

**Hempton Gate Land North Of Hempton Road And
West Of Wimborn Close Deddington**

22/02570/REM

Case Officer: Michael Sackey

Recommendation: Approval

Applicant: Burrington Estates

Proposal: Reserved Matters application to 20/02083/OUT for the approval of details of layout (internal access roads and footpaths), scale, appearance and landscaping relating to the erection of 14 dwellings including 5 affordable dwellings, together with the provision of parking, landscaping and other associated details

Expiry Date: 21 November 2022

Extension of Time:

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to an agricultural field located to the west of Deddington to the north of the Hempton Road. The site contains an agricultural building located towards the south-east corner of the site, which is served by an access from Hempton Road. The site is relatively flat, but the land beyond the northern boundary of the site falls away into a wide valley. To the east of the site is Wimborn Close which consists of a mix of relatively modern two storey properties and has a landscaping belt adjacent to the site. The 2 metre high hedge exists to the west of the site beyond which lies further agricultural fields.
- 1.2. Deddington nursery and the recreation ground exist to the south of the site beyond Hempton Road.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Outline planning permission has been granted for up to 14 dwellings on the site (ref. 20/02083/OUT). The current application seeks approval of the reserved matters namely appearance, landscaping, layout and scale. The current application is also a continuation of phase 1 which was also approved under application reference (20/03660/REM) for 21 dwellings.
- 2.2. The application has been subject to significant levels of negotiation during the application resulting in amendments to the form of some of the dwellings, amendments to the layout as well as tree planting and landscaping, and amendments to the proposed external materials and obscuring with restricted opening to some windows.
- 2.3. The application relates to the submission of revised plans received on (15.11.2022) at 12:15hrs reference "201-P501 REVISION E", "201-P502 REVISION D", "201-P503 REVISION D", "201-P504 REVISION A", "201-P604 REVISION D", "201-P606 REVISION D", "201-P608 REVISION E", "201-P609 REVISION C", "201-P610 REVISION C", "201-P612 REVISION D", "201-P614 REVISION D", "201-P619 REVISION D", "201-P620 REVISION E", "201-P622 REVISION E", "201-P624 REVISION D", "201-P626 REVISION C", "201-P627 REVISION D", "201-P629 REVISION E", 06.03 REVISION P4, GL1714 01B and GL1714 02B. The revised plans reflect Plots 23, 24, 34 and 35 to be built in stone with natural slate roof tiles, plot 31 to be built in brick with cement slate roof tiles, plot 26, 28, 29,32 and 33 to be constructed with cement slate roof tiles, re-alignment of a window for plot 23, all the

first floor windows on the side and rear elevations obscurely glassed with restricted opening with regards to plot 25 and 26. And the repositioning of the first floor element (bed 4) above the proposed garage for plot 27, windows inserted within the east elevation to serve bathroom for plot 33 and tree planting to improve the amenities between phases 1 and 2 and, plots 23, 24, 27, 28 and 29.

- 2.4. The application relates to the submission of updated plans received on (18.11.2022) at 16:20hrs reference "201-P616 REVISION C", "201-P619 REVISION E" and "201-P620 REVISION F". The revised plans relate to plots 30, obscurely glazing the window serving the study and plot 33, with a new obscurely glazed window to serve the bathroom on the first-floor level. The application also relates to the submission of updated and additional plans received on (28.11.2022) at 17:08hrs reference "GL1714 01C", "GL1714 02C" and "GL1714 (Landscape Management Plan)". The revised plans relate to updated landscaping details in response to the Landscape and Ecology officers.
- 2.5. The application also relates to the submission of amended Landscape and Biodiversity Enhancement and Management Plan (LBEMP) received on (29.11.2022) at 12:55hrs reference "9549M.LBEMP.Condition 15.16 Discharge.vf2" and the updated plans received on (30.11.2022) at 09:09hrs reference "9549M.LBEMP.Condition 15.16 Discharge.vf2" and "GL1714 01D". The revised plans relate to updated landscaping details in response to the Landscape and Ecology officers.
- 2.6. The assessment and determination of this application is based on these amended and updated plans.

