

Application No: 12/00290/F	Ward: Bloxham and Bodicote	Date Valid: 18/04/2012
Applicant:	Spitfire Property Group	
Site Address:	33 Oxford Road and land to the rear of Nos. 35-59, Oxford Road, Bodicote, Banbury	

Proposal: Demolition of 33 Oxford Road and erection of 21 dwellings and new access road – amendment to planning permission 09/00939/F

Date site visited: 23/04/12

1. Site Description and Proposal

- 1.1 This application site lies to the north east of Oxford Road behind the existing houses that front on to the Oxford Road. The site area is approximately 0.7ha and currently accommodates a single residential property with garage fronting on to Oxford Road and a paddock with a couple of outbuildings to the rear. The paddock extends along the rear garden boundaries of property numbers 33-59 Oxford Road.
- 1.2 The site does not appear to currently be in use and the house has recently been vacated. The site is enclosed by various forms of boundary including hedgerows, fencing, walls, post and wire fence plus there is currently a gated access onto Canal Lane which has been removed from the red line area of the application. With the exception of a few fruit trees in the garden of 33 Oxford Road there are no trees within the site although there are a number either on or adjacent to the boundary. The site is generally flat.
- 1.3 The application site has been the subject of several applications in the past which are covered in more detail in the 'History' section below. This application (i) seeks to reduce the number of proposed dwellings from 23 to 21, (ii) seeks slight amendments to the layout and design of the scheme, (iii) would result in an extension to the time limit given that the consented scheme is due to expire in October of this year and (iv) the applicants ask that in the event of an approval the restriction which links implementation to the implementation of the Bankside development be not included as a condition.
- 1.4 The application is submitted with detailed proposed plans some of which have been amended, a design and access statement, a planning statement for which an addendum has been submitted, a traffic noise report, an updated ecological report and a transport statement. The site is not in an area known to flood and is under the threshold for requiring a full flood risk assessment. The development has also been assessed in relation to the Environmental Impact Assessment Regulations and it is concluded that the proposal does not constitute EIA development and as such it was not necessary for the applicants to submit and Environmental Statement.

2. Application Publicity

- 2.1 The application has been advertised by way of three site notices and an advert in the local press. The site notices were located close to no. 33 and no. 51 Oxford Road and at the access to Canal Lane. The final date for comment was 31 May

2012. However comments received up until the date of committee will be considered.

- 2.2 2 letters/emails of objection have been received. Full details are available electronically via the Council's website.

The material planning considerations raised as objections are as follows:

- There are conditions restricting development taking place until Bodicote/Bankside commences.
- Environmental Impact Assessment should be provided for any medium sized development

3. Consultations

- 3.1 **Bodicote Parish Council** objects strongly to the application for the following reasons;

- Objects to removing condition 20 as it was put in place to ensure adequate infrastructure and facilities were provided to serve the residents
- Site is not within current local plan or Non-Statutory Local Plan
- When Bodicote-Bankside is built this site will be classed as infill
- Do not accept that there is a shortfall in housing land supply – letter from Sir Tony Baldry M.P. confirms this
- This site is only infill and sustainable if Bodicote-Bankside is built
- No one bedroom affordable units proposed

- 3.2 **Environment Agency** considers the site and the development to be of low environmental risk and as such did not make full comments on the proposal.

- 3.3 **OCC Highways** comment as follows:

- Proposed access has previously been approved
- More parking required for affordable units and visitor parking
- Garages must meet certain dimensions to be contribute to parking provision
- Transport contribution required
- Construction Traffic Management Plan required in order to protect amenity of neighbouring residents during construction

- 3.4 **OCC Drainage**

Surface water drainage should be considered at the planning stage in order to be able to assess the likely impact on the local area.

- 3.5 **OCC as Mineral Planning Authority** does not object to the application.

- 3.6 **OCC Developer Funding** has requested some standard contributions stating that they are justified on the basis that they will protect the existing levels of infrastructure for local residents and will enable the incorporation of the development into the local community without the community subsidising the development.

- 3.7 **Head of Strategic Planning and the Economy** (Planning Policy, Economic Development, Urban Design)

- In relation to Planning Policy the site lies mostly within the area of land

allocated for the Bankside development in the Non-Statutory Cherwell Local Plan 2011.

