

**Case Officer:** Sarah Greenall

**Applicant:** Mr Jack Piccaver

**Proposal:** Demolition of existing single level dwelling - Class C3(a) - and erection of 4no flats in a single, 1.5 storey building - Class C3(a)

**Ward:** Kidlington East

**Councillors:** Councillor Billington, Councillor Griffiths, and Councillor Middleton

**Reason for Referral:** Called in by Councillor Middleton for the following reasons: Committee should have an opportunity to re-examine the revised proposal following previous refusal.

**Expiry Date:** 14 April 2022

**Committee Date:** 7 April 2022

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## **SUMMARY OF RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS**

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

1.1. The application site is located within the built-up form of Kidlington within an established residential area to the south of the main village High Street. The site is bound by other residential properties, and St Thomas Moore Roman Catholic School and West Kidlington Primary School are situated further to the south east of the site. Churchill Road itself is characterised with a varied street scene featuring a mixture of single and two storey dwellings that are set back from the road with large driveways/front garden areas and finished in mostly light-coloured rendering.

### **2. CONSTRAINTS**

2.1. The site lies within an area where the West European Hedgehog have been identified; however, other than this the site is considered to be relatively unconstrained. It does not lie within a Conservation Area or within close proximity to any Listed Buildings. The site is situated within Flood Zone 1 and is considered to be at low risk of flooding.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

3.1. The application relates to the demolition of the existing bungalow and erection of 3no. 2 bedroom apartments and 1no. 1 bedroom apartment at 7 Churchill Road, Kidlington. The building would be 1.5 storeys in height and consist of a double gable design on the front elevation finished in white render with anthracite UPVC fenestrations. The proposals include the provision of 4 off street parking spaces at the front of the property that set it back from the road, and shared amenity space, secured and covered bicycle parking and recycling and refuse storage to the rear of the property. The cycle parking provision is located within the allocated amenity space for the individual units to the rear.

- 3.2. The plans have been amended since the previous application (ref: 21/03444/F), which includes adapting the rear of the building to pull the depth away from the boundaries, reduction and step in detail to the rear at the boundary of number 9 Churchill Road, a reduction in the height to be in line with number 9 and other neighbour, internal alterations including the reduction of bedrooms in the top floor rear flat to provide 1 bedroom instead of 2 and the removal of the office to apartment 1 to alleviate the risk of the space being utilised as a bedroom in the future.

#### **4. RELEVANT PLANNING HISTORY**

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

21/01212/F: Demolition of existing dilapidated and fire damaged single level dwelling - Class C3(a) - and erection of 5 x flats in single, two level building - Class C3(a). *Application Withdrawn.*

21/03444/F: Demolition of existing dilapidated and fire damaged single level dwelling - Class C3(a) - and erection of 4 No. flats in single, two level building - Class C3(a) (resubmission of 21/01212/F). *Application Withdrawn.*

- 4.2. The first application was withdrawn over concerns with the design, impact on residential amenity and highway issues. The second application was refused on the grounds that the development would have an overbearing impact on number 9 Churchill Road that would be detrimental to the living conditions of the neighbouring occupier through loss of light and outlook.

#### **5. PRE-APPLICATION DISCUSSIONS**

- 5.1. The following pre-application discussions have taken place with regards to this proposal:

21/02204/PREAPP - The principle of the development was considered to be acceptable; however, it was advised that the scale of the rear element of the proposals should be reduced to allow the proposals to be acceptable.

#### **6. RESPONSE TO PUBLICITY**

- 6.1. This application has been publicised by way of a site notice displayed near the site, 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 was **1 April 2022**.

- 6.2. 11 letters of objection have been received, 2 comments have been received and 3 letters of support have been received. The comments raised by third parties are summarised as follows:

- The proposal would be detrimental to the character of the area
- Parking concerns
- Highway safety concerns
- Not enough affordable housing
- Overdevelopment of the site
- Impact on neighbour amenity
- Concerns over drainage and utilities
- Will set a precedent for similar other development

- Existing building needs improving
- Streetscene would not be impacted
- Sufficient parking available
- Well place for bus services and local shops

6.3. 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. KIDLINGTON PARISH COUNCIL: **Objects** on the grounds of the proposed development being out of keeping with surrounding character, impact on neighbour amenity, insufficient parking provision, and inadequate boundary screening between properties.