3. RELEVANT PLANNING HISTORY

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

Application: 14/00112/PREAPP	Detailed Pre-App response sent	5 June 2014
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Removal of redundant agricultural building with development as residential site.

Application: 14/00103/SO	Screening Opinion not requesting EIA	19 February 2015
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Screening Opinion - 17.5km pipeline between the Angelinos pumping station (Tackley) and Milton pumping station.

Application: 18/02147/OUT	Permitted	6 April 2020
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Outline planning application for up to 21 dwellings comprising 1, 2, 3 and 4 bedroom dwellings together with access, garaging and landscaping (all matters reserved except the principal means of access from Hempton Road)

Application: 20/01145/DISC	Permitted	27 July 2020
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Discharge of Conditions 6 (Contamination Study) and 11 (Means of Access) of 18/02147/OUT

Application: 20/02083/OUT	Permitted	16 August 2022
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Outline - Erection of 14 two-storey dwellings

Application: 20/03660/REM Permitted 23 August 2021

Reserved matters application to 18/02147/OUT - Erection of 21 dwellings (consideration of Appearance, Landscaping, Layout and Scale)

Application: 21/00479/DISC Permitted 2 September 2021

Discharge of Conditions 5 (finished floor levels), 10 (surface water drainage scheme), 12 (Construction Traffic Management Plan), 14 (Biodiversity Enhancement Scheme) and 15 (Landscape and Ecology Management Plan) of 18/02147/OUT

Application: 21/01226/DISC Permitted 2 June 2021

Discharge of Conditions 7 (Comprehensive Intrusive Investigation Report), 8 (Details of Remediation) and 13 (Energy Report) of 18/02147/OUT

Application: 21/02338/PREAPP Response Sent 30 December 2021

Erection of 14 two-storey dwellings

Application: 21/02462/OBL Response Sent 30 August 2022

Discharge of schedule 2 paragraph 2.1.1 (affordable housing scheme) – of S106 relating to 18/02147/OUT

Application: 21/02988/DISC Permitted 7 December 2021

Discharge of Conditions 3 (stone sample panel) and 4 (brick sample panel) of 20/03660/REM

Application: 21/03546/OBL

Application for approval of 'management company structure scheme' and 'the management plan' for public open space under paragraph 2.1 of the Third Schedule of S106 relating to 18/02147/OUT

Application: 21/03804/DISC Permitted 4 February 2022

Discharge of Conditions 5 (Large Scale Details) and 6 (Boundary Treatment) of 20/03660/REM

Application: 22/00201/DISC Permitted 15 April 2022

Discharge of Conditions 17 (Travel Information Pack), 18 (Water Efficiency Details) & 20 (Electric Vehicle Charging) of 18/02147/OUT

Application: 22/02197/DISC Permitted 14 September 2022

Discharge of condition 16 (lighting strategy) of 18/02147/OUT

Application: 22/02569/DISC Permitted 17 November 2022

Discharge of Conditions 6 (potential contaminative uses), 7 (comprehensive intrusive investigation), 8 (scheme of remediation) and 9 (verification report) of 20/02083/OUT

Application: 22/02757/DISC

Discharge of Conditions 5 (finished floor levels), 10 (detailed surface water drainage scheme), 12 (Construction Traffic Management Plan), 13 (Construction Environmental Management Plan), 14 (sustainability details), 15 (biodiversity details), 16 (Landscape and Ecology Management Plan), 19 (water efficiency details) and 21 (electric vehicle charging plan) of 20/02083/OUT

Application: 22/03230/DISC Permitted 17 November 2022

Discharge of Condition 9 (remedial works) of 18/02147/OUT

4. PRE-APPLICATION DISCUSSIONS

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

21/02338/PREAPP – Erection of 14 two-storey dwellings

Advice was given on the layout - plots, landscaping, nodes/vista stoppers, separation distances between plots; scale, including plan depths; appearance, including fenestration, detailing, materials, chimneys; also, in relation to housing mix, highways, drainage and biodiversity. Elevation drawings had not been submitted so no advice was given in this regard

