

Case Officer: Wayne Campbell

Applicant: Mr Adrian Mitson

Proposal: Erection of a new dwelling to the rear of 160 Bloxham Road

Ward: Banbury Calthorpe And Easington

Councillors: Councillor C Clarke, Councillor Mallon and Councillor Mepham

Reason for Referral: Called in by Councillor Mallon for the following reasons:

- 1) Loss of amenity value for the residential neighbours;
- 2) The safety of this development close to the main junction of the A361 Bloxham Road as the entrance to this house would be on the bend of the Browning Road; and
- 3) Proximity to entrance of Browning Road Park

Expiry Date: 2 September 2021

Committee Date: 12 August 2021

UPDATE

This application was subject to a Committee Members Site Visit to take place on Thursday 12 August 2021.

Members may recall that this item was reported to the Planning Committee on the 15 July 2021 with a recommendation that planning permission be approved.

A request by Councillor Colin Clarke during the committee meeting that the item be deferred to allow a committee site visit was agreed by the planning committee and as such the item was not discussed nor considered. The item is now brought back to the committee for consideration.

Those changes detailed in the Committee Update Sheet tabled prior to the July Planning Committee have been assimilated within revisions to the report below. However, in short, the points raised in the update report included the following points:

- Request for the application to be withdrawn / deferred for a committee site visit.
- Further objection from 158 Bloxham Road
- Response / further comments from OCC Highways

Since the last committee meeting the Government has published an update to the National Planning Policy Framework (NPPF). As a consequence any references to the NPPF in the previously published committee report and addendum have now been updated.

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located in an established residential area of Banbury. The site is located in the rear garden of 160 Bloxham Road and fronts onto Browning Road. The site is surrounded on three sides by existing residential properties.
- 1.2. The northern boundary to the site is delineated by a closed boarded fence and Browning Road Park, to the south is the remaining area of the rear garden to 160 Bloxham Road which would be screened by a new fence outlining the edge of the application site. To the west is Browning Road onto which the site fronts while to the east is the rear garden of the neighbouring property of 158 Bloxham Road which is marked by a close boarded fence.

2. CONSTRAINTS

- 2.1 The site is located within the confines of Banbury Town Centre. To the north is the open area of Browning Road Park.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 This application seeks planning permission for the development of part of the rear garden of 160 Bloxham Road with a single two-storey detached dwelling. The dwelling would front onto Browning Road with a new vehicular access point leading to a single garage attached to the side of the dwelling. The new dwelling would have five bedrooms.
- 3.2 The new dwelling would be positioned so as to face the south west and north east side of the site to provide an active frontage to Browning Road and the rear garden of the proposed plot.

4. RELEVANT PLANNING HISTORY

- 4.1 There is no planning history registered on this site.

5. PRE-APPLICATION DISCUSSIONS

- 5.1 The application was the subject of a pre-application enquiry under application reference 21/00575/PREAPP. Officers' advice was that the principle of development would be acceptable. Subject to the dwelling being constructed externally from brick and tiles and further details of the enclosure details, it was considered that the development would not cause harm to the character and appearance of the area.
- 5.2 The advice continued by stating that providing the dwelling did not have first floor windows facing towards 160 Bloxham Road the development would not cause harm to the amenity of neighbours. In terms of highway safety it was noted that the access would conflict with the existing street light on Browning Road and therefore it was stated that the applicant would need to pay the full costs for the re-location of the street light and subject to this it was considered that the development would not cause harm to the safety of the highway network.

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 (amend as appropriate). The final date for comments was **10 June 2021**, although comments received after this date and before finalising this report have also been taken into account.

