (eaves and ridge to be as existing).
Erection of single storey and two storey extensions to front, side and rear.
Enlargement of parking/turning area.

Application: 20/02152/F Application 29 September 2020
Withdrawn

Erection of dwelling house, garage and associated vehicular access off Oxford Road A4260.

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 **25 February 2021**, although comments received after this date and before finalising this report have also been taken into account.

5.2. Letters of objection have been received from 6no. local residents. The comments raised by third parties are summarised as follows:

- Over-development not in keeping with the surroundings and character of the area.
- Highway safety; new access onto busy road not appropriate.
- Detrimental impacts on residential amenity; loss of privacy; loss of light; loss of outlook; noise and pollution (resulting from traffic on the Oxford Road as a result of the removal of trees from along its route).
- Detrimental impacts on habitats for wildlife.
- Lack of appropriate amenity space for the existing dwelling and future occupants of the proposals.
- Disruptions during and construction phase; particularly in relation to construction traffic and during times when trees are to be removed.
- Precedent setting.
- Inconsistencies in the supporting information as to the number of proposed bedrooms.

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. BODICOTE PARISH COUNCIL: **Objects.** Bodicote Parish Council objects on the grounds:

- Highway safety; concerns in relation to the proposed access onto the Oxford Road;
- Proposals will not be in keeping with the street scene.

Clarification sought in respect of ownership of verge and whether the County Council given permission for the trees to be felled and if so where are replacement trees to be planted within Bodicote parish.

Further, if approved will there be a traffic management plan? And where will construction lorries access the site?

OTHER CONSULTEES

- 6.3. ARBORICULTURE (CDC): **No objections subject to a condition** securing an appropriate Arboricultural Method Statement. Trees to be removed are on highways land it is a matter for the County Highways to allow these trees to be removed.
- 6.4. ARBORICULTURE (OCC): **No objections.** The County Council will seek compensation from the developers for the removal of any council owned trees to the value as calculated by Capital Asset Valuation of Amenity Trees (CAVAT). This will be undertaken as a separate matter outside of this planning application.
- 6.5. BUILDING CONTROL: **No objections.** Building control application required. Protected stairway required or provide escape windows to each bedroom.
- 6.6. CDC LAND DRAINAGE: No comments on land drainage. However, we believe a public foul sewer crosses the front of the site which will need to be protected/accommodated. Suggest the applicant confirms the location of this sewer before proceeding with any works. A "build-over" or "build near-to" agreement with Thames Water may be required.
- 6.7. ENVIRONMENTAL HEALTH: **No objections subject to conditions.** Conditions required to secure appropriate noise impact assessment, consideration of unsuspected land contamination issues and electrical vehicle (EV) charging infrastructure.
- 6.8. LOCAL HIGHWAYS AUTHORITY (LHA): **No objections subject to standard conditions** in respect of access and parking and manoeuvring areas. Commenting that: The proposals are unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view.
- 6.9. THAMES WATER: No comments received.

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)

- PSD1: Presumption in Favour of Sustainable Development
- Villages 1: Village categorisation
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- ESD1: Mitigating and Adapting to Climate Change
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- 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
- ENV1: Pollution Control
- ENV12: Development on contaminated land

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF) (July 2021)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018) (CRDG)

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
- Ecology and Biodiversity

Principle of development:

- 8.2. Government guidance contained within the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 8.3. Paragraph 8 of the NPPF sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy, and in the context of this proposal this would include the preservation and enhancement of the historic environment.
- 8.4. Policy PSD1 contained within the CLP 2015 echoes the NPPF's requirements for '*sustainable development*' and states that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 8.5. Local Planning Authorities are required to maintain a five-year housing land supply, in accordance with the National Planning Policy Framework (NPPF). The Council's latest Annual Monitoring Review (AMR, 2020), prepared in accordance with NPPF paragraph 73 guidance, identifies only a 4.7-year land supply for 2021 across the majority of the District.
- 8.6. For development proposals in Cherwell District outside of Kidlington, Yarnton and Begbroke, the 4.7-year housing land availability figure equates to a shortfall of 509 homes. In accordance with NPPF paragraph 11 guidance and Footnote 8, the normal presumption in favour of a Development Plan is replaced with a presumption in favour of sustainable development because housing policies in the Development Plan are rendered out of date until such time as any shortfall has been overcome. For decision taking in Cherwell, this means granting permission for residential developments unless:
- the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing a development proposal;

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of development, when assessed against the policies in the NPPF taken as a whole.
- 8.7. Policy Villages 1 of the CLP 2015 groups villages into three separate categories (A, B and C). Bodicote is recognised as a Category A village, considered to be one of the most sustainable villages within the district given its services and community facilities and proximity to the main urban centre of Banbury. Within category A villages new residential development will be considered for the conversion of non-residential buildings, infilling and minor development within the built up area of the settlement.
- 8.8. The proposals seek permission for a new residential dwelling within the existing garden of 13 Blackwood Place (host dwelling). Given the site's context and its location within Bodicote, the proposals are considered to constitute minor development within the built-up limits of the village. The principle of development is therefore considered acceptable in general sustainability terms subject to the further considerations in relation to visual and neighbour amenity and highway safety discussed below.

