

**Os Parcel 4300 North Of Shortlands And South Of  
High Rock Hook Norton Road Sibford Ferris**

**21/02893/REM**

**Case Officer:** Nathanael Stock

**Recommendation:** Approve

**Applicant:** (C/O Agent)

**Proposal:** Approval of reserved matters pursuant to condition 1 of planning permission 18/01894/OUT for details of layout, appearance, scale, landscaping, access and parking for 25 dwellings

**Expiry Date:** 24 December 2021

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is part (3.7Ha) of an agricultural field adjacent the village of Sibford Ferris. There are predominantly two storey residential properties with varying styles and palette of materials to the north and east of the site and Sibford School and associated supporting buildings also lie to the east. The site is bounded by mature agricultural boundary hedgerows with trees at points within the hedgerow. The Hook Norton Road runs adjacent the eastern boundary of the site, whilst Woodway Road, a single-track road runs along the western boundary. The north-eastern corner of the site sits at a similar level to the neighbouring residential properties to the north but falls away to the west, north and south.
- 1.2. In terms of site constraints the site is part (3.7Ha) of an agricultural field classified by Natural England as being Grade 2 'very good' Agricultural Land. The Cotswolds Area of Outstanding Natural Beauty lies approximately 1.5km (0.9mile) west of the site. The Sibford Ferris Conservation Area boundary lies some 70m to the north of the site with existing residential properties on intervening land. The nearest listed buildings within the Conservation Area lie some 175m to the north-east of the site located on the main street through the village. The site has some ecological potential as the site is located within 2km (1.2mile) of Sharps Hill Quarry SSSI and notable and legally protected species have been recorded within the vicinity of the site. The site is identified as having archaeological potential and further in an area known to contain naturally occurring elevated levels of arsenic, Nickel and Chromium; as seen across much of the district. Public Rights of Way (PRoW) run adjacent crossing land west (Footpath 347/2/10) and east (Footpath 347/4/10) of the site; with further PRoW to the north (Bridleway 347/1/10) and south-east (Footpath 347/6/10) of the site.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. The current application seeks approval for the Reserved Matters of outline permission 18/01894/OUT, granted at appeal, for the erection of up to 25 dwellings with all matters reserved. Accordingly, the Reserved Matters are means of access, scale, layout, appearance and landscaping.
- 2.2. The application relates to amended plans received 15.02.22 and 31.03.2022 (layout plan, house type drawings, swept path analysis, etc.).

## **3. RELEVANT PLANNING HISTORY**

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

- 3.2. 14/00962/OUT - Erection of six Affordable Local Needs Dwellings and two Market Sale Dwellings with associated car parking and access road including the provision of open space and allotments - Application Withdrawn

Application 14/00962/OUT originally received a resolution to grant planning permission at planning committee on 27.11.2014, subject to completion of an appropriate S106 Legal Agreement, to secure the affordable housing provision. However, after a number years and there being no resolution of the S106, a decision was taken by the then applicants, Green Square Group, to withdraw the application.

- 3.3. 18/01894/OUT – Up to 25 dwellings with associated open space, parking and sustainable drainage (all matters reserved) – refused; allowed at appeal

#### **4. PRE-APPLICATION DISCUSSIONS**

- 4.1. No pre-application discussions have taken place with regard to the Reserved Matters proposals

#### **5. RESPONSE TO PUBLICITY**

- 5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **29 October 2021**, by advertisement in the local newspaper expiring **1 January 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 **15 March 2022**.

- 5.2. The comments raised by third parties are summarised as follows:

Visual impact – ridge heights are a concern; we question whether 9.7m dwellings will be in keeping; where will ground level be in relation to ridge heights. High Rock is 6.4m, Bramley House is 8.15m and No. 1 Cotswold House is 7.8m. The proposal is out of keeping with the village and should never have been approved [at outline]

Residential amenity impact – Plots 13 and 14 have a large amount of windows facing our property and we note that the building is rotated on the plot to ensure it does not look directly into our home. We trust that the houses will be located as they are shown and not changed during the development process. Overlooking from 1.5 storey garages – we question the need for garages of this height. We appreciate the single storey garages adjacent to our driveway. Loss of privacy from the footpaths/footpath access being sited directly in front of 1 Hook Norton Road, as well as noise and light pollution to 1 and 4 Hook Norton Road

Ecology – Loss of 400 year old hedge. The Council should request that swift nest bricks be incorporated into the development as a biodiversity enhancement

Trees – the arboricultural report needs to be followed in full and if there is a need to prune any trees on the northern boundary which are on our property that discussion be had beforehand, in particular an 80 year old Oak tree planted by a local resident.