6.2 A total of 46 letters of objection from local residents have been received on this application. The comments raised by third parties are summarised as follows:

- Loss of privacy to rear gardens
- Highway safety issue due to new access
- Will result in traffic congestion on dangerous bend
- Construction will cause significant disruption to access along Browning Road and in particular for users of the park including children, dog walkers and those less mobile
- Adverse impact on Local Park and parking by those using the park
- Area has a low density feel with large gardens and this development will be out of character
- Building too large for the site
- Already plenty of new builds in the area this one is not needed
- Contrary to adopted Policy, Cherwell Residential Design Guide and NPPF
- Proposal will set a precedent for others
- Existing drainage in the area is poor and this will make the situation worse
- Contrary to land registry restrictions on site specifying land for 6 dwellings only therefore development conflicts with this covenant
- Impact on ecology with bats being recorded in the area
- development would lead to irreversible damage to the local fauna and flora of that park and surrounding area
- Will result in a loss of view
- Other applications in the area for the same type of development have been refused
- Question change in view of OCC Highways
- no parking restrictions in place on this part of Browning Road and cars will regularly park in this vicinity, to use the park
- pre-application was submitted during the time of strict Covid restrictions. Was a site visit made during this time or was google maps used?
- site visit the second time was able to see something that was overlooked by the original officer and his objection should not be so readily dismissed without proper consideration

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

7. RESPONSE TO CONSULTATION

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 objections**

OTHER CONSULTEES

7.3 OCC HIGHWAYS: **No objection** subject to conditions.

7.4 NATIONAL GRID: No comments received

7.5 SOUTHERN GAS NETWORK: No comments received

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 ('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
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC4: Housing Mix
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- 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

8.3. Other Material Planning Considerations

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

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
- Highway implications
- Ecology
- Sustainable Construction

Principle of Development

9.2 Policy PSD 1 of the CLP 2015 states that *when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework*. The policy continues by stating that *planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise*. Paragraph B88 of the CLP 2015 also highlights that *by focusing 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*.

9.3 This application seeks planning permission for a single dwelling in the top part of the rear garden of 160 Bloxham Road, Banbury. CLP 2015 states that housing growth will be directed towards the urban areas of Banbury and Bicester. The application site is located within the built-up area of Banbury Town and as such the development of a new dwelling here accords with the Council's housing strategy. This is not, however, to suggest that planning permission is guaranteed for the re-development of the site as paragraph B90 of the CLP 2015 continues by stating that *new housing needs to be provided in such a way that it minimises environmental impact, including through the elimination and control of pollution and the effective and efficient use of natural resources. It needs to be planned in a way that helps to reduce carbon emissions, reflects the functions of our settlements and protects or enhances the identity of our towns and villages and the sense of belonging of our residents*. As such the impact of the development on neighbouring properties and the street scene also needs to be considered before a decision can be made.

Residential Amenity

Policy Context

9.4 Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. Policy ESD15 of the CLP 2015 highlights, amongst other things, that new development should *consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*. Further advice is provided in the Cherwell Residential Design Guide which states that under the *principles for amenity space that a minimum distance of 22 metres back to back between properties should be maintained, a minimum of 14 metres distance is required from the rear elevation to two storey side gable and for first floor habitable room windows a minimum distance of 7 metres must be maintained between the development and neighbouring properties*.

9.5 The Cherwell Residential Design Guide (2017) states that a minimum distance of 22m back to back, between properties must be maintained and a minimum of 14m distance is required from rear elevation to two storey side gable. First floor habitable room windows must not be within 7m of neighbouring property.