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper 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 **19 October 2022**.
- 5.2. No comments have been raised by third parties
- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

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

DEDDINGTON PARISH COUNCIL

- 6.2. Consulted on (02.09.2022); no comments received

OTHER CONSULTEES

- 6.3. Ward Councillors (Deddington Parish) - Consulted on (02.09.2022); no comments received

- 6.4. CDC Arboriculture - Consulted on (28.09.2022); no comments received
- 6.5. OCC Archaeology - Thank you for consulting us on the above application. There are no archaeological constraints to this scheme and so these reserved matters are not objected to from the archaeological service.
- 6.6. CDC Building Control - No comment to make at this stage
- 6.7. CDC Ecology - Yes, this is the plan which I have Okayed for the conditions and should supersede the Landscape plan on DEF from the architects. I am happy with it as per my email below.
- 6.8. CDC Environmental Health - Having looked at the documents provided I do not feel there is anything for Environmental Protection to comment on.
- 6.9. CDC Housing Standards - Consulted on (28.09.2022); no comments received
- 6.10. CDC Landscape Services (11.10.2022) –

Further to consideration of the above reserved matters application I provide the following observations.

Visitor Parking Northern Site Boundary

The visitor park spaces will expose the visually harmful parked vehicles to views from the north of the site because there is insufficient space allowed to close the gaps with hedgerow. The developer to confirm that the boundary is secured with timber post and rail fencing to prevent vehicular access onto the adjoining field from the parking bays. For visual mitigation and amenity native honeysuckle (*Lonicera periclymenum*) to be planted at 1 m centres along the base of the fences.

Trees

The trees (Silver Birch) on the northern boundary are planted equidistant. I recommend more 'natural' irregular spacings with additional 3 Field Maple trees (*Acer campestre*) planted.

All trees are to be planted with root deflectors to prevent damages to kerb and paving by growing root tree roots – details to be indicated on the landscape proposals.

The Magnolia tree to be replaced with *Acer campestre*, being a native tree appropriately located near the site boundary native hedgerow.

I would prefer the Magnolia *kokus* rather than the cultivar 'Iris', as this cv is an unknown quantity, but *M. kokus* is tried and tested. The tree near plot 9 is too close to wall, kerb and paving and should be deleted. Plant a honeysuckle against the wall instead.

Tree pit detailed drawings/specification are required in accordance with BS8545:2014 to ensure the correct planting procedure.

Landscape Management Plan

Over watering can be detrimental to the health of the tree. Irrigation to be in accordance with BS8545:2014. Irrigation timing and frequency will take into account the prevailing weather conditions, soil moisture release, response of the tree species to water deficits or prolonged soil saturation. The holding capacity of the soil

and amount of water available to the tree to be assessed at each visit. Frequency of watering is more important than the volume and should be undertaken as required. Monitoring is recommended when 10 consecutive days at 25 degrees is recorded during the growing season. Water should only be added if the probe / tensiometer values indicate that it would be appropriate to do so.

Pruning should be appropriate to enhance the flowering, berrying, and ornamental stems of

Planting Detail

Hebe 'Purple Queen' are not generally that frost hardy and should therefore be replaced because they need shelter from cold, drying winds. May need protection in cold winters refer RHS. Replace with an ornamental grass *miscanthus sinensis* 'Kleine Silberspinne' for movement and interest, and *Cornus alba* 'Spaethii' for winter stems

The planting specification requires more information to provide reassurance that the scheme will be established successfully – refer to guidance enclosed

- 6.11. CDC Landscape Services (29.11.2022) - I accept Keir's (agent) reasoning (refer email of 15.11) behind the planting layout on the southern site boundary and therefore no additional trees are required on the southern boundary. Please note that the tree pit detail should indicate the root flare exposed above the soil surface. If it is buried the tree may fail. However, the revised Soft Landscape Proposals and the Landscape and Biodiversity Management Plan are generally acceptable subject to a note in respect of the root flare. The Hard Landscape Proposals are also acceptable.
- 6.12. CDC Landscape Services (30.11.2022) - I can now confirm that the Soft Landscape Proposals and the Landscape and Biodiversity Management Plan are
- 6.13. acceptable, including the Hard Landscape Proposals, and the relevant conditions should be discharged.
- 6.14. OCC Single Response (18.10.2022) –

OCC Highways (18.10.2022)- Objection, the dimensions of the visitor parking spaces are inadequate and Waste and recycling collection from all dwellings is not possible.

