

APPENDIX A

**Land incorporating Former
Holly House
Bath Road
Banbury**

13/01649/F

Ward: Banbury Easington

District Councillor: Cllr. Fred Blackwell, Cllr. Kieron Mallon and Cllr. Nigel Morris

Case Officer: Rebekah Morgan

Recommendation: Approve

Applicant: Green Pastures Christian Nursing

Application Description: Demolition of existing buildings and erection of new care home, together with alterations to access, parking provision, landscaping and associated works

Committee Referral: Major application

Committee Date: 9th January 2014

1. Site Description and Proposal

- 1.1 The site forms a parcel of land covering some 0.68ha and was previously occupied by Holly House, a former 30 bed care home built in the 1970's. The site also includes the property and land at 5 Park Road which is a two storey semi-detached dwelling constructed in the 1940's. The site lies on the corner of Bath Road and Park Road.
- 1.2 Holly House was demolished some time ago and site is now an empty parcel of land with hardstandings remaining. Mature landscaping exists principally to the southwest boundary and contains six mature trees that are subject of a Tree Preservation Order (TPO 13/2012). The site lies to the west of Banbury town centre and is within walking distance of the amenities and facilities the town offers. The area is urban in character with some of the older Victorian housing stock informing this character. The site does not lie within the Banbury Conservation Area although it does abut it. There are no listed buildings on or close to the site.
- 1.3 The proposal seeks to demolish 5 Park Road and erect a new care home on the site. The building would be constructed over three floors and provide 60 bedrooms with en-suite facilities. The building would follow the irregular form of the site and provides staff/visitor parking and garden areas for the occupiers of the home. This application follows the withdrawal of application 13/00317/F and has been the subject of extensive pre-application consultation and negotiation.
- 1.4 An Environmental Impact Assessment (EIA) 'Screening Request' was submitted to Cherwell District Council on 4th March 2013. Following consideration Cherwell District Council determined on 11th March 2013 that the proposed development did not constitute EIA development (application 13/00009/SO refers).

2. Application Publicity

- 2.1 The application has been advertised by way of a press notice, site notices and neighbour letters. The final date for comment on this application was 5th December 2013. One letter has been received as a result of the consultation process commenting on the following matters:

- Design matters such as overall height of building (too large) and end wall feature to be created
- Loss of Cherry tree
- Materials should match the existing Victorian properties in the immediate vicinity;
- Parking and highway matters; and
- Water runoff.

3. Consultations

- 3.1 **Banbury Town Council** – The Town Council raise no objection to the proposal.
- 3.2 **Crime Prevention Officer** – Thank you for consulting me on the planning application above. Unfortunately, due to time constraints I have not been able to review the application documents or visit the site.
- 3.3 The only advice I can offer at this juncture is to refer the applicants to the principles and standards of the Association of Chief Police Officers (ACPO) crime prevention initiative for the built environment, Secured by Design (SBD). I urge them to incorporate said principles etc. within the proposals and to contact me as soon as possible so that they may be advised on how to achieve this.
- 3.4 To ensure that the opportunity to design out crime is not missed I request that the following (or a similarly worded) condition be placed upon any approval for this application;

“No development shall commence until details of the measures to be incorporated into the development to demonstrate how ‘Secured by Design’ accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.”

- 3.5 SBD is an Association of Chief Police Officers (ACPO) initiative which has a proven track record in assisting with the creation of safer places by providing guidance on Crime Prevention Through Environmental Design (CPTED). The scheme has two levels of accreditation; an SBD Award, which is achieved by whole developments that demonstrate conformity to design principles and security standards across the entire site and; Part Two compliance, which is achieved when the physical features (windows, doors, locks etc) of the structures themselves meet specified, Police preferred standards. Details can be found at www.securedbydesign.com and further advice can be obtained by contacting Thames Valley Police’s Crime Prevention Design Team.
- 3.6 I feel that attachment of this condition would help the development to meet the requirements of:
- The National Planning Policy Framework 2012 (Part 7, Sect 58; ‘Requiring good Design’ and Part 8, Sect 69; ‘Promoting Healthy Communities’) where it is stated that development should create ‘*Safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion*’.

