

# Garage Block Adjacent 29 Westbeech Court, Banbury 15/01144/F

**Ward:** Banbury Easington

**District Councillor:** Cllrs. Blackwell, Mallon and Morris

**Case Officer:** Aitchison Raffety

**Recommendation:** APPROVE

**Applicant:** Mr Norman White

**Application Description:** Construction of 3 new houses and associated parking with access from Westbeech Court – Resubmission of 15/00300/F

**Committee Referral:** Previous application dealt with at Committee

**Committee Date:** 6 August 2015

## 1. Site Description and Proposed Development

- 1.1 The site includes the rearmost part of a private car park, plus a garage, associated with 36 and 38 West Bar Street, Banbury. Extending to 0.05 ha, this L-shape parcel of land adjoins Westbeech Court to the north-west and The Shades to the east. Adjacent to the site, part of Westbeech Court, is a public highway, whilst the eastern section is privately owned and forms a garage forecourt. This part of the application site is roughly level and visually segregated from Westbeech Court by a high brick wall. The Shades is a single lane public highway, which provides access to the existing garage on the application site, a dwelling (1 The Shades) and a bowls club, as well as acting as a pedestrian link between West Bar Street and People's Park. The only access onto the surrounding highway network from The Shades is onto West Bar Street, which is approximately 60 metres to the south-east of the application site. The north-eastern part of the application site is set up marginally above The Shades and enclosed by brick walls along the north-west and south-eastern boundaries.
- 1.2 There is a range of uses within the local context, including residential, office, commercial and recreational, creating a mixed appearance to the area. The properties along Westbeech Court (north, west and south-west of the site) consist of two storey hipped roof maisonettes. These provide wide fronted buildings, constructed from yellow brick and tile. Limited private parking is available beyond the garage forecourts to these dwellings. To the south, are 36 and 38 West Bar Street. These are buildings which were both in use as offices until recently. Number 38 has now been converted into eight flats. These buildings are larger two and three storey structures, with associated private parking areas. Number 36 is a 1970 building constructed from red brick with a mansard roof incorporating the third floor. Number 38 is an older, traditionally styled building that has been clad in smooth render. To the south-east is another car park and outdoor seating area, both used in association with the Banbury Trades and Labour Club and Institute (32 West Bar Street). The parking areas are separated by a mesh fence, whilst the club building is located on the opposite side of The Shades. This forms a composite one and two

storey structure that has been extensively extended. It is finished with light coloured render and is largely flat roofed. Number 1 The Shades is located to the east of the application site and is a modest sized detached brick bungalow. To the north of this property is the bowls club, a composite single storey structure with the front section largely constructed from brick with a tiled, hipped roof.

- 1.3 The proposal is seeking to construct three dwellings, following demolition of the existing garage. The existing parking associated with number 36 on the site will be reconfigured on the retained area to the south (beyond the application site) to continue to provide 21 spaces.
- 1.4 Plots 1 – 2 are proposed as semi-detached three bedroom units of 2.5 storey fronting north-west onto Westbeech Court. These provide a hipped roof dwelling pair with a concealed central roof crown. The front elevation incorporates an open mono-pitch porch with projecting front gables at first floor, which are cantilevered over the garages. A second parking space is provided in front of the properties. To the rear, the building provides a central projecting two storey gable, topped by a small balcony area to the master bedrooms. Feature pitched roof dormer style glazed sections provide access onto the balconies. To the rear, private amenity spaces are provided.
- 1.5 Plot 3 is set perpendicularly to plots 1 and 2 and located on the eastern part of the site. It is set side-on to the private garage forecourt on Westbeech Court and aligns with the boundary to this forecourt. The front door faces westwards towards the other proposed dwellings, with private amenity space to the east, adjacent to The Shades. This two storey property is topped by a hipped roof with a concealed central crown and translates into a rear projecting two storey gable. Two parking spaces are proposed to the front (west) of the property, with access taken off Westbeech Court.
- 1.6 The buildings are to be constructed from buff/red facing brick and coloured render panels, with concrete tiles.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. Consultation expires on 6 August 2015.
- 2.2 Five objections have been received to date, and any other responses received will be reported to Committee .. The following issues were raised -

Material planning comments:

- Highway safety
- Loss of parking on Westbeech Court
- Increased parking pressure exacerbated due to demand for visitors to new properties
- Westbeech Court highway is substandard to current policy requirements; emergency/refuse vehicle access issues
- Impact upon setting of conservation area
- Does not integrate well into the existing street scene
- Archaeological implications

Impact upon residential amenity  
Removal of wall to Westbeech Court will generate opportunities for antisocial behaviour  
Site not sustainable

Non material comments:

Issue over construction traffic parking  
Westbeech Court largely occupied by retired persons who should be protected from construction noise  
Lost opportunity for provision of amenity and recreational space on this land

### **3. Consultations**

3.1 **Banbury Town Council:** Awaiting response.