- No objection in principle to the development of this site as part of the Bankside urban extension
- Its included in district's overall housing land supply and its early delivery would be helpful in meeting housing need and to the district's overall housing delivery position
- Important to ensure that sufficient infrastructure will be available to serve the development
- Review of links with Bankside development will be needed in terms of the delivery of required infrastructure and the timing of the construction/occupation of the Oxford Road development
- If there is concern that timing of proposed development and the delivery of the Bankside development would not be compatible, it may be necessary to attach a linking condition as was required for the permitted scheme (09/00939/F)
- If development is considered separately from the Bankside development, relevant countryside and village policies would need to be considered, having regard to fact that planning permission has recently been allowed on appeal for 82 homes at Cotefield Farm, Bodicote.

3.8 Head of Environmental Services (Arboriculture, Landscape Services)

In terms of visual impact the site is well screened from public vantage points but development will be noticeable from private properties but existing vegetation will provide some screening. Trees and hedgerows are integral to the site so should be protected. The layout could be amended to provide more opportunity for screening between new dwellings and the boundary. The LAP is not centrally located and does not provide sufficient space for a buffer. Public and private open space and should be clearly defined. Detailed landscaping plans are required and the necessary financial contributions are sought.

3.9 Head of Community Services (Safer Communities, Nature Conservation, ROW)

In relation to ecology the 2009 and 2012 ecological surveys found no evidence of protected species using the site. The 2009 emergence survey found no bats to be roosting in the buildings proposed for demolition and the condition of the brick outbuilding has deteriorated further making it less attractive to bats. The brick building and hedgerows do have potential to support nesting birds which are protected. Conditions are proposed.

In relation to Rights of Way there are no objections but clarification sought regarding the track leading to Canal Lane.

3.10 Thames Valley Crime Prevention Design Advisor:

- Link to Canal Lane may make plot 8 vulnerable to casual intrusion
- Hedgerows do not provide secure boundary to residential gardens
- Some areas of car parking not overlooked
- Access path to rear of plots 19-21 and 17 and 18 not secure

4. Policy Considerations

**National Planning
Policy Framework**

Core planning principles and the delivery of sustainable development and a presumption that where plans are absent,

silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, with particular regard to the following sections:

- 4: Promoting sustainable transport
- 6: Delivering a wide choice of high quality homes
- 7: Requiring good design
- 8: Promoting healthy communities
- 10: Meeting the challenge of climate change, flooding and coastal change
- 11: Conserving and enhancing the natural environment

