

**Orchard Way, The Paddock, Heyford Road,  
Somerton**

**14/00067/F**

**Ward:** The Astons & Heyford

**District Councillor:** Cllrs Mike Kerford-Byrnes & James Macnamara

**Case Officer:** Rebecca Horley

**Recommendation:** Approval

**Applicant:** Agent – David Berlouis Cadmonkies obo applicant

**Application Description:** Conversion of existing building into a self-contained dwelling with associated highway safety access improvement works

**Committee Referral:** On requests from Cllr Kerford-Byrnes and Cllr Macnamara

**Committee Date:** 7<sup>th</sup> August 2014

## **1. Site Description and Proposed Development**

- 1.1 Orchard Way is an existing building within a site which is located to the rear of a short row of terraced properties which front onto Heyford Road. The land slopes down towards Heyford Road with the higher level properties being those on The Paddock. An above eye level fence runs along part of the east boundary to the site, the rest being a row of young conifers which also run along the northern boundary. The west boundary is formed by a high hedge and the southern boundary is above eye level fence/hedgerow and lower stone wall alongside the access road to the Manor House.
- 1.2 The building was originally approved and built as a double garage in association with Somerfields which is one of the terraced properties which fronts Heyford Road. Planning consent was granted for alterations to enable it to be used by the occupants of Somerfields allowing them to work from home (06/02348/F refers). One of the conditions ties the building to be ancillary to the enjoyment of that property. This application will basically sever that relationship and a new dwelling unit will be created together with an improved access.
- 1.3 A public footpath runs along the track which marks the boundary to the north and east of the site and which is also the boundary to the Conservation Area. The access track is within the Conservation Area, the rest of the site is not (including the part of the wall to be demolished at the access point). There are no listed buildings in proximity to the site and the site does not include the small garage in the north east corner of the site where the footpath splits. The only other notable planning constraints are that this is an area of medium archaeological interest and of naturally occurring arsenic chromium and nickel.
- 1.4 This application is similar to the previous application which was refused (13/00894/F refers). The principle difference is that this application does not include any extensions or further development to enable its conversion. It is a simple conversion of an existing building which does not require any other alterations other than those associated with the access arrangement.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was 1<sup>st</sup> May 2014. 7 letters of objection have

been received as a result of this consultation process. Full details are available on public access but a summary of the points raised are as follows:

- Several fragrant breaches of planning control
- Several retrospective planning applications
- All the past histories need checking properly
- Applicant keeps changing the name of the property, applicant details and description of location
- What would seem to be a modest application is in fact proposing a significant change
- The application could lead to a separate dwelling which can be sold off
- The applicant purchased the land on the basis of university research and the history has shown that it is intended for housing
- Eventually a garage was allowed but it was built bigger than the planning permission
- The building is out of keeping with the area and has never had a car in it
- None of the conditions have been complied with
- Over 10 years we have been assured that no dwelling would be allowed
- The 'garage' is already a dwelling
- The access will look like a dual carriageway and wholly out of keeping with the village
- Loss of an old stone wall
- Currently parking for 2 not 4
- Somerfields already has parking for 3 cars
- The access road is now the main row to the new village playground
- Makes a mockery of the planning system
- There's been a lack of planning enforcement at this site
- Represents classic creeping development
- Occupiers will be able to come and go without restriction unlike the office development
- Lack of consultation with various neighbours over highway access and changes to the track
- According to the DAS the office doesn't need modifying but that's because it wasn't built for a garage in the first place
- Effect on trees
- Effect on protected species
- Increase in vehicle movements
- It will set a precedent for more garage conversions to dwellings

One letter of support has been received and also a letter from the owners of Somerfields who are progressing the application. They have sought to make it clear that the improvements sought have been properly scrutinised; there will be no harm to wildlife; these proposals do not represent a 'concerted plan'; only used the building for its proper purpose; requirements have changed over time; there will be no harm to other neighbours and this does not represent creeping development.

### **3. Consultations**

#### **3.1 Somerton Parish Council:**

Object on the following grounds:

Densification and creeping development - Whilst we accept the proposal outlined appears modest at first glance, approving it would give "carte blanche" for all residents with sufficient space to build garages/hovels/offices and then transform them into houses thereby densifying the area via a back door route. This proposal has no mention of garage facilities so it can be foreseen that "due to an expanding

family" or new ownership, a garage will be requested on the site in the future. Permissions relating to the office development seek to tie the building to Somerfields - this link needs to be maintained. If there is a separate dwelling, there will be comings and goings throughout the day and night rather than confined to office hours associated with one household which its current usage would imply. Proposal does not include a garage for any vehicles belonging to the occupants of this new dwelling or providing for the residents of Somerfields who have no need of a garage now it seems.