#### **Cherwell District Council Consultees**

3.2 **Conservation Officer:** Awaiting response.

3.3 **Environmental Protection Officer:** Awaiting response.

3.4 **Environmental Services – Waste & Recycling:** Happy with proposals for waste and recycling storage. A Section 106 contribution of £106.00 per property will also be required.

#### **Oxfordshire County Council Consultees**

3.5 **Highways Liaison Officer:** Awaiting Response.

#### **Other Consultees**

3.6 **Natural England:** Refer to previous application's comments - The proposal is unlikely to affect any statutorily protected sites or landscapes. No assessment of protected species has been undertaken, but the Council should refer to Natural England's Standing Advice for detail on this matter.

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

#### **4.1 Development Plan Policy**

Adopted Cherwell Local Plan 2031 Part 1

The following Policies are considered to be relevant:

PSD1: Presumption in favour of sustainable development  
BSC1: District wide housing distribution  
ESD16: The character of the built and historic environment

Adopted Cherwell Local Plan 1996 (Saved Policies)

C23: Retention of features contributing to character or appearance of a conservation area  
C28: Layout, design and external appearance of new development  
C30: Design of new residential development  
ENV12: Contaminated land

## 4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it can be considered as a material planning consideration although now carrying very little weight. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

TR5	Road Safety
TR11	Parking
Appendix B	Parking Standards

## 5. Appraisal

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

- Relevant Planning History
- Principle of Development
- Amount of Development/Layout
- Design and Street Scene/Conservation Area Setting
- Residential Amenity
- Highways and Parking
- Section 106/Financial Contributions
- Other Matters

### Relevant Planning History

#### Application Site

5.2 Development of this land for four dwellings was considered at the Planning Committee in May 2015 (15/00300/F). This application was refused, in line with Officer Recommendation, for the following reasons on 22 May 2015: -

- 1 The proposal represents an overdevelopment of the site, resulting in a cramped layout which is to the detriment of the character and appearance of Westbeech Court, and the wellbeing of future occupiers through provision of insufficient private amenity space. The proposal contravenes Policies C28 and C30 of the Adopted Cherwell Local Plan, Policy ESD16 of the Submission Cherwell Local Plan and the good design ethos of the Framework.
- 2 The scale of plots 1 – 3 by reason of their three storey form and fenestration detailing appear overdominant within the Westbeech Court street scene. This relationship is considered contrary to Policies C28 and C30 of the Adopted Cherwell Local Plan, Policy ESD16 of the Submission Cherwell Local Plan and the good design ethos of the Framework.
- 3 Plot 4 is in an elevated and prominent location on Westbeech Court. The design of this dwelling does not make a positive contribution to the street scene due to poor fenestration detailing, contrary to Policy C30 of the Adopted Cherwell Local Plan.

#### Other Sites

- 5.3 Prior approval for the change of use of Beechfield House, 38 West Bar Street was granted on 23 May 2014 (14/00525/CPA). This enabled the creation of eight, one and two bedroom apartments, with the rear part of the parking area incorporated within the proposed application site. As part of the information submitted with this prior approval, provision of 16 car parking spaces in association with the apartments would be provided.

#### **Principle of Development**

- 5.4 The application site is located within Banbury, close to the town centre, employment opportunities and public transport. It represents a sustainably located site within the most sustainable settlement in Cherwell District. It is towards such locations that residential development is directed within the Development Plan and the Framework.
- 5.5 The site forms part of an open area of land that extends between West Bar Street and Westbeech Court to the west of The Shades. This land is hard standing used largely for car parking in association with the surrounding uses. There are numerous owners of this undeveloped land and subject to ensuring sufficient parking is retained for the various uses, there is scope for redevelopment of this space. Whilst this proposal only incorporates part of this undeveloped land, it does not undermine the redevelopment potential of adjoining land parcels, should they come forward. The scheme also maintains sufficient facilities for 36 and 38 West Bar Street (see Highways and Parking section below).
- 5.6 The principle of development is therefore considered to be in accordance with Policies PSD1 and BSC1 of the Cherwell Local Plan 2031 Part 1 and the Framework, subject to consideration against other relevant Development Plan policies.