### OTHER CONSULTEES

7.3. OCC HIGHWAYS: **No comments received** at the time of writing this report.

7.4. CDC BUILDING CONTROL: **Comments** that the external walls should be located at least one metre from the boundary, and all bedrooms should have means-of-escape windows.

7.5. CDC ECOLOGY: **No comments received** at the time of writing this report.

7.6. CDC ENVIRONMENTAL HEALTH: **No comments received** at the time of writing this report.

7.7. CDC HOUSING STANDARDS: **No comments received** at the time of writing this report.

7.8. CDC LAND DRAINAGE: **No objections.** the site is shown to be in an area of medium surface water flood risk. However, given the previous development history at the site, no objections in principle. Drainage: The applicant proposes to provide a soakaway (of size yet to be specified) for the disposal of surface water. This is very unlikely to be acceptable in principle due to the very high impermeability of the superficial geology. The applicant should be asked to justify this proposal through undertaking BRE 365 testing on the site. If soakaways are found not to be feasible the applicant should be asked to propose an alternative method of surface water disposal, which is likely to be achievable only through a S.106 Water Industry Act agreement with Thames Water to connect to their sewer in Churchill Road.

7.9. CDC WASTE AND RECYCLING: **No comments received** at the time of writing this report.

7.10. THAMES VALLEY POLICE (DESIGN ADVISOR): **No objection** conditions recommended.

## **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 in 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
- BSC1: District Wide Housing Distribution
- BSC4: Housing Mix
- ESD1 – Mitigation and adapting to climate change
- ESD3 – Sustainable construction
- ESD5 – Renewable energy
- ESD6: Sustainable Flood Risk Management
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15: The Character of the Built and Historic Environment
- Policy Villages 1: Village Categorisation

### 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)
- Kidlington Framework Masterplan SPD (2016).

## **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
- Residential amenity
- Highway Impacts
- Ecology impact
- Flood Risk
- Other matters

### Principle of Development

- 9.2. The principle of residential development in Kidlington is assessed against Policy Villages 1 in the CLP 2015, with Kidlington being recognised as a Category A village, one of the most sustainable settlements in the District's rural areas and having

physical characteristics and a range of services to enable it to accommodate some limited extra housing growth. Within Category A villages, residential development will be restricted to the conversion of non-residential buildings, infilling and minor development comprising small groups of dwellings on sites within the built-up area of the settlement.

- 9.3. The application site is located in an established residential area within Kidlington and contains a detached single storey dwelling situated on a generous plot. The application seeks planning permission for the demolition of the dwelling and its replacement with 3no. two bedroom flats and 1no. one bedroom flat.
- 9.4. In determining the acceptability of the principle of new dwellings regard is paid to Government guidance contained within the NPPF. This 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.
- 9.5. Paragraph 10 of the NPPF states that, so sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 states that applying the presumption to decision-making means:
- approving development proposals that accord with up-to-date development plan without delay; or
  - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites), granting permission unless:
    - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
    - ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 9.6. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'. Cherwell's position on five-year housing land supply has recently been reviewed by officers and confirmed by executive on 10 January 2022 for the 2021 Annual Monitoring Report (AMR). Despite a strong record of delivery since 2015, the AMR presents a 3.8 year supply position for 2021-2026 and 3.5 years for the period 2022-2027 (the latter being effective from 1 April 2022). This compares to the 4.7 years housing land supply for the period 2021-2026 reported in the 2020 AMR. According to the AMR, an additional 1,864 homes would need to be shown to be deliverable within the current 2021-2026 five-year period to achieve a five year supply as required by the NPPF.
- 9.7. However, paragraph 12 of the NPPF advises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. In February 2021, the primacy of development plans in the planning system was reaffirmed by a Court of Appeal ruling on two appeals by land promoter Gladman, which emphasised that, where a council lacks the required five-year housing land supply, this may tilt the balance in favour of proposed residential schemes but it does not render grants of planning permission automatic.

- 9.8. The provision of additional housing within an existing residential area located in a sustainable Category A village weighs in favour of this proposal, which has the potential of increasing the District's housing supply and therefore helps to address the current shortfall. However, any development proposal would need to be assessed against the other policies of the Development Plan.
- 9.9. The proposed development can therefore be considered acceptable in principle, with overall acceptability subject to compliance with the relevant Development Plan policies and the NPPF.