Highways Access - the demolition of a wall for the two track entrance would erode the visual amenity and contribute to the citification of Somerton.

Access - we have recently installed a new play area and the access track for this property is the main access for the children in the village core to gain safe access to the play area - their alternative is to go up the Ardley Road which is a lot more dangerous. The track is already shared with 7 other residences on the Paddocks. Again, as a dwelling, there would be increased traffic during holidays and weekends.

We also have concerns over:

- Lack of consultation with various neighbours over Highways access and changes to the access track.
- According to the DAS, the office does not need any modifications to become a dwelling? Interesting especially as when the building was constructed, the opening was too low to let a car in.

## **Cherwell District Council Consultees**

### **3.2 Conservation Officer:**

I see no need to alter my comments from the previous application. I still do not consider it to be suitable. The principle has been accepted for a garage and home office being erected and used in this location. These have very different uses to that of a dwelling, which has associated paraphernalia such as washing lines, children's toys, garden equipment etc. It would also be occupied for a longer period of time including the evenings and nights. There is also the cumulative impact to consider - would The Paddock then require an additional home office and garage to compensate for the accommodation lost through the conversion? The appearance is also not suitable for the location - timber boarding would give it the appearance of a very large and disjointed shed, rather than a dwelling.

### **3.3 Landscape Officer:**

The Silver Birch tree on the SE corner to the garden of the Shambles has not been indicated on the drawings. A condition is recommended to ensure that this tree is protected. No objections and no further comments required.

### **Arboricultural Officer:**

- 3.4 Since the application was submitted the tree, referred to in the Landscape Officers' comment, has been TPO'd (yet to be formally confirmed). Detailed survey information showing cross sections have now been received and the drawing (ref: 006) indicates that in order to achieve the proposal there is to be a slight increase in levels within the Root Protection Area (RPA) of the protected tree. The required levels are approximately 25cm in part and therefore there may be a level of impact upon the tree roots within that area, albeit minimal, an impact as such that may need to be considered and addressed through appropriate protective and mitigation measures.

The drawing includes details of certain protective measures recommended to reduce the impact of construction activity upon the tree. However, the specifications provided do appear to take a more generic approach to the protection of the tree rather than the site specific details that are required. It would be more appropriate to condition an Arboricultural Method Statement (AMS) should consent be granted with

the AMS provided by a qualified and competent arborist.

The cross-sectional drawings provided address a number of concerns regarding the level of impact on the tree and therefore, subject to conditions requiring an AMS and Scheme of Supervision, I have no arboricultural objections to the proposal.

**3.5 Right of Way:**

Somerton Footpath No 10 runs west from the Heyford Road through the application site and then adjacent to the eastern boundary of the site. There is no mention of the public right of way (PROW) within the documents or plans of this application and usually I would ask for a PROW Statement and plan. However, as this is a resubmission, and I didn't ask for this when it was first submitted, there is sufficient information to make the following comments.

No Public Path Order will be required to enable the development but, as it seems likely that the PROW will be the main construction access to the site, I have no objections subject to conditions recommend the following conditions, relating to preventing obstruction of the PROW and vehicle access.

**Oxfordshire County Council Consultees**

**3.6 Highways Liaison Officer:**

No objections subject to conditions.

**3.7 Archaeologist:**

The site is located in an area of archaeological potential located 60m west of the scheduled monument of Somerton Manor House (SM 152) which consists of extensive earthworks and the west wall of the Hall of the C16 Manor House of the Fermor family (PRN 5033). Further earthworks associated with the Manor have been recorded 40m to the south east of the application site. Little formal archaeological recording has been undertaken in the area of the manor house and it is likely that further buildings and features related to the monument existed outside of the scheduled area. It is therefore possible that this development, despite its small size, could encounter archaeological deposits related to the C16th Manor and possibly relating to the medieval development of the settlement.

It is noted that these proposals involve very little below ground disturbance and so, whilst the site is located in an area of archaeological interest as set out above, the scale of the proposed below ground impact would not justify an archaeological investigation.

I can therefore confirm that there are no archaeological issues with this proposal and no conditions will be required for archaeological investigation on this scheme.