Assessment

- 9.6 The proposed new dwelling is located in the top part of the rear garden of 160 Bloxham Road and backs onto the rear garden of the neighbouring property of 158 Bloxham Road. The boundary between the site and the rear garden of this neighbouring property is marked by a 1.8 metre high close boarded fence and limited landscaping on both sides. The distance between the rear elevation of the new dwelling and the shared boundary is approximately 9 metres while the distance between the side elevation of the new dwelling and the rear elevation of 160 Bloxham Road is stated as 22 metres.
- 9.7 In response to officers' concerns and in order to safeguard the amenity of the neighbouring property the applicant has redesigned the internal arrangement of the rear bedroom to ensure that the main windows on the rear elevation would serve an en-suite bathroom and a walk-in wardrobe and would be fixed with obscure glazed windows with further windows providing views towards the park to the north and not over the rear garden of the neighbouring property. There would be other windows facing the neighbouring property such as the stairwell and a further rear bedroom. However, these windows are set further back away the shared boundary. No windows in the new dwelling would face directly towards the neighbouring property of 158 Bloxham Road or towards the existing property of 160 Bloxham Road and although it is accepted that there would be a bedroom window facing towards the bottom section of the rear garden of 158 Bloxham Road the distance involved is that normally observed in an urban development such as the area. Furthermore, a condition will be attached to any permission granted to remove permitted development rights for extensions and alterations which may result in new windows and / or doors closer to the neighbour's boundary than in the current proposal.

Conclusion

- 9.8 As such it is considered that the development will not result in any significant loss of privacy to warrant a reason to refuse the application. The proposals would comply with Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF.

Design, and Impact on the Character of the Area

Policy Context

- 9.9 Government guidance contained within paragraph 126 of the NPPF covering good design states that *good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. 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.*
- 9.10 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.
- 9.11 Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and ensuring a high-quality design.
- 9.12 Paragraph 130 of the NPPF states that planning decisions should ensure that developments:

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*

9.13 The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principle routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

Assessment

9.14 As noted earlier in this report, the proposed dwelling would front onto Browning Road. This section of Browning Road is characterised by two-storey dwellings with front gable projections and many maintain tile hanging as a design feature on the front and rear elevations. The design of the proposal has picked up these design features and has incorporating the gable projections on the front and rear elevations as well as the use of the tile hanging as a design feature. As such in terms of design / appearance the proposal will not appear out of place in terms of appearance and design.

9.15 In terms of orientation the existing dwellings along Browning Road and all roads leading off Browning Road dwellings front onto the public highway. As such, and although it is accepted that this proposal is located in the rear garden of 160 Bloxham Road the position of the dwelling fronting onto Browning Road would appear in character as a natural addition to the street scene.

9.16 While the proposal would result in the development of a rear garden of a Bloxham Road property, and there are no other examples of such development in the vicinity, the proposal would be accessed off Browning Road rather than Bloxham Road and would have a direct road frontage. It is noted that an objection to the scheme has been received citing that the development would set a precedent for other in-fill plots in the area and that this would have a detrimental impact on the character of the area. However, all applications are considered on their own merits and just because a scheme is considered acceptable in one location does not then mean that all other applications should be approved.

Conclusion

9.17 For the reasons set out above, the proposal development would not cause harm to the character and appearance of the area. The proposal therefore complies with Policy ESD15 of the CLP 2015, Saved Policy C28 of the CLP 1996 and Government guidance contained within the NPPF and the advice in the Cherwell Residential Design Guide.

Highway Implications

Policy Context

9.18 Policy 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. Paragraph 110 of the NPPF states 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.*

In addition to this paragraph 111 highlights 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.*