Lead Local Flood Authority - Prior to commencement drainage condition 10 of 20/02083/OUT needs to be discharged.

Archaeology - The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.
- 6.15. OCC Highways (17.11.2022) - I am happy that these document revisions overcome my reasons for objection. The request for conditions relating to cycle parking and a waste/recycling management plan may also be removed.
- 6.16. CDC Strategic Housing - Consulted on (28.09.2022); no comments received
- 6.17. Thames Water - Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time. Should the details of the application change, we would welcome the opportunity to be re-consulted.

6.18. CDC Waste & Recycling - Consulted on (28.09.2022); no comments received

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- 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
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 - Layout, design and external appearance of new development
- C30 - Design of new residential development
- C31 - Compatibility of proposals in residential areas

7.3. Other Material Planning Considerations

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

8. APPRAISAL

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

- Principle of development
- Appearance, layout and scale
- Landscaping
- Highways
- Affordable Housing and housing mix
- Conditions on outline

Principle

8.2. The principle of the development has already been considered acceptable under the approved outline application reference (20/02083/OUT) for up to 14 dwellings and is not a matter for consideration in this case. 14 dwellings are proposed under this

application which is in accordance with the quantum of development previously approved.

Appearance, Layout and Scale

- 8.3. The current application has been subject to significant levels of negotiation during the course of the application to provide a layout and appearance that officers consider acceptable.
- 8.4. The proposal is the second part or the continuation from phase 1 of the previously approved application reference (20/03660/REM) and the proposal connects to the approved development with the layout of the proposed site incorporating a primary street through the site with three secondary streets and smaller driveways serving a number of properties off the secondary streets.
- 8.5. The site bounds the open countryside to the west and therefore a looser form of development is proposed to the western part of the site consisting of two storey detached dwellings and the denser form of development comprising of a pair of semi-detached and terraced dwellings is provided to the east of the main access road or primary street, adjacent to the denser properties of phase 1 and Wimbourne Close, which are also relatively dense in layout. This is considered to be an appropriate approach to the development in relation to the proposed site, given the constraints of the site and the relationship with the existing built form and open countryside.
- 8.6. The houses which are oriented so that frontage is provided to the primary and secondary streets would also address the relationship with Hempton Road, the main road into the village with regards to the layout of the of the proposed dwellings being set further away from Hempton Road in comparison to phase 1 and with features of a porch and active frontage to the rear elevation of plot 27. In addition, an existing hedgerow which falls outside the proposed site adjacent to the western boundary of the proposed site would be bolstered with additional native stock, which would help soften the visual impacts of the development in views from the west. The proposal responds to the layout of other developments in the vicinity and the dwellings facing onto the northern boundary are generally set away from the boundary to allow for a secondary street, parking spaces and for landscaping to help soften the visual impacts of the development in views from the north.
- 8.7. The dwellings have been amended during the course of the application to reflect better visual appearance with changes in materials and form to have an appearance and form in line with the Residential Design Guide SPD. Amendments include the use of stone with slate roof tiles of the properties in more prominent locations and for the proposed terrace dwellings at 31, 32 and 33 previously proposed in part stone and brick to be wholly built-in brick with cement slate. The proposed plan depths are similar to those positioned to the west of the primary road within the phase 1 development and are considered to be acceptable. The development provides appropriate vista stoppers in the scheme to create an attractive and distinctive appearance.
- 8.8. Following amended plans, the fenestration of the dwellings is largely considered to be appropriate to the more rural character of the village particularly in light of the relatively modern properties in the locality. The proposed dwellings located on corner plots provide windows in the side elevations to provide surveillance and active frontage to the streets.
- 8.9. The proposed development includes 8 dwellings in natural ironstone and 6 properties in red brick. The natural stone properties are located around the edge of

