

Springfield Farm, Ambrosden

14/01742/F

Ward: Ambrosden and Chesterton

District Councillor: Cllr Andrew Fulljames

Case Officer: Rebecca Horley

Recommendation: Approval

Applicant: Bloor Homes and Archstone Land Ltd c/o agent

Application Description: Demolition of the existing building and development of 27 units.

Committee Referral: Major

Committee Date: 18th December 2014

1. Site Description, Background and Proposed Development

- 1.1 This 1.28 ha site is located on land that forms part of Springfield Farm, adjacent to the south eastern edge of Ambrosden. The Ploughley Road forms the western boundary from where access is proposed. The site forms part of a wider site approved for residential development for 90 dwellings currently under construction (13/00344/HYBRID refers). That application showed a layout in 2 distinct parts with the northern section (fronting the school) providing 70 dwellings and the western section (subject of this application) providing 20 dwellings.
- 1.2 This subsequent full application seeks to change the layout of the smaller western section to replace the 20 larger single dwellings within the site with pairs of smaller dwellings thereby increasing the total number provided in this part of the site by 7 units to 27 units. 18 No. units are proposed for open market housing, 6 No. rented and 3 No. shared ownership.
- 1.3 The site is not constrained by any historical features or within a Conservation Area but noted as being of some value ecologically. The site is potentially contaminated land. A public footpath runs from the north eastern corner of the site directly east towards Blackthorn but does not cross the site.

2. Application Publicity

The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was 14th May 2013. At the time of writing 1 letter of objection has been received mainly referring to problems that would arise from an additional 27 units but concluding that an additional 7 would be a fair compromise, demonstrating the need for housing, but also making it clear that the village has a level of integrity.

3. Consultations

3.1 Ambrosden Parish Council:

No objection in principle. Comments as follows:

1. Principle: The PC note that there is no objection to the principle of the additional dwellings as this is an application to amend 13/00344/HYBRID, and the developed site area has not changed.

2. Transport Assessment: The Clarkebone Transport Assessment has a site layout in Appendix E which does not match the proposed site layout. Can the proposed site layout be confirmed?
3. Site layout: Plots 71 and 72 are considered to have substandard rear gardens, in terms of length, this could be addressed by repositioning the dwellings and boundaries to neighbouring plots or reverting to a single dwelling in this location.
4. Scheme design: The PC commented on 13/00344/HYBRID that various materials and design elements do not match the distinctive local vernacular of the original buildings in the village. We remain frustrated that this was not taken into consideration for the original permission and repeat them below:
 - a) Materials – double interlocking tiles are proposed on the materials schedule. These are a very cheap product with an appearance that does not match any dwellings in the village – standard plain tiles should be used.
 - b) Finishes – house types 401 and 4191 have incongruous tudor boarding/cladding timber details to the pop up roof elements/gables. This is a suburban detail completely inappropriate for a rural village setting – the timber detailing should be omitted to give a simple rural feel.
 - c) Parking – due to existing parking issues in the village particularly modern developments in Briar Furlong and Chapel Drive where the garages are not used to accommodate vehicles, the PC made strong representations to the developers during consultations to ensure at least 200% parking per dwelling excluding garages. We suggested carports could replace garages in some locations.
5. Financial Contributions/Onsite provision: The PC previously commented on permitted scheme 13/00344/HYBRID that dog waste bins and waste bins should be provided and that the PC would add these to our collection routes. It is noted that there is no provision for these within the s106 agreement which was only published in October and completed without reference to the PC despite representations.
 - a) Dog waste bins – Ambrosden PC do not have a budget to pay for the cost of dog waste bins but recommend the installation of 4 bins which will then be added to the PC waste collection list.
 - b) Waste bins – Ambrosden PC do not have a budget to pay for the cost of waste bins. Cast iron bins are required to match those already installed in the village.
6. The PC and local community only gave their support to the development 13/00344/HYBRID as the developers promised provision of a community building. The PC was excluded from the s106 negotiations by the planning officer and the promise of provision was diluted to an index linked financial contribution of land and £22,043 due to the level of other financial contributions requested by the County Council and District Council.

