

**Application No:** 11/00096/F    **Ward:** Bloxham and Bodicote    **Date Valid:** 24/01/11

**Applicant:**            Bewley Homes PLC

**Site Address:**        OS Parcel 1310 South of Paddington Cottage, Milton Road, Bloxham

**Proposal:**             Variation of Condition 2 of 09/01811/F – Amended details for Plot 6

## **1.        Site Description and Proposal**

- 1.1        In July 2010 planning permission was granted for the construction of 61 dwellings on a site to the South of Milton Road in Bloxham contrary to the development plan in light of the shortage in housing land supply that the authority was experiencing at the time. A substantial amount of work has taken place on the site with some properties now being occupied. All the necessary conditions relating to the original application have been discharged. This application covers the same red line area but only relates to Plot 6 which is the bungalow designed for use by disabled residents. This plot is on the northern boundary of the site on the eastern side of the development. In order for the bungalow to meet the standards set by the affordable housing provider covered parking and covered access to the property is required. The amendments to the plot involve the relocation of the parking space from the side (south) of the property to the front (east) and the construction of a car port and covered access and porch. This property is one that has now been completed therefore in respect of plot 6 the application is retrospective but parts of the site are not yet complete.

## **2.        Application Publicity**

- 2.1        The application has been advertised by way of site notice, press notice and neighbour notification letter. The final date for comment was 10 March 2011.
- 2.2        No letters of objection have been received.

## **3.        Consultations**

- 3.1        Bloxham Parish Council has not commented on the application.
- 3.2        The Local Highway Authority raises no objections subject to conditions.

<b>4</b>	<b>Planning Policy</b>	
4.1	Adopted Cherwell Local Plan 1996	C28 – Standards of layout, design and external appearance C30 – Design Control
4.2	South East Plan 2011	BE1 – Management for an urban renaissance
4.4	National Policy	PPS1: Delivering Sustainable Development

## **5. Appraisal**

- 5.1 The key issues to consider are the impact the proposal will have on the rest of the development and the impact the amendment may have on the visual amenities of the area, the residential amenities of existing and new residents and highway safety.
- 5.2 In relation to the overall scale of the approved scheme the amendment is quite minor and only affects one plot. The overall layout of the scheme is not affected. Localised impacts will actually benefit some of the plots. For example two neighbouring plots will have slightly larger gardens as a result of relocating the parking area and the bungalow itself will have covered parking and access into the property. The proposed car port is not in a prominent location and has been designed with open sides which reduces its bulk.
- 5.3 The car port is located south of the garden belonging to Andsu, an existing property fronting Milton Road. However it is set approximately 5 metres off the boundary and 16 metres from the rear elevation therefore given the single storey nature of the car port the impact on the residential amenities will be minimal and not adverse.
- 5.4 The construction of the car port and the relocation of a couple of the parking spaces will not affect the overall provision of spaces therefore will not cause harm to highway safety.
- 5.5 As this application is a Section 73 Application it results in a new permission for the site therefore it is necessary to apply all the conditions that were included on the original consent. However all of the relevant conditions have been discharged so where necessary the conditions have been reworded to take this into account.
- 5.6 This application has been brought to committee for consideration as it constitutes a major development, despite only materially affecting plot 6. Given the nature of the application it has been necessary to seek an amendment to the legal agreement to link this application to the previous agreement. The amendment to the legal agreement has been completed.
- 5.7 **Conclusion**  
The amendment to plot 6 is considered to be minor in nature and does not materially affect the overall development of 61 dwellings. The amendment does not result in any increase in impact to neighbouring properties whether they be original dwellings or new properties built as part of the overall development. No additional impact to highway safety occurs.

## 6. Recommendation

### Approval subject to

- a) Confirmation that the application has been appropriately advertised
- b) the following conditions;

1. That the development to which this permission relates shall be begun not later than the expiration of 2 years beginning with the date of this permission.

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

2. Except where otherwise stipulated by conditions attached to this permission and where the listed plans supersede their earlier versions, the development shall be carried out strictly in accordance with the plans and documents as listed in the schedule of plans received in the department on 10 February 2010 in relation to 09/01811/F with the exception of those areas relating to plot 6 which shall be in accordance with:-

D267/5476/SL/01 Rev. K received by the Council 20 January 2011

D267/5476/2BDB/01 Rev. A received by the Council 20 January 2011

D267/5476/2BDB/02 Rev. B received by the Council 20 January 2011

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan and PPS1: Delivering Sustainable Development

3. That the materials used for the walls and roof of the development hereby approved shall be in accordance with the samples approved on 9 March 2011 in relation to 09/01811/F.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan.

4. That the doors and windows used in the construction of the dwellings hereby approved shall be in accordance with the samples and details approved on 9 March 2011 in relation to 09/01811/F.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan.

5. That the finished floor levels of the proposed dwellings shall be in accordance with the details approved on 9 March 2011 in relation to 09/01811/F.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the adopted Cherwell Local Plan.

6. That the landscaping shall be carried out in accordance with the plan nos. 395/2/02 Rev C and 395/2/03 Rev C approved in relation to 09/01811/F.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

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

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

8. That the play area shall be installed in accordance with plan no. 395/2/05 Rev C, within the time period approved by the LPA and thereafter retained as play space.

Reason - In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy R12 of the adopted Cherwell Local Plan.