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. Sibford Ferris Parish Council – Comments 27.10.2021

- The Parish Council still has concerns over untested infrastructure impact, specifically sewage, water and power supply. Sewerage capacity / capability is a particular concern.
- Our expectation is that Cherwell District Council (CDC) will undertake comprehensive due diligence checking all aspects of the Gade Homes DAS to ensure consistency and compliance with CDC planning policy, regulations and the approved outline planning permission. This to include designed scale, height and massing [cites sections 4.37 to 4.39].
- We expect strict adherence to in relation to the updated arboricultural report (October 10 2021) and fulfilment of obligations for the community orchards, allotments and play area.
- The following are corrections to statements made in the DAS: *4.18 The bus service is infrequent and has **halved** in recent years and frequency reduced further recently. 4.19 Banbury train station is in fact **7.5 miles** distant* SFPC of 1 2  
**Ref: 21/02893/REM** Version 1.0 22/10/2021
- In respect of site drainage the DAS now discusses Attenuation Areas (previously Sustainable Drainage Systems SuDS). It is not clear what the difference is between the two, how these will be implemented and any potential impact to surrounding land and properties. CDC need to validate the change in approach
- The Parish Council have a concern relating to the Section 106 agreement that was developed and made legally binding for the land acquired by Gade Homes. The S106 contains named organisations that were not consulted at any stage and we believe as stands is not capable of delivering the perceived community benefits (sport and recreational access to leisure facilities). This requires full and due attention from CDC to rectify the situation.
- The submitted DAS and Site plans 3699101-M, 3699117-E and 3699100- display aged versions of Google map images, for example omitting newly built property e.g. Bramley House constructed 3 years ago and sits between High Rock and Butwick House. Gade Homes should update the DAS to use current relevant mapping images. See below.

Comments (14.03.2022) on revised plans, and objection to plot 15 which is not in keeping with the style of houses in our village. ( Please see attachments)

1. On the Northern Boundary there are 3 different types of stone and render being used for materials on plot 13, 14, 15 and 16. These houses will all be visible from all homes on the Northern boundary and will not be in keeping with the houses around them.

Please note plot 15 which is of a completely different style and is not in keeping with the character of the village nor the rest of the development.

Colour pictures of plots 20 and 21 seem to be missing?

2. Ridge Heights. We trust that CDC will look closely at ridge heights in relation to the surrounding homes and particularly in relation to Plot 13 and 14 which appear to differ greatly.

3. We note that the matter of sewage has not yet been discharged (condition 8) and consider this an extremely important matter to determine before building goes ahead, in order to protect The Sib from possible overflow and to ensure that our local sewage located in a steep valley has the capacity to cope with 25 new homes and has been visited by a representative from Severn Trent in person to determine if major works are possible if needed.

### OTHER CONSULTEES

- 6.3. Severn Trent Water – No objections subject to condition re drainage plans for disposal of surface water and foul sewage and an informative note
- 6.4. Local Highway Authority (OCC) – Objection for the following reasons: There is no turning head at the end of Road 2. Comments as follows:

Road 2 serves the parking spaces for four dwellings, as well as two unallocated parking spaces. Any vehicles entering this road will not be able to turn unless they are actually using one of the private off-road spaces. This means that any delivery vehicles, visitors to the dwellings, vehicles using the unallocated spaces, etc. will have to reverse out of Road 2 and across both lanes of Road 1 in order to leave the development. Apart from the inconvenience this will cause, there will also be an unacceptable highway safety risk.

The two one-bedroom flats have one parking space and all the other residences have two, which is in accordance with OCC parking standards. The larger dwellings also have garages. There are fourteen unallocated visitor parking spaces within the development, again in alignment with standards. Unfortunately, though, these are not well distributed throughout the site as ten of them are grouped at the end of Road 3.

This road does appear to have a turning area which will be required if all spaces are occupied.

I am concerned about the pedestrian routes to Plots 3 to 12, 24 and 25. Any visitors to these properties who arrive in a vehicle, particularly grocery deliveries or similar, will wish to park up as close to the north-south path as possible, and this will be very near to the bellmouth junction. It is unlikely that such deliveries will seek out the visitor spaces as they are hidden from view down side roads and/or too far away to be practical for deliveries. It would be a significant benefit to the development if visible visitor parking could be incorporated along Road 1, where it is most needed.

Attention is drawn to the Oxfordshire Electric Vehicle Infrastructure Strategy which was adopted earlier this year. In particular, Policy EVI 8 requires that

- Provision is made for EV charging points for each residential unit with an allocated parking space; and
- Non-allocated spaces are provided with at least 25% (with a minimum of 2) having electric charging points installed. [In this case, four of the fourteen spaces].

Road Agreements Standard Comments:

Where there is not a footway adjacent to the carriageway i.e. a shared surface carriageway, a minimum 800mm maintenance margin is required.

A long section indicating the vertical alignment will be required to determine appropriate carriageway and footway gradients. They will need to be DDA compliant i.e. maximum 1:20 or 5%.

Provide a Stage 1 Road Safety Audit in accordance with GG119 (5.46.1) including a designers response.

Trees must not conflict with streetlights and must be a minimum 10 metres away and a minimum 1.5m from the carriageway. Trees that are within 5m of the carriageway or footway will require root protection.

Trees within the highway will need to be approved by OCC and will carry a commuted sum. No private planting to overhang or encroach the proposed adoptable areas.

The visitor parking bays parallel to the carriageway, can be adopted but accrue a commuted sum. Any other bays (echelon or perpendicular) or private bays will not be considered for adoption.

