

**Ward:** Bloxham & Bodicote

**District Councillors:** Cllr Heath and Cllr  
Thirzie Smart

**Case Officer:** Shona King

**Recommendation:** Approval

**Applicant:** Mr P Townsend

**Application Description:** Demolition of existing bungalow and garage and construction of 3 No. new dwellings

**Committee Referral:** Member request      **Committee Date:** 19.06.14

## 1. Site Description and Proposed Development

- 1.1 The site is located on the Banbury Road close to the centre of the village. It is currently occupied by a bungalow set back from the road. There are mature trees along the site frontage and within the site. The site is bounded to the north and south by dwellings to the east by Banbury Road and to the west by fields.
- 1.2 The application seeks full planning permission for the demolition of the existing bungalow and the erection of three four bed houses with garaging.

## 2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letters, a site notice and press notice. The final date for comment was the 27th March 2014. Four letters have been received. The following issues were raised:
  - Overdevelopment
  - Traffic generation and highway safety
  - Drainage
  - Noise/disturbance
  - Scale
  - Proximity to existing dwellings
  - Inconsistency of decision making
  - Contrary to Policies H13, H18, C28 and C30 of the adopted Cherwell Local Plan
  - Unacceptable backland development
  - Loss of privacy
  - Overlooking
  - Loss of light
  - Overbearing
  - Height of finished dwellings
  - Contrary to neighbourhood plan

## 3. Consultations

- 3.1 Bloxham Parish Council: The Parish Council supports the view of neighbours that this application is contrary to C28 and C30 of adopted Cherwell Local Plan; in that the building of 3 houses on a plot of land where previously one bungalow existed is not sympathetic to the layout of surrounding dwellings. Due to the size, height of the proposed new dwellings there would be an adverse impact on the chalet bungalows and bungalow immediately adjacent, including substantial loss of privacy.

Policy H13 of the adopted Plan should “not be regarded as creating a presumption in favour of filling every small space” within Bloxham. The extra traffic an increase to 11 cars, would have a detrimental effect on the safety of the area where minor accidents are already common place.

The site is opposite a T junction from which it is already difficult to exit in the direction of the Warriner School/Banbury during rush hour. It is noted that the Planning proposal suggests vehicular access/parking for 11 cars, which would exit onto the already overloaded and dangerous A361. As Bloxham is due to have two new housing estates in the near future whose effect on traffic has still to be experienced, there is no urgent need for such cramped housing in the village. The Highway access required on the outline application does not appear to have been followed.

### **Cherwell District Council Consultees**

- 3.2 Conservation Officer: Outline consent 13/00334/OUT grants permission for the building of 3 detached dwellings (2x 4bed + 1x 3bed properties) on this site. The current application proposes the construction of 3 much larger dwellings, the form of which is taller, bulkier and on a larger footprint than the buildings envisaged within the previous outline consent. On top of the issues of physical size there is a further impasse with the architectural detailing which is over-elaborate and has no reference to the vernacular tradition of the area. For plots 2 + 3 the main elevation of the houses are unattractively partially-shrouded by garage buildings. The proposed scheme also gives rise to issues of proximity; the proposed houses will appear overly confined within the context of the site and overly dominant in relation to the neighbouring dwellings. Recommend refusal of this application. Policies contravened: NPPF 61 - The proposed development does not integrate into the built environment of north Bloxham. 64 - The proposed scheme fails to take the opportunities available for improving the character and quality of the area. Local Plan 1996 H13 - Over development; [there] should not be ... a presumption in favour of the filling of every small space within the ... settlements. C27 - The proposed development does not respect the settlement pattern of the immediate area. C28/C30 - The layout, height, scale and massing of the proposed development does not respect that of existing dwellings in the vicinity. Local Plan - Submission January 2014 ESD16 - The proposed development fails to respect the form, scale and massing of buildings in the vicinity and by being relatively so crowded the development does not particularly integrate into the streetscape and consequently will impact negatively on the setting of the conservation area. The proposal fails to reinforce local distinctiveness, further there is no reference to the arrangement/proximity of neighbouring dwellings and therefore no demonstration of an holistic approach to the design of this development.
- 3.3 Arboricultural Officer: There is an ash tree in the garden of the Hobbit that will be affected by the proposed construction of plot 3 referred to as T1 in the submitted arboricultural report. In order to accommodate the construction of plot 3 the tree will need to be pruned back. It is proposed that the crown is pruned back by 2.5m. As the tree is not located within a Conservation Area or protected by a TPO the tree could be pruned back to the boundary under common law rights. The tree is located some distance from the road so is not worthy for protection under a TPO. The work proposed will leave the tree a little one sided but ash trees generally respond well to pruning. The work would have to be repeated on a cyclical basis. It is proposed that special foundations are used where the footprint of the building falls within the RPA of the ash tree and the RPA of T8 a yew tree. As the subsoil appears to be clay from the trial pits dug the foundations must be suitable for the soil type and take account of the fact that there are mature trees within influencing distant of the proposed structures. Further details of the foundations need to be seen. The proposal is that the foundations within the RPA's of tree T1 and T8 are constructed with shallow concrete trenches supported on mini piles. Any trenches within the RPA of a tree can cause root damage. We would need to see further details of the foundations to be

used for example how deep are the proposed trenches to be used. In general, the trees should be protected in accordance with the submitted Arboricultural report.