**4. Relevant National and Local Policy and Guidance**

**4.1 Development Plan Policy**

Adopted Cherwell Local Plan (Saved Policies)

- H14: New residential development in category 2 settlements
- H21: Conversions of buildings within settlements
- C7: Topography and character of landscape
- C13: Area of High Landscape Value
- C23: Conservation Areas
- C27: Design Considerations
- C28: Layout, design and external appearance of new development

C30: Design of new residential development  
C33: Settlement pattern  
ENV1: Environmental protection

## 4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Submission Local Plan (January 2014)

The draft Local Plan has been through public consultation and although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The following policy is relevant to this case:

ESD13: Local landscape protection and enhancement  
ESD16: Character of the built and historic environment  
Policy Villages 1: Village Categorisation  
Policy Villages 2: Distributing Growth Across the Rural Areas

## 5. Appraisal

5.1 The key issues for consideration in this application are:

- Planning history
- Policy Principle
- Character and appearance of the area
- Effect on the Conservation Area
- Visual amenity – rural character and wider landscape setting
- Neighbour amenity
- Highway Safety

### Planning History

- 5.2 95/01443/OUT – Refusal (and dismissed at appeal) for the erection of 3 No. dwellings and construction of an access road on grounds that it was contrary to Policy H13, access proposed was substandard and effect on archaeology.
- 5.3 96/01695/F – Approval for a double storey rear extension and change of use of the southern part of the paddock to garden to extend the existing garden of Somerfields and new double garage.
- 5.4 99/01840/F – Approval for the construction of a double detached garage and change of use of adjoining land to form new access from garage to private access drive.
- 5.5 02/00497/F – Refusal for the removal of condition 8 of 99/01840/F to allow the use of the garage not in conjunction with or ancillary to Somerfields.
- 5.6 06/02348/F – Approval for non-compliance with condition 5 of 99/01840/F to change the use of the double garage to a study, store and loft and insert windows and door with pitched roof over utility room.
- 5.7 10/01719/F – Refusal for a detached garage/store/log hovel and drive with associated landscaping and external works on grounds of harm to the setting of the Conservation Area and highway safety

- 5.8 11/00448/F – (resubmission of 10/01719/F) Refusal for a proposed detached garage, store, log hovel and drive with associated landscaping and external works on the same grounds.
- 5.9 11/01805/F – Approval for a detached garage, store and log hovel (not implemented)
- 5.10 13/00894/F – Refusal for an extension to the existing outbuilding and conversion to single dwelling house

### **Principle**

- 5.11 In establishing the acceptability of the principle of the erection of a dwelling in this location regard should be paid to Government guidance contained within the National Planning Policy Framework and saved Policy H14 of the adopted Cherwell Local Plan.
- 5.12 Government guidance requires housing applications to be considered in the context of sustainable development. Sustainable development has three dimensions: economic, social and environmental. Development should contribute to building a strong responsive and competitive economy, support strong, vibrant and healthy communities through the creation of a high quality built environment and contribute to protecting and enhancing the natural, built and historic environment.
- 5.13 Saved Policy H14 of the adopted Cherwell Local Plan concerns residential development within Category 2 Settlements such as Somerton. In Category 2 settlements residential development will be restricted to conversions, infilling or other small scale development that can be shown to secure significant environmental improvement within the settlement. The proposal is a conversion within the settlement so is linked to Policy H21 which states that conversions of suitable buildings to dwellings will be 'favourably considered' unless of detriment to the special character and interest of a building of architectural and historic significance (and subject to other relevant policies in the plan).
- 5.14 The Proposed Submission Local Plan seeks to designate Somerton as a category C village, which would further restrict new residential development in Somerton to conversions only. This proposal is for a conversion only.
- 5.15 Based on the policy documents and government guidance, it is considered that a conversion of a building within the village to residential development complies with policy principles. The building is not of any special character or of historic interest. The acceptability of the scheme is now based on whether or not there would be any harm caused to the interests of acknowledged importance and whether or not it represents sustainable development in line with Government guidance.