South East Plan 2009

Spatial Strategy

SP3: Focus for development on urban areas

Cross Cutting – Policies

CC1: Sustainable Development

CC2: Climate Change

CC4: Sustainable Design and Construction

CC6: Sustainable Communities & Character of the Environment

CC7: Infrastructure and Implementation

Housing – Policies

H1: Regional Housing Provision 2006 - 2026

H2: Managing the Delivery of the Regional Housing Provision

H3: Affordable Housing

H4: Type and Size of New Housing

H5: Housing Design and Density

Transport – Policies

T1: Manage and Invest

T4: Parking

Natural Resource Management – Policies

NRM1: Sustainable Water Resources & Groundwater Quality

NRM2: Water Quality

NRM4: Sustainable Flood Risk Management

NRM5: Conservation and Improvement of Biodiversity

NRM11: Development Design for Energy Efficiency and Renewable Energy

Countryside and Landscape Management – Policies

C4: Landscape and Countryside Management

Management of the Built Environment – Policies

BE1: Management for an Urban Renaissance Scotland2012

Social and Community Infrastructure – Policy

S1: Supporting Healthy Communities

S3: Education and skills

Central Oxfordshire – Policies

	CO1: Core Strategy CO3: Scale and Distribution of Housing
Adopted Cherwell Local Plan 1996 Saved Policies	H5: Affordable housing H12: Housing in rural areas H13: Housing in Category I Settlements H18: New dwellings in the countryside TR1: Transportation Funding R12: Public Open Space provision within new housing developments C2: Protected Species C7: Landscape conservation C8: Sporadic development in open countryside C9: Compatibility of development with rural location C13: Areas of High Landscape Value C28: Design, layout etc standards C30: Design control
Non-Statutory Cherwell Local Plan 2011	Housing policies H1a, H1b, H3, H4, H7, H10, H15, H19 Transport & Development policies TR1, TR3, TR4, TR5, TR8 & TR11 Recreation & Community Facilities policies R8, R9, R10A Conserving & Enhancing the Environment policies EN1, EN15, EN17, EN24, EN25, EN30, EN34. Urban Design & The Built Environment policies D1, D3, D5 & D6 and D9
The Cherwell Local Plan Proposed Submission Draft May 2012	Sustainable communities BSC1: District wide housing distribution BSC2: Effective and efficient use of land BSC3: Affordable housing BSC4: Housing mix BSC10: Open space, sport and recreation provision BSC11: Local standards of provision – outdoor recreation BSC12: Indoor sport, recreation and community facilities Sustainable development ESD1: Mitigating and adapting to climate change ESD6: Sustainable flood risk management ESD7: Sustainable drainage systems ESD8: Water resources ESD10: Biodiversity and the natural environment ESD13: Local landscape protection and enhancement ESD15: Green boundaries to growth ESD16: Character of the built environment Policy for villages 1 – Village categorisation Policy for villages 2 – Distributing growth across the rural areas

5. Appraisal

5.2 The key issues for consideration in this application are:

- History
- Policy Context
- Housing land supply
- Infrastructure Provision and S106
- Character and appearance
- Neighbouring amenities
- Access and highway safety
- Other issues

5.3 History

This site has been the subject of several previous planning applications.

CHN.90/00173 – Demolition of house to give access for residential development – Refused. Appeal dismissed

05/02300/OUT – Demolition of 33 Oxford Road and erection of 23 dwellings - withdrawn

06/00432/OUT Planning permission refused for the demolition of 33 Oxford Road and the erection of 23 dwellings by the Council for reasons relating to the proposed access and highway safety concerns. On appeal however an Inspector found that there would be no adverse impacts on highway safety but instead that there was a lack of community benefits arising from the scheme given that there was no signed obligation presented at the time. He also concluded that the appeal site constitutes a green field site lying in open countryside outside the built-up limits of any defined settlement and that the proposal was in conflict with the provision of the adopted Local Plan

06/02293/OUT Planning permission granted for the same development as above subject to several conditions, one of which was a restriction on the development taking place until the lawful implementation of any development permitted pursuant to the planning application reference 05/01337/OUT (Bodicote/Bankside). The reason for this was to ensure that adequate infrastructure and facilities are provided to serve the residents of the proposed development.

09/00939/F Planning permission was granted once again for the same development but in the form of a full application. Consent was granted for another three year period but with a similar condition (Condition 20) restricting the development from taking place until the lawful implementation of 05/01337/OUT.

10/00635/F Planning permission refused to remove condition 20 from the previous consent in order that the development could come forward before the implementation of the Bodicote/Bankside development. The application was refused for the following reasons;

The proposed removal of condition 20 would allow the development of 23 houses to the rear of 33-59 Oxford Road prior to the commencement of the Bankside application scheme under permission 05/01337/OUT. Development of the site prior to the commencement of 05/01337/OUT would not meet the requirements of Policy H10 of the Non-Statutory Cherwell Local Plan in seeking a comprehensive scheme for the site and furthermore as a small independent development its

development at the current time would be considered contrary to Local Plan Policy H13 falling outside the built up limits of Bodicote. In addition, the proposed 23 houses would place additional pressure on existing community facilities secured under the outline planning permission for the Bankside application and therefore additional houses on the site to the rear of 33-59 Oxford Road would increase pressure on existing facilities and there would be little control to ensure new facilities are provided for further housing development.

5.4 Policy Context

5.4.1 The adopted Local Plan under policy H13 identifies Bodicote as suitable for infilling, minor development and conversions. The area of land the subject of this application falls outside of the built up limits of Bodicote. The site also falls within the allocation relating to Policy H10 of the Non-Statutory Local Plan which seeks a comprehensive scheme for the development of the allocation for up to 950 houses. Outline planning permission has been granted on part of the H10 allocation, known as Bankside (05/01337/OUT).

5.4.2 Development of the application site prior to the commencement of 05/01337/OUT would not meet the requirements of policy H10 of the NSCLP in seeking a comprehensive scheme for the site and furthermore as a small independent development would be considered contrary to Local Plan Policy H13 falling outside the built up limits of Bodicote. Once development under 05/01377/OUT comes forward the development of the site would no longer be considered to fall outside the built up area of Bodicote and would be considered to meet the requirements of the allocation under policy H10 of the NSCLP.