9. That prior to the first occupation of the proposed development, the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with the specification of the means of access attached hereto, and that all ancillary works therein specified shall be undertaken in accordance with the said specification.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

10. Prior to the first occupation of the proposed development vision splays measuring 4.5 metres x 90 metres shall be provided to each side of the access.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

11. That, before any of the dwellings are first occupied, the whole of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained to the Oxfordshire County Council's "Conditions and Specifications for the Construction of Roads."

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government advice in PPG13: Transport.

12. That, before any of the dwellings are first occupied, the proposed vehicular accesses, driveways and turning areas that serve those dwellings shall be constructed, laid out, surfaced and drained in accordance with specification details approved 9 March 2011 in relation to 09/01811/F.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government advice in PPG13: Transport.

13. That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details approved 9 March 2011 in relation to 09/01811/F, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

14. The Green Travel plan prepared by Glanville and dated November 2010 received on 18 March 2011 with the applicant's letter dated 14 March 2011 shall be implemented and complied with.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, and to comply with Government advice contained in PPG13: Transport and PPS1: Delivering Sustainable Development.

15. Prior to the first occupation of the proposed development the required off-site works are to be constructed, laid out and to the approval of the Local Highway Authority and constructed strictly in accordance with the Highway Authority's specifications and that all ancillary works shall be undertaken.

Reason - In the interests of highway safety, to ensure a proper standard of development and to comply with Government advice in PPG13: Transport.

16. The development shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) approved 9 March 2011 in relation to 09/01811/F. Construction work shall thereafter be carried out in accordance with the approved CEMP.

Reason - To protect the amenities of the local residents, to avoid pollution and to comply with Policy ENV1 of the adopted Cherwell Local Plan.

17. The development hereby permitted shall be carried out in accordance with the recommendations set out in Sections 4 and 5 of the Ecological Appraisal by Diversity dated July 2009 unless otherwise agreed in writing by the Local Planning Authority.

Reason - To protect habitats of importance to nature conservation from any loss or damage in accordance with the requirements of PPS 9: Planning and Biodiversity, and Policy C2 of the adopted Cherwell Local Plan.

18. The development shall be carried out in accordance with the archaeological watching brief approved 9 March 2011 in relation to 09/01811/F.

Reason - To safeguard the inspection and recording of matters of archaeological and historic importance on the site, to comply with Government advice in PPS5: Planning for the Historic Environment.

19. With the exception of the positioning of the Geocellular storage within the play area the development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated November 2009, carried out by Stuart Michael Associates ref 307.FRA&DS and the following mitigation measures detailed within the FRA:

Limiting the surface water run-off rate generated by the development to 3.4l/s/ha so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

Providing sufficient attenuation for a volume of 697m<sup>3</sup> so that it will not exceed the run-off volume from the undeveloped site and not increase the risk of flooding off-site.

All adoptable roads and parking areas will be permeable paving and all dwellings will have water butts.

Reason - To prevent flooding by ensuring the satisfactory disposal of surface water from the site, to prevent flooding by ensuring the satisfactory storage of surface water from the site and to provide sufficient attenuation and other benefits such as water quality and water re-use.

20. That the development shall be carried out in accordance with the revised Surface Water Drainage Strategy plan approved 9 March 2011 in relation to 09/01811/F.

Reason - To prevent flooding and to provide a satisfactory storage of surface water from the site.

21. That the public art shall be installed at the same time as the laying out of the play equipment in accordance with the details approved in relation to Condition 26 of 09/01811/F on 13 October 2011.

Reason - To secure the provision of essential community infrastructure on site in accordance with Policy D5 of the Non-statutory Cherwell Local Plan and advice in PPG17: Planning for Open Space, Sport and Recreation.

### **Planning Notes**

1. Attention is drawn to a Legal Agreement and its amendment related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
2. From 6 April 2008 it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000.
3. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT.

For projects estimated at between £300,000 and £500,000 (excluding VAT) the SWMP should contain details of the:  
types of waste removed from the site  
identity of the person who removed the waste

site that the waste is taken to.

For projects estimated at over £500,000 (excluding VAT) the SWMP should contain details of the:

types of waste removed from the site

identity of the person who removed the waste and their waste carrier registration number

a description of the waste

site that the waste was taken to

environmental permit or exemption held by the site where the material is taken.

At the end of the project, you must review the plan and record the reasons for any differences between the plan and what actually happened.

You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.

Further information can be found at [www.netregs-swmp.co.uk](http://www.netregs-swmp.co.uk)

It is suggested that larger areas of hard standing e.g. walkways/car-parking are constructed following the recommendations set out in Sustainable Urban Drainage Systems guidance. This can be continued with designs for open space and landscaping within the area. The use of SUDS can attenuate the disposal of water and reduce the impact of pollutants to nearby watercourses. Guidance is available from Planning Policy Statement 25 or from the Environment Agency website, [www.environment-agency.gov.uk/suds](http://www.environment-agency.gov.uk/suds)

Rainwater harvesting should be used where possible.

## **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council as local planning authority has determined the application having had careful regard to the development plan and other material considerations. Although the site is not allocated for development in the adopted Cherwell Local Plan the Council considers the following material considerations sufficient to justify the granting of planning permission as a departure from the adopted Local Plan. The need for the site to be developed to accord with the Council's strategy for meeting housing delivery requirements, development that results in high quality housing and minimises and mitigates landscape and other impacts has led the Council to consider the proposal acceptable. The proposal is in accordance with PPS3 – Housing and Policies C28 and C30 of the adopted Cherwell Local Plan.

**CONTACT OFFICER: Caroline Roche**

**TELEPHONE NO: 01295 221816**