### **Character of the area**

- 5.16 Turning to the site itself, it can be seen from historic maps that this area formed part of a paddock and the properties to the east are named The Paddock. The properties which now face onto the Heyford Road are later additions having been granted outline consent in the mid 1970s leaving an area between the 2 housing areas as open land. Planning approval has since been granted for a change of use of the southern half of the site from the paddock use to a garden and there is now a building used as a study sited on this southern side. The land is mainly now laid to grass with a single track access and a chicken run to the east side.
- 5.17 The characteristics of the whole site now appear to be that of a domestic garden

associated with the study building sited to the rear (which has the appearance of a dwelling). This is not unexpected given that planning application 96/01695/F permitted a change of use of the southern end of the paddock to domestic garden. The garage in the corner forms part of the boundary which is being increasingly established by the presence of the young conifer plants. The character of the area is changing gradually overtime to what now would appear to be residential rather than any association with a paddock use because the land is a mown grassed area. However, it does remain open and undeveloped which is considered to be a key component to its character.

- 5.18 Turning to the proposed siting, and bearing in mind the proposal is for a conversion, it is considered that it is situated in a 'backland' position, i.e. to the rear of the row of properties fronting the Heyford Road and does not, therefore, comply with policy C33 relating to the historic settlement pattern. However, this is not relevant to conversions but relates to new build. Also it should be noted that the site is proposed to be accessed via an existing private access road which is proposed to be improved (widened and realigned) and which already serves the site and the rest of The Paddock. Finally, the existing site and the building does not detract in any way from the environment within the settlement as it goes unnoticed from the main road and is set back from the public footpath to the north and screened by an above eye level fence to the west.
- 5.19 Turning to the points made by the Conservation Officer, there is no doubt that the character of this area would change and the garden would be more intensively used with domestic paraphernalia (currently confined to the rear garden of Somerfields) further intensifying the use of the area particularly if this new property and the associated property at Somerfields chose to require yet more garaging. However, this pre-empts the position under consideration today and we cannot judge the case on what might happen in the future. It is possible to limit the amount of development that can take place in the garden by withdrawing permitted development rights to ensure any possible future development is considered properly by the requirement to apply for planning permission.

### **Character and appearance of the Somerton Conservation Area**

- 5.20 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. 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.
- 5.21 With regard to the design of the building, including its scale and choice of materials, it is considered that it is not particularly characteristic of the area and there are no other similar buildings in proximity. Being a change of use application there will be no external alterations so despite its lack of architectural vernacular, the balance of acceptability of this proposal tips in its favour as there is no change to its design and external appearance and consequently no change to the character and or appearance of the Conservation Area.
- 5.22 Turning to the changes proposed to the access, the development amounts to blocking off the existing carriageway, moving it 2.5m to the south and widening it from the existing 2.5m to 4.2m to allow 2 cars to pass over over the first 20m before it re-joins the existing access track deeper into the site. The effect of this will be the loss of a section of wall (7.8m in length) and the consequential creation of a wider

gap (from 7.2m to 15m). This part of the wall is not in the Conservation Area so is not of any particular historic interest in itself but it is a feature of the setting of the Conservation Area. Policy C23 of the adopted Cherwell Local Plan seeks to retain features which make a positive contribution to the character or appearance of a conservation area but in this case it is not considered that the wall is so special that it ought to be retained sufficient to justify refusal of the application. The change to the wall is considered to be of neutral effect and not harmful to the overall enjoyment as part of the setting of the Conservation Area.

- 5.23 During the course of the application there became some concern about the adjacent Silver Birch Tree (in separate ownership, within the grounds of the Shambles) and it has since been TPO'd due to the contribution it makes to the visual amenities of the vicinity. This access has been scrutinised by detailed surveys and a cross section of this part of the site has enabled tree protection details to be produced now to ensure the continued health of the tree. Any threat to this Birch by, for example, the new road surface treatment, can be effectively controlled by the recommended condition.
- 5.24 There is criticism from consultees about the over engineered solution in this rural village to enable the development to be acceptable but it is considered that the end result will not be so harmful to the setting of the Conservation Area as to warrant a refusal on these grounds. There will be an access road centrally positioned within a gap which already exists save for the wall, a small section of which will need to be removed. The appearance will not be dissimilar to Walnut Rise adjacent and just to the north which is 'within' the Conservation Area whereas this element is not.

#### **Impact on the rural character of the area and wider landscape setting**

- 5.25 The rural setting of this part of the village would appear to be somewhat eroded to a degree by the relatively modern developments (most notably the properties along Heyford Road) and the paddock retains very little of its original character. The only remaining open views to the site area are from the driveway itself which is a public vantage point being along the public footpath route.
- 5.26 Standing in the north east corner of the site, views can be enjoyed across to the west as the land at this point is higher and one gets a sense of the openness of character as a result of the this site remaining undeveloped. Development of the site has been towards the boundaries which assists in retaining the openness of character of the area.
- 5.27 Policy C33 of the adopted Cherwell Local Plan seeks, inter alia, to retain any undeveloped gap of land which is important in preserving the loose-knit settlement structure and with no physical development proposed this will not be affected. The view is held that this space between the properties alongside a publicly accessible route is part of the openness of character of this part of the village which will be retained as presented.