No property should be within 500mm to the proposed highway. No doors, gates, windows, garages or gas/electric cupboards should open onto the proposed highway.

No Highway materials, construction methods, adoptable layouts and technical details have been approved at this stage. The detailed design and acceptable adoption standards will be subject to a full technical audit.

OCC require saturated CBR laboratory tests on the sub-soil likely to be used as the sub-formation layer. This would be best done alongside the main ground investigation for the site but the location of the samples must relate to the proposed location of the carriageway/footway.

Conditions:

#### Electric Vehicle Charging

Prior to first occupation the applicant must submit plans to the Local Planning Authority for the Electric Vehicle Charging points across the site in line with Policy EVI8 of the Oxfordshire Electric Vehicle Infrastructure Strategy and thereafter construct according to the approved plans.

Reason: To ensure the site is in line with Policy EVI8.

Clarification re parking [in response to query from the applicant]

Paragraph 4.31 of the Planning Statement correctly says that "Parking provision is to be provided in accordance with Table A6.B1 of the Oxfordshire County Council Residential Street Design Guide (2015)" and reproduces that table. However, there is no follow-up calculation, so I have done it and reproduce it here: [table follows]

As you see, there should be ten visitor spaces.

You say the ten spaces at the end of Road 3 are to serve the allotments. They are not particularly well-placed for that purpose, with a considerable walk to the furthest plots. What's more, why do there need to be ten spaces for eight allotments? These spaces may get used for overspill from the residential development but are not well-placed for that either. I think the four unallocated spaces in the development are a significant under-provision seeing that it should be ten according to the standards and if the allotment parking is ignored.

Local highway authority (OCC) – Comments (18.03.2022) on revised plans:

Objection for the following reasons:

- Updated Swept Path Analysis drawings must be provided for the revised layout
- A visibility splay is obstructed by vegetation

Comments:

This response must be read in conjunction with the previous OCC Single Response dated 9 November 2021. [see above]

The layout has been revised, with the most noticeable changes being to:

- Road 2 and the dwellings in the south-east corner
- Road 5 and units 1 and 2.

Road 5 now creates a circuit with Road 4, so that the Refuse Collection Vehicle may be able to continue right the way around and avoid the need to execute a turning manoeuvre. An updated Swept Path Analysis is necessary to demonstrate that this is possible.

The visibility splay across the south-west corner of the central LAP area is obstructed by two trees and other planting, so this is unacceptable. All visibility splays must be clear from obstruction and if the roads are proposed for adoption, then visibility is required to be dedicated too.

All footways must be a consistent 2.0m width. Where there are openings to driveways and parking areas, these should be footway crossovers rather than bellmouth accesses.

As the site is on a slope, the applicant must be able to demonstrate, by providing long sections, that the carriageway and footway gradients are DDA compliant, i.e. maximum 1:20.

The increase from four to eight visitor parking spaces, ignoring the allotment parking, is welcomed.

6.5. Landscape (CDC) – Comments (02.11.21) as follows:

Landscape and Visual Matters - Comments duly noted with my only observation being that the southern and western boundaries will require more native trees for the enhancement of the development's visual mitigation and amenity based on the an element of doubt caused by the Planning Inspector's comments:

*32. From my own observations I find that the appeal site is most prominent when viewed at just over 1km away from the south along D'Arcy Dalton Way. This is particularly important given that at this point the appeal site would not have a natural edge to its southern boundary. However, the scheme does include mitigation along this edge in the form of tree planting.*

I would argue that most of the planting will be regularly maintained low level native hedge with incidental trees that would not reach the stature and screening required. The location and aspect of the allotments will constrain the height of the hedge and the planting of additional trees because allotment holders do not wish their plots be to overshadowed. The allotments should be relocated to allow for the southern boundary to have a similar landscape character to that of the western edge.

Landscape Strategy - The landscape management should be read in conjunction with CDC's Landscape Technical Specification to enable Landscape Services' landscape

officers to monitor that standard of maintenance in accordance with the technical specification. It is essential a comprehensive LEMP is provided to ensure the ecological 'nongo' area is maintained and the successful establishment of the landscaping to mitigation potential visual harm and integrate the development into the rural surroundings.

LAP - 1. Proposals Plan 1 of 3 it is a concern that there are no movement-generating equipment such as a slide and a swing. These items should be included to improve the play experience. The swing to have bucket seats. The slide to be north-facing to reduce the harmful effect of solar heat on steel, which could be hot enough to burn a child's skin.

2. There should be another entrance to the play area for safety reasons: another point of 'escape'. The self-closing gates should open outward away from the play activity area to reduce accidents. This will mean the entrance arrangement will need to include a transition/holding area for users, buggies, pram wheelchairs so that the play area gate does not open onto peripheral path restricting movement or causing an accident. The design must ensure that there are no protruding fence edges into the area of play.

3. The boulders should be located on a flat surface and not on the slope of the mound or at the base of the mound because children fall or roll down the slope into them. Boulders should be large enough to be located to ensure that there are no finger or limb trapping spaces between them.

4. The proposed hedge should not be too dense in order to allow for surveillance from outside the LAP for the reasons of children's safety. I suggest *Amelanchier lamarckii* which has an open, airy structure and will allow views of the play area through its canopy.