the site on the more prominent plots and would form the predominant character of the scheme, which is considered to be important in terms of local distinctiveness and similar to the resulting development achieved in phase 1. Natural slate is proposed to the roofs of the stone dwellings. Artificial or cement slate is proposed to be used on the brick properties, which is considered to be acceptable given the proposal is not in the vicinity of any heritage assets. Chimneys are proposed for the properties to provide a sense of rhythm and vertical emphasis to the scheme and provide a higher quality traditional form to the development, which is in keeping with the local area. All the dwellings would be 2 storey in height and this is considered to be compatible with the surrounding properties and existing built form.

- 8.10. The local highway authority provided comments on the original layout and many of these have now been addressed by the amended plans.
- 8.11. A plan of the external lighting is required by condition 17 of the outline planning consent and this is also recommended by the Council's ecology officer and details of the boundary treatments can be controlled through planning condition. The footpath link to Wimbourne Close provided in phase 1 to the south of the current proposal would also be accessible with regards to the proposal. The connection of the proposal to the footpath or pedestrian link is key to, and enables the integration of, the proposed development with the existing developments; it would also provide access to the adjacent open space and the play area, and the permeability it would afford is to the benefit of the development. It is important to note that as part of the outline application it was agreed that a commuted financial sum to be provided in lieu of onsite play provision and this has been secured on the outline permission to upgrade this area or other nearby play areas. The positioning of the proposed development in relation to the footpath means that the footpath would be overlooked by properties at plot 31, 32, and 33 facing onto it and it would help integrate the development into the surrounding pedestrian movement network and it is therefore considered to be acceptable.
- 8.12. In terms of the impact of the development on residential amenity, the proposed dwellings are considered to be a sufficient distance away from existing neighbouring properties to ensure they would not significantly adversely impact on their amenity. The properties would be visible from Wimborne Close; however, given the distance and the existence of a landscaping screen, the impacts in terms of outlook and privacy are considered to be acceptable. In terms of the interrelationship between the proposed houses within the proposed, the separation distances between the overall development mostly comply with the guidance in the Residential Design Guide SPD to provide a good standard of amenity. In some cases the separation distances are up to 1 metre short of what is required; in this instance where the distance is below this standard such as between plots 28 and plot 23 and plot 30 and 26, garages and proposed tree planting would help to screen direct overlooking between habitable windows of the properties. In addition, some of the first-floor openings serving habitable rooms windows are proposed to be (and would need to be) obscurely glazed with fixed opening to avoid overlooking and loss of privacy.
- 8.13. Overall, therefore, on balance, the amended layout, scale and appearance of the dwellings is considered to be acceptable.

Landscaping

- 8.14. The proposed landscaping plans have been amended during the course of the application to address the concerns raised by the Council's Landscape Officer and they are now satisfied with the detailed landscaping plans. The northern boundary would include an area of parking, a secondary street and more planting with trees and native scrub planting to help filter some of the views of the buildings on the

approach to the village along Hempton Road and the footpath route code (187/16/20) which will need to mature to provide a more robust screen. As noted above the western part of the site is less dense and more spacious to provide a softer transition to the open countryside beyond and retention of the existing hedgerow on the western part of the site would also provide screening.