#### **Neighbour amenity**

- 5.28 The proposed dwelling is located some distance from the properties along Heyford Road. The nearest property to the proposed dwelling is at Corner Stone which has a hedged boundary backing onto the site. Given the distance, it is considered that there would be no harmful effect on the level of amenities currently enjoyed by this property in terms of overdomination, loss of light, overshadowing or loss of privacy. It is concluded, therefore, that the application complies with Policy C30 of the adopted Cherwell Local Plan and is acceptable in this regard.
- 5.29 There has been close dialogue with the occupier of Shambles just south of the



access point. The access road will be positioned closer to that property but will be separated by a 2.2m wide grass verge. It is considered that this distance is sufficient for there to be no harm caused to that neighbour in terms of potential noise nuisance as a result of access traffic which will not be increased to any substantial degree.

### **Highway safety**

- 5.30 The application has been considered by Oxfordshire County Council as Highway Authority and it has been concluded that the access from which it is proposed to serve the development would be substandard in vision and geometric terms without the proposed change to the access. The access point will have more presence and represent an improvement on the existing situation in highway safety terms.
- 5.31 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.

### **Other matters**

- 5.32 It is noted from the neighbours and Parish Council that, because of the long history to the site, this development represents 'creeping' development which makes a mockery of the planning system and sets an unwelcome precedent. The planning process can only control what is proposed at the time and cannot seek to control what might happen in the future. Not only does the situation change on the ground but also policies and government guidance, equally relevant considerations, change too. Recommendations are made in the relevant context and each case is determined on its merits. The NPPF advises that if an application is acceptable and compliant with policy, it should be approved unless there is significant demonstrable harm, which is not the case here. When balancing the issues, the application ought reasonably be approved as outlined in the conclusions below.

### **Engagement**

- 5.33 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through previous negotiations with the applicant in an attempt to ensure that the proposal will accord with sustainable development principles as set out in the NPPF.

### **Conclusion**

- 5.34 The application is considered to be acceptable in principle when judged against Policies H14 and H21. As the development is a conversion with acceptable alterations to the access arrangement there would be no harm caused to the setting of the Conservation Area or the wider rural landscape. The proposed access arrangement is acceptable and will not result in a detriment to highway safety and there is sufficient off street parking. The proposal is considered to comply with saved policies of the adopted Cherwell Local Plan and Government guidance contained within the NPPF as outlined below.

## **6. Recommendation**

1. That 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 consent, the development shall be carried out strictly in accordance with the following plans and documents: application forms and drawing nos. P/13/0076/001 Rev E, 003 Rev A, 004 Rev A, 005 Rev B and 006.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, and in accordance with Government guidance contained within the National Planning Policy Framework.

3. Prior to the conversion of the building hereby approved, the existing means of access between the land and the highway shall be improved (geometry as per drawing number P/13/0076/005 Rev B showing an improved access 4.2m wide with radii to the carriageway edge and wall realigned) and shall be 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.

4. Prior to the first use of the access hereby approved, the existing access onto Heyford Road shall be permanently stopped up by means of reinstatement of the footway and kerb line and shall not be used by any vehicular traffic whatsoever.

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

5. Prior to the commencement of the development hereby approved, full specification details of the realigned 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 building 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.

6. 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.

7. Prior to the commencement of the development full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of the dwelling.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings, to

protect vision splays and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

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.

9. Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.
  - a) Written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of relevant arboricultural issues.
  - b) The relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters
  - c) The timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.
  - d) The procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and arboricultural incidents
  - e) Details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (eg: reduced dig systems, arboresin, tree grills)

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.

10. 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 ensure and retain the satisfactory appearance of the completed development and 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.

11. No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place.

Reason: To ensure the public right of way remains available and convenient for public use in accordance with Government guidance as contained within the National Planning Policy Guidance.

## **INFORMATIVE**

1. No construction / demolition vehicle access may be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants or their contractors to put right / make good to a standard required by the Countryside Access Team. Reason: To ensure the public right of way remains available and convenient for public use in accordance with Government guidance as contained within the National Planning Policy Guidance.

## **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.