Recommendations: No objections to the proposal but need to see further details of the foundations to be used in proximity of T1, ash and T8, yew and subject to appropriate conditions being attached.

**C7 Retained Tree**

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 the [insert].

Reason CR1

**C10 Undertake Mitigation within approved Arboricultural Method Statement (AMS)**

The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the Arboricultural Method Statement (AMS) and/or the Tree Protection Plan prepared by Sacha Barnes Ltd on 17 January 2014.

Reason CR2

## **Oxfordshire County Council Consultees**

**3.4 Highways Liaison Officer: No objections subject to;**

1. Access specification
2. Road construction/surface/layout
3. Retention of parking/manoeuvring

Notes. Some details have been submitted regarding the construction specification of the access drive notwithstanding these there will need to be agreed a suitable means of drainage meeting SuDS.

The revised plan referred to is numbered 5627-02b dated 10-1-2014 including revisions 'a' and 'b'.

## **Other Consultees**

**3.5 Thames Water: Waste Comments**

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not

be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

#### Water Comments

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

## 4. Relevant National and Local Policy and Guidance

### 4.1 Development Plan Policy

#### Adopted Cherwell Local Plan (Saved Policies)

H13	Category 1 Settlements
C28:	Layout, design and external appearance of new development
C30:	Design of new residential development

### 4.2 Other Material Policy and Guidance

#### Submission Cherwell Local Plan – January 2014 (SLP)

The Submission Local Plan (January 2014) has now been through public consultation and was submitted for examination in January 2014, although this plan does not have Development Plan status, it is a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

ESD16: The Character of the Built & Historic Environment  
Policy Villages 1: Village Categorisation – Cat A

National Planning Policy Framework

Planning Practice Guidance

## 5. Appraisal

### 5.1 The key issues for consideration in this application are:

- Planning History
- Principle of the development
- Impact on the visual amenities of the area and character and appearance of the setting of the Conservation Area
- Impact on the living amenities of neighbouring properties
- Impact on highway safety
- Ecology
- Impact on existing trees
- Drainage
- Other matters

### **Planning history**

- 5.2 Planning permission was granted in outline for the demolition of the existing single storey property and the erection of 2 no. four bed houses and 1 no. three bed dwelling each with single detached garage. The date of the permission was 20 May 2013 and all matters were reserved for subsequent approval.
- 5.3 The existence of the extant outline consent is a material consideration. It is against this background that the current application will need to be assessed.

### **Principle of the development**

- 5.4 The proposed dwellings are to be assessed against Policy H13 of the CLP, which identifies Bloxham as a category 1 village for the purposes of residential development. This classification allows for minor development, infilling and conversions. Government guidance, as set out in the NPPF, promotes residential development in sustainable locations. Given that Bloxham offers a range of community facilities, has good access to jobs, key services and infrastructure the principle of development is therefore considered to comply with both the aforementioned Policy H13 as well as the NPPF. Bloxham is considered to be a category A village in the Submission Local Plan and this restricts development to minor development, infilling and conversions.
- 5.5 The development is also to be assessed against Policy C28 of the adopted Cherwell which seeks to exercise control over new development to ensure that the development is sympathetic to the character of the context of the development.
- 5.6 Policy C30 seeks to exercise control over the design of the development to ensure that new development is compatible with the appearance, character, layout scale and density of existing dwellings in the vicinity and that standards of amenity and privacy are provided which are acceptable to the Local Planning Authority.
- 5.7 The NPPF seeks high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

