

Case Officer: James Kirkham

Recommendation:

Applicant: Mr Khuja

Proposal: 5 attached two bedroom houses, parking and amenity spaces - re-submission of 21/01835/F

Expiry Date: 19 January 2022

Extension of Time:

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located adjacent to Cotefield Farm, to the south of Bodicote. The wider site consists of a large, detached building that was a former country house, set within a large area of garden with existing car parking. The building is constructed of stone with a slate roof and is converted into apartments. A new housing development is currently under construction to the south west of the site.
- 1.2. In terms of site constraints, the property is not a listed building and is not within a conservation area.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The current application seeks permission to erect a new building to the east of the main house to accommodate 5 x 2 bed dwellings. These would be accommodated in a 1.5 storey building constructed of stone with a slate roof. Parking would be provided to the south of the site to the south of the main houses adjacent to a previously approved area of parking. Small gardens would be provided to the rear of the proposed dwellings.
- 2.2. An earlier application for a very similar application was withdrawn on the site. The current application site includes a wider red line site area at the access to provide a wider access to the site from Oxford Road. The application has completed Certificate B and has served notice on the other landowner whose land is impacted by the proposal.

3. RELEVANT PLANNING HISTORY

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

On the site

13/01466/F - Conversion of 2 ground floor apartments into 6. Includes the renovation of existing ancillary buildings – Permitted. 16/00293/DISC sought to discharge conditions 4 (turning area and parking) and 5 (bin storage) relating to this consent.

16/01589/F - Conversion of 2 No first floor apartments into 5 and creation of 6 No additional parking spaces – Permitted

17/00463/F – 2 log cabins – Refused. The site was considered to lie outside the built limited of the settlement and would therefore be contrary to the council's rural

housing strategy. The proposal was also considered to be unacceptable from an architectural and design perspective and was considered to detrimentally impact on the setting of Cotefield House, a non-designated heritage asset. The size of the accommodation was also considered to be insufficient to provide a good standard of living accommodation.

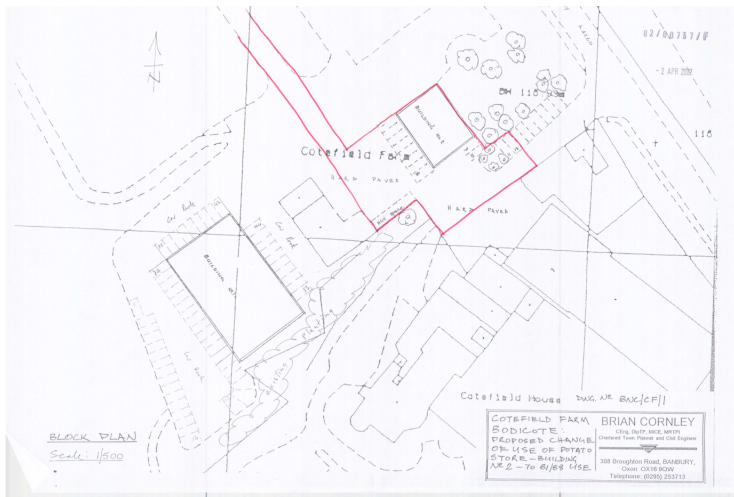
21/01835/F – Five attached two bedroom houses, parking and amenity space - WITHDRAWN

To the south

14/02156/OUT, 18/00193/REM and 18/01309/REM together allow for new residential development to the south west of the current site.

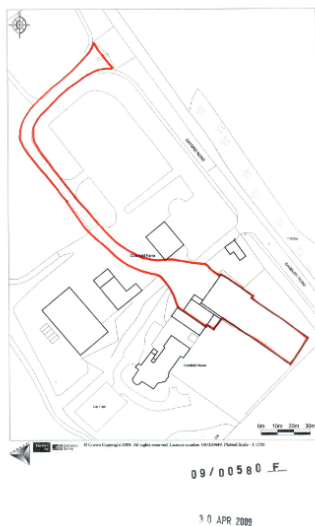
3.2. Two commercial units closer to Oxford Road:

Unit to the north of the access



02/00737/F - Change of use of potato storage building No.2 to use for B1 (Business) and B8 (Storage and Distribution) – Approved. Conditions required parking and manoeuvring areas to be provided and retained and restricted access.