The provision of additional dwellings which have no additional on site infrastructure costs to the developer and zero book land costs will enable the developers to fulfil their additional promises to the Parish.

Taking into consideration the net increase of 7 dwellings one of which is an additional affordable housing unit there will be 2 additional 3 bed units and 4 additional 4 bed units.

Using the sales prices for the other part of the site that is now being marketed sales values are:

House type 356 - £300,00

House type 401 - £350,00

House type 419 - £395,00

Additional sales revenue from the 6 new dwellings will be £2,135,000.

Land value is typically considered to be 40% of sales value which equates to £854,000. As the developers already own the land and do not suggest that his

development is subject to an overage clause, it would be reasonable for the developers to pay a substantial proportion of this towards the Community Building to fulfil their obligations to the residents of the Parish who supported the first application under false representation by Bloor Homes.

In making these comments we note an application in Fritwell (14/01757/F) where the developer is providing a new village hall and the development is of only 8 terrace and semis so there is no reason why the entire building should not be provided in exchange for the additional dwellings.

Cherwell District Council Consultees

3.2 Planning Policy Officer:

No comment received due to prioritising work on the local plan.

3.3 Urban Design Officer:

This new application is made to refine part of the approved layout to replace a number of larger single dwellings within the site with pairs of smaller dwellings. The proposal increases the number of units by 7 in total.

Site/Context - The site area is 1.28ha in extent and forms part of the larger approved residential development under 13/00344/Hybrid as above.

Policy/Guidance - I am not aware of any urban design comments on the previous proposal and I comment here only on the changes from the consented scheme.

Design Assessment - The application is accompanied by a Design Code/Design & Access Statement prepared by Barton Willmore. I have undertaken a peer review of this document and make the following comments on matters of urban design:

Movement/Connections - No change.

Scale/Mix of Uses - There is no change to the mix of uses proposed. The number of residential properties has increased from 20 units to 27 units across the site. On the north block it is proposed to replace 10 detached units with 11 detached and 4 semi-detached units. On the south block it is proposed to replace 3 detached, 4 semi-detached and 3 terrace units with 3 detached, 6 semi-detached and 3 terrace units. All units remain domestic in scale.

Layout - The overall layout remains broadly the same. Houses continue to front streets with parking to the sides of properties.

Built Form (density, massing, height) - The density of the proposal has increased from 21dpha to 30dpha or by approximately one third. While proportionally this is a significant increase, 30dpha remains relatively low density overall and not inappropriate for the location. The increase in density has largely been achieved by reducing the size of some properties, reducing the space between properties and reducing/reconfiguring parking spaces. I do not have any issue with reducing the size of some properties and/or reducing/reconfiguring the parking as proposed. The reduction in the space between properties however does begin to change the character of the development and removes opportunities for soft-landscaping to break up built frontage. Spaces between units 80-81, 83-84 and 95-96 are nominal and these properties might be better joined in a semi-detached arrangement to free up space either side.

Elevations - Proposed house types appear to be an acceptable match to those already consented.

Materials - Proposed materials appear to be an acceptable match to those already consented.

Landscaping - No landscaping plans have been provided.

Access and Parking - Proposed access appears to be the same as already consented. Parking is accommodated to the side of properties in tandem arrangements in front of recessed garages. I do not comment on parking numbers, but I am satisfied that the parking layout will not dominate streets or frontages.

To conclude, I have assessed the proposal having regard to the approved scheme and consider the changes to be broadly compatible. I do not anticipate any significant adverse effects in respect of urban design.

3.4 Housing Officer:

No objection.

On the assumption that the permission gained on 13/00344/HYBRID is still relevant, I have considered the above application with this in mind. As such I can confirm that the proposed affordable housing provision on the above application is acceptable.