### Design and Impact on the Character of the Area

#### *Legislative and policy context*

- 9.10. Government guidance contained within the NPPF requiring 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.*
- 9.11. 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.
- 9.12. 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.
- 9.13. Paragraph 127 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
- 9.14. 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 principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

#### *Assessment*

- 9.15. The application proposes the demolition of the existing 1930s bungalow and its replacement with a purpose-built building containing 3 x 2-bedroom flats and 1 x 1 bedroom flat. The replacement building would not sit any further forward on the plot than the existing dwelling, although it is noted that it would have a larger overall footprint and the height would be increased from single storey to 1.5 storey. The area is, however, characterised by a varied street scene that has a mixture of single and two storey dwellings. Further to this, several of the nearby bungalows feature dormers on the front elevation which create a perceived feeling of an additional storey. While

objectors raise concerns with regards to the additional storey proposed and its impact, given the above it is not considered that increasing the height of the building would result in any harm to the character of the street scene.

- 9.16. The design of the building does include a prominent double gable on the front elevation; however, it is noted that there are a number of front elevations within the vicinity featuring a gable end design and a double gable also seen on the neighbouring bungalow at number 9. The building is proposed to be finished in a white render and would be set back from the road, which mirrors the character of the neighbouring buildings, and therefore it is not considered that the design of the proposal would result in any material harm to the character or appearance of the area.
- 9.17. The most notable change to the design from the previously refused application (ref: 21/03444/F) is at the rear of the property, where the side elevation closest to the boundary of number 9 Churchill Road would be staggered to pull some sections further away from the boundary. This would be located to the rear of the building and has been designed in to allow for it to not be a prominent feature of the building. It is therefore not considered to result in any harm to the character of the area as a result.
- 9.18. The front of the property is proposed to be utilised as parking which would result in a large area of hardstanding being installed. While this is unfortunate, it is noted that this is a feature added to many of the properties in the area. The street does feature a buffer of grass verges to break up areas of hardstanding, which helps to mitigate the loss of the green area on this property, and on balance it is not considered the addition would result in such a negative impact to the streetscene to warrant a reason for refusal.
- 9.19. The proposals are therefore considered to be in accordance with Policies C28 and C30 of the CLP 1996, Policy ESD15 of the CLP 2015 and guidance contained within the NPPF.

### Residential Amenity

#### *Legislative and policy context*

- 9.20. 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.*
- 9.21. The Cherwell Residential Design Guide (2017) states that a minimum distance of 22m back-to-back between properties must be maintained, a minimum of 14m distance is required from rear elevation to two storey side gable, and first floor habitable room windows must not be within 7m of neighbouring property.

#### *Assessment*

- 9.22. The proposed development is considered to provide an appropriate standard of living for any future occupants of the proposed flats in terms of the indoor and outdoor amenity space available.
- 9.23. It was noted by the Council's Building Control team that all bedrooms would need to have windows that have a suitable for means-of-escape in case of fire. Further to this, it was highlighted in the previous application that unit 4 at ground floor level would require two door protection at the entrance to ensure it complied with building regulations.

