

Case Officer: Linda Griffiths

Recommendation: Approve

Applicant: GreenSquare Homes Ltd

Proposal: Reserved matters application to 18/00792/OUT - for the demolition of existing buildings and erection of up to 46 no. dwellings, with associated works and provision of open spaces

Expiry Date: 08 July 2022

Extension of Time: 08 July 2022

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises the field on the corner of White Post Road and Oxford Road, Bodicote, just to the northeast of Bishop Loveday Primary School. The site area extends to 2.19ha. Part of the site comprises the former farm shop buildings and was also previously used to store caravans. Access to the site is from White Post Road via a track along the western boundary with Bishop Loveday School.
- 1.2. The site is predominantly enclosed by existing hedgerows and the field contains a number of trees which are protected by a Tree Preservation Order (TPO 1/93 refers). The Oxford Road runs to the east of the site, to the west lies Bishop Loveday Primary School and to the south lies the existing residential development Park End.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks reserved matters consent for the erection of 46 dwellings on the site following the granting of outline consent at appeal. Access was the only matter reserved at outline and this application follows that with a new vehicular access to be taken from White Post Road to the east of the existing access (which will be stopped up with the kerb and verge reinstated). In addition, two pedestrian access connections are shown to the Oxford Road through the existing hedge, which runs along this eastern boundary.
- 2.2. The submitted layout seeks to follow the illustrative plan submitted at outline, with the development set back from the White Post Road frontage. The application proposes a mix of detached, semi-detached and terraced properties constructed in a mix of natural ironstone and red brick. The areas around the existing retained TPO trees will be laid out as public open space to ensure their ongoing protection and longevity. A play area is proposed in the open space to the White Post Road frontage.

3. RELEVANT PLANNING HISTORY

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

18/00792/OUT – outline consent granted on appeal for up to 46 dwellings

21/01857/DISC – discharge of conditions 10 and 14 – under consideration

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, and by advertisement in the local newspaper expiring **31 March 2022** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **31 March 2022**.
- 5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. **Bodicote Parish Council:** concern about highway safety and the position of the entrance into the section of road that takes traffic off and onto Oxford Road heading to Banbury.

STATUTORY CONSULTEES

- 6.3. **None.**

NON-STATUTORY CONSULTEES

- 6.4. **CDC Ecology:** comments that the ecological mitigation and enhancement strategy should be updated to ensure 10% biodiversity net gain can be achieved and number of bat, bird and invertebrate boxes must be increased.

Update: no further comments received in respect to re-consultation.

- 6.5. **CDC Landscape Services:** raises a number of concerns raised regarding boundary treatment and planting and position of the LAP and the equipment proposed.

Update: 17.03.2022 – details of the LAP require amendment.

Update: no further comments received.

- 6.6. **CDC Strategic Housing:** No Objection.

- 6.7. **CDC Environmental Health:** no objections, content with the noise and contaminated land reports, pleased to note the inclusion of EV charging points within the scheme and no comments in respect of odour and light.

- 6.8. **CDC Arboriculture:** raises concerns - the RPAs of the tree constraints plan have not taken existing structures into account – Oxford Road and internal access road, in line with clause 4.6.2 of BS5837 the RPA should reflect these obstructions with a polygon of similar area, following which the impact assessment plan will require updating along with the respective incursions and method statement. The layout has not fully considered the impact on trees and shadowing is a major issue for residents to enjoy the amenity of their home. Severe pruning of trees is unacceptable.

Although the layout is following the illustrative layout in the outline application, that does not mean it is the correct layout for the site. By using the existing access road under the boundary trees the houses along that line can be moved out further away from conflict with those trees. The large TPO'd on-site trees need to be considered for their continued growth and not restricting it by building around the RPAs of current dimensions. Protecting the longevity of trees is the main important aspect to be considered and the proposed scheme needs to fit around them. It is also important to protect the area within the RPAs of the TPO'd trees from compaction by vehicles driving over it by appropriate fencing.

Update: 22.03.2022 – the removal of the TPO'd Red Horse Chestnut is justified and it is proposed it will be replaced by several trees. Happy with the submitted Method Statement and Tree Protection Plan and landscape proposals. There will be some shading issues, but this is unavoidable. Suggest conditions are attached relating to protection of retained trees, AMS and tree pit detail.

- 6.9. **OCC Transport:** Objection – the layout is generally acceptable, however, there are a number of matters that require amendment to meet adoptable standards.

Update: 14th June 2022 – no objection.