The number of affordable homes is acceptable and policy compliant i.e. 35%. The tenure split is assumed as being 6 shared ownership and 3 rented dwellings which is consistent with a 70/30 tenure split when taking the existing site to the north into account, and is therefore acceptable.

The clustering of the affordable housing is acceptable as is the unit types proposed.

These comments update my previous observations on this planning application and consider the existing permission as well the new application above.

3.5 Landscape Officer:

No objection. The proposal involves increasing the number of dwellings by 7 on a small segment of the site. In landscape terms it won't make any appreciable difference.

3.6 Recycling and Waste Manager:

The application triggers a S106 contribution of £67.50 per property.

3.7 Safer Communities Urban & Rural (Community Development) and Recreation & Health Improvement:

No objection. No requirement for a request for a community development contribution or a community halls contribution.

3.8 Anti-Social Behaviour Manager:

No objections or observations

Oxfordshire County Council Consultees

3.9 Transport

No objection subject to conditions.

The proposal amends a previously approved application to include an additional 7 dwellings. There would not be any perceivable highway impact resulting from the additional dwellings. The proposed layout applies similar design principles to the approved scheme and is considered appropriate. The previous application attracted a

financial contribution of £1000 per dwelling to improve public transport services and therefore an additional £7000 is sought.

3.10 **Archaeology:**

No issues arising

3.11 **Drainage Officer:**

No issues arising

3.13 **Developer Funding Team (Property & Education)**

Full details of the justification of the contributions are available on public access and the following is a summary of the submission:

It is understood that although this application is for 27 dwellings that 20 of these dwellings have permission under an early application and the contributions details for the additional 7 dwellings only are required. It is also understood that the complexities of connecting these two applications will be dealt with through the s106 drafting.

No objection subject to conditions

Key issues:

- The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure.
- The following housing development mix has been used in the following contribution calculations

- 0 no. x One Bed Dwellings
- 2 no. x Two Bed Dwellings
- 4 no. x Three Bed Dwellings
- 1 no. x Four/+ Bed Dwellings

It is calculated that this development would generate a net increase of:

- 19.18 **additional residents**

Legal Agreement required to secure:

• Bicester new Library	£ 844.88
• Waste Management	£ 1,227.52
• Museum Resource Centre	£ 95.90
• Adult Health & Wellbeing Day Care	£ 1,149.27
• Central Library	£ 328.94
• Primary School	£27,912.62
• Secondary School	£34,321.50
• Special Education Needs	none
<input type="checkbox"/> Total*	£ 65,881

Contributions are to be index-linked to the relevant price bases (detailed below).

□ Administration & Monitoring £ 1,500

The County Councils legal fees in drawing up and/or completing a legal agreement will need to be secured.

Conditions:

The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. We would therefore ask you to add the requirement for provision of hydrants in accordance with the requirements of the Fire & Rescue Service as a condition to the grant of any planning permission.

Informatives:

Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems.

Indexation

Financial contributions have to be indexed-linked to maintain the real values of the contributions (so that they can in future years deliver the same level of infrastructure provision currently envisaged). The price bases of the various contributions are covered in the relevant sections above.

Security/Bonds

Given the scale of the contributions, where the triggering of payment of financial contributions is deferred to post implementation of the development, it will be necessary for the S106 agreement to include provisions for appropriate security by the landowner/developer for such payments.

General

The contributions requested have been calculated where possible using details of the development mix from the application submitted or if no details are available then the County Council has used the best information available. Should the application be amended or the development mixed changed at a later date, the Council reserves the right to seek a higher contribution according to the nature of the amendment.

The contributions which are being sought are necessary to protect the existing levels of infrastructure for local residents. They are relevant to planning the incorporation of this major development within the local community, if it is implemented. They are directly related to this proposed development and to the scale and kind of the proposal.

3.14 **Ecology**

The District Council should be seeking the advice of their in-house ecologist who can advise them on this application.