Unit to the south of the access



09/00580/F – Use of units for the sale of goods by auction for up to 30 days per year – Approved subject to a personal consent and no more than 30 auctions a year. There were no conditions for the provision or retention of servicing facilities.

4. PRE-APPLICATION DISCUSSIONS

4.1. The following pre-application discussions have taken place with regard to this proposal:

19/02578/PREAPP – Erection of 5 dwellings – It was accepted that the site could now be regarded as being in the built limits. Some design advice was provided. It was also stated that the applicant would need to demonstrate suitable and safe access to the site.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **22 December 2021**, by advertisement in the local newspaper expiring 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 **22 December 2021**.

5.2. 5 comments have been raised by third parties. The comments raised by third parties are summarised as follows:

- Access to the site is unsuitable and unsafe for further traffic as it is narrow and gated and situated off a 60mph road. It also goes through a commercial yard and concerns are raised regarding pedestrian/cyclist conflict with the commercial use.
- The pedestrian link to the new development to the south west is impractical.
- The gates at the Oxford Road access are not owned by the applicant and wont be removed.
- Residents of the new dwellings will not have legal rights over the access to the site.
- The right of way the applicant has is single tracked and two vehicles cant pass one another. Existing residents don't appear to be aware of their limited rights of access. The application does not have rights to remove the gate and the legal access is only 3.1 metres in width. The access is not 6.68m as claimed. The conveyance plan submitted is incorrect and the access is single width.
- There would be conflict with conditions on the existing commercial units at Cofefield Farm.
- Existing residents don't close gate or try to use the alternative access through the commercial buildings which isn't allowed
- Residents' behaviour
- Noise and disturbance from proposed residents particularly from parking

- Loss of privacy and light pollution from parking area near new housing so the south east
- More robust boundary treatment is required with the properties to the south.
- Integrated swift nest bricks should be used in the development
- Concerns regarding Construction traffic.

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register (delete if not applicable).

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: **No comment received.**

OTHER CONSULTEES

6.3. OCC HIGHWAYS: **Originally objected.** The main difference between this application and the previous, withdrawn, application (21/01835/F) is a revised red line area and the submission of a second Technical Note on Highways matters. The comments and concerns raised in the LHA responses to 21/01835/F are still valid but the comments below relate to the new information.

6.4. The first "Transport Technical Note", dated September 2021, is also included with this application. This Note states that the access track varies in width between 3.3m and 4.0m (paras. 3.4 and 3.10). The second Note says that the access road is 6.68m wide (this being the clear opening between the stone walls) based on information in the Deed. The plan in the Deed does not have a scale indicated. By my estimation, which is based on the length of Cotefield House as it is shown in both the Deed plan and the Site Location Plan, is that 3 the width of the track shown in yellow on the Deed plan is closer to 4.7m. There is clearly some doubt about the precise width of the access track/road, but this is not crucial for my recommendation as I am happy that it is wide enough for two vehicles to pass. If the application is to be approved, it should be conditioned that the access track (width to be agreed by applicant and landowner) is clearly delineated by signing and lining and/or surfacing, prior to commencement of construction. As well as defining the agreed extent of the route on the ground, this will help to highlight the possible presence of pedestrians and cyclists to drivers traversing the yard.

6.5. It should be noted that the red line area on the Site Location Plan shows a width that narrows along the access road, from a width that scales to approximately 5.7m at the Oxford Road entrance to approximately 4.5m at the blue line boundary. This contradicts the claim in the second Technical Note that the access road is 6.68m wide.

6.6. Para. 2.2 of the first Technical Note says "... a 3.1m wide steel gate, that was installed without the applicant's consent or notification..."