5. Details of the play area are required in terms of layout/circulation/fall height, play equipment (with installation), fencing, gates, safer surfaces, seating, signage and litter bins. Compliance with BSEN 1176 is essential.

6. Construction details of the safer surfacing, paths and edging details: timber edging, hoggins and gravel are inappropriate and will not be permitted because of safety and maintenance issues.

7. No utilities are to go through the play area – to be confirmed.

8. The hedges on the peripheral open space should be protected with post and wire fencing to prevent trampling and desire lines developing. Gappy hedges are unsightly.

9. If a hedge abuts a pedestrian path adjacent to a highway it may be trashed and the soil medium compacted. I recommend the hedge is foreshortened to allow for clear surveillance of the road/traffic for the safety of children and parents.

#### Landscape Proposals

1. All trees should be at least 2 m from the edge of paving and root deflectors installed and indicated as such on the planting proposal plans.

2. There is no secured maintenance access for the restricted ecological area. This area is of ecological importance and therefore should be included in an overall LEMP report for the green space.

3. The allotment holders should have a 3 m wide access route to enable the delivery of bulk supply of compost and manure close to be deposited on hardstanding near the allotments. The proposed access route that meets the western boundary should be realigned to allow for the delivery of manure, etc.

4. The access off the car park must be controlled with a lockable field gate to prevent unauthorised trespass onto the open space. This 3 m maintenance, allotment route should have detailed construction proposals that indicate a macadam surface with concrete kerb edging. The appropriate CBR/weight bearing is required to allow landscape maintenance vehicles (transit van and trailer, tractor with trailer) to use it.

5. The car park will be unsecure against unauthorised access to the open space, therefore requires robust estate railings around its perimeter with low level groundcover beneath it to ensure clear natural surveillance. A 1 m wide mown grass verge between the path that runs parallel to the car park of the edge of the car park is necessary to ensure that cars do not park over the path with the wheels against the kerb which will restrict pedestrian access. The estate railing fence should be erected to the outer edge of the path with a steel pedestrian gates at the northern access and another steel pedestrian gate at the western access.

6. The trees proposed for the orchard are not proposed to be grafted to dwarf rootstock to keep the growth of the trees to a manageable size where pruning and fruit picking can be done from ground level.

7. The relevant British Standards should be clarified within the planting specification and aftercare proposals provided - refer to crib sheet enclosed. I await the Management Plan to accompany the landscape proposals.

6.6. Trees (CDC) – No objection to the arboricultural report and the tree protection plan, but further information required (08.11.21): I have looked at the arboricultural report and the tree protection plan and I am happy with both. If the tree protection plan is adhered to then the work proposed will not have a detrimental impact on the trees to be retained on site. In addition, I am happy with the planting proposals. However, I have not been able to find any information regarding the size of trees to be planted or the tree planting pits. We would need to see this information.

6.7. Housing (CDC) – Objection (06.12.21)

This application for the Approval of Reserved Matters provides details of the Affordable Housing Scheme (AHS) required by the Section 106 agreement signed on 23rd September 2019. The application is for 25 dwellings of which 35% will be provided as affordable housing (9 dwellings).

The S106 sets out seven points which must be covered in the AHS and the AHS aims to show how the requirements in each point will be met. These points are set out below with comments.

i) Details of the numbers, locations and external appearance of the Affordable Housing Dwellings; including the timing of construction of the Affordable Housing Dwellings: The AHS confirms that 9 affordable dwellings will be provided, with 6 as affordable rented and 3 as shared ownership. This complies with Local Plan Policy BSC 3: Affordable Housing and with S106 requirements.

ii) Details of the types and size of the Affordable Housing Dwellings, provided that the Affordable Housing Dwellings shall be in a range of unit types and sizes having regard to the mix of the Market Dwellings: The AHS confirms that the affordable dwellings

will meet Nationally Described Space Standards, the dimensions stated comply with those stated in the NDSS document.

The AHS states that plots 1 and 2 are 1-bed houses, however the plans show that they are actually flats above garages. The S106 specifies 2 no 1-bed 2-person houses, therefore the proposed dwellings do not meet S106 requirements. Details of further issues with this are set out in point (iv) below.

iii) Confirmation of tenures of the Affordable Housing Dwellings to which the scheme relates which shall reflect the Affordable Housing Tenure Mix unless otherwise agreed in writing with the District Council: The proposed tenure split of 6 rented and 3 shared ownership dwellings is acceptable and complies with the policy requirement of 70% rented and 30% intermediate.

iv) Confirmation of the Affordable Housing Standards arrangements for the Affordable Housing Dwellings to which the scheme relates

The AHS states that the 2-bed and 3-bed affordable dwellings will meet M4(2):Category 2 – Accessibility and adaptability standards, however the plans do not indicate how these standards will be achieved. We therefore require plans showing the dimensions and features which constitute compliance with these standards. We also request that in addition to being set out in the S106 agreement, that planning conditions are placed on these plots in respect of meeting these standards.

As mentioned in point (i), the property dimensions stated on the plans comply with those set out in the NDSS document.