- 8.15. The landscape officer raised some concerns regarding the visually harmful parked vehicles in terms of views from the north of the site, planting specification, types of plants proposed and the treatment of the proposed root flare. However, these concerns have been addressed through the submission of amended plans and which the landscape officer has responded and confirmed acceptance of the Soft and hard landscape proposals and the biodiversity management plan.
- 8.16. The Council's Arborist was consulted but no comments have been received. Unlike phase 1 which required clarification for the retention of the trees to the frontage of phase 1, there are no trees of any significance within the proposed site. However, the hedgerow adjacent to the eastern and western boundaries are proposed to be retained and bolstered with additional native stock, illustrated on the tree protection plan of the site reference (001) and it is recommended that a condition is imposed to ensure these are protected in accordance with the British Standards during construction. The Council's ecology officer has responded to the application raising no issues to the amended Landscape and Biodiversity Enhancement & Management Plan which supersedes the landscape plan initially submitted.
- 8.17. In terms of the quantum of open space the proposed development is not proposing any. However, given that the current proposal is an extension of phase 1, it is considered that the proposal would utilise the green space provided by phase 1. The open space provided within phase 1 was considered to fall slightly short of the general green space provision against the standards in table 7 accompanying Policy BSC11 of the Cherwell Local Plan if the SUDs facility was excluded. If the SUDs facility to the southeast of phase 1 was to be included the amount of general green space would be above the set standard. The green space is largely used for the provision of biodiversity gain on the site with wildflower meadow and other planting and could also be utilised by the residents of phase 2. The Council's landscape officer raises no concerns or objections with regards to greenspace provision and on balance the level of green space is considered to be acceptable to serve the proposed development and phase 1.
- 8.18. During the course of the previous outline application reference (20/02083/OUT), it was agreed that off-site contributions would be secured in lieu of a local area of play on the site to provide enhancements elsewhere in the village and this is secured by the legal agreement accompanying the outline planning consent. Therefore, a LAP is not required to be accommodated on the proposed site.

Highways

- 8.19. The development would be served by an access road taken from Hempton Road through the development approved under phase 1, with the route being on the same alignment and utilising the access arrangements as the phase 1 approval.
- 8.20. Proposed development's main access into the site was approved as part of the outline application and was deemed to be acceptable at that stage. The works to the wider highway network are secured through the Section 106 and will be provided through a S278 agreement with the County Council.
- 8.21. The Local Highway Authority (LHA) initially responded objecting to the proposal on the basis that the dimensions of the visitor parking spaces are inadequate and the

waste and recycling collection from all dwellings is not possible. The applicant's agent responded to the objections from the LHA through the submission of amended and additional plans. The amended plans extended the visitor parking bays to 6m, the parking court to serve plots 31- 34 has been amended as this serves as a turning head for the scheme and 800mm service margin has been added. In addition a swept path analysis that demonstrates that a refuse vehicle and fire appliance can enter and exit the site in a safe manner, bin collection points have been added adjacent to Plots 25 and 30, the properties with garages will have space to store bikes, those without will be provided with garden sheds and a path has been included to provide access to the rear garden Plot 35.

- 8.22. The LHA responded to the amended and additional plans advising that the document revisions overcome the reasons for objection and the previous request for conditions relating to cycle parking and waste and recycling management plan may be removed or is not required.
- 8.23. Officers agree with this assessment and the proposal is therefore considered acceptable in relation to highway safety and parking provision.

Affordable Housing and Housing Mix

- 8.24. The affordable housing is provided in the north-eastern part of the site (plots 31-35). The Strategic Housing Officer commented on earlier versions of the proposal raising no objections to the proposal, but no formal comments have been received on the latest set of plans. Concerns were raised that the affordable units were not tenure blind given the parking to the front and the density of this area with regards to the reserved matter application for phase 1. In this current proposal the parking is to the rear and side of the affordable units and would not be easily distinguishable as affordable units.
- 8.25. The approach to the density of the development is outlined above in the report (i.e. more dense adjacent to existing built form and less dense adjacent to the countryside) and this is considered to be acceptable. The layout of the parking in this area is partly different from the other parking provided elsewhere at the site with regards to the parking to the rear of plots 31, 32 and 33, however it is considered to be acceptable and allows natural surveillance from a number of dwellings at the site. The allocation of the parking would be up to the Registered Provider which needs to be agreed with the Council. These dwellings would be constructed in the same materials as the market dwellings and would have a similar overall appearance. On balance they are therefore considered to be suitably integrated into the site and in design terms would be generally tenure blind and would not easily stand out as affordable housing.
- 8.26. In terms of the housing mix the proposed development would provide (5 x two bed (36%), 6 x 3 bed (43%) and 3 x four bed (21%)), whilst the scheme provides slightly higher levels of larger housing than outlined in the SHMA table accompanying Policy BSC4 of the CLP with the lack of provision of one bed dwellings and the percentages of both the three and four bed dwellings provided in this development. When the scheme is considered as a whole in relation to both phases 1 and 2, the resulting housing mix is (2 x one bed (6%), 10 x two bed (28%), 16 x 3 bed (46%) and 7 x four bed (20%)) the overall the scheme provides slightly higher levels of larger housing than outlined in the SHMA table
- 8.27. However, the advice in the SHMA is guidance and it does not require every scheme to stringently comply with this policy and given the overall scheme's resulting housing mix provision is close to the advice in the SHMA, on balance, in this instance, the overall housing mix is considered to be acceptable.