5.4.3 Whilst the Proposed Submission Draft Cherwell Local Plan carries limited weight it is a material consideration. There are no specific policies in it which relate to this site. Bodicote does however remain as a Category A village where development is expected to be restricted to minor development, infilling and conversions. However it is 1 of 6 villages that may be expected to accommodate in the region of 500 new homes between them. If divided broadly equally this could equate to approximately 83 dwellings each and it may be relevant to note however the decision to allow development at Cotefield Farm which allowed for 82 dwellings.

5.4.4 At the heart of the NPPF is a presumption in favour of sustainable development. Other elements of the NPPF and its implications in relation to this development are discussed below.

5.5 Housing Land Supply

5.5.1 The NPPF requires that in order to significantly boost the supply of houses local authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing. It is clear from the response of Bodicote Parish Council that they object to this application coming forward, one of the reasons for their objection is the belief that the Council does have a five year supply of housing land. The Parish Council consider that all sites with planning permission should be considered deliverable and as such should be included in the 5 year supply calculation. However the Council has received legal clarification on this point following the deferral of the application at Bourne Lane in Hook Norton. The conclusion to this was that footnote 11 is clear in stating that sites with planning permission should be considered deliverable until permission expires,

unless there is clear evidence that schemes will not be implemented within five years. This does not therefore alter the way in which this Council has previously calculated the housing land supply figures and as such the Council remains in a position where it can only demonstrate it has a 3.1 year supply of housing land. In addition to this the appeal decision for Adderbury does not dispute that the Council only has 3.1 years.

5.5.2 It is important to remember that the principle of development of this site has already been established and that the number of dwellings has already been included in the AMR as coming forward within the next 5 years. However if this application is refused the existing consent is likely to expire and the housing land supply figure would reduce slightly. By allowing the development to go forward without relying on the implementation of Bankside could result in these houses being built in the next 12 months, as suggested by the applicants, and giving more certainty to and maintaining the housing land supply position. This is a small contribution but it would seem reasonable to bring forward developments that have already been established in principle potentially reducing the pressure to approve other schemes that may result in more harm.

5.5.3 When the application to remove condition 20 was considered in 2010 the Council had an identified shortage in housing land supply but the figure was 4.6 years. This was not considered to be a significant shortfall so there was less of a justification to bring this development forward than exists now

5.5.4 The benefit of bringing this development forward in relation to the housing land supply position has significant weight in the consideration of this application, however it has to be balanced against the impact the development will have on the local infrastructure.

5.6 **Infrastructure Provision and S106**

5.6.1 Notwithstanding the fact that the development of this site, separate from Bankside would be contrary to Policy H10 of the NSCLP which required a comprehensive scheme and village policies restricting development outside the built up limits of villages the other major concern is whether or not there is sufficient infrastructure to support the development. It has been agreed previously that the residents of the new development would benefit from the new facilities to be provided by the Bankside development for which contributions would also be sought from this development, hence the linking condition on previous consents. This is certainly expected to be the case in the long term when sufficient phases of development have occurred triggering the requirement to provide certain facilities, but facilities such as the community park and the community building may not be completed and available for use until 450 dwellings are occupied on the Bankside development site. Other thresholds apply to the school and healthcare provision. This means that even with a condition in place restricting development coming forward until the implementation of Bankside there would be a period of time when the residents of this development would utilise existing facilities in Bodicote and Banbury. Allowing the development before the implementation of Bankside may mean that the pressure on existing facilities is slightly greater for a slightly longer period of time. However, the signed S106 agreement relating to the consented scheme, which is expected to be amended in relation to this scheme, did not specify that the secured funds would necessarily be spent on facilities at Bankside. Therefore there is the opportunity to use some of the contributions to secure

infrastructure improvements in the short term where it is considered necessary and appropriate.