- 6.10. **OCC Drainage:** Objection on the grounds that insufficient detail and information is submitted

Update: 14th June 2022 – objection maintained.

Update: 27.06.2022 – prior to commencement, refer to condition 7 of outline which still needs to be discharged before any drainage works can be carried out.

- 6.11. **Thames Valley Police:** No objection but make a number of comments relating to the use of rear access routes, defensible space/planting and blank elevations resulting in a lack of surveillance.

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)

- ESD15 - The Character of the Built and Historic Environment
- BSC3 – Affordable housing
- BSC4 – Housing mix
- BSC10 – Open space, outdoor sport and recreation
- BSC11 – Local Standards of provision – outdoor recreation
- ESD3 – Sustainable construction
- ESD5 – Renewable energy
- ESD6 – Sustainable flood risk management

- ESD7 – SuDS
- ESD10 – Protection and enhancement of biodiversity and the natural environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – design and layout

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- National Design Guidance (October 2019)

8. APPRAISAL

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

- Principle of development
- Design principles and layout
- House types
- Affordable housing and housing mix
- Residential amenity
- Highways
- Drainage
- Landscaping, TPOs and play provision
- Biodiversity
- sustainability

Principle of Development

8.2. Outline planning consent was granted on appeal under application number 18/00792/OUT for up to 46 dwellings on the site for which this application now seeks reserved matters consent. Means of access into the site which is from White Post Road was approved at outline. The principle of development for 46 dwellings, subject to design and layout and compliance with other policies within the CLP 2015 such as drainage, provision of public open space etc is therefore established.

8.3. A number of conditions of the outline consent require specific information to be submitted as part of the reserved matters submission, including acoustic report, drainage strategy, landscaping and method statement for protecting and enhancing biodiversity. The majority of existing trees within the site are protected by a Tree Preservation Order.

Design Principles and Layout

8.4. Section 12 of the NPPF – Achieving well-designed places advises that the creation of high-quality buildings and places is fundamental to what planning and the development process should achieve. The NPPF emphasises the need for good design and local distinctiveness, and this is further emphasised by Policy ESD15 of the CLP 2015 which advises that new development should build on the character of Cherwell and advises that design standards for new development, whether housing or commercial development are equally important and seeks to provide a framework

for considering the quality of the built environment, to ensure we achieve locally distinctive design which reflects the urban or rural context within which it sits.

- 8.5. The adopted Cherwell Local Plan 1996 contains saved Policy C28 which states that *'control will be exercised over all new development to ensure the standard of layout, design and external appearance, including the choice of materials are sympathetic to the character of the urban or rural context of the development'*. Saved Policy C30 states that *'design control will be exercised to ensure... (i) that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity and (iii) that new housing development or any proposal for the extension (in the case where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority'*. These are all relevant to the proposals considered here.
- 8.6. The Cherwell Residential Design Guide SPD 2018 seeks to ensure the quality of design across the District is raised, ensuring a legacy of successful places for future generations to enjoy. The Design Guide is a material consideration, and it is considered therefore that the proposals should accord with the requirements and advice of the Design Guide, and they have therefore been assessed against it accordingly.
- 8.7. A well-designed layout will incorporate good design practice and standards. Urban form is also an important element in defining the character of a place. It is important to note that design is not only about the physical appearance of a development but how it works, functions and fits together ensuring a quality of life for those who live there.
- 8.8. The application site is on the edge of Bodicote village and located at a key entry point into the village from the main Oxford Road as one enters White Post Road, it is therefore important that the proposed development provides an appropriate gateway setting, both in terms of the design and positioning of dwellings and choice of materials. The use of natural ironstone and natural slate is therefore expected on key buildings and frontages within the site. The Council's adopted Residential Design Guide SPD 2018 requires that in village locations that 60% of new dwellings should be constructed in natural stone, which in this case would be ironstone. The original application did not include natural stone as a proposed material. Following discussions and negotiations, having regard to the proximity of the site to the strategic allocation opposite where 30% natural ironstone has been achieved, and having regard to the existing adjacent development, 30% natural ironstone has now been agreed which is concentrated at the front of the site.
- 8.9. The application is accompanied by a Design and Access Statement which includes a character analysis of the locality and seeks to explain how the design and layout has evolved from the original illustrative plan considered under the outline submission. A planning statement also seeks to explain how the proposals have evolved. It was considered that the initial submission failed to properly explain the overarching principles that had been defined which had been followed through and incorporated into the scheme.
- 8.10. Good urban design requires house types that will effectively turn corners and define and enclose spaces, linking buildings into terraces that define a street form or focal point within a development thereby providing contrast and interest. Again, as above, the initial submission failed to do this. However, the house types and designs have been improved and are now considered acceptable. A terrace of dwellings fronting White Post Road which turns the corner and also continues down the main street to be constructed in natural ironstone is now proposed.

