

APPENDIX

Greenup Banbury Road Bloxham

14/00184/F

Ward: Bloxham

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: Previous application determined at Committee level

Committee Date: 18.12.14

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 30th November 2014. Four letters have been received. The following issues were raised:
 - Drainage
 - Overdevelopment of the site
 - Traffic generation
 - Impact on character of the area
 - Similar in scale to outline consent
 - Improvement on existing property on the site
 - Massing of the buildings
 - Loss of privacy

3. Consultations

- 3.1 Bloxham Parish Council: The Parish Council wishes to raise no objections to the application and makes the following observations: The applicant has done much to address the concerns expressed by both the Parish Council Planning Committee and neighbouring residents. Therefore the Parish Council has no objection to this application.

A neighbouring resident attending Bloxham Parish Council's Planning Committee, 25th November 2014, has requested that this application be heard at a CDC Planning Committee meeting.

Cherwell District Council Consultees

- 3.2 Conservation Officer: This site borders on the Bloxham Conservation Area (a designated heritage asset) and is in the vicinity of a number of non-designated heritage assets identified by Oxford Archaeology for the Council in the Article 4 Study in 2012.

Rose Todd (Senior Conservation officer) commented on the previous application. She highlighted the architectural problems including the size of the buildings, the overly-elaborate detailing and the failure to refer to the vernacular tradition. Some minor alterations to the design have been made but I believe that the problems regarding the design have not been rectified.

The Design and Access statement states that the aim was for the design to be: 'quality (sic), rural, natural, traditional and understated'. Unfortunately it is none of these things. Contrary to the Design and Access statement, the proposed house for plot one is not symmetrical.

The scheme includes a cacophony of elements including varying steep and shallow roof pitches, inappropriate brick corbelling, soldier courses and 'dog-toothing' on stone facades, half-dormers and overly prominent, pseudo-traditional timber-framed and clad garages.

This scheme fails to make a positive contribution to local character and distinctiveness and fails to sustain or enhance the significance of heritage assets.

Policy C28 of the Cherwell Local Plan (1996) states that:

Control will be exercised over all new development, including conversions and extensions, to ensure that the standard of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development. In sensitive areas such as conservation areas [...] development will be required to be of a high standard and the use of traditional building materials will normally be required.

Policy ESD16 of the Cherwell Local Plan Submission (January 2014) states that new development should

Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surface materials, mass, scale and colour palette.

Unfortunately this proposal fails to meet these requirements.

Oxfordshire County Council Consultees

- 3.3 Highways Liaison Officer: No Comment to date

Other Consultees

- 3.4 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

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.

The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

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

National Planning Policy Framework

Submission Local Plan (January 2014)

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 policies listed below are considered to be material to this case and are not replicated by saved Development Plan Policies:

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.

5.4 Planning permission was refused by Planning Committee under application 14/00184/F earlier this year. The current application has been submitted seeking to overcome the objections and reason for refusal. Various alterations have been made to the plots, reducing the height of certain elements and the footprint of others and repositioning the dwellings slightly within the site. These alterations are annotated on the plans.

Principle of the development

5.5 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.

5.6 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.

5.7 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.

5.8 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

- 5.9 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.
- 5.10 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.
- 5.11 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."
- 5.12 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.
- 5.13 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.
- 5.14 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**
- 5.15 The development is considered to provide standards of amenity and privacy acceptable to the Council.
- 5.16 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 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.

5.17 One of the concerns in relation to the proposal put forward under application 14/00184/F was the impact that the development would have on the living amenities of the neighbouring properties due to the siting and size of the proposed dwellings.

5.18 To seek to address the potential impact various amendments to the refused scheme have been made and the main alterations are as follows:

Plot One - Relocated approximately 0.3m to the west

- Reduction in the ridge height of the rear projecting gables by approximately 0.4m

Plot Two - Repositioned approximately 1m to the west

- Reduction in the width of the dwelling by approximately 0.5m
- Reduction in the height of the main ridge by approximately 0.6m
- Reduction in the height of the rear projecting gable by approximately 0.2m
- Omission of rooflights in the front elevation
- Reduction in the height of the study roof by approximately 0.2m

Plot Three – Repositioned approximately 1m to the east

- Reduction in the width of the dwelling by approximately 0.5m
- Reduction in the height of the main ridge by approximately 0.5m
- Reduction in the height of the rear projecting gable by approximately 0.2m
- Omission of rooflights in the front elevation
- Reduction in the length of the single storey study/hall element by approximately 2.5m

5.19 It is considered that with the submitted amendments 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.

5.20 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.

5.21 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

5.22 The comments from the Highway Authority have not been received to date however they previously advised that the development will not result in any significant detriment to highway safety. The access into the site and parking arrangements have not altered and therefore conditions are recommended and these are set out below.

Ecology

5.23 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

5.24 The Council's Arboriculturalist advised for the previous application 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

5.25 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.

Engagement

5.26 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 as the decision has been made in an efficient and timely way.

Conclusion

5.27 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. 5760 – Ovr 1, 5627-01a, 5760-Ovr 2, 5760-plt 1, plt 2, and plt3
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 1m² 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 1m² 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 and 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. 5760-Ovr 2 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. 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 the decision has been made in an efficient and timely way.