

Case Officer: Bob Neville

Applicant: Mr Mike Bishop

Proposal: Erection of one, 3-bedroom residential dwelling

Ward: Banbury Grimsbury and Hightown

Councillors: Cllr Andrew Beere, Cllr Shaida Hussain and Cllr Perran Moon

Reason for Referral: Application submitted by a CDC Councillor (Cllr Mike Bishop)

Expiry Date: 29 July 2020

Committee Date: 16 July 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The application seeks planning permission for the erection of a two-storey detached 3-bedroom dwelling with associated garden area and parking. The proposed dwelling would be of brick construction under a concrete tiled roof. 2 no. parking spaces are proposed at the front of the property. Given differences in land levels between the site and existing dwelling (5 Hightown Leyes) and adjacent the site would be excavated to enable the proposed dwelling to sit at a similar level as the existing dwelling and provide level access.

Consultations

No consultees **objections** to the application have been received:

The following consultees have raised **no objections** to the application:

- OCC Highways

1 letter of objection has been received, and no letters of support have been received at the time of the preparation of this report.

Planning Policy and Constraints

In terms of site constraints, the application site sits adjacent and south of the Banbury Conservation Area. Land levels vary from the front of the site to the rear; rising approximately 4.2m from the street level to the rear boundary of the site. The site is located within an area known to be affect by Radon gas. There are no other notable site constraints relevant to planning and this application.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of development

- Design, and impact on the character of the area
- Heritage impact
- Residential amenity
- Highway safety

The report considers the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site forms part of the residential curtilage of 5 Hightown Leyes, in the form of residential garden which currently sits in an elevated position (approximately 2.3m higher) in relation to the existing dwelling and the highway to the front. Land levels continue to rise to the north.
- 1.2. The existing building on the site is a detached dwelling externally faced in brick under a tiled roof and benefits from generous garden to the side and rear. The rear garden area is bounded by close-boarded fencing to the north, west and eastern boundaries. The front of the existing garden which fronts on to Hightown Leyes has a brick faced retaining wall with metal railings atop.
- 1.3. The area is urban in its character with two storey dwellings creating a linear form of residential development along Hightown Leyes. Properties generally benefit from off-street parking located to the front, with some properties also benefitting from on-site garaging.

2. CONSTRAINTS

- 2.1. In terms of site constraints, the application site is located outside of but adjacent to and south of the Banbury Conservation Area. Land levels vary from the front of the site to the rear; rising approximately 4.2m from the street level to the rear boundary of the site. The site is located within an area known to be affected by Radon gas. There are no other notable site constraints relevant to planning and this application.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks planning permission for the erection of a two-storey detached 3-bedroom dwelling with associated garden area and parking. The proposed dwelling would be externally faced in brick under a concrete tiled roof, proposed to match materials currently in use on other properties within the vicinity of the site. Two parking spaces are proposed at the front of the property. Given differences in land levels between the site and existing dwelling (5 Hightown Leyes) and adjacent, the site would be excavated to enable the proposed dwelling to sit at a similar level as the existing dwelling and provide level access.
- 3.2. This is a revised application of a similar scheme (ref. 20/00906/F), which the applicant withdrew following concerns being raised by officers in relation to the proposed parking provision not being appropriate. The revised submission has sought to

address previous concerns through a reduction in the plan depth of the proposed dwelling to allow for additional space for parking at the front of the dwelling.

4. RELEVANT PLANNING HISTORY

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

Application: 20/00906/F	Application	27 May 2020
	Withdrawn	

Erection of one, 3-bedroom residential dwelling

5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments is **13 July 2020**.

6.2. 1no letter of objection has been received from a local resident at the time of preparation of this report. Given that consultation period has not expired at the time of preparation of this report any further comments, and any implications of such, received post finalisation of this report will be fully assessed and reported to planning committee by way of written update prior to the commencement of the committee meeting.

6.3. The comments made in the letter of objection are summarised as follows:

- Highway safety issues resulting from the loss of the turning head

6.4. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. 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

7.2. BANBURY TOWN COUNCIL: No comments received.

CONSULTEES

7.3. BUILDING CONTROL: No comments received; however, previously raised no objections to the withdrawn application 20/00906/F.