### **Amount of Development/Layout**

- 5.7 The proposal is seeking construction of three properties. The L-shaped site presents a constraint to the layout, with limited options for the orientation and arrangement of the development at this scale. The three properties are designed to face towards Westbeech Court, with all properties effectively designed as dual fronted dwellings to reflect the openness of views from the rear on West Bar Street and The Shades.
- 5.8 The proposed semi-detached pair is set within the centre of the site, providing dwellings 6.8 metres wide and 9.4 metres deep. This provides relatively wide plots with properties whose footprints are commensurate to those already present on Westbeech Court. The setting away of these dwellings from both side boundaries continues the development grain along the highway, whilst their alignment forward of numbers 29 – 32 continues the stepped front building line. This is a position continued through the alignment of Plot 3, which is set on the northern boundary and acts as a building at the end of Westbeech Court. All three properties front towards Westbeech Court, providing passive surveillance over the highway, as well as the private parking forecourt.
- 5.9 Private parking for each house is provided on plot adjacent to the highway with amenity areas at the rear. Subject to appropriate boundary treatment, an acceptable relationship to The Shades can be created, allowing interaction with both neighbouring highways.
- 5.10 The provision of on-plot parking is contrary to the approach provided for the rest of Westbeech Court, but is considered acceptable, due to the need for parking associated with these properties. The provision of soft landscaping areas adjacent to the highway, integrates the parking areas into the front amenity area as well as the established street arrangement.
- 5.11 The garden sizes associated with these three bedroom properties are limited, ranging between 48 sq.m (plots 1 and 3) to 72 sqm (plot 2). However, given their central location, they are considered to represent acceptable, usable spaces. The site is close to a public park, whilst small balcony areas are provided offering an additional type of amenity space, albeit of limited use.
- 5.12 The proposed development has reduced the number of dwellings by one from the previous refusal. This has overcome the concerns of a cramped layout, narrow plots/buildings and a terrace row that is uncharacteristic for the area, and substandard gardens, allowing a development more akin to that of the established layout of Westbeech Court. The proposed layout is therefore considered to be in accordance with Policy ESD16 of the Adopted Cherwell Local Plan 2031 Part 1, Policies C28 and C30 of the Adopted Cherwell Local Plan 1996, and the good design ethos of the Framework.

### **Design and Street Scene/Conservation Area Setting**

- 5.13 Reflecting the site's relatively central location within Banbury, there are a mix of uses and property types within the immediate vicinity. This includes high and low quality buildings of various scales and designs within which the new dwellings will be seen. Principally though, due to their close proximity, they will be viewed as part of Westbeech Court. It was indicated through pre-application

that the design does not need to simply follow that of the dwellings along this highway, but instead take cues from the buildings along West Bar Street.

- 5.14 Plots 1 and 2 form a pair of semi-detached dwellings, fronting towards Westbeech Court. The front elevations, whilst not replicating the properties on this street, offer similar building forms of two storey structures with hipped roofs. Projecting front gables form the main feature on this façade, linked to the building by the adjacent porches to create a consistent building line. The gables also assist in breaking up the roof form, which is augmented by the use of cill and lintel detailing to provide a balanced, attractive façade.
- 5.15 The rear elevations of these plots will be viewed across the open parking areas between the site and West Bar Street/The Shades. The rear elevation is translated into a three storey building, with the third floor as a gable at roof level. The change in ground level to the rear helps to reduce the apparent height of the building. It will appear subservient in scale (height and width) to the nearby buildings on West Bar Street (numbers 36 and 38) and commensurate to the adjacent dwellings on Westbeech Court (29 – 32). Its mass will therefore reflect appropriately the building's setting within these views.
- 5.16 The rear elevation is broken into sections by the central bay. This provides a mirrored appearance to the façade for both properties, with appropriately sized and scaled windows at ground and first floor to offer a balanced, traditional elevation. The loft level balcony over the rear gable and the fully glazed rear projection to the second floor introduces a more modern addition. These features are appropriately assimilated with the rest of the building, through the use of matching proportions to the individual windows/doors, matching roof pitches and its integration with the projecting section below. This ensures an attractive elevation that will improve the setting of the Conservation Area.
- 5.17 Plot 3 is set perpendicularly to plots 1 and 2 and acts in part as a building at the head of the Westbeech Court cul de sac. This unit has been designed as a two storey property, with a hipped roof to match the surrounding properties and overall heights to reflect that of the other proposed dwellings, as well as the existing nearby two storey buildings. This property provides a simple façade westwards towards Westbeech Court, with a cantilevered porch to match the other plots over the front door. Windows with cill and lintel detail, along with unbroken eaves and ridge lines offers an appropriate elevation.
- 5.18 The side elevations to the property are more visible than normal, with views possible across the garage forecourt to the north, and across the car parks to the south. Although a boundary wall will curtail some views from the south of the ground floor, these elevations incorporate some windows with detailing to match those of the windows on the front elevation. The northern façade also incorporates a small gable over the first floor landing window to create an added feature and break up the longer eaves line along this elevation. The incorporation of windows in these elevations will also aid passive surveillance and seek to reduce the perceived opportunity for antisocial behaviour in the adjacent spaces which are currently not overlooked.
- 5.19 The rear elevation is towards The Shades. This incorporates a stepped rear façade, with a projecting rear gable across half the width of the property

creating a secondary ridgeline. The provision of matching, centrally located ground and first floor apertures, offers a balanced, attractive elevation.

