

Case Officer: John Cosgrove

Recommendation: Approve

Applicant: Paul Carry

Proposal: New four bedroom house

Expiry Date: 18 August 2021

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the East of Main Street in Wendlebury to the rear of the Village Hall and is accessed via a private lane. The site is adjacent to a row of dwelling houses one of which has been converted to office use. A watercourse runs to the front of the site and separates it from the Village Hall and a small portion of the site adjacent to this watercourse is within Flood Zones 2 and 3. The site is not within a conservation area and does not contain or impact on the setting of any listed buildings. The site is within a 50-metre buffer of potentially contaminated land and a protected species (Common Swifts) Have been recorded nesting in adjacent buildings. There are no other relevant planning constraints.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks planning permission for the erection of a new four-bedroom dwelling house.

3. RELEVANT PLANNING HISTORY

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

14/01997/F – Change of Use from C3 (Dwelling) to B1(Office) – Permitted:
15/01/2015.

14/00241/F - Demolition of existing dwelling and erection of 4 bed one and a half storey dwelling - Permitted: 23/04/2014.

14/00042/CLUP - Certificate of lawful use proposed - single storey side extensions and alterations to roof – Permitted: 14/03/2014.

13/01194/CLUE - Certificate of Lawful Use Existing - Removal of agricultural occupancy – Permitted: 13/09/2013.

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 **29 July 2021**, although comments

received after this date and before finalising this report have also been taken into account.

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 COUNCIL

6.2. Wendlebury Parish Council: No Objection.

OTHER CONSULTEES

6.3. CDC Building Control: No Adverse comments.

6.4. Canal and River Trust: No Comments.

6.5. CDC Ecology: No Response.

6.6. CDC Environmental Health: No comments on noise, odour or light, request conditions requiring EV Charging Points and contaminated land.

6.7. OCC Drainage (LLFA): No Response.

6.8. OCC Highways: No Objections subject to condition requiring submission and approval of details of Car Parking.

6.9. CDC Land Drainage: No Response.

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- Policy PSD1 - Presumption in favour of sustainable development
- Policy SLE1 – Employment Development
- Policy: Villages 1 – Village Categorisation
- Policy ESD6 - Sustainable Flood Risk Management
- Policy ESD7 - Sustainable Drainage Systems SUDS
- Policy ESD10 - Protection and enhancement of biodiversity and the natural environment
- Policy ESD15 - 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

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
- Flood Risk
- Contaminated Land
- Ecology
- Highway Safety

8.2. Principle of Development

The application site is located within Wendlebury which is a Category C Village as defined by Policy Villages 1 which states that residential development within Category C villages will be limited to infilling and conversions. Planning permission was previously granted under planning Ref: 14/00241/F for the demolition of an existing dwelling on the site and its replacement with a dwelling on a similar scale to that which is currently proposed. Following the grant of planning permission Ref: 14/00241/F a further permission was granted Ref: 14/01997/F for the change of use of the dwelling to office use. While the principle of replacing the existing building on the site with a larger dwelling has been established by planning permission ref: 14/00241/F this would have involved the demolition of the existing dwelling now in employment use, Policy: SLE1 states that existing employment sites should be retained for employment use wherever possible and therefore the demolition of the existing building to facilitate residential development would be unlikely to be supported unless it could be demonstrated that it was unviable for continued commercial use. However, should the applicant be able to demonstrate that the existing employment use is unviable the replacement of this building with a dwelling of the type proposed would be acceptable in principle and while the application does not propose the conversion or replacement of an existing building and would not be considered infilling in the strictest sense, the benefit of retaining the employment use on part of the site is recognised and weighs against the harm resulting from the erection of an additional dwelling in this location, therefore, considering the specific circumstances of the case the proposal can on balance be considered acceptable in principle subject to compliance with the other relevant development plan policies.

8.3. Design, and impact on the character of the area

The application proposes the erection of a part single part two-storey dwelling with a footprint of 180 square metres and constructed from brick under a clay tile roof and positioned to the south of the existing building known as Diary Cottage, and would respect the established building line. The proposed dwelling would overlook the rear of the Village Hall however it would be separated from the rear of the hall site by a stream and would be well screened by existing mature planting. Overall, the design of the proposal is considered acceptable as it would not have a significant detrimental impact on the character and appearance of the site or the wider area and would not fail to integrate with its surroundings. Having regard to the above the proposal is considered acceptable in design terms and therefore no objections are raised with regard to the design elements of Policies: ESD15, C28 or C30.

8.4. Residential amenity

The proposed development would provide a good standard of amenity for any future occupants, due to its location and position within the plot and relationship to the adjacent dwellings and office building it is not considered that the proposal would have any significant adverse impacts on the amenity of the occupants of any neighbouring dwellings or the users of the adjacent office building or the Village Hall, therefore, having regard to the above the proposal is considered acceptable in amenity terms and no objections are raised with regard to the amenity elements of Policies: ESD15, C28 or C30.