7.4. OCC HIGHWAYS: **No objections** subject to a standard condition in respect of securing cycle parking, in the interest of promoting sustainable forms of transport.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a

number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land
- ESD1: Mitigating and Adapting to Climate Change
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD7: Sustainable Drainage Systems (SuDS)
- 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 Control

8.3. Other Material Planning Considerations

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

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Heritage impact
- Residential amenity
- Highway safety

Principle of Development

9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996.

Policy Context

9.3. Government guidance contained within the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

9.4. Paragraph 8 of the NPPF sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy, through the provision of new housing of the right type in the right location at the right time.

- 9.5. Policy PSD1 contained within the CLP 2031 echoes the Framework's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 9.6. Cherwell District Council can demonstrate a 4.6-year supply of deliverable housing sites (i.e. less than the 5-year supply required in the NPPF). Notwithstanding this, the Written Ministerial Statement of 12th September 2018 provides for a 'temporary change to housing land supply policies as they apply in Oxfordshire'. Until the adoption of the Joint Statutory Spatial Plan, the Oxfordshire Authorities are required to demonstrate a 3-year supply of deliverable housing sites (as well as meeting their requirements in respect of the Housing Delivery Test).
- 9.7. As such, policies for determining the application are only to be considered out of date (in accordance with paragraph 11d – footnote 7 of the NPPF) where a 3-year supply of deliverable sites cannot be demonstrated. A 3-year supply can be demonstrated in this case and so the presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.

Assessment

- 9.8. There are no adopted Local Plan policies relating specifically to housing development within Banbury, however, the Cherwell Local Plan Part 1 states that housing growth will be directed towards the urban areas of Banbury and Bicester. Paragraph B.88 states: *'By focussing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth'*.
- 9.9. Policy BSC 1 of the CLP 2031 sets out the distribution of housing growth throughout the Cherwell District Council area up to 2031, stating 22,840 homes are to be delivered during the plan period, with 7,319 of those to be delivered within Banbury.
- 9.10. The site would represent infill development within an existing residential estate within Banbury, consistent with the Council's housing strategy for the district, in directing new housing to the more sustainable locations within the district. The general principle of development, in sustainability terms, is acceptable. However, the acceptability of the proposal is subject to other considerations such as the impact of the proposal on both the visual amenity of the site and surrounding area, impact on neighbours and highway safety.

Conclusion

- 9.11. The site is within the built-up limits of Banbury, and the development would be in a geographically sustainable location. Overall acceptability is subject to assessment against other policies in the development plan and further considerations as discussed further below.

Design, and impact on the character of the area

Policy Context

- 9.12. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP 2031 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness.
- 9.13. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Further, saved

Policy C30 of CLP1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.