- 8.11. Much of the discussion in terms of the proposed layout throughout the consideration of the application has been in relation to the TPO'd trees on the site and the need to allow for future their growth and long-term protection and retention.
- 8.12. Having considered the impact of the development on T8 the Horse Chestnut in the centre of the site which was compromised in the initial submission being placed within a private rear garden and immediately adjacent other private rear gardens too, a revised submission was submitted for consideration in October 2021. This revised layout however resulted in a very contrived development. Whilst this layout showed the tree within an area of open space, it was not clear how the area was to function. It provided an awkward parking arrangement for plots 43 and 44, and poor visibility and legibility in terms of visitors, deliveries and removals etc. The parking court also appeared generally tight in terms of parking and manoeuvring and refuse collection. Concern was also raised that the tree still lacked sufficient room to grow and mature and as shown would appear visually within what is essentially an open car park visible from the main street and the open space to the Oxford Road boundary. The applicant was advised that as a consequence of the proposed layout, the rear gardens were also compromised in this area.
- 8.13. This development also resulted in a fragmented frontage to the main street within the development, broken by the double garage between plots 36 and 38, and the large open cul-de-sac between plots 39 and 40, side elevation to plot 40 and quadruple garage between plots 40 and 41 and the adjacent visitor parking. The applicant was requested to re-consider this area of the site.
- 8.14. Following further discussions, to help resolve the issues raised above, the applicant was advised that consideration would be given to the removal of T8 (Horse chestnut), but only if its condition and longevity could be justified and that the layout in this area was significantly improved as a result.
- 8.15. It is considered that the layout, which does now show the removal of T8 is significantly improved and is now acceptable. The removal of this tree has also been agreed by the Arboriculture officer.
- 8.16. Having regard to the above and the changes made, it is considered that the proposal is acceptable and is in accordance with Policy ESD15 of the CLP 2015, guidance within the Residential Design Guide SPD and Government guidance within the NPPF.

House Types

- 8.17. Traditional Cherwell vernacular tends to be simple flat fronted dwellings, avoiding projecting gables, deep or square plan forms, hipped or pyramidal roofs, exposed wide gables and narrow fronted detached houses. In general, apartment buildings should also be designed to be indistinguishable from the individual houses adjacent and within the development. Those submitted originally were not considered acceptable as they failed to reflect local traditional vernacular, and neither was it clear how the house types had evolved having regard to context and local distinctiveness.
- 8.18. The majority of dwellings proposed are two storey which reflect the character and appearance of the surrounding development and the proposed house types provide a range of dwelling sizes and styles including terraced, semi-detached and detached properties. The dwellings proposed are now considered acceptable.

Affordable Housing and Housing Mix

- 8.19. The outline planning permission provides for up to 46 dwellings on the site. No details of the mix of housing were provided at outline stage. It is important to have consideration of the mix of housing in considering urban design as well as responding to identified local housing needs. Policy BSC4 of the adopted Cherwell Local Plan 2011-2031 seeks to encourage a mix of housing on all new developments that meets the need of the District as identified by the results of the SHMA 2014. This advises that there is a greater need for 3 bedroom properties in Cherwell and the suggested mix is shown on Table 67 of the Local Plan. The original application submission provided an affordable housing mix that had been agreed with the Strategic Housing Team following pre-application discussions.
- 8.20. The mix of affordable housing was required to be approved prior to commencement of development pursuant to a planning obligation in line with standard practice to ensure delivery and security of affordable housing in perpetuity. The mix of market housing needs to be considered as part of this reserved matter to ensure that these also make a strong contribution towards meeting the housing needs identified at a local level, for example, smaller units for people aspiring to purchase their own home, whose needs are not appropriate for affordable housing. Consideration of and compliance with Policy BSC4 of the adopted Cherwell Local Plan 2011-2031 is relevant in this respect.
- 8.21. Policy BSC3 requires the provision of 35% of the new homes to be affordable housing. This has been secured through a signed Section 106 Agreement accompanying the outline consent, therefore 16 of the new units will be affordable. The proposed tenure split also complies with Policy BSC3 which requires a tenure split of 70% rented and 30% intermediate. This equates to 11 rented and 5 shared ownership dwellings. The dimensions of the dwellings stated on the plans comply with Nationally Described Space Standards, and the mix and types will meet a range of identified needs in Cherwell. The S106 confirms that the rented dwellings will be allocated in accordance with the council's Housing Allocations Scheme, which means that a percentage of the dwellings will be prioritised for households with a verified connection to Bodicote. The plans submitted with the application also confirm that at least 50% (6no) of the rented dwellings meet M\$ (2) Category 2 standards, as required in the Developer Contributions SPD.
- 8.22. Affordable housing should be indistinguishable from the market housing in terms of external design and integrated throughout the site. The affordable housing units should also be located in clusters of no more than 10 units of any one affordable tenure, or 15 units of multiple tenures. The scheme as submitted accords with these requirements for the main part. The main element of distinction relates to the parking provision which is generally in small parking courts or to the frontages rather than in garages or to the side of dwellings. The frontage parking at the southern end of the site is now broken up with small areas of landscaping and is now on balance considered acceptable.
- 8.23. Having regard to the above, the affordable housing proposed is considered acceptable as to is the mix of market housing which has evolved to provide a greater range of housing types and sizes. The applicant is an affordable housing provider and the mix proposed is necessary to make the site a viable proposal. It is therefore recommended that in the interests of delivering the housing on this site that the housing mix now proposed is accepted.