- 6.7. Para. 2.2 of the second Technical Note says “... *the steel gate was installed without the applicant’s consent or notification. The applicant (the owner) has confirmed that the farmer is under instruction to remove the gates forthwith.*”
- 6.8. Para. 3.3 of the second Technical Note says “*The steel gates are to be removed.*”
- 6.9. The gate was still in place during my site visit of 13 December and as there is no absolute guarantee that the gate will be removed, this application needs to be assessed on the basis that the gate is there.
- 6.10. As the gate is set back 9.4m from the carriageway, there is adequate space for a car or van to pull off the road while the gate is opened. However, it will be different for a larger truck or HGV, which will project out into the carriageway while waiting at the gate, and this will cause a potentially dangerous obstruction to cyclists and vehicles in this 40mph zone. Furthermore, to pass through the relatively narrow opening, a truck or HGV will have to approach the gate straight on (i.e. perpendicular to the highway) and for a northbound vehicle, this is likely to entail a manoeuvre with a swept path into the southbound lane. The applicant has not provided swept path analysis that demonstrates large construction vehicles may safely enter the site through the existing gate. If the application is to be approved, then a Construction Traffic Management Plan must be conditioned. This must include a commitment to managing the gated access so that the entrance of construction vehicles is not delayed, whilst keeping the gate closed at all other times to prevent access to non-Cotefield House traffic.
- 6.11. ***Further to the discussions with the Planning Officer it was agreed that a Construction Traffic Management Plan which may include the removal of these gates would address the concerns. Based on this there is no objection to the proposal.***

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 (‘CLP 2015’) was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

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

- PSD1 – Presumption in Favour of Sustainable Development
- ESD1 – Mitigating and Adapting to Climate Change
- ESD15 - The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18 – New dwellings in the countryside
- C28 – Layout, design and external appearance of new development
- C30 – Design control
- ENV1

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- New Residential Development Design Guide SPD

8. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Highways
- Residential amenity
- Ecology
- Other matters

Principle

8.2. The application site is located to the south of Bodicote which is a Category A settlement for the purposes of the Local Plan. This is amongst the most sustainable rural settlements in the district. In the earlier planning application for log cabins at the site it was considered that the site lay outside of the built up limits of the village but it is appreciated that this is a matter of planning judgement. The layout of the proposed new residential development to the south is now clear and in light of this material change in circumstance it is considered that the site is now within the built limits of the village due to its relationship with the surrounding built form and visual containment (having regard, for instance, to the new Cala/Crest residential development). This being the case, and taking into account the scale of the proposed development (5 dwellings), it is considered the development can be regarded as minor development within the built up limits of Bodicote which is supported by Policy Villages 1 of the Cherwell Local Plan in category A settlements subject to consideration of the following criteria:

- The size of the village and the level of service provision
- The sites context within the existing built environment

- Whether it is in keeping with the character and form of the village
- Its local landscape setting
- Careful consideration of the appropriate scale of development.

8.3. Having regard to the size and service level of provision of Bodicote and the scale of the development it is considered the proposal meets the first and last criteria. Therefore, subject to meeting the other criteria the principle of development is considered acceptable.

Design and impact on the character of the area

- 8.4. Government guidance contained within the NPPF requiring good design states that good design is a fundamental aspect of sustainable development and is indivisible from good planning. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.5. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 8.6. Policy ESD15 of the CLP 2015 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Development should be designed to integrate with existing streets and public spaces and contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.
- 8.7. The siting and detailed appearance of the proposed new dwellings takes the form and scale of a former outbuilding associated with the larger property on the site and this is considered to be an acceptable approach and what was discussed as part of the preceding pre-application enquiry. The detailed design and materials would not adversely impact on the character and appearance of the locality or the setting of Cotefield House, which is an attractive building despite the current lack of upkeep. Views would be available of the proposal from the new development to the south west of the site which would be viewed in the context of the existing larger house and in this context the visual impacts are considered acceptable.
- 8.8. Officers continue to have reservations that the proposal does not take a very holistic approach to the development of the site; however, this is not considered to justify refusal of the application given the scale of the development. Whilst the grounds around the existing building are poorly maintained by the current owners they provide shared amenity space to occupants of the existing flats which would remain.
- 8.9. The application does include a tree survey and impact assessment. The Council's Arborist had raised some concerns regarding this as on the earlier application on the site as it is not based on a topographical survey. However, it is clear that the footprint of the development would not impact on the boundary trees or the more substantial trees on the site and would only result in the loss of category U trees and a small group of young trees which have limited wider amenity. Therefore, it is

considered the trees on site that are more important to the wider amenity of the site and area could be protected. This could be secured through a condition requiring the submission of an Arboricultural Method Statement prior to the commencement of the development.