Assessment

- 9.14. The proposals would be sited between existing properties within the Hightown Leyes street-scene, a more modern residential development constructed in the early 1990s. The area is characterised by detached brick two storey properties with open fronted gardens and on-site parking. The Council has previously supported additional appropriate infill development within the Hightown Leyes residential development, e.g. the dwelling now known as 3a Hightown Leyes adjacent to the west of the site.
- 9.15. The part of Hightown Leyes in which the application site is located has a linear pattern of development. The proposed dwelling would be detached and would sit on a similar alignment to neighbouring properties, respecting the existing building line. The proposed design of the dwelling is considered sympathetic to the context reflecting design aspects (bay window/canopy porch arrangement) seen on the existing dwelling and elsewhere within the street and is proposed to be faced in materials to match those currently in use on other properties within the vicinity of the site.
- 9.16. The proposals would require the removal of part of the existing retaining wall of the garden area and excavation of the site to provide level access and appropriate levels in relation to the existing dwelling (5 Hightown Leyes); resulting in development of a similar height to 5 Hightown Leyes. The neighbouring dwelling to the west (3a Hightown Leyes) would sit in an elevated position in relation to the proposed dwelling, but not to the extent that it would appear overly dominant.
- 9.17. The front elevation of the proposed dwelling would be partially obscured by the existing boundary/retaining wall of the adjacent property (3a Hightown Leyes) to be retained. Whilst this is not an ideal relationship it is considered that this would not be to the significant detriment of the overall appearance of the proposed development or harmful to the extent that would warrant refusal of the application on this basis.
- 9.18. Two parking spaces would be created to the front of the proposed dwelling, which is consistent with parking arrangements seen at other properties within the vicinity of the site.
- 9.19. The proposed dwelling would have an elevated rear garden area similar to that of the existing property; with existing timber boarded boundaries being retained along the western and northern boundaries of the site and a new boundary wall with close-boarded fencing atop creating the eastern boundary. These elements would not generally be visible from the public domain, aside from some glimpsed views between the proposed dwelling and the existing dwelling (No.5).
- 9.20. No details of proposed waste and recycling storage provision have been included with the submission. However, it is considered that there is sufficient space for such provision to be made to the side/rear of the property, and that such details could be secured by way of an appropriate condition attached to any such permission; to ensure that appropriate provision is made and that bins would not be stored in public view to the potential detriment of the visual amenities site or the wider street-scene.
- 9.21. It is considered that the proposed dwelling would not be out of keeping with the general established character and appearance of the surrounding area, and that there would be a degree of separation maintained between neighbouring properties, to ensure that it would not appear unduly cramped in the street scene and would have adequate amenity space.

Conclusion

- 9.22. Subject to the approval of an appropriate palette of materials and bin storage details it is considered that the proposed development would not be to the detriment of the character of appearance of the area and are therefore considered acceptable in this regard; according with the provisions and aims of Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1 and retained Policy C30 of the Cherwell Local Plan 1996.

Heritage Impact

Legislative and policy context

- 9.23. The site sits adjacent the boundary of the Banbury Conservation Area (BCA); and the development has the potential to affect the setting of the conservation area.
- 9.24. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.25. Likewise Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.26. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

Assessment

- 9.27. As noted above the site sits adjacent the BCA. The property immediately adjacent to the north of the site is of brick construction with a blank elevation facing directly on the rear boundary of the site, with only roof lights looking out toward the south. This built form restricts views from within the BCA to the site. The site sits at a significantly lower level than properties within the BCA to the north and again there are no significant views into the conservation area.
- 9.28. As discussed above it is considered that proposed development would be sympathetic to the context and would not be to the detriment of the visual amenities of the site or its setting within the wider street-scene. The proposals would not significantly affect views into or out of the conservation area.

Conclusion

- 9.29. It is considered that the proposed development would not result in any significant harm to the character and appearance of the Conservation Area or its setting and the proposal therefore accords with Policy ESD15 of the CLP 2031 and Government guidance within the NPPF in this regard.

Residential amenity

Policy Context

- 9.30. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: *'new development proposals should consider amenity of both existing and future development,*

including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.