It is stated in the AHS at paragraph 2.2.4 that “The affordable dwellings will be designed in such a way as to make them externally visually indistinguishable from the open market dwellings, as so far is possible.” The proposed design and layout, however, creates a clear disparity between the affordable and market dwellings and is likely to create disadvantages for the occupants of some of the affordable dwellings.

The proposed layout deviates from the outline application layout which Planning Officers requested that the applicant adheres to. The affordable dwellings in the outline layout are at right angles to each other and although the gardens are smaller, this layout is preferable to the proposed layout.

Our concerns in relation to the design and location of the affordable dwellings are as follows:

1. As mentioned in point (ii), plots 1 and 2 are flats above garages rather than 1-bed 2-person houses as required in the S106. The building is therefore elongated and takes up the whole length of plots 3,4, 5 and 6. This means that this 2-storey, elongated building will dominate the rear of these family-sized dwellings and will obscure their view of the amenity space in the centre of the development. Even if they were designed as 1-bed houses in compliance with the S106 they would still obscure the view from some of the above-mentioned plots. Whilst there are rear gardens for children to play in, the prospective tenants will not have the same opportunity as other residents to watch their children play safely in the designated area in the centre. We appreciate that it is necessary to provide adequate parking spaces; however, it is not acceptable for these to be provided in this way as it will make this section of the development extremely cramped.

2. The building containing plots 1 and 2 is situated in very close proximity to plots 3, 4, 5 and 6, creating a very cramped arrangement. It is not clear from the plans whether

the space in between the buildings is intended to be a highway, if so then it is doubtful as to whether emergency vehicles would be able to get through.

3. The affordable housing stands out from the market housing because of the proposed external materials ie white rendering on all of them. Whilst some of the market dwellings also have white rendering, they are clearly identifiable as market dwellings due to their location and design ie either large detached properties and/or located next to properties constructed with stone.

4. The size of the market plots in comparison to the affordable plots and the fact that many of the market dwellings are gated also clearly distinguishes them from the affordable dwellings

v) Occupancy criteria for determining the identity of occupiers of the Affordable Housing Dwellings and the means by which such occupancy shall be enforced: The AHS states that affordable housing will be let on Affordable Rent tenancies or sold on a Shared Ownership lease as per the agreed mix and that in accordance with Clause 4 of the Second Schedule of the S106 Agreement, the Affordable Rent dwellings will be allocated to Qualifying Persons in line with the Council's Allocation Scheme and Nominations Agreement. Shared Ownership dwellings will be marketed through the local Help to Buy Agent (or successor body) and sold to eligible purchasers. This is acceptable and complies with policy and S106 requirements.

vi) Proposals to secure transfer of the Affordable Housing Dwellings to a Registered Provider at a price agreed between the Owner and the Registered Provider. The transfer shall contain a declaration that the Affordable Housing Dwellings are transferred subject to and with the benefit of this Deed: The AHS states that affordable housing will be transferred to a Registered Provider at a price which enables them to comply with the occupancy criteria contained within the Section 106 Agreement and detailed within the AHS. It further states that the affordable housing dwellings will be transferred in line with the delivery triggers detailed in point (i) and the contract for sale and transfer between the applicant and the purchasing Registered Provider will contain an obligation to comply in full with the all relevant matters contained within the Section 106 Agreement. This is acceptable and complies with policy and S106 requirements.

vii) the identity of any prospective Registered Provider (if known): It is stated in the AHS that a Registered Provider has not yet been identified, we request that this information is provided at the earliest opportunity. The Strategic and Development team need to be aware as soon as possible of properties which are in the pipeline, proposed completion dates and the RP involved.

## Summary

We are unable to support the proposal in its current form, and require the following points to be addressed for the reasons given above:

1. A review of the design and layout of the site to ensure that the affordable dwellings blend in with the market dwellings, have adequate external space and that the occupants will have equal access to outdoor amenities. Discussions with Cherwell DC Planning and/or Strategic Officers may be beneficial.

2. Following on from point 1, a review of the parking provision for plots 1, 2, 3, 4, 5 and 6. Discussions with Cherwell DC Planning and/or Strategic Officers may be beneficial.

3. The provision of plans showing details of how M4(2) requirements will be met

4. Planning conditions placed on plots 1,2, 3, 4, 5 and 6 in respect of point 3.

6.8. Conservation (CDC) – No objections (detailed comments on file)

6.9. Legal Services Rights of Way Officer (CDC) – We note that the proposed development will not require any diversions to the Public Rights of Way Network therefore we have no objections.