- 8.10. Overall, the impact of the development on the character and appearance of the area is considered to comply with the relevant planning policy.

Access, parking and highways

- 8.11. Government guidance contained within the NPPF seeks to achieve safe and suitable access to sites for all users and requires development to be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.12. ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe...places to live and work in. Policy SLE4 of the CLP 2015 echoes this, with all development where it is reasonable to do so, being required to facilitate the fullest possible use of sustainable modes of transport including walking and cycling.
- 8.13. Many of the comments on this and the earlier application relate to whether the applicant has legal rights of access over the extent of the proposed access to the A4260, the legal width of the access and whether the applicant would lawfully be able to undertake the works required such as the removal of the gates. Much of the length of this access is over a neighbouring landowner's land and goes past some commercial units.
- 8.14. However, these matters are largely civil matters that lie outside the scope of the planning system. The applicant is aware that the land is not within their ownership and has served the relevant ownership certificates on the owners as required by planning legislation.
- 8.15. The red line of the applicant is larger than the earlier withdrawn application to include a wider extent of access way which would allow two vehicles to pass one another along the length to Oxford Road.
- 8.16. Whilst the private rights over this access are contested the fact that the local planning authority grants permission for someone to undertake works on a neighbouring properties land does not legally authorise them to do such works and they would still need the relevant consent of the landowner.
- 8.17. Therefore, the local planning authority may grant consent for a scheme which could not be implemented due to other civil matters. These matters would, however, need to be pursued outside of the planning system by the private individuals.
- 8.18. The extent of the application site is defined by the red line accompanying the planning application and it is considered reasonable for the local planning authority to control development within this defined area such as the removal of the gates and works to the access. The red line plan shows the access at approximately 5.8 metres wide closest to the Oxford Road reducing to 4.8 metres closest to Cotefield House.

- 8.19. The Local Highway Authority (LHA) has given this matter extensive consideration and further discussions have taken place with the planning officer.
- 8.20. The width of the access as defined by the redline in this application is wide enough for two vehicles to pass and the highway officer considers this to be acceptable. I agree with this assessment.
- 8.21. The access goes past the servicing areas of the commercial units near to Oxford Road which is far from ideal. However, having reviewed the planning history of these units there would not appear to be anything in this application which conflicts with the conditions on these consents. Furthermore, regard must also be had to the fact that the access already serves the 13 flats in Cotefield House.
- 8.22. Whilst the access arrangements are far from ideal, given the circumstances, it is considered that safe and suitable vehicle and pedestrian access can be provided for the 5 additional dwelling proposed under this application.
- 8.23. However, to ensure the access is appropriate and safe it is considered would need to be imposed to require a scheme to clearly delineate the extent of the two-way track by signage, lining and surfacing is required so the nature of the access is apparent and close to all users of this space. A scheme for this can be submitted and approved and subsequently implemented under an appropriately worded condition. As well as defining the agreed extent of the route on the ground, this would help to highlight the possible presence of pedestrians and cyclists to drivers traversing the yard and would be a benefit to the existing residents as well as the proposed.
- 8.24. Given the concerns that have been raised over the extent of the access by third parties and the doubts raised over whether works can be undertaken to the access it is important that this is a pre-commencement condition and is undertaken prior to any building works to the dwellings commencing. This would indicate that if it is the case that the applicant is not able to undertake these works or an agreement cannot be made with the landowner outside of the planning system, the terms of this condition could not be met and the planning permission could not be lawfully implemented.
- 8.25. The LHA advises that the access serving the site from the Oxford Road is acceptable in terms of visibility given the observed vehicles speeds and raises no objection to the application in this respect.
- 8.26. The LHA has raised concerns that the gates adjacent to Oxford Road could result in larger construction vehicles not being able to access the site safely during the construction phase of the development. The gates are set back far enough from the edge of the highway to allow a standard vehicle to pull clear of the road whilst the gates are opened. It is noted that the gates are within the red line and the applicant claims they can be removed to create a wider access. This is contested by a third party. Given the gates are within the red line it is considered that if they are required to be removed this would fall in the scope of the consent. The ownership issues are separate matters and would need to be pursued outside of the planning system.
- 8.27. It is therefore considered that this concern could be controlled through an appropriate condition requiring a Construction Traffic Management Plan which details how construction traffic would be managed and how access would be

provided. This may include the removal of the gates for the construction period if required.