Assessment

- 9.31. The proposals would provide for an appropriate standard of both internal and external amenity space, with appropriately sized rooms and residential garden area, that would provide from an acceptable standard of living for potential future occupants and is acceptable in this regard.
- 9.32. The proposed dwelling would sit between the two existing properties (3a & 5 Hightown Leyes) and these are the properties that are most likely to be affected by the proposed development.
- 9.33. In respect of potential impacts on No. 3a the proposed dwelling would be sited on a similar alignment albeit at a lower level and would not result in any issues of over-dominance or loss of light. Aside from a first floor obscurely glazed window in the western elevation, serving a stairwell, there would be no windows in the proposed development that would offer direct views into 3a and levels of privacy would be maintained.
- 9.34. There are two obscurely glazed windows in the east side elevation of 3a that would be affected by the proposed development. These are shown on the plans for the dwelling (No. 3a) approved in 2008 (18/01236/F) as serving a stairwell and first floor bathroom. Given the difference in relative levels of the existing and proposed dwellings, and the ~3.5m separation that would exist between the properties, and that these windows are obscurely glazed, it is considered that any impact on outlook or loss of light to these windows would not be significant.
- 9.35. In respect of potential impacts on the existing dwelling (No. 5), the proposed dwelling would be of a similar height and would not appear overly prominent in relation to the existing dwelling. There are no windows in the proposed development that would offer direct views into No. 5 and levels of privacy would be maintained.
- 9.36. The proposed dwelling is set to the rear of No. 5 and would extend beyond the rear existing rear elevation by some 6m. The proposals would breach the 45-degree informal guidance (used when assessing potential impacts on existing windows and potential loss of outlook and light). However, having regard to the site's context and spatial relationship with neighbouring properties, with land levels rising to the rear, it is considered that any loss of light or outlook from the nearest window in the rear elevation of No. 5 would not be so significant that it would warrant a reason to refuse the application. It should also be noted that No.5 is the applicant's own property and who is obviously aware of, and accepting of, the potential impacts of the proposed development. Further, should No.5 change ownership in the future post construction of any approved development that any potential future occupants would be aware of the relationship between the two properties when considering taking up residency.
- 9.37. In terms of outdoor amenity space, whilst the proposals would result in loss of outdoor amenity space associated with the existing dwelling it is considered that sufficient space is retained that it would not be to the significant detriment of the amenity of the occupants of the host dwelling.
- 9.38. The property on the northern boundary of the site has no rear facing windows and sits at a higher level. Rooflights serving this this property are set within the roof and given the topography of the surrounding land do not direct views into the properties to the south or the site. It is considered that the amenity of occupants of this property would not be impacted upon by the proposed development.

Conclusion

- 9.39. Given the context of the site, the nature of the development and its relationship with surrounding properties discussed above, officers consider that the proposed would not be to the detriment of residential amenity and that the proposal therefore

accords with saved Policy C28 of the Cherwell Local Plan 1996 and Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1 and is considered acceptable in this respect.

Highway safety

Policy Context

- 9.40. The NPPF (Para. 108) advises that in assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 9.41. Both Policies ESD15 and SLE4 of the CLP 2031 reflect the provision and aims of the NPPF. Policy ESD15 of the CLP 2031 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions”*; whilst Policy SLE4 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported”*.

Assessment

- 9.42. The scheme has been amended from the previous submission 20/00906/F, increasing the area of parking available, addressing concerns previously raised by officers and the LHA. The LHA has assessed the proposals and raises no objections subject to appropriate cycle parking/storage being secured going forward; commenting that the proposals are unlikely to have any significant adverse impact upon the local highway network from a traffic and safety point of view.
- 9.43. The proposals include appropriate on-site parking provision (2 no. spaces) for the level of accommodation (3-Bedroom dwelling) proposed. Access would be taken directly off Hightown Leyes as seen at other properties within the street.
- 9.44. Concerns are raised by local residents with regards to the potential impact on the existing turning head adjacent the site and potential loss of this essential feature within the street. Parking restrictions are in place for much of Hightown Leyes, including the immediate area of the site, although anecdotal evidence suggests that these restrictions are sometimes ignored, and that the existing turning head is sometimes compromised through unauthorised parking; resulting in difficulties for vehicles turning in the street. Whilst access would be taken off the turning head, the proposals would not directly impact on the geometry of the turning head and extents of the highway land would not be affected; with the turning head facility being retained.
- 9.45. Whilst not formally confirmed in writing, further concerns have been voiced to officers in respect of disruption being caused by construction traffic during the potential build of the proposed development. Whilst there would likely no doubt be instances when inconvenience may be experienced during any such construction phase, it is unlikely that the level of traffic arising from the construction of a single dwelling would be significant; and further potential impacts are only likely to be short term whilst the build would be taking place.