In addition, the following guidance document on Biodiversity & Planning in Oxfordshire combines planning policy with information about wildlife sites, habitats and species to

help identify where biodiversity should be protected. The guidance also gives advice on opportunities for enhancing biodiversity:

<https://www.oxfordshire.gov.uk/cms/content/planning-and-biodiversity>

Other Consultees

3.15 Environment Agency:

No objection.

The proposed development is located in Flood Zone 1 (low probability) based on our Flood Zone map. Whilst development may be appropriate in Flood Zone 1, the NPPF sets out a Flood Risk Assessment should be submitted for all developments over one hectare in size. It is noted that a FRA has been submitted in support of the proposed development.

The West Thames Area (Environment Agency South East) is operating a risk based approach to planning consultations. As the site lies in Flood Zone 1 and is between 1 and 5 hectares the EA does not intend to make a bespoke response to the proposed development. The following standing advice is provided as a substantive response and if it is to be used to refuse a planning application, the EA would be prepared to support the LPA at any subsequent appeal.

In order for the development to be acceptable in flood risk terms the EA would advise the following:

With regard to surface water flooding, the EA flood risk standing advice contains guidance on what FRAs need to include. Key points for developments in Flood Zone 1 (cell F5) are:

- Surface water runoff should not increase flood risk to the development or third parties. This should be done by using SuDs to attenuate to at least pre-development runoff rates and volumes or where possible achieving betterment in the surface water runoff regime. (The applicant should contact Local Authority Drainage Departments where relevant for information on surface water flooding.)
- An allowance for climate change needs to be incorporated, which means adding an extra amount to peak rainfall (20% for commercial development, 30% for residential). Refer to table 5 of the Technical Guidance for NPPF.
- The residual risk of flooding needs to be addressed should any drainage features fail or if they are subjected to an extreme flood event. Overland flow routes should not put people and property at unacceptable risk. This could include measures to manage residual risk such as raising ground or floor levels where appropriate.

Additional guidance is provided which also contains a pro-forma which the developer should complete and return to the LPA. The completed pro-forma will act as a summary of the surface water drainage scheme on the site and asks the developer to confirm that surface water flood risk will be adequately managed on site so as to not cause an increase in flood risk.

To conclude, the EA trust the standing advice in this letter will assist the Council in reviewing the flood risk matters of the proposed development and in determining the planning application. The LPA is recommended to liaise with the Land Drainage Engineer in consideration of the above.

3.16 Thames Water: No objections subject to conditions and informatives.

Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

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.

Supplementary Comments:

Sewer Impact Study (X4503 - 522, SMG 1283 - PROPOSED CONNECTION AT SPRINGFIELD FARM, BICESTER - FOUL WATER SYSTEM) concluded that the existing foul network has insufficient spare capacity to accommodate the proposed development. The study recommends that sections of sewer be upsized to ensure the development will not have a detrimental impact on the existing foul system. The developer is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the required sewer reinforcement. To ensure that the foul flow increase from the proposed development does not result in increased foul flood volumes, it is vital that the developer agrees the necessary sewer upgrades with Thames Water.

Thames Water would like the following 'Grampian Style' condition imposed "No discharge of foul flow from the site shall be accepted into the public system until the drainage works referred to in Sewer Impact Study X4503 - 589 have been completed".

Any variation on the proposed discharge rates, or locations, will require further investigation and review by Thames Water, whereupon the developer will be required to fund an additional study.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies) (ACLPL)

H13: The Category 1 Settlements

H18: New dwellings in the countryside

C2: Development affecting protected species

C4 Creation of new habitats
C7: Landscape conservation
C8: Sporadic development in the open countryside
C28: Layout, design and external appearance of new development
C30: Design of new residential development
C31: Compatibility of proposals in residential areas
C32: Provision of facilities for disabled people
R12: Provision of public open space in association with new residential development
TR1: Transportation funding

4.2 Other Material Considerations - Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Submission Local Plan (January 2014) (SLP) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation and the examination is set to reconvene in December 2014. 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 considered to be material to this case.