- 8.28. The parking serving the development is considered to be adequate to serve the scale of the development.
- 8.29. Overall, the development is considered acceptable in respect of highways matters and would comply with the Development Plan and the NPPF in this respect.

Residential amenity

- 8.30. Government guidance contained within the NPPF requires development to create places that are safe, inclusive and accessible, promoting health and well-being, and with a high standard of amenity for existing and future users.
- 8.31. Policy ESD15 of the CLP 2015 requires all development to consider the amenity of both existing and future development. Saved Policy C30 of the CLP 1996 seeks standards of amenity and privacy acceptable to the Local Planning Authority. Saved Policy ENV1 of the CLP 1996 seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation.
- 8.32. The proposed development would have an acceptable relationship with the existing flats in Cotefield House and whilst there would be some mutual overlooking this is not considered to be materially harmful given the siting of the respective buildings.
- 8.33. Concerns have been raised from an occupier of the new development to the south west of the site particularly in relation to the provision and use of the car parking to the west of the site and associated noise and disturbance and light pollution. It is noted that some of this car parking is already permitted under 13/01466/F albeit that it appears to be infrequently used by residents. Whilst the concerns of the resident are noted it is not uncommon in a built up residential area to have the noise and disturbance associated with neighbouring properties vehicles impact on a properties amenity. Given the scale of the parking area and the distance and relationship with the neighbouring properties the noise and disturbance from the use of this area, along with any light pollution from vehicle lights, is not considered to be a matter which would justify refusal of the application.
- 8.34. All building works cause some noise and disturbance; however, they are temporary in nature and are therefore generally given limited weight in planning decisions. The proposed dwellings are considered to be a sufficient distance from the neighbouring properties to ensure that the impact of these would not be significant. Other environmental legislation exists in relation to the control of working hours to prevent noise at antisocial hours.
- 8.35. The applicant is also accompanied by a Noise Survey in relation to the surrounding commercial uses which included monitoring at the site. This found that the existing used are unlikely to give rise to any noise concerns relating to the development. This is further supported by the fact that the commercial unit closest to the site has a personal consent to be used by an auctioneer which is unlikely to generate significant levels of noise.

Ecology

8.36. The application is accompanied by a Preliminary Ecological Appraisal which is undertaken by an appropriate specialist. The main find on the site was a main badger sett and annex. These would not be directly impacted upon by the proposal and a number of avoidance and mitigation measure to minimise the impact on badgers is proposed. Subject to these being followed (which can be controlled by condition) the impact of the development on badgers is not considered to be significant. The Ecology Appraisal also outlines a number of measures to enhance the biodiversity of the site and full details of these can be secured by condition to accord with the objectives of Policy ESD10 of the CLP 2015 to secure a net gain in biodiversity can be secured by condition.

Other matters

8.37. A condition should be added to ensure that the development has a higher level of water efficiency than required in the Building Regulations as required under Policy ESD 3. Likewise, conditions requiring charging points and cycle parking area also considered justified in light of the requirements of Policies ESD1-3 and SLE4 and Government guidance in the NPPF alongside the Oxfordshire Electric Vehicle Infrastructure Strategy (2021).

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 principle of minor development within this Category A village is considered to be acceptable and would make a small contribution to housing land supply. Subject to appropriate conditions the environmental impacts of the development are considered to be acceptable. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and drawings numbered A030 01 A, A030 02, A 030 03 and A 030 04.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. No part of the development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
- i. The parking of vehicles of site operatives and visitors;
 - ii. Details of access arrangement from Oxford Road during construction including demonstrating that HGVs can safely access and egress the site with the provision of tracking plans and also details of the routeing of HGVs to and from the site;
 - iii. Loading and unloading of plant and materials;
 - iv. Storage of plant and materials used in constructing the development;
 - v. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi. Wheel washing facilities/ road sweeping;
 - vii. Measures to control the emission of dust and dirt during construction;
 - ix. Delivery, demolition and construction working hours;

The approved Construction Traffic Management Plan shall be strictly adhered to throughout the construction period for the development.