- 9.46. The LHA raises no concerns in this respect, but advises that appropriate routing of construction vehicles, access and parking arrangements for construction vehicles, and details of times for construction traffic and delivery vehicles, could be secured through an appropriate condition requiring the approval of a Construction Traffic Management Plan (CTMP), in the interests of limiting potential impacts of the construction phase of any such development.
- 9.47. The NPPF (Para. 109) advises that: *'Development should only 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'*. In this instance officers consider that the proposals are acceptable in terms of highway safety and would not have significant impact on the local road network.
- 9.48. Paragraph 110(e) of the NPPF states that development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. These aims are echoed within Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the CLP 2031, which look to maximise opportunities for sustainable transport modes. Whilst no consideration appears to have been given with regards to the future need for Electrical Vehicle (EV) charging at the site, it is considered that appropriate infrastructure details could be secured through an appropriate condition; to ensure that potential future needs could be met and to comply with both local and national policy requirements.

Conclusion

- 9.49. Subject to the requirements of the LHA being secured and appropriate control over construction traffic, through appropriate conditions, it is considered that proposals would not be detriment of the safety and convenience of highway users and are therefore acceptable in highway safety terms and compliant with Local Plan Policy ESD15 in this regard and relevant paragraphs of the NPPF.

Other Matters

- 9.50. Further concerns have been voiced to officers by the occupants of the neighbouring property (No. 3a) with regards to potential detrimental impacts on their property as a result of the proposed construction works; being so close to the boundary and requiring significant excavations. The applicant's agent confirmed, during the assessment of the withdrawn application (20/00906/F), that the proposals have been reviewed with their structural engineer who has confirmed that there would be no special design required for the boundary wall and it would be a standard retaining wall c.1ft thick that would likely need to be constructed in short lengths to appropriate depths. This would be a matter appropriate assessment and approval under a separate building regulations application, and not a reason to withhold the granting of planning permission.
- 9.51. Notwithstanding the above, the granting of planning permission does not over-ride third party rights and only means that in planning terms a proposal is acceptable to the Local Planning Authority. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. Given the proximity of the proposed works to the boundary of the property to the west it is considered that a Party Wall Agreement will be required.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. 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.

11. RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY).

CONDITIONS

Time Limit

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.

Compliance with Plans

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: 001, 104, 105 and 106.

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.

Materials

3. No development shall commence above slab level unless and until a detailed schedule of materials and finishes for the external walls and roofs of the development hereby approved, including samples of such materials, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved schedule and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed 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.

Transport

4. Prior to the first occupation of the development hereby approved, the parking area shall be provided in accordance with the plan approved and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring area shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason: In the interests of highway safety and flood prevention and to comply with Government guidance contained within the National Planning Policy Framework

5. Prior to the first occupation of the development hereby approved, details of the

cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. No development shall commence above slab level unless and until a Construction Traffic Management Plan, which shall identify:

- Access and parking arrangements for construction vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours (to minimise the impact on the surrounding highway network)

has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

7. No development shall commence above slab level until a scheme for a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the dwelling has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

Waste and Recycling

8. Prior to the first occupation of the development hereby approved, full details of the arrangements for the storage of waste and recycling bins including the siting, design, construction, materials, and finished appearance of any bin store enclosure, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the bin store shall be completed and made available for use in accordance with the approved details and shall remain available for use as such thereafter.

Reason: In the interests of the general amenity 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.

Permitted Development Rights

9. Prior to the first occupation of the dwelling the approved window in the first-floor side (western) elevation of the dwelling shown on drawing no. 103 shall be glazed with obscured glass that achieves a minimum of level 3 obscurity and shall be non-opening below a height of 1.7 metres taken from internal finished floor level and shall be retained as such thereafter.

Reason: To safeguard the privacy and amenities of the occupants of the adjoining premises 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.

Planning Notes:

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example, there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid, and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
2. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Environmental Protection Team Leader for further advice on this matter.
3. The applicant shall draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during development. In the event of contamination to land, water or environment being encountered, no development shall continue until a programme for investigation and/or remedial work, to be performed by a competent person, has been submitted in writing and approved by the Local Planning Authority. No part of the development shall be occupied until remedial, monitoring and certification of works have been undertaken and a remediation and validation reports submitted to and approved by the Local Planning Authority. For further information please contact the Council's Environmental Protection Officer.

CASE OFFICER: Bob Neville

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