Design, and impact on the character of the area:

- 8.9. The Government attaches great importance to the design of the built environment within the NPPF. Para. 126 Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 8.10. The aims of the NPPF 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, stating that: *"New development proposals should respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly designed active public frontages"*.
- 8.11. 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.
- 8.12. Although located to the rear of 13 Blackwood Place, the proposed dwelling would have an active road frontage (i.e. would not be backland development in the typical sense of the word) and be sited on a similar alignment to the adjacent Victoria Cottages to the south of the site. The proposed dwelling would have its own curtilage of a size that is considered appropriate and which would be consistent with the existing properties to the south.
- 8.13. Views of the proposals from the public domain would be to some extent screened by existing boundary treatments along the Oxford Road, which could be reinforced through an appropriate landscaping scheme. Views from Blackwood Place would largely be screened by the host dwelling.
- 8.14. Whilst the spacious gardens of the immediate locality are noted and contribute to the character and appearance of the area, it is considered that sufficient space would be retained for the existing dwelling and appropriate outdoor space for the proposed dwelling so as to ensure the proposal would not appear cramped within the plot or to the significant detriment of the surrounding amenity, and that the proposals are therefore acceptable in this regard. It is noted that there also

properties sitting within smaller curtilages within the vicinity of the site, which would not be capable of taking the same form of development; every case is assessed on its own merits and so permission here would not set a precedent.

- 8.15. In terms of the design of the dwelling itself, there are a variety of property typologies and scale within the area, including 1½ storey properties to the north of the site also fronting onto Oxford Road. There is also variety in the construction materials used on existing buildings within the vicinity of the site. The proposed dwelling is of a design and scale which is considered appropriate within the village context and which draws on the simple palette of materials seen in the area; presenting its frontage to the Oxford Road.
- 8.16. Trees along the Oxford Road are an important environmental feature within the street-scene; both in terms of visual amenities and screening residential properties from the impacts arising from vehicles using the Oxford Road. A small section (approximately 3m) of existing planting (including species of Holly, Hawthorn, Laurel, Plum) along the boundary with the Oxford Road would need to be removed to facilitate the proposed access. Both the Council's Tree Officer and the County Council's Tree Officer (on whose land the trees and hedgerow planting are situated) raises no objections to the proposed works. The trees proposed to be removed are considered to be of low amenity value, and whilst it would clearly result in change of the appearance of the site at this location such is considered not to be to the significant detriment of visual amenities that would warrant a reason to refuse the application on such grounds. Trees of greater amenity value would be retained, and appropriate protection of retained trees can be secured by way of condition requiring approval of an appropriate Arboricultural Method Statement.
- 8.17. On balance, subject to prior approval of facing materials, it is considered that the proposed development would not be out of keeping with the form and character of the area and is therefore acceptable in this regard.

Residential amenity:

- 8.18. Paragraph 130 of the NPPF advises that planning should always seek to secure high quality design that *'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'*.
- 8.19. Further at Para. 185 of the need that 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.
- 8.20. 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'*.
- 8.21. 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 13 Blackwood Place 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.
- 8.22. The Council's Environmental Health Officer (EHO) raises concerns with regards to the potential noise impacts emanating from the adjacent Oxford Road on the

potential living environment of the proposed dwelling given its proposed siting relative to the road.