- Supplementary Planning Guidance Document ‘Safer Places - The Planning System and Crime Prevention’, ODPM 2004.

3.7 In addition, it would assist the authority in complying with its obligations under Section 17 of the Crime and Disorder Act 1998 in doing all it reasonably can in each of its functions to prevent crime and disorder in its area.

3.8 The comments above are made on behalf of Thames Valley Police and relate to CPTED only. You may receive additional comments from TVP with regard to the impact of the development upon policing and a request for the provision of infrastructure to mitigate against this impact.

3.9 **The Environment Agency** – [This application is] deemed to either have a low environmental risk or relate to conditions that were not recommended by the Environment Agency. Unfortunately, due to workload prioritisation we are unable to make an individual response to these applications at this time.

3.10 **Thames Water** – No objection

Cherwell District Council Consultees

3.11 **Ant-Social Behaviour Manager** – I can confirm that I have no observations or objections to make in respect of this planning application.

3.12 **Design and Conservation** – No Objections or Observations

3.13 **Strategic Housing Manager** – I would suggest this is a pretty straight forward C2 provision; therefore I have no comment from an affordable housing position.

3.14 **Public Art** - We would ask the developer to commission a piece of artwork that can be enjoyed by residents but sited so that the public can view it too.

3.15 **Urban Design** – There have been a number of positive changes made to the development proposals over the last few months and I am satisfied that the proposals will sit comfortably with the area.

3.16 **Arboricultural Officer** – No objections subject to conditions.

3.17 **Landscape Officer** – There are no open space requirements for a Care Home.

3.18 **Ecologist** - The site currently appears to have negligible ecological value as it has been cleared. However, in terms of providing ecological enhancements swifts are known to breed in the area and the building design is such that swift nest boxes could be incorporated into it at a high level. Therefore I would advise a condition regarding Swift nesting boxes.

Oxfordshire County Council Consultees

3.19 **Transport Development Control** – No objection subject to conditions.

3.20 **Drainage** – No objection subject to conditions.

3.21 **Archaeology** – The proposals outlined in in the proposal would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

3.22 Minerals and Waste – No objection

4. Relevant National and Local Policy and Guidance Policy Considerations

4.1 Development Plan Policy

Adopted Cherwell Local Plan 1996

- H4: Housing schemes for the elderly
- C14: Trees and landscaping
- C28: Layout, design and external appearance of new development
- C30: Standards of amenity and privacy
- C31: Compatibility of uses within residential areas
- ENV1: Detrimental levels of noise or other types of environmental pollution

Cherwell Local Plan - Proposed Submission (August 2012) and Focussed Consultation (March 2013) (PSLP)

The Proposed Submission Local Plan was published for public consultation in August 2012. A further consultation on Proposed Changes to the draft plan was undertaken from March to May 2013. On 7 October 2013, the draft Submission Plan was approved by the Council's Executive. The Plan was presented to Full Council on 21 October 2013 and Full Council endorsed it as the Submission Local Plan. Submission to the Secretary of State for Communities and Local Government is anticipated by the end of January 2014. The Submission Plan supersedes previous stages of the emerging Local Plan.

Full Council also endorsed the recommendations to:

- Note that the Infrastructure tables in the draft Local Plan are to be replaced in due course by a full Infrastructure Delivery Plan (IDP) prior to Examination.
- Delegate approval of minor text changes (including updating the thematic maps and final Monitoring Framework) to the draft Submission Local Plan text to the Head of Strategic Planning and the Economy in consultation with the Lead Member for Planning and its transfer in its publication format for Submission.
- At the present time the emerging Plan carries weight, however it will not form part of the statutory Development Plan until the Examination process is complete and the Plan is formally adopted by the Council (anticipated mid 2014).
- The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

- PSD1: Presumption in favour of sustainable development
- ESD1: Mitigating and adapting to climate change
- ESD3: Sustainable construction
- ESD7: Sustainable drainage systems
- ESD10: Protection and enhancement of biodiversity and the natural environment
- ESD16: The character of the built and historic environment
- INF1: Infrastructure