### **Impact on the visual amenities of the area and character and appearance of the setting of the Conservation Area**

- 5.8 As stated above principle of the redevelopment of the site has been established and it is considered to retain the character of the area. The site is within a residential area and other similar sites have historically been developed with dwellings to the rear of the frontage in the immediate vicinity. It is minor development and therefore complies with Policy H13 of the adopted Cherwell Local Plan.
- 5.9 The density of the development along with the amount of built form along shared boundaries is considered to be acceptable and compatible with other development in the immediate area.
- 5.10 The layout of the proposed dwellings is similar to other sites that have been developed in recent years along Banbury Road. One of which, The Poplars, has been developed with a dwelling to the frontage and two within the rear of the plot. The Poplars site was refused by the Council but was allowed at appeal. One of the points raised by the Inspector related to the layout and compatibility of the proposal with the surrounding development. He stated that "I accept that parts of the dwellings at the rear would be visible from Banbury Road through gaps between the dwellings fronting the road. However I am satisfied that they would not cause a significant change to the building lines, as they would reflect that of the nearby dwelling at Willows End and those along Crab Tree Close. As such it is my opinion that their siting would not be out of keeping with the pattern of development in the area."
- 5.11 The Inspector for the Poplars site also considered that the development was in the

existing curtilage and would not extend beyond the recognised settlement boundaries. There are other similarities between the application site and The Poplars and it is considered that if the current scheme was refused and the decision appealed the two cases would be analogous in terms of the impact on the visual amenities and character of the area.

- 5.12 Another site to the north along Banbury Road, Claypits, received planning permission for the demolition of an existing bungalow and the erection of three dwellings; application 12/00511/F refers. Again the layout is very similar to that of the current application with one dwelling in the frontage and two within the rear garden. The plots to the rear fill the entire width of the plot. A subsequent application was approved for two dwellings across the frontage of the site and this permission has been implemented.
- 5.13 The Conservation Area boundary lies across the frontage of the application site but does not include any part of the site. Plot one is two storey of a traditional style with a simple front elevation. It is to be constructed from natural stone and will be very similar in appearance to Hobbit immediately adjacent to the application site. The plots to the rear are at a distance from the Conservation Area boundary and will be partially obscured in public views by Plot One and as such their impact on the setting of the Conservation Area will be minimal. Notwithstanding the Conservation Officer's comments the design of the dwellings and their form will not in my opinion adversely affect the character and appearance of the Conservation Area. The setting of the Conservation Area will be preserved.

#### **Impact on neighbouring properties**

- 5.14 The development is considered to provide standards of amenity and privacy acceptable to the Council.
- 5.15 The height of the proposed dwellings is considerably higher than the existing building on the site, a single storey bungalow, however due to the layout, the location and of the dwellings and the relationship with the neighbouring properties they will not have a significant overbearing impact on the outlook from the dwellings on either side of the site nor their gardens.
- 5.16 Due to the orientation of the application site the dwellings will not result in any significant loss of light to the habitable room windows or private garden area of the neighbouring properties.
- 5.17 The development has been designed in my opinion to restrict any overlooking with orientation and the location of garages and other projections to help to block any views of private garden areas or habitable room windows.
- 5.18 The intensification of the use of the site will result in more activity than a single dwelling however it is considered that the density proposed will not result in such a level of activity which would adversely affect the living amenities of the neighbouring properties. This includes the use of the shared drive and the impact of the comings and goings of the occupants of the three dwellings. Concerns were expressed by one of the neighbours about the proximity of parking to the shared boundary and the noise of vehicles parking on gravel. This level of activity is not considered to be so great to cause a nuisance to the occupiers of the adjacent dwellings especially as there is currently parking immediately adjoining the boundary.

#### **Impact on highway safety**

- 5.19 The Highway Authority has advised that the development will not result in any significant detriment to highway safety. Conditions are recommended and these are set out below.

#### **Ecology**

- 5.20 The Council's Ecologist considered in respect of the outline application that a scoping survey should be carried out for bat presence on the site due to the location of the building backing onto open countryside. Whilst there is unlikely to be a high potential for bat presence there are small access points/cracks in chimney work and in the soffits and it appears a large loft void may be present. A bat survey has been submitted with the application and concludes that there is no evidence of bat use of the buildings and any bat use is likely to be fairly limited. The survey recommends that either an emergence survey is carried out or further investigations, supervised by an ecologist, carried out prior to the demolition of the building. It is also recommended that a bat box is installed prior to the commencement of the works.

**Impact on existing trees**

- 5.21 The Council's Arboriculturalist has advised that the works can be carried out without detriment to the existing trees on the neighbouring plots. Conditions are recommended however and these are set out below.

**Drainage**

- 5.22 The issue of drainage of the site and flooding from the surrounding countryside has been raised as an issue in representations. Thames Water has raised no objections to the proposal and drainage is a matter that is dealt with under separate legislation. Conditions are however recommended and these are set out below.