Reason - To ensure safe access is provided to the site and the environment is protected during construction in accordance with saved Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. No part of the development hereby approved shall commence until a detailed scheme for the access to the site from Oxford Road, at an appropriate scale which clearly defines its width, and which details how the full extent of the access to the site from the A4260 to the parking area shall be clearly constructed and delineation on the ground by lining, surfacing and/or signage, shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in strict accordance with the approved scheme prior to the commencement of any works to dwellings hereby permitted and shall be permanently retained and maintained in accordance with the approved scheme thereafter.

Reason: To provide safe and suitable access to the site for residents and reduce conflict with the neighbouring uses in accordance with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

5. No development shall take place until an Arboricultural Method Statement (AMS) has been submitted and approved in writing by the Local Planning Authority. The AMS shall include a detailed tree protection plan including the location and nature of the fences and the areas and details of ground protection and detailed proposals for works to be undertaken in root protection areas. The development shall thereafter be carried out in strict accordance with the approved AMS and for the duration of the construction period of the development except where alternative timescales are set out in the aforesaid AMS.

Reason : To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape 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.

6. The development shall be undertaken in strict accordance with the recommendation outlined in under Section 6 of the Windrush Ecology Report (Land adjacent to Cotefield House, Bodicote). No development shall commence above slab unless and until level full details of the ecological enhancements outlined in Section 6 of the Windrush Ecology Report (Land adjacent to Cotefield House, Bodicote) have been submitted and approved in writing by the local planning authority. The enhancements shall thereafter be provided prior to the first occupation of any dwelling.

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 Section 15 of the National Planning Policy Framework.

7. No development shall commence above slab level unless and until a stone sample panel (minimum 1m² in size) has been constructed on site and has been inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the dwelling shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and shall be retained as such thereafter.

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

8. No development shall commence above slab level unless and until a sample of the slate tile to be used on the roof of the dwelling has been made available for inspection on site and approved in writing by the Local Planning Authority. Thereafter, the roof of the dwelling shall be constructed in accordance with the approved slate tile sample and shall be retained as such thereafter.

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

9. Prior to the installation of any windows, doors or rooflights hereby approved, full details of the windows, doors and rooflights at an appropriate scale including a cross section colour/finish, recess from stone face and surround (including lintel and cill) shall be submitted to and approved in writing by the Local Planning Authority. The openings shall be installed in strict accordance with the approved details prior to the first occupation of the development and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and to comply with

Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Notwithstanding the details shown on the approved plans, no development shall commence above slab level unless and until further details (including scale plans) of the architectural detailing of the exterior of the buildings, including details the eaves and verge treatment, coping and any other decorative architectural features 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 and shall be retained as such thereafter.

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

11. Notwithstanding the details shown on the approved plan a scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:-

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

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

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

(d) full details of means of enclosures along all boundaries

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The hard landscape elements of the scheme shall be carried out prior to the first occupation of the development and shall be retained as such thereafter.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) [or on the completion of the development, whichever is the sooner,] and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason : To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and, in the case of means of enclosure, to safeguard the privacy of the occupants of the existing

and proposed dwellings, and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. Details of any new external lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. This shall include lux plans and also details of the ecological impacts of the lighting. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason : To protect the amenities of nearby residents and the ecology of the site and to comply with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

13. A plan detailing the proposed parking provision for vehicles to be accommodated within the site (including details of the proposed surfacing and drainage provision), shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The approved parking facilities shall be laid out and completed in accordance with the approved details before the first occupation of the dwellings. The car parking spaces shall be retained for the parking of vehicles at all times thereafter.

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

14. Prior to any works above slab level, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the dwelling they serve, and shall be retained as such thereafter.

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

15. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

16. 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.

Case Officer: James Kirkham

DATE: 14.01.2022

Checked By: Nathanael Stock

DATE: 19.01.2022