6.10. Environmental Protection (CDC) – Nothing in this application to make comments on

## **7. RELEVANT PLANNING POLICY AND GUIDANCE**

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

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

### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- BSC1 - District Wide Housing distribution
- BSC3 - Affordable Housing
- BSC4 - Housing Mix
- BSC10 - Open Space, Outdoor Sport & Recreation Provision
- BSC11 - Local Standards of Provision - Outdoor Recreation
- ESD1 - Mitigating and Adapting to Climate Change
- ESD2 - Energy Hierarchy
- ESD3 - Sustainable Construction
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- INF1 - Infrastructure

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C14 - Countryside Management Projects
- C15 - Prevention of coalescence of settlements
- C28 - Layout, design and external appearance of new development
- C30 - Design of new residential development
- C31 - Compatibility of proposals in residential areas
- ENV1 - Development likely to cause detrimental levels of pollution
- ENV12 - Development on contaminated land
- TR1 - Transportation funding

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)

## **8. APPRAISAL**

- 8.1. The key issues for consideration in this case are whether the Reserved Matters submitted are acceptable, namely means of access, layout, scale, appearance and landscaping.
- 8.2. The layout of the development has been discussed in detail and changes negotiated with the developer that significantly improve on the layout originally submitted.
- 8.3. The key layout changes over the original submission being,
  - amendment to the road layout to provide more obvious connection all the way around the open space, i.e. between plots 1-2 and 3-6,
  - amendments in the vicinity of the central open space,
  - additional visitor parking spaces
  - Improved amenity relationships between various plots, e.g. Plot 19 siting amended and one window on Plot 20 moved from gable in rear elevation to the side elevation
- 8.4. Although the layout continues to differ from that approved at outline, and which formed a central basis on which the appeal was allowed, it is considered that the proposed layout as amended stays true to the design ethos of the outline scheme and is now considered to be acceptable.
- 8.5. The local highway authority has no objections to the amended proposals subject to a condition relating to EV charging. It is also considered that conditions are necessary to require cycle parking and provision of the proposed parking and turning areas.
- 8.6. Sufficient parking is proposed – indeed most of the market dwelling plots would have 3 or 4 spaces, whereas the Council's requirement is for two, and under the amended plans all parking is considered sufficiently accessible.
- 8.7. In two cases (Plots 1-2) only one parking space is provided; in ten cases (Plots 3 – 12) a second parking space is provided by a car port or garage or are under and accessed through a car port / canopy and so a condition is necessary to require garages to remain in use for parking in perpetuity in the case of those plots.

### **Appearance, scale and landscaping**

- 8.8. The original proposal required several changes in terms of appearance, including form, massing and materials, but under the amended plans is now considered acceptable. Key changes made are as follows:
  - omission of all hipped roofs apart from one plot (#15)
  - removal from the scheme of all 1.5 or 2 storey garages – these have been replaced with single storey garages of larger footprint – considered acceptable
  - change to the form and massing of Plots 1 and 2 and the garages attached to them which would serve other dwellings
  - Plots 15 and 22 – dwelling and garage handed and some amendments to the layout of plots 23, 24 and 25
- 8.9. There remains some pepper-potting of wall materials, which is not acceptable, but this can be resolved through conditions (as well as details of roof tiles which do not appear to be provided). Plots 1-2 are prominently sited and would need to be faced in natural stone; this has previously been set out to the applicant but the change not yet made. Plot 20 would need to be in stone for similar reasons and to avoid pepper-potting. Plot 13 would be acceptable in brick if Plot 14 is also in brick. To deliver on

the envisaged design ethos and to secure a development that satisfactorily respects its surroundings it is considered important for the brick plots, and the highway-facing side elevation of plot 3, to have front elevations in Flemish bond.

- 8.10. The scale of development was noted by the inspector (in allowing the appeal) as being an important consideration, in particular that the dwellings away from the north-east corner of the site, i.e. those to the west and south ends of the built form, would need to be 1.5 storeys. In the current proposals none of them are 1.5 storeys and officers share some of the concerns of the parish council in this regard. While the heights of some of the dwellings is an issue, on balance the proposals are considered acceptable in this regard subject to prior approval of finished floor levels.
- 8.11. Details of ground and finished floor levels for the development have not yet been agreed and will need to be managed by condition of any permission given here.
- 8.12. The landscaping to the site requires some additional changes, including trees to provide screening and details of the public open spaces. Conditions would need to be imposed on any permission in this regard.

#### **Conditions of the Outline permission (18/01894/OUT)**

- 8.13. The requirements of Conditions 1 and 2 have been met in the submission of this application, and Condition 3 is a 'statement condition' not requiring discharge.
- 8.14. The following conditions of 18/01894/OUT remain applicable: Conditions 4 (development to be carried out in accordance with certain plans), 5 (details of the means of vehicular access between the land and the highway), 6 (Travel Information Pack), 7 (Construction Traffic Management Plan), 8 (drainage scheme), 9 (landscape and ecology management plan), 10 (Construction Environment Management Plan), 11 (land contamination remediation strategy), 12 (Energy Statement) and 13 (archaeology WSI),
- 8.15. 13-15 (ecology/lighting), 16 (application to be made for Secured by Design), 17 (ducting to allow for future installation of EV charging point),