BSC1: District Wide Housing Distribution
BSC2: The Effective & Efficient Use of Land - Brownfield land & Housing Density
BSC3: Affordable Housing
BSC4: Housing Mix
ESD3: Sustainable Construction
ESD6: Sustainable Flood Risk Management
ESD7: Sustainable Drainage Systems
ESD10: Protection & Enhancement of Biodiversity & the Natural Environment
ESD11: Conservation Target Areas
ESD13: Local Landscape Protection & Enhancement
ESD16 The Character of the Built & Historic Environment
Policy Villages 1: Village Categorisation
Policy Villages 2: Distributing Growth Across the Rural Areas
Proposals Map Allocation – Unallocated

Strategic Housing Land Availability Assessment – Draft Final Report – March 2013
Appendix D - Sites outside Settlements with Future Potential

5. Appraisal

5.1 The key issues for consideration in this application are:

- Planning History
- Principle
- Layout and design
- Flooding
- Highway Safety
- Planning contributions
- Energy Efficiency

Planning History

- 5.2 13/00344/HYBRID – full planning permission granted demolition of the existing buildings and development of 90 new homes, new vehicular accesses, public and private open space with car and cycle parking, landscaping and associated servicing. Outline planning permission for community building with all matters reserved with associated car and cycle parking and landscaping (all matters reserved except points of access)
- 5.3 14/00090/DISC – permission granted approving details for conditions 3, 4, 6, 8, 11, 12, 13, 14, 16, 17, 18, 19, 22, 23, 26, 27 and 31 of 13/00344/HYBRID
- 5.4 14/00121/DISC – permission granted approving details for conditions 9 and 25 of 13/00344/HYBRID
- 5.5 14/00306/DISC – Pending consideration of conditions 5, 20 and 24.
- 5.6 14/00075/NMA - Substitution of 4 housing plots: 35, 37, 38 & 40
- 5.7 14/01205/HYBRID – Pending a decision for variation of condition 28 of 13/00344/HYBRD requiring level 4 of the Code for Sustainable Homes

The principle

- 5.8 The policy principles of developing this site for housing have been considered previously and resulted in the granting of planning permission 13/00344/HYBRID which is currently being implemented. This part of the site benefits from planning permission for 20 properties, which is the fall back position. This application is for an additional 7 units to those previously approved. Of note is that the Council still cannot demonstrate a five year housing land supply so there remains a need for more housing in the district.
- 5.9 The NPPF includes a presumption in favour of sustainable development and states 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*” (para. 14). Local Planning Authorities are required to boost significantly the supply of housing by meeting assessed needs and identifying key sites critical to the delivery of the housing strategy over the plan period (para’ 47).

Layout and design

- 5.10 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.
- 5.11 Advice has been sought from the Urban Design Officer who concludes that the changes are broadly compatible with the approved scheme and no significant adverse effects in respect of urban design are anticipated. There is no change to the mix of uses proposed. The number of residential properties has increased from 20 units to 27 units across the site broadly across 2 blocks. On the northern block it is proposed to replace 10 detached units with 11 detached and 4 semi-detached units. On the southern block it is proposed to replace 3 detached, 4 semi-detached and 3 terrace units with 3 detached, 6 semi-detached and 3 terrace units. All units remain domestic in scale with elevations and materials to match those already consented and the layout stays broadly the same with houses fronting streets with parking to the sides of properties.
- 5.12 The density of the proposal has increased from 21dpha to 30dpha or by approximately one third. While proportionally this is a significant increase, 30dpha remains relatively low density overall and is appropriate for the location. The increase in density has largely been achieved by reducing the size of some properties, reducing the space between properties and reducing/reconfiguring parking spaces. Reducing spaces removes opportunities for soft-landscaping to break up built frontage but this is not a reason to refuse the scheme.

Flooding

- 5.13 At the time of writing, the requirements of the developer to comply with the standing advice pro-forma had not been confirmed but the EA do not raise any objections to this application and the site is considered to be a low risk and remains within a Flood Zone 1.