- 8.23. It is considered that any potential noise disruption would be from passing vehicle movements and not be significantly different from those that would be experienced by existing residential properties south of the site and therefore not a reason to now resist the current proposals on these grounds. It is considered likely that any potential noise related issues could be largely mitigated and addressed through appropriate sound insulation and appropriate reinforcement of the site's boundary screening.
- 8.24. On balance, subject to appropriate assessment of noise levels and implementation of any necessary mitigation measures, it is considered that the proposals would provide an acceptable standard of living for potential future occupants and is considered acceptable in this regard.
- 8.25. Concerns have been raised by Third Parties with regards to increased noise and light pollution being experienced by residential properties as a result of the loss of trees from along the boundary of the Oxford Road. As noted above a short section planting would be removed; this would be to the front of the proposed new dwelling. The planting to be removed is considered to be of low quality, and the benefits visually and as a screen feature are considered limited. Given the scale of the proposed removal it is considered unlikely that such would significantly compromise residential amenity to the extent that would warrant a reason to refuse the application on such grounds.
- 8.26. In respect of potential impacts on existing properties as a result of the built form and proposed use of the, site the proposals are most likely to affect the host dwelling and 2 Victoria Cottages to the south of the site to the greatest extent. The neighbouring dwelling to the north may also experience an impact.
- 8.27. The CRDG advises of appropriate back to back separation distance for two storey development to be 22 metres, in the interests of maintaining standards of residential amenity. The proposed dwelling would sit some 20m off the rear elevation of the host dwelling. Given the 1½ storey nature of the new development, and noting that the affected neighbour is within the blue line and therefore within the applicant's control, the 20m separation is considered appropriate in this instance.
- 8.28. Concerns have been raised by the occupants of 2 Victoria Cottages to the south of the site, with regards to the loss of natural light to the kitchen diner, middle living room and bedrooms of their property. The proposed dwelling would be sited with its end gable ~6.2m away from the side elevation of 2 Victoria Cottages at a height of 6.5m at its nearest point with single storey flat roof rear projection having an overall height 2.88m. There is a ~1.8m timber boundary fence and shed (within the curtilage of 2 Victoria Cottages) on intervening land. Given the height of the proposed building and separation it is considered that the proposal would not result in any significant loss of light to upper floor windows in the north-western side elevation, and not to any extent that would warrant refusal of the application on this basis. Light received by side ground floor openings of 2 Victoria Cottages would already be to some extent compromised by existing structures. Given the separation and relative heights of the proposed development to the side elevation 2 Victoria Cottages any additional impact on the amount of light above current circumstances is again not considered so significant as to warrant a reason to refuse the application on such grounds.
- 8.29. Concerns have also been raised by third parties with regards to potential impacts on residential amenity through loss of privacy as a result of potential overlooking. Given the scale (1½ storey), orientation and design of the proposals there would be no direct opportunities for overlooking from the proposed development. Rooflights in the south-western roof slope (looking back towards properties in Blackwood Place)

are proposed to be of obscure glazing, the retention of which could be secured through appropriate condition attached to any such permission.

- 8.30. Given the spatial relationship of the two properties, it is considered that the proposed dwelling would not significantly affect the living conditions of the neighbour to the north either through loss of outlook, light or privacy.
- 8.31. Overall, given the context of the site and the nature of the development and its relationship with adjacent properties it is considered that the proposals are unlikely to result in any significant detrimental impacts on residential amenity of any nearby residential properties and would provide for an acceptable standard of living for future occupants and is therefore acceptable in this regard.

Highway safety:

- 8.32. The NPPF (Para. 110) 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
 - the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; 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.
- 8.33. Both Policies ESD15 and SLE4 of the CLP 2015 reflect the provision 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. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions”*; 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”*.
- 8.34. The LHA has assessed the proposals and raises no objections subject to conditions requiring full details of the proposed access and parking and manoeuvring areas being secured. Officers see no reason to disagree with the LHA’s advice.
- 8.35. The addition of a single dwelling is unlikely to result in a significant increase in vehicular movements or impacts on the wider road network. The proposals include parking provision that would be appropriate for the level of accommodation proposed i.e. 3-bedroom dwelling. The proposals indicate adequate manoeuvring within the site that vehicles could enter and leave the site in a forward manner. The LHA considers that access can be safely achieved with appropriate visibility, subject to a planning condition requiring specific details of the access, as well as additional details of the proposed parking and manoeuvring areas, to ensure that such is appropriate and can be retained going forward. The conditions recommended by the LHA are considered appropriate in the interest of an appropriate form of development and highway safety.
- 8.36. Third parties and the Parish Council raise concerns in respect of disruption and potential highway safety issues being caused by construction traffic during the construction of the proposed development. Whilst there would likely no doubt be instances when inconvenience may be experienced during any such construction phase, it is unlikely that the level of traffic arising from the construction of a single

dwelling would be significant; and further potential impacts are only likely to be short term whilst the build would be taking place.

- 8.37. The LHA raises no concerns in this respect, but has advised that appropriate access and parking arrangements for construction vehicles, and details of times for construction traffic and delivery vehicles, could be secured through an appropriate condition requiring the approval of a Construction Traffic Management Plan (CTMP) in the interests of limiting potential impacts of the construction phase of any such development and in the interests of highway safety. In light of the above, officers consider such a condition to be reasonable and necessary.
- 8.38. Paragraph 112(e) of the NPPF states that development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. These aims are echoed within Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the CLP 2015, which look to maximise opportunities for sustainable transport modes. Whilst no consideration appears to have been given with regards to the future need for Electrical Vehicle (EV) charging at the site, it is considered that appropriate infrastructure details could be secured through an appropriate condition; to ensure that potential future needs could be met and to comply with both local and national policy requirements.
- 8.39. The NPPF (Para. 111) advises 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'*. In this instance the LHA consider that the proposals are acceptable in terms of highway safety and would not have significant impact on the local road network; and is considered acceptable in this regard.
- 8.40. Subject to appropriate conditions e.g. re construction traffic, it is considered that proposals would not be detriment of the safety and convenience of other highway users and are therefore acceptable in terms of highway safety.