#### **Conditions required for the Reserved Matters approval**

- 8.16. Turning to new conditions that may be required, it is important that materials are managed, to ensure an appropriate character and appearance of development.
- 8.17. In particular, it is important for visual amenity reasons that a sufficient number of plots are externally faced in natural limestone, in accord with the Cherwell Residential Design Guide (see Condition 2), that appropriate roof tiles are used (see Condition 3), that the dwellings are appropriately detailed (Conditions 14 and 15) and that details of the finished floor levels are secured (Condition 4).
- 8.18. Full details of vehicular accesses, driveways and turning areas within the development require further consent (see Condition 5). For highway safety reasons, a condition is required to ensure no gates or walls or planting is erected above 0.9m adjacent to the highway (see Condition 13), and in the case of some plots for permitted development rights to be withdrawn for conversion of garages to habitable accommodation (Condition 16).
- 8.19. A full landscaping scheme is required (see Conditions 6 and 7) along with a method of supervision and programme of works for the landscaping (Condition 8). This will need to include appropriate means of enclosure and boundary treatments, with some walls needing to be in stone to match the host dwelling, and that prominent boundary

walls are laid in an appropriate brick bond, and in some cases additional planting to satisfactorily mitigate plot to plot relationships. It is also important to secure a scheme for the protection of retained trees (See conditions 17 – 22 inclusive.)

- 8.20. In some instances, plot to plot relationships are such that any extension of the dwelling would compromise amenity for other plots. It is therefore critically important that permitted development rights are restricted through condition, to safeguard the living conditions of future occupiers, as well as the character and appearance of the development (see Condition 12).
- 8.21. For the same reasons, it is also critically important that permitted development rights are restricted for the insertion of additional first floor openings, and that conditions are imposed to require obscure glazing and restricted opening of various first floor openings shown on the submitted plans, as well as all side and rear facing windows to serve bathrooms (including en suites). (See Conditions 9, 10, 11) In some cases amended plans have been required, to move windows that would otherwise have overlooked private rear gardens.

### **Other matters**

- 8.22. Some letters of representation include objections to the principle of the development. Unfortunately, the principle was established with the appeal being allowed in December 2018. The principle of development on this site is not a material consideration for this Reserved Matters application, the remit of which is limited to Means of access, Layout, Scale, Appearance and Landscaping.

## **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. Subject to conditions as set out, the amended proposal is considered an acceptable form of development that would accord with the approved Design Code and the requirements of the outline consent in terms of scale, layout and appearance, and would safeguard the living conditions of neighbouring and future occupiers, and would not adversely affect highway safety.

## **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: "3699 100" (Site Location Plan), "3699 101 Y" (Planning Layout), "3699 102 H" (Plots 1-2), "3699 103 J" (Plots 3-6), "3699 104 H" (Plots 7-9), "3699 105 H" (Plots 10-12), "3699 106 G" (Plots 13-14), "3699 107 G" (Plot 15), "3699 108 J" (Plot 16), "3699 109 I" (Plot 17), "3699 110 J" (Plot 18), "3699 111 I" (Plot 19), "3699 112 G" (Plots 20 and 21), "3699 113 G" (Plot 22), "3699 114 G" (Plot 23), "3699 115 G" (Plot 24), "3699 116" (Plot 25), "E21-077-160P1", "E21-077-161P1" (Road Longitudinal Sections), "C85855-JNP-66-XX-DR-T-2006 P01" (Refuse Vehicle SPA), "C85855-JNP-66-XX-DR-T-2007 P03" (Site Access), "C85855-JNP-66-XX-DR-T-2001 P07" (Visibility Splays), "A318 GA01 B", "A318 GA02 B", "A318 GA03 B", "A318 LA02" (Landscape Masterplan), "A318 PP01 A", "A318 PP02 A", "A318 PP03 A" (Planting)

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. Notwithstanding the plans hereby approved, no development shall proceed above slab level on any dwelling until a stone sample panel (minimum 1 sq m in size) has been constructed on site and inspected and approved in writing by the Local Planning Authority. Thereafter, all of the external walls of Plots 7-12, 14, 16-25 inclusive, and the perimeter means of enclosure to Plots 16, 17, 18, 20, 21, 23, 24 and 25 shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and shall be retained as such thereafter. None of the above referenced plots shall have either brick riser or brick window surrounds.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and the significance of heritage assets 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.

3. Notwithstanding the plans hereby approved, 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 (including a brick sample panel (minimum 1m<sup>2</sup> in size)), 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. The front elevations of all brick plots and the highway-facing side elevation of plot 3 shall be laid in Flemish bond.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and the significance of heritage assets 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. Notwithstanding the plans hereby approved, and prior to any construction of the dwelling above slab level, a revised schedule of externally facing materials for the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and 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 the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. The development shall not be carried out other than in full accordance with the details of the existing and proposed ground levels and finished floor levels shown in drawing ref. "E21-077-151 Rev T1" as amended by drawing "3699.119" received from Joe Read in email to the Local Planning Authority dated 15.06.2022 at 1715 hours. In the case of any discrepancies, drawing

“3699.119” shall take precedence.

Reason - To ensure and retain the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and local landscape and the living conditions of neighbouring residents and future occupiers of the development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to any landscaping of the site and prior to the first occupation of the development hereby approved, and notwithstanding the submitted details, a revised and fully detailed landscaping scheme shall be 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, 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 surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps,
- (d) means of enclosure and boundary treatments, which will need to include stone perimeter walls in the case of certain plots (that is, those plots named in Condition 2 of this permission) and brick walls in English garden wall bond in the case of certain other plots,
- (e.) amended proposals for the local area of play
- (f) amended details for the maintenance access for the restricted ecological area

The hard landscape elements shall be implemented prior to the first use or occupation of the parts of the development they are intended to serve and shall be retained as such thereafter.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. 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 visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. Prior to any landscaping of the site and prior to the first occupation of the development hereby approved, and notwithstanding the submitted details, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity.