8.28. The mix of affordable housing overall is in line with the requirements of the S106 in terms of the size of the units. The applicant also previously confirmed that all the affordable dwellings will meet the National Described Space Standard and in accordance with the requirements of the S106 50% of the Affordable Rent properties are required to meet the M4(2) accessibility standard. The applicant was previously alerted to this in relation to the reserved matters for phase 1 and the applicant provided plans and confirmed that plots 19-21 will be constructed to M4(2) standard, which was considered acceptable. The applicant will have to satisfy themselves that these standards are met as they are a requirement of the S106 on the outline planning consent.

Conditions on the outline planning consent

8.29. Condition 6, 7, 8 and 9 detailing ground investigation, remediation and verification report have been discharged under application reference (22/02569/DISC).

8.30. An application is currently pending consideration for conditions 5 (finished floor levels), 10 (detailed surface water drainage scheme), 12 (Construction Traffic Management Plan), 13 (Construction Environmental Management Plan), 14 (Sustainability details), 15 (Biodiversity details), 16 (Landscape and Ecology Management Plan), 19 (Water efficiency details) and 21 (electric vehicle charging plan) under 22/02757/DISC.

8.31. Conditions 11 (drainage), 17 (external lighting) and 18 (travel information packs) will need to be considered at a later date and are not pre-commencement conditions. Conditions 19 (water efficiency), 20 (ecological recommendations) and 21 (electric vehicle infrastructure) are compliance conditions so do not require further details but do require the applicant to comply with them.

9. PLANNING BALANCE AND CONCLUSION

9.1. Overall, for the reasons set out in this report, the development is considered to comply with the provisions of the Development Plan and other material considerations and it is recommended that planning permission be granted.

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 form and drawings numbered 201-P500, 201-P501 REVISION E, 201-P502 REVISION D, 201-P503 REVISION D, 201-P504 REVISION A, 201-P601 REVISION A, 201-P602 REVISION B, 201-P603 REVISION B, 201-P604 REVISION D, 201-P605 REVISION B, 201-P606 REVISION D, 201-P607 REVISION D, 201-P608 REVISION E, 201-P609 REVISION C, 201-P610 REVISION C, 201-P611 REVISION B, 201-P612 REVISION D, 201-P613 REVISION B, 201-P614 REVISION D, 201-P615 REVISION C, 201-P616 REVISION C, 201-P619 REVISION E, 201-P620 REVISION F, 201-P621 REVISION C, 201-P622 REVISION E, 201-P623 REVISION A, 201-P624 REVISION D, 201-P625 REVISION C, 201-P626 REVISION C, 201-P627 REVISION D, 201-P628 REVISION D, 201-P629 REVISION E, 06.03 REVISION P4, 001 (Tree Protection Plan, ref. TGA.2467.TPP.001), GL1714 01D and GL1714 02C, and the following documents: Landscape Management Plan Burrington Estate (golby+luck, 6th May 2022, ref. GL1714 and Landscape and Biodiversity Enhancement & Management Plan (ref. 9549M.LBEMP.Condition15.16 Discharge.vf) and dated November 2022.

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

2. No development shall commence above slab level on any dwelling to be constructed of stone 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 the dwellings and garages shown to be constructed in natural stone on drawing 201-P504 Rev A 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.