- 5.6.2 For example in relation to education, Oxfordshire County Council as education authority considered that whilst the two developments may proceed independently of one another funding for service infrastructure to support either will follow rather than precede the need. Children resident in the houses proposed as part of this scheme will attend the Bankside school when it is built, however before it is built it is likely that they would attend Harrier's Grounds School which has plans for expansion to accommodate children from other developments in Banbury. Dependant on timing the education contribution could be used for either school. Given this summary it would seem that whilst it would be preferable for children on this development site to attend the Bankside School there would be alternatives available and as such in relation to education this development does not solely rely on Bankside being implemented.
- 5.6.3 The issue is therefore largely one of timing. It is fully expected that the Bankside development will begin to come forward in the near future as there are additional signs of progress being made with the discharge of conditions and an expectation that a reserved matters application will be submitted in the near future. The previous restrictive condition only required that the development did not commence until the lawful implementation of the Bankside scheme. That implementation could be as little as laying the access roads or starting on foundations for one parcel of development. This form of implementation would therefore not automatically lead to the provision of facilities as discussed above.
- 5.6.4 The applicants are willing to enter into a S106 agreement that secures contributions towards community infrastructure. However they are seeking to bring the development forward sooner than the implementation of the Bankside development. Previously the development has been tied to the implementation of the Bankside development as the larger scheme would have delivered the required facilities for the urban extension such as a primary school, sports pitches, mixed use area, community park, highway improvements and public transport. However as discussed above this needs to be weighed against the need to assist with the Council's housing land supply position and the NPPF's emphasis on bringing development forward unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 5.6.5 There are now more encouraging signs than previously that Bankside will come forward. It is therefore expected that eventually all the facilities will be provided to serve this application site. There was always going to be an interim period when properties could be occupied on the application site before the facilities were provided on the Bankside development, this interim period may however be longer if a restrictive condition is not imposed. Given that there are likely to be infrastructure contributions secured to mitigate any impact it is not considered that any significant harm will arise from this scenario, especially given the sites proximity to Banbury. In this instance, in the interest of contributing to the housing land supply it is considered that the development should be allowed to come forward earlier than the implementation of the Bankside scheme.

5.7 Character and Appearance

- 5.7.1 The layout of the site is similar in many respects to the layout approved in 2009.

An access road enters the site where 33 Oxford Road is to be demolished and there are dwellings located either side of and at the end of the access road. The original scheme did include a few affordable flats but these have been replaced with terraced properties (also affordable) as there is currently no demand for small affordable flats in the immediate area. The scheme includes a range of terraced, semi-detached and detached dwellings of various sizes. There are no prominent accessible public views of the site therefore its impact on the visual amenity of the area will be limited. The design of the properties is fairly simple and traditional and in keeping with the scale of properties in the vicinity. It is not considered that the development will cause harm in respect of its impact on the character and appearance of the area and as such complies with the relevant policies listed above.

5.8 Neighbouring Amenity

- 5.8.1 Similar distances are maintained between the new properties and the existing properties on Oxford Road as were approved in the earlier application. This means that there is a back to back distance of approximately 35 metres in most instances. This meets the Council's informal space standards for seeking to protect private amenity and limit overlooking. In order to provide additional parking spaces there are some instances where garages are closer to existing properties than the actual houses. The garages have a height of 5 metres, with roofs pitched away from the neighbouring garden and will be screened by existing boundary treatments. Furthermore the properties and their garages will be to the north of the existing gardens therefore will not cause any adverse overshadowing.
- 5.8.2 The proposed access road is to run between 31 and 35 Oxford Road and as such may have resulted in harm to the amenities of the residents. However this was assessed as part of previous applications and appeals and was considered not to be sufficient to warrant refusal providing a 2 metre high close boarded fence was provided along the boundaries with these properties. Whilst there may have been some preference for a wall this was not considered necessary to mitigate the impact and furthermore it is likely that it would cause harm to trees along the shared boundary.
- 5.8.3 It is not considered that this development will result in any demonstrable harm to the amenities of neighbouring residents.

5.9 Access and Highway Safety

- 5.9.1 The Council has previously objected to this application on the grounds that a suitable access could not be achieved without causing harm to highway safety. However this was not supported by an appeal inspector and subsequent applications have been approved with the same access arrangements. The Local Highway Authority (LHA) has not objected to the scheme but did request that certain amendments be made to the detail of the layout. Changes have been made and a further round of consultation is taking place with the LHA.

5.10 Other Matters

- 5.10.1 The proposal is not likely to result in flooding but the applicants were asked to give further consideration to the surface water drainage strategy. In response they have said;

Following discussions with Oxfordshire County Council they have initially confirmed that surface water from the proposed development could be connected into the existing highway drain in Oxford Road. Flows from the site would be required to be restricted to existing greenfield run-off of circa. 5l/s. In order to achieve a suitable rate of discharge on-site would be required. A large volume of this storage could be accommodated within the sub base area of a porous road/parking areas in conjunction with other SUDS technologies to deal with surface water run-off from the roofs of the proposed dwellings.