8.5 Flood Risk

As was noted during the determination of Planning Application Ref: 14/00241/F a small portion of the site to the front of the proposed dwelling is within Flood Zones 2 and 3 however no part of the proposed dwelling itself would be within the flood zone and it is unfortunate that the application was not accompanied by a Flood Risk Assessment. The Council's Drainage Officer and the Lead Local Flood Authority were consulted on the application however, no response has been received at the time of drafting this report. However, it is considered that the proposed development would not increase the flood risk on the site and it is noted that the Environment Agency stated that they had no objections to the grant of Planning Permission Ref: 14/00241/F. The proposed development is therefore considered acceptable with regard to flood risk and therefore no objections are raised with regard to the provisions of Policy: ESD6.

8.6. Contaminated Land.

The Councils Environmental Health Officers were consulted on the application and have stated that due to the previous agricultural uses of the site there is the potential for contamination to be present and have requested the imposition of conditions requiring the submission of a phase 1 land contamination study and if necessary the submission and approval of further investigations and remediation measures. Subject to the above conditions the proposal is considered acceptable from an Environmental Health perspective.

8.7. Ecology

The Councils Ecologist was consulted on the application as a protected species (Common Swift) have been identified nesting in adjacent buildings however, no response has been received at the time of drafting this report and it is noted that due to the nature of the proposed works the application would not impact on the habitat of the Common Swift or any other protected species and therefore is considered

acceptable in ecological terms and no objections are raised with regard to the provisions of Policy: ESD10.

8.8. Highway safety

The proposed dwelling would access the highway via a private lane and would not result in the creation of any new or the alteration of any existing access onto the highway. While the submitted plans do not show any designated parking to serve the dwelling there would be sufficient space within its curtilage to facilitate the parking and manoeuvring of a sufficient quantum of vehicles to serve the proposed dwelling, and the hardstanding shown to the front of the dwelling would be located outside of the flood zone. The Highways Authority was consulted on the application and have stated that the traffic movements generated by the proposal would not have an adverse impact on the local highway network and that they have no objection to the proposal subject to a condition requiring the submission of details of car parking and that this shall be provided prior to the occupation of the dwelling and retained thereafter. Subject to the above condition the proposed development is considered acceptable in highways terms and no objections are raised with regard to parking or 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. Having regard to the above, It is considered that the proposed development would be acceptable in principle and would not adversely impact on the character and appearance of the site or the wider area, and would provide a satisfactory level of amenity for any future occupants of the site and would not have unacceptable impacts on the amenity of neighbouring properties, or on ecology, flood risk or highway safety and therefore the proposed development is considered to comply with the provisions of the relevant Development Plan Policies and thus it is recommended that planning permission be granted on this occasion.

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 forms and the following plans and documents:

Drawing No: 001, Entitled: Location Plan, Dated: Apr 2021 and received by the Local Planning Authority on the 23/06/2021.

Drawing No: 002, Entitled: Site Plan Existing, Dated: Apr 2021 and received by the Local Planning Authority on the 23/06/2021.

Drawing No: 003, Entitled: Site and Roof Plan Proposed, Dated: Apr 2021 and received by the Local Planning Authority on the 23/06/2021.

Drawing No: 004, Entitled: Floor Plans and Elevations Proposed, Dated: Jun 2021 and received by the Local Planning Authority on the 23/06/2021.

Design and Access Statement by Coleman Hicks Partnership, Dated: 23/06/2021 and received by the Local Planning Authority on the 23/06/2021.

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.

3. A schedule of materials and finishes to be used in the external walls and roof of the dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to any foundations work. The development shall thereafter be implemented in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development 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.

4. Prior to the commencement of works above slab level in respect of the development the development hereby approved, a scheme for landscaping the site shall be submitted to and approved in writing by the Local Planning Authority which shall include:

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch, etc.),

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

(d) details of the enclosures along the boundaries of the site.

All planting, seeding or turfing included in the approved details of landscaping shall be carried out 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,] and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or 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 next planting season with others of similar size and species. The approved hard landscaping and boundary treatments shall be completed prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of visual amenity of the area and to comply with Policies ESD13 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.

5. Prior to the commencement of development above slab level, a plan showing car parking provision for 3 vehicles to be accommodated within the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking 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.

6. The dwelling hereby permitted shall not be occupied until it has been provided with a system of electrical vehicle charging to serve that dwelling.

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 Government guidance contained within the National Planning Policy Framework.

7. No development above ground level shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. If a potential risk from contamination is identified as a result of the work carried out under condition 7 above, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. If contamination is found by undertaking the work carried out under condition 8, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. If remedial works have been identified in condition 9, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 9. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Case Officer: John Cosgrove

DATE: 18/08/2021

Checked By: Paul Ihringer

DATE: 18/8/21