4.2 Other Material Policy and Guidance

National Planning Policy Framework

5. Appraisal

5.1 The issues raised by this development are:

- Principle of a care home in this location
- Impacts on the character and appearance of the area
- Residential amenity
- Highway Safety and access
- Trees
- Other issues

Principle of a care home in this location

- 5.3 The site is not allocated for development within the Adopted Cherwell Local Plan or emerging Local Plan. Whilst there are no directly relevant policies within the Council's development plan that refer to the redevelopment of this site for the purposes of a care home, Saved Policy H4 of the adopted Cherwell Local Plan encourages housing schemes for the elderly within convenient reach of shops, community facilities and public transport.
- 5.4 Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption of sustainable development should be seen as a golden thread running through decision taking. It goes on to say that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or if specific policies in the Framework indicate that development should be restricted (e.g. development within the Green Belt, Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest etc.).
- 5.5 There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 5.6 Policy PSD1 contained within the emerging Local Plan 2013 echoes the NPPF's requirements for 'sustainable development' and where there are no policies relevant to the application, LPA's should grant permission, subject to the caveats set out in paragraph 5.3 above.
- 5.7 The NPPF promotes sustainable transport and at paragraph 34, states that decisions should ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. In this case, the site is situated within a built up residential area of the town and is within reasonable access of the town centre, which is approximately 1km away. The site benefits from good footway and cycle provision will be made within the site. The site has good connections to the wider town pedestrian and cycle network and is some 600m from the town centre. Bus service B5 connects the site to the town centre and Bretch Hill circular are located directly outside the site and along Broughton Road (B4035). The site is therefore considered

to be in a sustainable location, in terms of its accessibility to public transport and proximity to the town centre.

- 5.8 Paragraph 6 of the Framework sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.
- 5.9 Given the central location of the development within the built up limits of Banbury, it is considered that the relevant housing policies are complied with. In terms of the proposal's contribution towards the social aspect of sustainability, the development of the site will offer accommodation for older people who are no longer able to remain in their own home. The provision of a local facility will give people the choice to stay within their local community and will regenerate a site which is currently vacant and becoming run down.
- 5.10 The facility will also create the equivalent of 22 full time and 45 part-time jobs, which positively contributes towards the economic aspect of sustainability. Whilst undoubtedly of a larger scale (in terms of footprint), the building has been sympathetically designed, providing an attractive 'feature' building on a prominent corner site, whilst respecting the setting of the surrounding residential development. Much of the existing large areas of hard standing will be replaced with soft landscaping, which will assist in creating a more pleasant streetscape than currently exists.
- 5.11 Therefore, in light of above assessment, it is considered that the principle of the development is acceptable, subject to the assessment of matters of detail discussed in the sections below. It is worth noting that as this scheme is for a C2 residential use with no self-contained units of accommodation, unlike a domestic dwelling or extra care accommodation, the 60 units will not contribute to the housing land supply

Impact on the character and appearance of the area

- 5.12 Policies C28 and C30 seek to control all new development to ensure layout, design and external appearance are sympathetic to the character of the area and that they should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity with acceptable standards of amenity and privacy.
- 5.13 Government guidance contained within the National Planning Policy Framework (NPPF), states that in determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 56 of the NPPF expressly states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.
- 5.14 Paragraph 60 of the NPPF goes on to state that planning policies should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.