5.10.2 This is sufficient to satisfy the Council that an appropriate strategy could be put in place and a suitable condition will be imposed to require details to be submitted.

5.10.3 In relation to ecology there was no evidence on site that there were protected species. However various parts of the site and existing buildings may be suitable to support bats and nesting birds. Therefore it is necessary to impose appropriate conditions relating to ecology to ensure that when works takes place there are no protected species that will be harmed as a result of the development.

5.10.4 In relation to the impact on trees there are no trees worthy of protection within the actual development site. However appropriate measures will need to be taken to protect the trees that are located along the development boundary.

5.10.5 The scheme provides 30% affordable housing which meets the current policy requirement and as such weighs in favour of approving the scheme.

5.11 **Conclusion**

5.11.1 Development of this site in isolation is contrary to local plan policies. However it has been established through previous consents and draft allocations that this site is suitable for development. There is a need to bring forward developments in order to improve the Council's housing land supply position. Bringing this development forward prior to Bankside may have implications on infrastructure demand and provision but a full package of s106 contributions will be required. Given the pro-development emphasis of the NPPF it is considered that there are no factors that would significantly or demonstrably outweigh the benefits of bringing this development forward and not linking it to the implementation of the Bankside development. It is therefore recommended that on this occasion the application be approved subject to the criteria and conditions below.

5.11.2 Notwithstanding the recommendation, if Members remained concerned about the implementation of this development prior to the implementation of the Bankside development it is recommended that the scheme still be approved and a condition be imposed linking this development to the implementation of Bankside, as has occurred on previous consents. If the application were to be refused in its entirety the existing consent would lapse and the housing land supply would reduce as a result.

6. **Recommendation**

Approval subject to:

a) The applicant/s entering into an appropriate legal agreement to the satisfaction of

the District Council to secure financial contributions,

b) the expiry of the re-consultation period

c) the following conditions:

1 SC1.4A Full Permission: Duration Limit (3 years) (RC2)

2 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents listed below:

Planning Support Statement by Stansgate Planning dated March 2012 and its Addendum dated June 2012, Design and Access Statement by Malcolm Payne Group dated February 2012, Update Phase 1 and Protected Species Survey Assessment by Worcestershire Wildlife Consultancy dated April 2012, Transport Statement by Banners Gate dated March 2012, Traffic Noise impact report by Hoare Lea and dwg nos. (to be completed) received with the application.

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 SC2.0 Details of materials and external finishes (RC4A)

4 That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.

(d) details to also include planting of small trees along the southern edge of the development.

(e) details also to include planting of an avenue of trees through the entrance road to the site, through to the point of exit of the proposed pathway link to Bankside.

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 C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

5 SC3.1A Carry out Landscaping Scheme and Replacements (RC10A)

6 That except to allow for the means of access and vision splays the existing hedgerow/trees along the north east boundary of the site shall be retained and properly maintained at a height of not less than 2 metres, and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced and thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C4 of the South

East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 7 Prior to the commencement of the development hereby permitted details of the provision, landscaping and treatment of open space/play space within the site shall be submitted to and approved in writing by the Local Planning Authority. The open space/play space, once approved shall be landscaped, laid out and completed in accordance with the details approved and within a time period to be first approved in writing by the Local Planning Authority and thereafter retained as open space/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 BE1 of the South East Plan 2009 and Policy R12 of the adopted Cherwell Local Plan.
- 8 The applicant shall give written notice to the Local Planning Authority of 7 working days prior to carrying out the approved tree works and any operations that present a particular risk to trees (e.g. demolition within or close to a Root Protection Area (RPA), excavations within or close to a RPA, piling, etc).
Reason - To ensure that no proposed operations impair the health of any retained trees in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan
- 9 That full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure, in respect of those dwellings which it is intended shall be screened, shall be erected prior to the first occupation of those dwellings.
Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan.
- 10 That prior to the construction of the dwellings, the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification, 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 the NPPF.
- 11 That the vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding 0.6 metres as measured from the carriageway level.
Reason - In the interests of highway safety and to comply with Government advice contained in the NPPF.
- 12 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 the NPPF.