- 9.24. However, it is considered that this does not amount to a reason to refuse the application on the grounds of living conditions of future occupiers, and that it would need to be dealt with under separate legislation, i.e. these issues could likely be overcome through alternative solutions and an informative note attached to any planning permission given, highlighting the concerns included on the decision notice should the application be approved, would suffice. That said, the reliance of the upper floor flats on rooflights for light to living spaces is an indicator of the somewhat cramped form of development that would result. In 2020 the Government altered the permitted development rights that allow for the conversion of buildings to dwellings, for example Class O which, subject to a prior approval process, allows the conversion of offices to dwellinghouses. The amendment introduced the need to ensure that there was provision of adequate natural light in all habitable rooms of the dwellinghouses created. The General Permitted Development Order does not, however, specify how this should be achieved and does not preclude the use of roof lights to fulfil this function.
- 9.25. It is noted that any windows proposed on the side elevations of the building are either at ground floor level and screened by boundary fencing, or high level rooflights at the first-floor level which ensures that there would be no detrimental impacts on the privacy amenity of neighbouring properties.
- 9.26. The replacement building would be constructed in two sections with the front of the building having a ridge height of approximately 6.28 metres, and a subservient rear section of the building that has a lower ridge height of 5.85 metres. The proposed building would also protrude a further 10.8 metres into the rear garden from the original section of the house, and a further 3 metres to the rear than the existing kitchen extension seen on the building. It is considered that the proposal would not result in loss of privacy or outlook to the neighbours to the north east (No. 5 Churchill Road) given that there are no windows on the side elevation of the building serving habitable room windows, and the windows on the rear elevation of the building appear to accord with the 45-degree angle rule.
- 9.27. However, the other neighbouring property, to the south west (No. 9 Churchill Road) benefits from a ground floor rear-facing window which is positioned close to the boundary of the two properties and, according to floor plans from 2011, this appears to serve bedroom number 3 of the property. It was highlighted by the LPA at the time of the previously refused application that this is the only window serving the third bedroom on No. 9, and officers were concerned that this would result in an overbearing impact that would be detrimental to the light and outlook amenity of this neighbour.
- 9.28. Additional evidence has been submitted with this application, including a sunlight survey of the site. When considering the seasonal data submitted officers agree that the impact on natural light to this window is likely to be minimal, as the positioning of the sun for large portions of the day would result in an extension of number 9 itself causing much of the shadowing. While there would be an impact on the light to bedroom 3, given the changes that have been made to the proposal (see below) this impact is not considered to be so detrimental as to warrant a reason for refusal.
- 9.29. The proposed scheme has been amended since the previous submission, with changes including a reduction in the width of the rear section of the building, a slight reduction to the height of the building, and the creation of a staggered design that increases the distance between the window at number 9 and the proposed development. The idea for this has been taken from previously approved proposals within Kidlington that had a similar relationship with neighbouring properties, including 63 Bicester Road (19/00018/F), 41 Oxford Road (18/00360/F) and 131 Oxford Road (18/01085/F).



- 9.30. While it is noted that the proposed extension would still conflict with the 45-degree line when measured from the midpoint of the window on number 9, taking the extension further away from the boundary allows for less of the extension to be seen over the boundary fence that would be retained between the two properties. The proposals have been designed to reduce the height of this section from the main front part of the dwelling and given it would now be further away from the boundary it is considered to be a less overbearing relationship between the application property and the neighbour at number 9. Considering this together with the previously approved schemes in the area that have a similar relationship between neighbours, on balance it is considered that the impact on the outlook of this neighbour would now not be so severe as to warrant a reason for refusal.
- 9.31. Concern has been raised with regards to the fencing proposed between the application site and the property; however, the existing boundary, which is mostly 1.8-metre-tall timber close boarded fencing with some areas of wall, would be retained. The existing fencing, which is similar to that usually seen separating properties is considered to be acceptable. The applicant has also indicated that fencing to match will be utilised to separate the outdoor amenity space for the individual flat which would be acceptable.
- 9.32. The current proposals are therefore considered on balance to be acceptable in terms of residential amenity, thus compliant with Saved Policy C30 of the CLP 1996, Policy ESD15 of the CLP 2015 and Government guidance within the NPPF.

#### Highway Impacts

##### *Legislative and policy context*

- 9.33. 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.
- 9.34. Paragraph 108 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- *safe and suitable access to the site can be achieved for all users; and*
  - *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.*
- 9.35. In addition, paragraph 109 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*

- 9.36. Several concerns have been raised with regards to the parking provision proposed at the site, and the potential impact on highway safety. It is noted that the two ground floor flats previously had an additional room labelled as 'office' space that would have had the potential to be used as bedrooms. This scheme has however omitted these rooms from the plans. While this is the case, it is noted that the assessment on highway safety for the previous application, which was deemed acceptable, had taken these potential rooms into account.
- 9.37. The proposals offer 1 off-street parking space per dwelling, which is below the maximum parking standards of 2 per dwelling for urban areas in Cherwell. While the Local Highway Authority (LHA) is yet to comment on the current application, the LHA previously noted that the site benefits from mitigating factors that justify a relaxation of parking standards in this case. The site is in a highly sustainable location, with

frequent bus services within close proximity to the site along Oxford Road. Further to this, a number of nearby amenities are within walking distance to the site, and there are good levels of cycling infrastructure nearby.