Highway Safety

- 5.14 The Highway Authority has no objection to the proposal as there would not be any perceivable highway impact resulting from the additional 7 dwellings. The proposed layout applies similar design principles to the approved scheme and is considered appropriate. The previous application attracted a financial contribution of £1000 per dwelling to improve public transport services and therefore an additional £7000 is sought.

Planning Contributions

- 5.15 Ordinarily a scheme for 27 dwellings would attract additional contributions and a layout to include play areas but the majority of these are already secured under the previous consent (13/00344/HYBRID). Already some monies have been received as that permission is currently being implemented. There have been 38 starts (development including foundations upwards) but no completions. The 2 show homes are nearly complete and no units have been sold. There are various triggers in place

to ensure all the requirements of the section 106 are received but it is considered necessary to seek further requirements, but these can be linked to those already agreed. To this end, a new linked agreement to the 13/00344/HYBRID will be sought but it will not feature the normal requirements of a 27 unit scheme i.e. no play areas within the red line.

- 5.16 With regard to the affordable housing, a 27 housing unit scheme would require 9 affordable housing units which are to be achieved at the site so the scheme is policy compliant in this regard. When taking into account the whole wider site (including the 70 units to the north along Ploughly Road) the provision of tenure split is also acceptable ensuring a 70/30 (shared ownership/rent) split. The clustering of the affordable housing is also acceptable as is the unit types proposed.
- 5.17 The requirements sought by this authority will, therefore, be the 9 affordable housing units as shown on the drawing, and a contribution of £472.50 for recycling/refuse (@ £67.50/dwelling unit). The administration fee can be absorbed into the cost of the core file for the wider site (13/00344/HYBRID). The requirements sought by the County Council amount to £74,381 which includes transport, property, education and admin fee. The applicant has confirmed their acceptance of all these requirements.
- 5.18 Of note is the absence of any reference to the community building which is outside the red line. The land given over for that use is still committed within the Section 106 to the 13/00344/HYBRID. With reference to the comments raised by the Parish Council, it was not the intention to provide any the community building development itself but only that land should be given over. All requirements in the section 106 must be CIL compliant (as referred to in paras 203 – 205). Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms
- directly related to the development, and
- fairly and reasonably related in scale and kind to the development

Any request made by of the developer must pass these tests and in a case of an additional 7 dwellings within an existing approved scheme does not trigger any further requirements other than those noted above.

- 5.19 The applicants have commented stating that the main reason for this submission is to limit the size of properties that face the possible community facility land following negative feedback from purchasers as this is an unknown in terms of design/delivery timescales etc. The additional 7 plots is a by-product of reducing the unit sizes in this area and any additional profit defaults to the previous landowner by way of overage payment.

Energy Efficiency

- 5.20 Members will recall at the 30 October 2014 Planning Committee, application 14/01205/HYBRID was deferred. That application sought the removal of the condition requiring level 4 of the Code for Sustainable Homes. A legal opinion is being sought with regard to the weight that officers were placing on the relevant policies in the Submission Local Plan and until that advice is received, any further imposition of conditions to match the original core consent are difficult to justify and re-impose. To that end, an alternative condition has been recommended in the interim should

consent be granted today though this may change before a final decision is issued. (suggested condition number 13). This condition was imposed on Land off Warwick Road, North of Hanwell Fields, Banbury (12/01789/OUT – issued on 2nd September 2014) and was also accepted at the 30th October 2014 committee when resolving to approved the dwellings at Land north of Hanwell Fields (14/00066/OUT refers).

Engagement

- 5.21 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 the efficient and timely determination of the application. Discussions with the applicant, through their agent, have been on-going throughout the application process.

Conclusion

- 5.22 Based on the assessment above, it is concluded that as the site already benefits from an extant planning permission for 20 units, an additional 7 does not cause any significant harm to the interests of acknowledged importance identified in section 5 of this report. This application is therefore recommended for approval in line with the details below.