Ecology and Biodiversity:

- 8.41. The NPPF – Conserving and enhancing the natural environment, requires that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (Para. 174); these provisions and aims are echoed within Policy ESD10 of the CLP 2015.
- 8.42. The site is not in an ecologically sensitive location and there no records of protect species within the immediate vicinity of the site. The proposals are predominantly sited on an area of formally kempt garden and would not directly impact on any significant features of ecological or biodiversity interest. As noted above some removal of existing trees and planting is required. However, this is not significant in terms of scale and any potential loss could be mitigated through additional planting as part of an appropriate landscaping scheme for the site.
- 8.43. Subject to appropriate landscaping being implemented the proposals are considered to be in accordance with Policy ESD10 of the CLP 2015 and Government guidance in the NPPF in relation to conserving and enhancing the natural environment and are therefore considered acceptable in this regard.

Other matters:

- 8.44. Third Party comment is made in respect of proposals setting a precedent for future development. Each application must be assessed on its own merits and against the development plan at the time of any such application. Whilst it is considered unlikely that the proposals would set a precedent given the context of adjacent properties and relative depth of rear garden areas, this is not considered material to the

consideration of this application and would not constitute a reason to withhold the granting of any planning permission.

- 8.45. Officers noted inconsistencies within the supporting information of the application, particularly in relation to the proposed number of bedrooms, also highlighted in Third Party comments. However, these were not considered to have prejudiced the understanding of the proposals or impacted on officer's ability to make an informed recommendation based on the submitted plans.

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. For the reasons set out in this report, it is considered that the proposal assessed within this application is an acceptable form of development, which would contribute additional residential development in a location which does not conflict with the policies of the Development Plan. Subject to appropriate conditions the development causes no significant harm to neighbour amenity or highway safety; the design and scale is considered sympathetic to the character of the context of the site and wider street-scene, sustaining the character and appearance of the area and providing standards of amenity which are considered acceptable. As such, it is considered to comply with the above-mentioned policies and is 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 following plans and documents: Arboricultural Impact Assessment by Barton Hyett Associates (dated December 2020) and drawings labelled: 1:1250 Site Location Plan, 2020-10-01PSL/V5, 2020-10-01PE/V3, 2020-10-01PFP/V3, 2020-10-01SS/V2 and 1:1250 Proposed Visibility Splays.

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 neighbouring residents and 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.

3. No development shall commence above slab level unless and until a detailed schedule of materials and finishes for the external walls and roofs of the development hereby approved, including samples of such materials, 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 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 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 unless and until a Construction Traffic Management Plan, which shall identify:
 - Access and parking arrangements for construction vehicles,
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours (to minimise the impact on the surrounding highway network)

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 details.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times, and to safeguard the living conditions of neighbouring residents, 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.

5. 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 has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed in full accordance with the approved details and shall be retained as such 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.

6. Prior to the first occupation of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the turning area and parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

7. No development shall commence unless and until an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in full accordance with the approved AMS.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing built environment and to comply with saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011-2031

Part 1 and Government guidance contained within the National Planning Policy Framework.

8. No development shall commence above slab level until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
- a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - b) details of the existing trees and hedgerows to be retained as well as those to be felled,
 - c) full details, including surface construction, of the hard surface areas,
 - d) details of all boundary treatments

The development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements shall be carried out prior to the first occupation/use 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 occupation of the building(s) 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 character and appearance of the area, to maintain biodiversity opportunities at the site and to ensure the creation of a pleasant environment for the development and to comply with Policies ESD10 and 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. No development shall commence above slab level until full details of a scheme for acoustically insulating all habitable rooms within the dwelling 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', has been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the dwelling, the dwelling shall be insulated and maintained in accordance with the approved details.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. No development shall commence above slab level until a scheme for a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first use of the development.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 112(e) of the National Planning Policy Framework.

11. 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. Prior to the first occupation of the dwelling hereby approved the approved rooflights in south-west facing roofslope shall be glazed with obscured glass that achieves a minimum of level 3 obscurity and shall be retained as such thereafter.

Reason: To safeguard the privacy and amenities of the occupants of the adjoining premises 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.

Informative Notes to Applicant:

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.

Case Officer: Bob Neville

DATE: 23/07/2021

Checked By: Nathanael Stock

DATE: 26.07.2021