Residential Amenity

- 8.24. Condition 5 of the outline consent requires that the first reserved matters application should be accompanied by a specialist acoustic consultant's report demonstrating that internal noise levels in habitable rooms within the dwellings and external noise levels for outdoor areas (including domestic gardens and recreation areas) will not exceed the criteria specified in BS8233:2014 'Guidance on sound insulation and noise reduction for buildings'. Accordingly, the application was accompanied by an 'Environmental Noise Assessment' which was assessed by the Council's Environmental Protection Officer who raised no objections to its content and conclusions.
- 8.25. To ensure reasonable standards of amenity are provided for each dwelling and a good standard of layout and design, the District council has a set of standards that should be followed, for example, a minimum of 22m back to back; 14m between the rear elevation of one property and the two storey gable of another; reasonable areas of amenity space which benefit from natural sunlight and are not enclosed or dominated/overshadowed by other buildings or the dwellings itself and car parking that is convenient and easily accessible to the property it is intended to serve. These principles are also encompassed into the Council's adopted Residential Design Guide SPD. There were many instances in respect of the original submission which did not comply with these standards. These have since been addressed and the layout is now considered acceptable in this respect.
- 8.26. It was also considered that the proposed dwellings along the western boundary with Bishop Loveday School were too close to the existing tree line and hedge as shown, resulting in dwellings very close to canopy edges and private rear gardens almost completely overshadowed by the trees which was not considered acceptable in terms of usable private rear garden and the future retention and protection of those trees and subsequent requests to lop or even fell due to their impact upon residential amenity. Following discussions with Arboriculture Officer and case officer, the dwellings have been moved further to the east away from the boundary, and whilst areas of rear gardens will still be in shade for some of the day it is now considered that this is now, on balance, acceptable.

Highways

- 8.27. The main access into the site was established under the outline consent and comprises a single access from White Post Road just to the east of the existing access which will be closed. The concerns of the Parish Council are noted, but the access point has already been approved and is therefore established.
- 8.28. In terms of the original submission, OCC transport raised an objection, as whilst the layout was generally considered acceptable, amendments were required to the proposed layout in order to meet specific standards.
- 8.29. The section 106 secured from the outline permission sets out that, as part of the highway works package, two footway connections between Oxford Road and the development site would be provided to ensure that the development was suitably permeable and convenient for pedestrian access. This was based on two proposed pedestrian access points onto Oxford Road set out in the illustrative masterplan. The original submission however, showed only one such connection between the site and Oxford Road, but the second at the northern end of the site was also required to ensure connectivity for those living at the northern end of the site. This has now been addressed by the amended submission.

- 8.30. OCC also considered that footway on the eastern side of the access road which narrowed to 1m shortly after entering the site to be substandard as it does not enable those with mobility problems, walking aids or pushchairs to easily pass other pedestrians without one stepping into the carriageway.
- 8.31. The grasscrete shown in the turning head was not considered acceptable as it could cause maintenance issues, particularly when used by large vehicles such as refuse lorries. It was also noted that on-street parallel visitor parking bays must have minimum dimensions of 2.4m x 6m to avoid cars being parked causing an obstruction.
- 8.32. The revised layout has addressed the above concerns and OCC Transport no longer objects to the submission. The proposal is now therefore considered acceptable in terms of highway requirements.