Assessment

- 9.19 Browning Road is the access to a relatively large area of residential development as well as providing a link between the A361 Bloxham Road and the B4035 Broughton Road. For this reason, Browning Road could carry a steady flow of traffic throughout the day. In addition, the application site is located alongside the Browning Road Park and that one of the pedestrian accesses to the park is approximately 20m along Browning Road, to the north-west, from the proposed site entrance. This park is large in scale and offers many facilities, so is expected to be well used by the public. As there are no parking restrictions in place on this part of Browning Road and it is apparent that cars will regularly park in this vicinity, presumably to use the park entrance in the main.
- 9.20 With regards to this proposal the application seeks a single access driveway onto Browning Road which would lead to a single garage attached to the side of the new dwelling. the local highway authority (LHA) initially raised an objection regarding the issue of visibility splays onto Browning Road as a result of parked cars visiting the park. Councillor Mallon raised concern over the conflicting advice which appeared to be offered by the LHA and requested that the application be deferred from the last committee to allow for a site visit. Outlined in the update report to the last planning committee an objection from a local resident also highlighted that the initial objection raised by the LHA was clearly contrary to the advice the LHA had provided to the pre-application enquiry and planning officers sought further clarification on this change in view from the LHA. In considering the access arrangement further the LHA accepted that Manual for Streets (sect. 7.8.5) states that *“Parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice”*.
- 9.21 As outlined in the update report on the last committee agenda, the LHA highlighted that Section 7.8.3 states, *“the absence of wide visibility splays at private driveways will encourage drivers to emerge more cautiously.”* Furthermore, in this situation, there is to be a condition requiring a turning area so that vehicles may exit going forwards. Furthermore, in terms of Section 7.9 highlights that for frontage access *“factors to consider include..... the distance between the property boundary and the carriageway – to provide adequate visibility for the emerging driver”*. In Browning Road there is a wide grass verge and footway between the property boundary and the carriageway, which allows excellent visibility of pedestrians.
- 9.22 Given that the application is for a single dwelling and, therefore, the number of vehicle movements would be low, it is considered that the restricted visibility caused by parked vehicles is not a sufficient reason for an objection on the grounds of highway safety and the LHA has withdrawn its objection to the proposals. The application site is also positioned on the outer edge of the bend of Browning Road and therefore allows for a greater view in terms of vision along Browning Road. The update report from the last committee agenda confirmed that the LHA acknowledged that all applications are different, and it is inevitable that officer opinion may differ from time to time. In this case, however, it is accepted that the original recommendation was incorrect. Further discussions on the application were

carried out in detail with the Highways line manager, before issuing a revised response with no objection. We consider that it would not be possible to justify the lack of visibility due to parking as a reason for refusal should the application go to appeal, given the guidance in the Manual for Streets. Finally from a pedestrian safety point of view regarding visitors to the park the view is that as the wide grass verge between the site boundary and the footway allows good visibility there is no concern raised by the Highway Engineers.

Conclusion

- 9.23 It is therefore considered that, subject to a condition requiring a turning area in the site, there is no highway to refuse the application in terms of highway safety. For these reasons, the development proposal is an acceptable form of development in terms of highway safety and parking provision. The development therefore complies with Government guidance contained within the NPPF and Policy ESD15 of the CLP 2015.

Ecology

Policy Context

- 9.24 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.25. Paragraph 180 states, amongst other things, that *when determining planning applications, local planning authorities should apply the following principles:*
- a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
 - d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*
- 9.26. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.27 These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.28. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities (LPAs) should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.29 Concerns have been raised as part of the objections to this application that the development would have an adverse impact upon the ecology in the area and in particular as bats have been seen in the area during evenings. It is accepted that evidence has been provided by residents to show bats in the immediate area of the site one evening and in considering the position of the local park to the immediate north and the mature trees and open space in the park the presence of bats during the evening is not surprising. However, the site does not contain any trees or features where bats are likely to roost and the development of the site for a single dwelling is unlikely to result in any significant impact on the bats foraging within this area during evenings.

Conclusion

- 9.30 For these reasons it is considered that in this instance, although no ecology assessment has been carried out on the site nor required, the development of a single dwelling would not result in any adverse impact on any ecology within the immediate area to warrant a refusal and the proposal therefore accords with Policy ESD10 of the CLP 2015 in this regard, as well as relevant Government guidance in the NPPF.

Sustainable Construction

Policy Context

- 9.31 Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 154 states that new development should be planned for in ways that: *a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.* Paragraph 155 continues by stating, amongst other things, that *in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*
- 9.32 Policy ESD 3 of the CLP 2015 covers the issue of Sustainable Construction and states amongst other things that *all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy.* The Policy continues by stating that *Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day.* The Policy continues by stating that *all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the*

embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.