Reason – In the interests of the visual amenities of the area, and the establishment and management of the landscaped areas and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Before each respective dwelling is first occupied all first floor openings on side and rear elevations identified on the plans listed in Condition 1 of this permission as serving bathrooms and/or en suite bathrooms shall be glazed with obscure glass (at least Level 3) only and, unless fixed shut, fixed with a ventilation stay restricting the opening of the window to no more than 30 degrees from the elevation in question, and must be permanently maintained as such at all times thereafter.

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), and with the exception of Plots 1, 2 and the rear elevations to Plots 16, 17, 18, 19, 22 and 25, no additional windows, doors or any other openings shall be inserted at first floor level or above in the development hereby permitted, without the grant of further specific planning permission from the Local Planning Authority.

Reason - To safeguard the living conditions of neighbouring residents and future occupiers of the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), and with the exception of Plot 15 in respect of Class A development, and Plots 16, 17, 18, 19, 22, 23, 24 and 25 in respect of single storey extensions, and Plots 13, 14, 16, 17, 18 and 22 in respect of Class D development, no development within Schedule 2, Part 1, Classes A - E (inclusive) shall take place on the dwellinghouses hereby permitted or within their curtilage without the grant of further specific planning permission from the Local Planning Authority.

Reason - To ensure and retain the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and the wider landscape and to ensure a satisfactory living environment for future

occupiers, 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.

12. Notwithstanding the provisions of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), no walls, gates, fences or planting shall be erected or allowed to grow on or adjacent to the highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.

Reason: To afford adequate visibility at the access/junction and to cater for the expected volume of traffic joining the existing highway network and in the interests of highway safety, and to accord 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.

13. In the case of those plots to be externally faced in brick as amended by the conditions of this permission, the brick headers to those plots shall be constructed only using the same brick as the main walls to that respective plot.

Reason - To ensure and retain the satisfactory appearance of the completed development and to safeguard the living conditions of neighbouring residents and future occupiers of the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. Notwithstanding the details submitted, there shall be no fascias and/or bargeboards used or erected on any dwelling or garage in the development.

Reason - To ensure and retain the satisfactory appearance of the completed development and in the interests of the character and appearance of the area and the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

15. Notwithstanding the provisions of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), neither the garaging or carports hereby permitted to serve Plots 1-12 shall be converted to habitable accommodation. The garages and/or car ports to the aforementioned plots shall be retained and maintained for the purposes of car parking at all times.

Reason: To safeguard the character and appearance of the area and the amenities of occupiers of the development and in the interests of highway safety and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. Prior to the commencement of any development above slab level and any tree planting or soft landscaping, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built

tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. Prior to the commencement of any development above slab level and any tree planting or soft landscaping, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within soft landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

18. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority. In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this reserved matters permission.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

19. If any retained tree is identified as being or having the potential to be a 'veteran tree' [as defined in BS:3998 section 3 - 'Terms & Definitions'], it shall be the subject of a specific management plan devised by a qualified and competent arboriculturalist. No work to the veteran tree, or within its vicinity, which might compromise the environs of the tree shall be carried out without the written approval of the Local Planning Authority.

Reason - To ensure the retention and protection of veteran trees which are important ecological habitats for a wide range of wildlife including Red Data Book species as identified in the UK Biodiversity Action Plan (BAP) and are of significant cultural value and to comply with the adopted Cherwell BAP and Government guidance contained within the National Planning Policy Framework.

20. No development shall commence above slab level unless and until details of the cycle storage parking facilities for the development have 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 encourage the use of sustainable modes of transport and to comply with Government guidance contained within the National Planning Policy Framework.

21. Prior to the first occupation of the development full details of ducting and cabling to allow for the future installation of electrical vehicle charging infrastructure to serve the dwellings shall be 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 occupation of the development and shall be retained as such thereafter unless improved or upgraded for the same purpose.

Reason - To maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework.

22. Full details of a scheme for the location of swift bricks shall be submitted to and approved in writing by the Local Planning Authority. The approved swift provisions shall be installed on the site in accordance with the approved details prior to the occupation of any building and shall be retained as such thereafter.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

23. Prior to the first occupation of the development hereby permitted, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

**Informative Notes:**

Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please contact the County's Road Agreements Team on 01865 815700 or email [roadagreements@oxfordshire.gov.uk](mailto:roadagreements@oxfordshire.gov.uk)

All external works to the building should be timed so as to avoid the bird nesting season, this being during the months of March until August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on submission of a survey (no more than 48hrs before works commence) undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site as required.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with Government guidance contained within the National Planning Policy Framework.

**Suggested Informative** Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Case Officer: Nathanael Stock

DATE: 20.06.2022

Checked By: Paul Ihringer

DATE: 21/6/22

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