Drainage

- 8.33. Condition 7 of the outline consent, which was allowed at appeal, specifically requires that as part of the reserved matters application in respect of layout, a surface water drainage scheme, based on sustainable drainage principles and an assessment of hydrological and hydro-geological context of the development for the site shall be submitted. The condition also goes on to specify specific requirements that the drainage scheme must include.
- 8.34. The application was accompanied by a Drainage Strategy and Flood Risk Assessment dated May 2021 which advised that following site investigation, the use of on-site infiltration appears suitable. This was assessed by OCC as Local Lead Flood Authority. An objection was raised by OCC as Local Lead Flood Authority advising that permeable and impermeable areas cannot be easily identified, where calculation shows total area (ha) 0.020, this must be reflected on the drawing and it is not clear from where this figure was derived. Maintenance and management of SuDS features in accordance with CIRIA SuDS Manual has not been specified. A water quality assessment must be carried out to show that the proposed development takes all the necessary measures using SuDS to aid water quality before the run-off is discharged into the ground. The drawing must also show exceedance rates and full infiltration results have not been submitted.
- 8.35. The drainage information submitted with this application includes all the required information required by condition 7. OCC as LLFA raise no objection to the revised submission.

Landscaping, TPOs and Play Provision

- 8.36. The site is predominantly enclosed by hedgerows and the field contains a number of mature trees, 9 of which are protected by a Tree Preservation Order (TPO 1/93 refers). The hedgerows and mature trees within and around the site are a key characteristic feature of the site which should be retained through the development proposals.
- 8.37. An arboricultural report was submitted with the application and produced by Focus Environmental Consultants dated May 2021. The original submission was not considered acceptable in terms of the TPO trees. The trees within the site are all protected by a Tree Preservation Order and it is critical that their future protection and maintenance is considered fully through the layout. It was evident following a site visit that the tree survey information needed to be updated to properly reflect the layout indicated trees too close to dwellings and roads and a Horse Chestnut (T8) which was shown in the rear garden of plot 43 was compromised due to its proximity

and relationship with that property and those adjacent, namely plots 40, 41 and 42. It was further considered that it would not be possible to ensure that this tree is properly protected in the long-term being located in the rear of 4 separate gardens. The existing oak tree was also considered to be compromised by its proximity and relationship with plots 27 and 28.

- 8.38. The original submission was assessed by the Council's Arboriculture Officer following a site inspection who was also of the view that the layout had not fully considered that current and future impacts on the on and off site trees or the impact of shading from the trees on a number of the proposed dwellings and their private amenity space. Shadow modelling was used to show the impact of existing trees on the layout which clearly illustrated the impacts in respect of properties 21 to 36 where they will be in shade from midday onwards. It was also noted that the RPA of some trees had not been properly plotted in line with recommendations of BS5837. It was also noted that severe pruning to the category A beech tree T4 due to the encroachment of the proposed new road which was not considered acceptable for a tree of this significance.
- 8.39. In terms of the proposed landscaping proposals, the initial submission which was assessed by the Council's Landscape Officer was not considered acceptable for a number of reasons. These being; the proposed extensive beech hedging will require regular maintenance and can look unsightly if gaps occur due to failures. The open space should not be contained by dense hedges although a barrier will be required to prevent encroachment by vehicles. The applicant was advised of these concerns which can be read in full on the application file. The latest submission has addressed these and is now acceptable in this respect.
- 8.40. The original submission also indicated the position of the LAP to be provided at the southern end of the site, however, as shown there was little opportunity for surveillance and the area of open space felt disconnected and isolated from the remainder of the development and Bodicote village itself. It was also placed directly along the garden boundaries with the existing development which was not considered appropriate in terms of noise and disturbance to the occupiers of those properties which did not have direct access to it. The detail and size of the LAP did not comply with CDC guidance. The LAP is now shown within the open space at the front of the site to White Post Road which is considered to be more appropriate.

Biodiversity

- 8.41. Condition 6 of the outline consent requires that the first reserved matters application shall be accompanied by a method statement for protecting and enhancing biodiversity on site, to include all details of proposed bat and bird boxes and all integrated features within buildings, together with timings for their installation, as well as including details in the conclusions and recommendations as set out in the Extended phase 1 Habitat Survey Report submitted with the outline consent.
- 8.42. Paragraph 174 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geographical value and soils; and d) minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.
- 8.43. In terms of biodiversity, Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 advises new development should integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible in accordance with Policies ESD10 and ESD17 of the CLP 2015. Well-designed landscape

schemes should be an integral part of the development proposals to support improvements to biodiversity, the micro-climate and air pollution and provide attractive places that improve people's health and sense of vitality.