- 13 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 to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
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 the NPPF.
- 14 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 to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, 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 the NPPF.
- 15 Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.
Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policy T5 of the South East Plan 2009.
- 16 SC 4.14DD Green Travel Plan (RC66A)
- 17 Prior to the commencement of development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and to protect the amenities of neighbouring residents during the construction phase.
- 18 Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".
Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government advice in the NPPF, Policy NRM4 of the South East Plan 2009 and Policy ENV1 of the adopted Cherwell Local Plan.
- 19 That, notwithstanding the provisions of Classes A to E (inc.) of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, the approved dwelling(s) shall not be extended (nor shall any structures be erected within the curtilage of the

said dwelling(s) without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan.

- 20 That, notwithstanding the provisions of Classes A, B and C of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the building without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development in order to safeguard the amenities of the occupants of the adjoining dwellings and prevent overlooking in accordance with Policy C30 of the adopted Cherwell Local Plan.

- 21 That, notwithstanding the provisions of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, the garage(s) shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.

Reason - To ensure that satisfactory provision is made for the parking of vehicles on site and clear of the highway in accordance with Policy T4 of the South East Plan 2009.

- 22 Prior to the commencement of the development hereby permitted, a comprehensive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan.

- 23 If contamination is found by undertaking the work carried out under condition 22, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the

land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan.

- 24 If remedial works have been identified in condition 22, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 23. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan.
- 25 No development shall commence until a S278 Agreement has been entered with the County Council for the access works necessary within the public highway.
Reason - Works are required within the public highway to accommodate a satisfactory access into the site and to comply with South East Plan Policy T1 and Cherwell Local Plan Policy TR2.
- 26 No development shall be commenced until details and plans of the screening fence/Wall to be provided alongside Nos 31 and 35 Oxford Road have been submitted to and approved in writing by the Local Planning Authority. The approved fencing/walling shall be installed prior to the commencement of the works on site and thereafter be maintained at all times.
Reason - To alleviate noise levels for nos.31 and 35 Oxford Road and comply with Cherwell Local Plan policy ENV1.
- 27 Provision shall be made within the layout to accommodate a footpath/cyclepath link between the site and land to the East and the footpath/cyclepath shall be provided up to the boundary of the site in the position approved to an adoptable standard.
Reason - To ensure that the opportunity is provided to create footpath/cyclepath links to local facilities to encourage travel by means other than the private car in accordance with South East Plan T1.
- 28 That no means of access whatsoever shall be formed or used between the land identified in this application and Canal Lane.
Reason - In the interests of highway safety and to comply with government advice contained in the NPPF and South East Plan Policy T1.
- 29 No external lighting whatsoever shall be placed on the rear walls or roof of the buildings or sited in the rear gardens of plots 7-15 inclusive without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policy C30 of the adopted Cherwell Local Plan
- 30 That the approved Bat mitigation detailed in the Ecological Survey commissioned in June 2009 by Jonathan Flint and the updated Phase 1 and protected Species survey assessment dated April 2012 shall be implemented in full as part of the

development and all bat boxes installed as part of the approved mitigation scheme shall not be removed or destroyed and if they become damaged shall be repaired or replaced and thereafter properly maintained.

Reason - To ensure the protection of Bats and the environment in accordance with the Cherwell Local Plan policy C1

No removal of trees or hedgerows is to take place between the months of March and August inclusive unless supervised by a suitably qualified ecologist checking for the presence of nesting birds. If active nests are found to be present than clearance works in that area will need to be delayed until the chicks have fledged. (RC86A)

- 31 No works of site clearance, demolition or development are to take place until a biodiversity enhancement strategy has been submitted to CDC for approval. This is to detail the number, type and location of bird nesting and bat roosting boxes/tubes to be provided. Swift and/or sparrow as well as general bird nest boxes would be suitable for this location. All works are to proceed in accordance with the approved document.

Reason: To encourage biodiversity enhancement within the area.

Planning Notes:

1. Attention is drawn to the legal agreement in the form of a Unilateral Undertaking which has been made pursuant to Section 106 of the Town and Country Planning Act 1990.

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

The Council, as Local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to acceptable on its planning merits as the proposal is not considered to be detrimental to the residential amenities of the neighbouring properties and is not considered to impact on ecology or highway safety. The site is identified within the Bankside allocation, Policy H10 of the Non-Statutory Cherwell Local Plan (2011). The proposal is also in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan and Policies CC1, CC6, CC7 of the South East Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved subject to appropriate conditions, as set out above.

CONTACT OFFICER: Caroline Roche	TELEPHONE NO: 01295 221816
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