Assessment

- 9.33 The new dwelling would be located in an east – west orientation which with the dining room / kitchen to the rear of the property being served by both side windows and main windows / doors on the rear elevation this living room area would be served by light from the east and south during the day. This would allow for natural light to this habitual room. As a new build the development would need to comply with the current building regulations which will ensure that the development would be built to a high standard of sustainable build. Notwithstanding this it is considered that 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 13.

10. PLANNING BALANCE AND CONCLUSION

- 10.1 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.
- 10.2 The development seeks planning permission for a single dwelling to be provided at the top half of the rear garden to 160 Bloxham Road. In terms of location the application site is located within Banbury town confines surrounded by existing residential properties and as such represents a sustainable location for this type of development. For this reason, the principle of a dwelling in this location is considered acceptable.
- 10.3 The design of the dwelling would respect the character of the existing dwellings along Browning Road in terms of scale and appearance. Furthermore, position within the plot and internal room designs and use of obscure glazing would ensure that the impact of the development in terms of any loss of privacy is kept to a minimum and would not exceed that normally found in the urban area.
- 10.4 Access to the dwelling would be off Browning Road via a single access driveway. Concern had been expressed that due to the position of the pedestrian access to the Browning Road Park immediately adjacent to the plot and the bend in the road that the access would represent a highway safety issue. The LHA has no objections to the proposals and is therefore concluded that there are no highway reasons to refuse this application from a highway safety point of view.

11. RECOMMENDATION

RECOMMENDATION – GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

Time Limit

1. The development hereby permitted shall be begun before the expiration of three years from 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. The development shall not be carried out otherwise than in complete accordance with the approved plans reference number 001 Rev A, 002 Rev A, received 04/05/2021 and amended plans reference 003 Rev B and 004 Rev B received 24/06/2021.

Reason: To clarify the permission and for the avoidance of doubt.

Materials

3. No development shall commence above slab level unless and until a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved 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.

Access and Turning

4. Details of a turning area to be provided within the curtilage of the site so that motor vehicles may enter, turn around and leave in a forward direction including refuse and emergency service vehicles and including surfacing and drainage details shall be submitted to and approved in writing by the Local Planning Authority before the development reaches slab level. The turning area shall be constructed and completed in accordance with the approved details before the development is first occupied and shall be retained for the manoeuvring of motor vehicles at all times thereafter.

Reason: In the interests of highway safety and to comply with Government guidance in Section 12 of the National Planning Policy Framework.

Construction Method Statement

5. No development shall take place, including any works of demolition until a Construction Method Statement [for that phase] has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
 - a) The parking of vehicles of site operatives and visitors;
 - b) The routing of HGVs to and from the site;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development;
 - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
 - g) Measures to control the emission of dust and dirt during construction;
 - h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
 - i) Delivery, demolition and construction working hours;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is

required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Boundary Treatment

6. Full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority before the dwelling hereby approved reaches slab level and such means of enclosure shall be erected prior to the first occupation of the dwelling and shall be retained as such thereafter.

Reason: To safeguard the character and appearance of the area, to safeguard the privacy of the occupants of the existing and proposed dwellings 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.

Obscure Glazing

7. The window(s) in the rear elevation serving the en-suite shower and the walk in wardrobe to master bedroom shall be obscurely glazed, using manufactured obscure glass (at least Level 3 only and not an applied adhesive film) before the dwelling is first occupied and shall be permanently retained as such thereafter. They shall also be non-opening, unless those parts which can be opened are more than 1.7m above the floor of the room in which it is installed and shall be permanently retained as such thereafter.

Reason: To ensure that the amenities of the adjoining occupier(s) are not adversely affected by loss of privacy in accordance 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.

Permitted Development

8. Notwithstanding the provisions of Classes A-E (inclusive) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no enlargement alteration or improvement of the dwellinghouse or erection of outbuildings shall take place.

Reason: Given the close proximity to surrounding development, to ensure visual and residential amenity is safeguarded 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 Section 12 of the National Planning Policy Framework

Sustainable Development

9. The dwelling shall not be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.