3. No development shall commence above slab level on any dwelling to be constructed of brick until a brick sample panel (minimum 1 sq m in size) (Ibstock – Heritage County Blend unless otherwise agreed in writing by the local planning authority) has been constructed on site and inspected and approved in writing by the Local Planning Authority. Thereafter, all of the external walls of the properties and garages shown to be constructed in brick on drawing 201-P504 Rev A shall be laid, coursed and pointed in strict accordance with the approved brick 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.

4. The development shall not be implemented other than in full accordance with the details of the architectural details of the dwelling(s) and garages, including windows (including material, colour and recess from brick/stone face), doors, heads, cills, lintels, eaves and verges approved under application 21/03804/DISC and shall be retained as such thereafter.

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 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.

Note: All windows should have balanced casements with even sightlines. Glazing bars should be true glazing bars or external glazing bars.

5. The means of enclosure and other boundary treatments of the development shall be provided in full accordance with the details shown in drawing GL1714 02C including position, height, appearance and materials prior to the first occupation of any dwelling and shall be retained as such thereafter.

Reason: To protect the character and appearance of the area and provide a

safe and durable development in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Notwithstanding the details on the approved plans the roofs of the proposed dwellings and garages shall be externally faced in accordance with the following details unless otherwise agreed in writing with the local planning authority under a separate discharge of planning condition:

Natural slate (Capimor (Centera Beda) in accordance with the certification received by the Local Planning Authority on 12.07.2021 on dwellings shown to be constructed of natural stone on drawing 201-P504 Rev A

Cement slates (Cembrit Westerland slate) fibre cement slates on properties shown to be constructed of brick on 201-P504 Rev A

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 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.

7. 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.

8. The hard and soft landscaping of the development shall be carried out in accordance with the landscaping scheme shown on drawing number GL1714 01D and GL1714 02C unless otherwise agreed in writing under a separate discharge of condition. The hard landscaping 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. 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 commencement of development 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 and Government guidance contained within the National Planning Policy Framework.

9. 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 or fences shall be erected beyond the front elevation of any dwelling hereby permitted without the grant of further specific planning

permission from the Local Planning Authority.

Reason: To afford adequate visibility at the access and to ensure a pleasant and attractive environment and to safeguard the character and appearance of the area and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. No development shall commence unless and until the tree/hedgerows to be retained (as shown on the approved soft landscaping plan (GLIA714 01D) and Tree protection plan (001) including hedgerows to the east and west of the site have been protected in accordance with BS 5837:2012. The tree/hedgerow protection measures shall remain in place throughout the construction period unless otherwise agreed in writing by the Local Planning Authority under a separate discharge of planning condition.

Reason – To protect the existing trees and hedges to be retained 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 and Government guidance contained within the National Planning Policy Framework.

11. 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.

12. Before each respective dwelling is first occupied all first floor openings identified 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.

13. Before each respective dwelling is first occupied the east facing first floor window serving the bedroom of Plot 22, the west facing first floor window serving Plot 24, the west facing first floor windows serving Plots 25 and 26, the east facing first floor window serving Plot 29 and the north facing first floor window serving the stairwell of Plot 30 shall be glazed with obscure glass (at least Level 3) only and 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 C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

14. 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), in the case of Plots 25, 26, 17, 30 and 31 inclusive 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.

15. 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), 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 to ensure a satisfactory living environment for future occupiers, and in the interests of highway safety and to comply 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.

16. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

INFORMATIVE: The applicant's attention is drawn to the outline permission and legal agreement covering this application. The stipulations of these remain and nothing in this consent overrides them. The applicant's particularly attention is drawn to:

The highway works required under the legal agreement

The requirement for 50% of the social/affordable rent properties to meet M4(2) accessibility standard under the Building Regulations and all affordable homes to meet the Nationally Described Space Standard.

The requirement for pre-commencement conditions on the outline planning consent and the obligations of the legal agreement to be met at certain trigger points

Case Officer: Michael Sackey

DATE: 12.12.2022

Checked By: Nathanael Stock

DATE: 12.01.2023