- 5.15 The surrounding area to the south and east is predominately Victorian and comprises terraces and semi-detached/detached dwellings. The buildings are a mixture of 2 and 3 storey buildings constructed mainly of red brick with stone detailing under slate roofs. To the north and west are predominantly buildings from the inter-war period. The site is not within the Banbury Conservation Area nor does it contain any listed buildings.
- 5.16 The proposal has been amended to take account of concerns raised by the Council's Urban Designer following the withdrawal of application 13/00317/F. The development has been reduced in height and bay windows introduced to replicate the existing properties in the surrounding area. Fenestration helps to break up the elevations and the building would read as a terrace when viewed from its principal elevations.
- 5.17 The building would be sited towards the south of the site, with the removal of 5 Park Road facilitating an improved access and parking areas. The principal elevation along Bath Road follows the curvature of the road as it proceeds towards Park Road. The building at this point proposes three bays that assume the appearance of a terrace. Two storey bay windows are proposed for each bay with a gabled dormer above on the third floor. The main entrance is viewed as one travels south along Bath Road or east along Park Road. Again this elevation gives the appearance of a terrace with two storey bays and dormer windows replicating the rhythm of the Bath Road elevation.
- 5.18 The Urban Designer objected to the previous application. However, she comments on this application in a positive manner that,
- The current application has made a number of clear changes, which help break down the scale of this building. While this building will read as a new addition to the area, the changes made will help it make a positive addition that sits comfortably with its neighbours.
 - The scale of the building has been reduced, through the use of a mansard roof and using the roof area for accommodation.
 - There has been a rationalisation of the buildings fenestration to provide a rhythm to the development which helps to provide a more domestic scale.
 - The scale and detailing of the fenestration draws on the late 19th century character of adjacent properties, helping this building fit comfortably with its neighbours.
 - The entrance has been located and south eastern gable changed to reduce its impact.
 - Materials and details will need to be conditioned to ensure a high quality approach to development. This should include window details, bricks, stone and roof tiles.
- 5.19 The scale of the building has been reduced by lowering the roof line by some 0.5m. This has been achieved through the introduction of dormer windows for the third floor and the use of a Mansard roof. The use of the bay windows (a typical feature in the area) also creates a vertical rhythm that breaks up the elevations and is emphasised with the use of stone for the bays. The fenestration contrasts to this and creates a strong horizontal rhythm, again being emphasised with the use of stone lintels as a design feature. Materials proposed (brick, stone and slate) will also take account of the surrounding areas and the prevailing use of materials. Samples of materials will be required to ensure that they are suitable for the development.
- 5.20 With regard to building footprint, it is acknowledged that the footprint, due to the nature of use, is substantially bigger than that of the demolished Holly House.

However, the building sits comfortably on the site with ample soft landscaping and new planting to the roadside elevations and the elevation facing garden space to the rear of the site. The distances between adjoining properties meet the minimum informal requirements in terms of dimensions between habitable rooms and the orientation of the building will not cause any overshadowing to adjoining properties and gardens due to the distances involved and open aspect of the site.

- 5.21 It is therefore considered that the proposed development will sit comfortably within the site and its surroundings, as it is of an appropriate design, scale and layout. The proposed landscaping scheme will replace large swathes of hard surfacing around the existing site, softening its appearance and creating a more pleasant, interesting and attractive built environment. Accordingly, it is considered that the proposal complies with the requirements of Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the NPPF.

Residential amenity

- 5.22 The site is surrounded by residential properties along Park Road, Bath Road, Gillette Road and Gilkes Road. The properties along Park Road are some 50m from the front elevation. The rear elevations of the properties along Gillette Road are some 32m away and Gilkes Road 30m. Each of these exceeds the minimum privacy distances (22m) normally attributed to new development.
- 5.23 The development would be some 19m from the front elevations of the existing dwellings on the other side of Bath Road. However, setting the development back to reach the desired 22m would result in a development that fails to follow the prevailing the streetscene of Bath Road. It is typical for houses to face each other on either side of the road.
- 5.24 Based on the above considerations, Officers consider that the proposal would not have a harmful impact on the residential amenities of the neighbouring occupiers. The development is therefore considered to Policy C30 of the adopted Cherwell Local Plan and guidance in the NPPF.

Highway Safety and access

- 5.25 The Local Highway Authority (LHA) has examined the proposed submission and the application site, including the surrounding area and have commented as follows:
- The application is a revised application for withdrawn application no. 13/00317/F.
 - The previous Local Highway Authority response for application no. 13/00317/F recommended refusal of planning consent due to lack of sufficient off-street parking provision. This matter has now been addressed by increasing the proposed number of parking spaces to 22 from the 14 spaces originally proposed.
 - As previously advised, all other matters are acceptable in principle: access, layout, traffic generation and drainage strategy.
 - A Transport Report and Travel Plan have been submitted and reviewed.
 - The proposal will amend the existing site access on Park Road and create a new pedestrian access from Bath Street. Any works on the public highway must be carried out in liaison with and following approval from OCC.
 - Details of covered cycle parking proposals (six cycle parking spaces referred to in Travel Plan) are required.