Recommendation

Approval, subject to:

- a) completion of the S106 linking agreement which will ensure that the contributions agreed under 13/00344/HYBRID will continue to apply to this planning permission and include the additional contributions sought; and
- 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: Design and Access Statement Addendum October 2014, Transport Assessment by Clarkebond dated September 2014 and drawing numbers PL-01.2, HT-GAR-01 Rev B, HT-GAR-03 Rev B, HT-GAR-06 and HT-GAR-07 received with the application, drawing numbers PL-03.2 Rev A, PL-04.2 Rev A, PL-05.2 Rev A, SS-01.2 Rev A, SE-01.2 Rev A, HT-BH356-01 Rev A, HT-BH356-02 Rev A, HT-BH401-01 Rev C, HT-BH414-01 Rev A, HT-BH419-01 Rev E, HT-BH419-02 Rev E, HT-BH420-01 Rev A, HT-BH454-03 Rev A, HT-BH454-04 Rev A, HT-2B4P-01 Rev C, HT-3B5P-01 Rev A, HT-1B-BUNG-01 Rev C and HT-3B5PLTH-01 Rev C received on 4th December 2014 and

EXT-01 Rev C received on 5th December 2014.

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. The development shall be carried out in accordance with the details agreed under 14/00090/DISC and 14/00121/DISC unless otherwise agreed in writing by the Local Planning Authority.

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.

4. Unless otherwise agree under 14/00306/DISC, no dwelling shall be occupied until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development, in order to avoid adverse environmental impact upon the community and to comply with government guidance contained in the National Planning Policy Framework.

5. Prior to the commencement of any approved tree works, any operations that present a risk to retained trees, or any operations to facilitate specialised tree planting (eg: tree surgery, trenching operations close to the Root Protection Areas of retained trees or construction of load-bearing structured cell planting pits), the applicant shall give the Local Planning Authority seven days written notice that works are due to commence.

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.

6. All agreed service trenches, pipe runs, drains or any other excavation to be constructed within the agreed Root Protection Area (RPA) of the tree/trees on the site shall be undertaken in accordance with National Joint Utility Group 'Guidelines for the Planning, Installation and Maintenance of Utility apparatus in Proximity to Trees - Volume 4 and all subsequent revisions and amendments thereof.

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.

7. No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

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.

8. Unless otherwise agreed in writing by the Local Planning Authority, the scheme of public art shall be carried out as agreed under 14/00306/DISC prior to the commencement of development. The development shall be carried out in accordance with the details so approved.

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.

9. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Ref WB02358, Rev D, Final, dated 05 March 2013 as supported by the Drainage Statement dated September 2014 and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by all events up to and including the 100 year plus climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with the National Planning Policy Framework.

10. Unless otherwise agree under 14/00306/DISC, prior to the occupation of any of the dwellings hereby approved, full specification details of the vehicular accesses, car parking, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage,

shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas 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.

11. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed between the dwelling(s) and the highway without the prior express planning consent of the Local Planning Authority.

Reason - To retain the open character of the development and the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. The garage(s) shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.

Reason - To ensure that satisfactory provision is made for the parking of vehicles on site and clear of the highway in accordance with Government guidance contained within the National Planning Policy Framework.

Dependent on the legal advice relating to application 14/01204/HYBRID and the subsequent decision of this Council on that application, include also:

13. Prior to the occupation of any dwellings an Energy Strategy shall be submitted to and approved by the Local Planning Authority. This strategy shall be in line with the mandatory requirements of Code 4 in respect of ENE1 2010 or otherwise agreed with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved Energy Strategy.

Reason: To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained with the National Planning Policy Framework.

PLANNING NOTES

1. Legal agreement
2. 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.

3. Archaeology

4. Construction Sites

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 by determining the application within the statutory timeframe and continuing negotiations with the applicant to agree a proposal which represents sustainable development.