- 9.38. Each flat has covered and secured cycle parking provision located within the allocated amenity space to the rear of the building that is easily accessible from the side of the building, which would further promote the use of sustainable forms of travel and conform to policy requirements.
- 9.39. The amended plans do also reduce one of the flats to a one bedroom flat, as well as omitting the previously proposed offices that could have been utilised for bedrooms. This is considered to be an improvement to the previously proposed scheme, which due to its highly sustainable location was previously considered acceptable in this regard. Given the above, it is therefore considered the proposals comply with Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF.
- 9.40. It is noted that any alterations to the public highway would be at the applicant's expense and would need to be to Oxfordshire County Council's standards and specifications.

### Ecology Impact

#### *Legislative and policy context*

- 9.41. Paragraph 170 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.
- 9.42. 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.
- 9.43. 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.
- 9.44. 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*

- 9.45. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')

9.46. Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. As such no formal survey is required and in the absence of which this does not result in a reason to withhold permission. An informative note reminding the applicant of their duty to protected species would instead be included on the decision notice should the application be approved and is considered sufficient to address the risk of any residual harm.

### Flood Risk

#### *Legislative and policy context*

9.47. Policy ESD 6 of the CLP 2015 states that site specific flood risk assessments will be required to accompany development proposals in the following situations:

- All development proposals located in flood zones 2 or 3
- Development proposals of 1 hectare or more located in flood zone 1
- Development sites located in an area known to have experienced flooding problems
- Development sites located within 9m of any watercourses.

9.48. The Policy goes on to state that *development should be safe and remain operational (where necessary) and proposals should demonstrate that surface water will be managed effectively on site and that the development will not increase flood risk elsewhere, including sewer flooding.*

#### *Assessment*

9.49. The site is situated within a Flood Zone 1 area and is not at significant risk of flooding. The proposal is situated on previously developed land and would be less than 1 hectare in size, nor is it located within 9 metres of any watercourses. It is therefore considered sufficient for the structure to be built in accordance with Approved Document H of the Building Regulations. The application is therefore considered to comply with Policy ESD 6 of the CLP 2015.

## **10. PLANNING BALANCE AND CONCLUSION**

10.1. For the reasons set out in this report 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

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

#### 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 the following plans and documents:
  - Proposed Floor Plans
  - Proposed Roof Plan
  - Proposed Main Elevations
  - Proposed Side Elevations
  - Proposed Site Plan
  - Proposed Block & Location Plan
  - Proposed Drainage Plan
  - Proposed Landscape Plan
  - 3.1 - Local Amenities Plan
  - 3.2 - Parking Survey Spaces
  - Accompanying Information Revision B dated 31st January 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.

3. A schedule of materials and finishes to be used in the external walls and roof(s) of the building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason: 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. Prior to the first occupation of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with the plan approved (Drawing No. 2.5 Proposed Site Plan) demarcated and 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 areas 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 Policies ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

5. No dwelling shall be occupied until cycle parking has been provided on site in accordance with Drawing No. 2.5 Proposed Site Plan for 2 bicycles spaces per unit, and those spaces shall thereafter be kept available for the parking of bicycles.

Reason: In the interests of promoting sustainable transport modes in accordance with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the first occupation of the development the bin storage shall be provided on site in accordance with the approved drawing No. 2.5 Proposed Site Plan and shall be retained as such thereafter.

Reason: To encourage sustainable modes of transport, to ensure the satisfactory appearance of the completed development and to comply with Policies ESD1 and ESD 15 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. The development hereby approved shall not be occupied unless the appropriate number of refuse bins required in relation to the dwellings have been provided and the said refuse bin provision shall remain available for use as such thereafter.

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

8. Prior to the first occupation of the flats hereby permitted the electric vehicle charging shall be provided on site in accordance with the approved plan Drawing No. 2.5 Proposed Site Plan and shall be retained as such thereafter.

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

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

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

## INFORMATIVES

1. In the event of a fire in the open plan kitchen/living room, there is a risk that occupiers could become trapped in bedrooms. It is recommended that all bedrooms have an alternative means of escape i.e. an emergency egress window. Additional fire safety measures such as misting systems in the kitchen/living room would also be recommended.

2. Any alterations to the public highway will be at the applicant's expense and to Oxfordshire County Council's standards and specifications. Written permission must be gained from the Oxfordshire County Council (Contact – 08453101111 or refer to <https://www.oxfordshire.gov.uk/cms/content/dropped-kerbs> for this action).
3. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered, you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.