- 5.26 Consequently, it is considered that the proposed development would not cause detriment to highway safety and as such, accords with central Government advice contained within the NPPF.

Trees

- 5.27 The Council's Tree Officer has reviewed the submitted draft Arboricultural Method Statement (AMS) and is satisfied with the identified precautionary measures. A final AMS will be required to detail the exact location of the site compound/material storage area and specifications for the remedial tree husbandry required to facilitate construction activity, which can be dealt with by condition.
- 5.28 As such, Officers are satisfied that the protected trees within the site will not be adversely affected by the proposal and therefore the proposal complies with the requirements of Policy C14 of the ACLP and Government guidance contained in the NPPF.

Engagement

- 5.29 A 2012 amendment to the Town and Country Planning (Development Management Procedure) Order and the NPPF requires that Local Planning Authority's demonstrate that they have worked with the applicant/agent in a positive and proactive way. It is considered that the duty to be positive and proactive has been discharged through negotiation with the applicants throughout the process and the efficient and timely determination of the application.

Conclusion

- 5.30 There is no objection to the siting of a care home use in this specific location within Banbury, as residential uses are considered to be acceptable within the built up limits of the town. Furthermore the proposed development will not cause harm to occupant amenity, trees, highway safety and will preserve and enhance the character and appearance of the surrounding area.

6. Recommendation

Approval, subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions which will be outlined in a written update to be presented to Committee
- b) the following conditions:
 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.

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: Drawings: 02 Rev B, 40 Rev B, 41 Rev B, 42 Rev A, 50 Rev A, 55 Rev A, A-623/58/A, TDA.1913.01 and Planning, Design and Access Statement Ref TPS/13179/RO1CG dated October 2013

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. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) (including samples) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. The development hereby approved shall be used only for the purpose of a care facility and for no other purpose whatsoever, including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

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 adjacent dwellings in accordance with Policies C28 and C31 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Prior to the first occupation of the development hereby approved, written confirmation of the development's Secured By Design accreditation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a high quality development and safe and accessible environment where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion, in accordance with Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

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

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

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

8. 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 which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

9. Prior to commencement of development, a plan demonstrating the proposed compound for parking of construction-related vehicles within the site must be submitted for consideration and approval. The approved construction vehicles' parking compound must be used thereafter during construction works and no vehicles must be parked on the public highway.

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

10. Finalised drainage designs needs to be checked by OCC and agreed prior to commencement of the development.

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 Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. Calculations are to be provided to OCC Drainage team for approval to prove the final drainage design.

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 Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. No development shall commence until details for the provision of 6 incorporated swift nest boxes have been submitted to and approved by the Council. Details shall include the type of nest boxes to be used and the proposed locations on the building. The approved works shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing by the Council.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a “retained tree” is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this permission.

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 and Government guidance contained within the National Planning Policy Framework.

14. The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the Arboricultural Survey and Planning Integration Report and the Tree Protection Plan prepared by Quaife Woodlands on 24 October 2013.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site 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, including boundary treatments, pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

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 and Government guidance contained within the National Planning Policy Framework.

16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, 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. Any trees, herbaceous planting 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 current/next planting season with others of similar size and species.

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 and Government guidance contained within the National Planning Policy Framework.

18. A scheme setting out how public art will be incorporated into the development shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of construction.

Reason: To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Government advice in the National Planning Policy Framework March 2012 and Policy C28 of the adopted Cherwell Local Plan.

PLANNING NOTE(S)

1. Works within the public highway – please contact OCC Licensing and Streetworks Team (0845 310 1111, licensingandstreetworksadmin@oxfordshire.gov.uk).
2. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
3. Your attention is drawn to the content of an email sent dated 11th November 2013 from Thames Water in respect of the application, a copy of which can be found via the Council's website www.cherwell-dc.gov.uk
4. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
5. Any foundations should be constructed in accordance with NHBC guidelines to reduce any future risks of disturbance or subsidence damages due to the influences of root activity / growth

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.