- 8.44. The application is accompanied by an Ecological Mitigation and Enhancement Strategy, which was assessed by the Council's Ecology Officer who requested that the strategy be updated to ensure 10% biodiversity net gain and the provision of a greater number of bat, bird and invertebrate habitat boxes. A revised Mitigation and Enhancement Strategy was received in March 2022 (Revision 03 dated 21 February 2022) increasing the number of boxes proposed.
- 8.45. Officers are satisfied that on the basis of the above, that a net biodiversity gain can be secured through the development in accordance with the Development Plan, the outline consent and CDC's aspirations.

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. The delivery of housing is high on the Government's and District Council's agenda. Having regard to the above, it is considered that the proposed development which has been significantly improved from that originally submitted is acceptable. The application is therefore in accordance with the saved policies of the adopted Cherwell Local Plan 2011-2031, the Residential Design Guide SPD and Government guidance within the NPPF. The application is therefore recommended for approval accordingly.

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: Document Issue Register v4 (attached to this decision notice); Geo-Environmental Assessment Report JW/C3797/9600 dated Dec 2020; Ground Investigation BRE365 Infiltration Testing Report P21-264inf dated Sept 2021; Ecological Mitigation and Enhancement Strategy dated May 2022; Drainage Strategy and Flood Risk Assessment dated May 2022; Environmental Noise Assessment v3 dated May 2022 and Arboricultural Impact Assessment and Method Statement dated May 2022.

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. The natural ironstone to be used in the construction of the dwellings and garages shown on the approved materials plan 0737-108 received 01.06.2022 shall be laid, dressed and pointed using a lime based mortar with brushed or rubbed joints in accordance with a sample panel (minimum size of 1sqm) which shall be constructed on site prior to any construction above slab level, to be inspected and approved in writing by the Local Planning Authority. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3metres. The panel shall be retained on site for the duration of the construction contract.

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 adopted Cherwell Local Plan 2011-2031, Saved Policy C28 of the adopted Cherwell Local Plan 1996, the adopted Residential Design Guide SPD and Government guidance within the National Planning Policy Framework.

3. The existing soil levels around the root protection areas of the trees to be retained, both within and outside the site shall not be altered unless previously approved in writing by the Local Planning Authority.

Reason: to ensure that existing trees to be retained are not damaged by loss of oxygen to roots and loss of moisture content in the soil in the interests of the visual amenity and to accord with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

4. 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 works shall be carried out in accordance with BS3998: Recommendations for Tree Works

Reason: To ensure the continued health of retained trees and to ensure they are not adversely affected by the development, in the interests of the visual amenities of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

5. The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the Arboricultural Method Statement (AMS) and the Tree Protection Plan prepared by Focus Environmental Consultants dated January 2022.

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 amenities of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

6. Notwithstanding the details shown on the approved plans, all casement windows to be installed in the dwellings and garages within the development shall be side hung, balanced casements of equal proportions, unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031, saved Policy C28 of the adopted Cherwell Local Plan 1996, the Council's adopted Residential Design Guide SPD 2018 and Government guidance within the national Planning Policy Framework.

7. All windows and doors to be installed within the development shall be recessed a minimum of 75mm within the window and door surrounds, unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031, the Council's adopted Residential Design Guide SPD 2018 and Government guidance within the National Planning policy Framework.

8. All dwellings and garages shall be constructed using simple mortared edges to roof edges with no overhang and clipped eaves and gutters fitted tight to the walls on brackets or sprockets, unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031, the Council's Residential Design Guide SPD 2018 and Government guidance within the National Planning policy Framework.

9. 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 first occupation of the dwellings hereby permitted. 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 sizes and species.

Reason: In the interests of the visual amenities of the development, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

10. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no gate, wall, fence or other means of enclosure shall be erected or constructed or placed between the dwellings and the highway or within the curtilages of the dwellings and forward of a principle elevation without the prior express consent of the Local Planning Authority.

Reason: To retain the character and appearance of the development and in the interests of highway safety, to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

Case Officer: Linda Griffiths

DATE: 07.07.2022

Checked By: Andy Bateson

DATE: 8th July 2022