**Other matters**

- 5.23 A neighbour has commented that the proposed development does not accord with Bloxham's Neighbourhood Plan. A draft of the plan has not yet been produced for consultation and evidence is still being gathered. Therefore no weight can be attached to it at present and this has been confirmed by Inspectors in appeal decisions.
- 5.24 The issue of inconsistency in decision making has been raised in the representations. A number of applications have been approved or refused in Bloxham for similar types of development, in particular along Banbury Road. A proposal for two dwellings within the rear garden of a property known as Ebbs Neuk in Hoggs End, Bloxham was refused by the Council as it was considered to be an incongruous form of overdevelopment in a backland position which would be out of keeping and not integrated with the established streetscene, and would be the contrary to the character and amenity of the surrounding area, and which would give rise to increased noise and disturbance and loss of privacy for the neighbouring residents. The appeal was dismissed as the Inspector considered that the proposal would result in an overdevelopment of the site given the context. He considered that development in this location needs to be low key as it is in a semi-rural location. However he did consider that the layout was a form of development that should not be ruled out as an in-principle starting point in Bloxham as it is a sustainable settlement and any schemes should be determined on their own merits.
- 5.25 The site at Ebbs Neuk and the current application site are very different in terms of their context. Banbury Road is already built up, with dwellings filling plots, and is urban in character rather than the semi-rural one that the Inspector described at Ebbs Neuk.
- 5.26 With regards to the concerns that the scale and proximity of the proposed buildings at Ebbs Neuk and the impact on the living amenities of the neighbouring properties the Inspector considered that the local residents would find themselves feeling unduly hemmed in by the buildings. He stated that residents in this quality and density of neighbourhood have a reasonable expectation of maintaining a sense of separation between homes and an ability to enjoy openness. As previously stated the density of development along Banbury Road is greater than at Hoggs End and as such residents cannot have the same expectation of openness. Willows End, White Shoots

and Hobbit are all built very close to the shared boundary with Greenup and the windows in the north elevation of Willows End will still retain an uninterrupted view across the application site and the sense of openness.

### **Engagement**

5. 27 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the applicant and agent have been informed of any problems or issues that have arisen during the application. It is considered that the duty to be positive and proactive has been discharged.

### **Conclusion**

- 5.28 Overall, the proposed development is considered acceptable as the site lies within a sustainable location and will make efficient use of the land without significant harm to the living amenities of nearby properties, or the character and visual amenities of the area, including the setting of the adjacent Conservation Area or to wildlife and trees. The development will not lead to any significant detriment to highway safety or increase in drainage/flooding problems. Therefore, the application is recommended for approval

## **6. Recommendation**

**Approval**, subject to the following conditions:

1. That the works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.

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.

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: Application Form, site plan and drawing nos. 5627-01a, 02b, 03, 04, 05 and 06.

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 stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in natural non-weathered ironstone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m<sup>2</sup> in size) shall be constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be constructed in strict accordance with the approved brick sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality



and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to an approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

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.

6. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site for the proposed dwellings 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 finished floor levels plan.

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 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the occupation of the development a hedge shall be planted along the western boundary of the site the species to be used shall be agreed in writing by the Local Planning Authority and the hedge shall be retained and properly maintained at a height of not less than 1 metre, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall 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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. Prior to the construction of the dwellings hereby approved, the proposed means of access between the land and the highway shall be constructed in accordance with the geometry shown on plan No. 5627-02b and formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.

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

9. Prior to the commencement of the development hereby approved, full specification details of the access drive including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings the development shall be constructed in accordance with the approved details.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of

the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details 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 guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved including any demolition and any works of site clearance, an emergence survey for bats shall be undertaken on the main house and the survey shall be submitted to and agreed in writing by the Local Planning Authority

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

12. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on [bats/newts] until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. All biodiversity enhancement works shall be carried out in accordance with the statement prepared by Swift Ecology submitted with the application.

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.

14. All site clearance and construction works shall be carried out in accordance with the Construction Environment Management Plan prepared by Swift Ecology submitted with the application.

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.

15. 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 the [insert].

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. The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the Arboricultural Method Statement (AMS) and/or the Tree Protection Plan prepared by Sacha Barnes Ltd on 17 January 2014.

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.

17. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 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 and Government guidance contained within the National Planning Policy Framework.

18. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 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 [dwelling/north/west elevation] 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 and Government guidance contained within the National Planning Policy Framework.

19. The rooflights in the front elevation of Plot 3 serving the attic shall have a cill height of not less than 1.7m above finished floor level.

Reason - To safeguard the privacy and amenities of the occupants of the adjoining premises and to comply with Policy C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

20. Prior to the first occupation of the development hereby approved, the appropriate number of refuse bins required in relation to the dwellings shall be provided.

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.

### **Planning Notes**

1. With reference to condition 9, the guidance referred to is available at <http://www.oxfordshire.gov.uk/cms/content/dropped-kerbs>
2. You are advised that it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
3. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

### **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.