- 5.20 The proposal does not differentiate the materials to be used on the various parts of the building, with the description referring to the use of brick and render. Used appropriately, this palette could reinforce the quality appearance of the buildings. A condition seeking further details on the use of the proposed materials can be attached to any approval.
- 5.21 The two storey nature of these properties to Westbeech Court, coupled with their eaves and ridgelines are reflective of the existing buildings on this road. They will therefore be appropriately assimilated into the built environment. This is in contrast to the previous scheme which incorporated a third floor on the front elevation, along with a ridgeline 1.0 metre higher. The same ground level as the adjacent buildings is also used (including on plot 3), with a stepped internal level rather than setting the finished floor level down, generating appropriate building lines for the current scheme. The refused scheme also proposed a much more dense, tight knit development which was at odds with the character of the area. The appearance of the dwellings has been completely redesigned, and as such it is considered that the new scheme rectifies the previous issues, such that it now overcomes the previous reason for refusal on design and impact upon the character and appearance of the area.
- 5.22 The historic boundary wall adjacent to Westbeech Court will still be lost, which is unfortunate. However, its loss was not cited in the reasons for refusal of the previous application and thus a different position cannot be reached through this application as there has been no material change in circumstances.
- 5.23 Subject to the imposition of a condition on materials, the proposal is considered to accord with Policy ESD16 of the Adopted Cherwell Local Plan 2031 Part 1, Policies C28 and C30 of the Adopted Cherwell Local Plan 1996, and the good design ethos of the Framework.

### **Residential Amenity**

- 5.24 The proposed dwellings are orientated to face towards the highway and their own rear gardens. The upper floor windows and balcony to the rear of plots 1 and 2 will provide some views over the neighbouring gardens of 29 and 30 Westbeech Court. However, the buildings and all windows are orientated to minimise overlooking. Some views will however, be possible, but this is no different to that already achievable between neighbouring properties. To Beechfield House to the south, the rear elevation of the new dwellings is at least 26 metres away and offset in their alignment. 31 metres is provided 'back to back' with 36 West Bar Street (in office use). These arrangements are more than sufficient to protect amenity for all properties. Therefore the relationship from the rear windows to all buildings is acceptable.
- 5.25 Side facing windows are proposed in plot 1 which will face towards 29 and 30 Westbeech Court. These windows will serve a toilet and stairwell at ground floor and a stairwell at first/second floor. These windows do not therefore serve habitable rooms. The ground floor windows will face towards the existing boundary wall to curtail any views towards the neighbouring properties and their



gardens. The upper window, due to its vertical alignment, is not capable of easy conversion internally to serve a habitable room. Side facing landing/stair case windows are also common on properties. The incorporation of these side windows is therefore considered acceptable.

- 5.26 The incorporation of the same side facing windows to plot 2 does not cause any conflict between this dwelling and plot 3, due to careful configuration of the windows on these properties. The privacy to these units will be maintained, whilst window alignments will offer some passive surveillance over the adjoining open land.
- 5.27 Plots 1 and 2 are aligned to the north-east of numbers 29 and 30 but are set further forward. The alignment does not exceed the 45 degree rule from any existing window, and likewise an acceptable arrangement to the rear for plot 1's windows is also created. This offset is also insufficient to result in the proposed dwellings being overly dominant from views of the adjoining properties.
- 5.28 Directly opposite Plots 1 and 2 is a grassed area, with 11 and 12 Westbeech Court to the west of it. The orientation between these dwellings and the application buildings means that some morning sunlight will be obscured by the new dwellings. However, this arrangement is not materially different to that created between other properties on this and other streets.
- 5.29 The arrangement between the existing and proposed dwellings is therefore considered to protect residential amenity, in accordance with Policy C30 of the Adopted Cherwell Local Plan 1996.

### **Highways and Parking**

- 5.30 Vehicular access for all properties is to be taken off Westbeech Court. Access will be from the public section of this highway, with no interaction required with the private garage forecourt area in order to gain access or manoeuvre vehicles in association with the proposed parking. Whilst Westbeech Court is substandard in width compared to current requirements, it already serves 32 dwellings. The incorporation of traffic for three additional properties would not be an issue.
- 5.31 The proposal incorporates two parking spaces for each dwelling. This is in line with current policy and thus is considered acceptable and will protect the free movement of traffic along adopted highways. A condition will need to be attached to ensure pedestrian visibility splays are provided and retained, with the closest 2.0 metre section of the side boundary wall to numbers 29 and 30 reduced in height appropriately.
- 5.32 In order to create the access to the site, parking for up to three vehicles on the highway would be lost. However, this part of the highway forms part of the turning area for the marked spaces on Westbeech Court. Any vehicle parallel parked adjacent to the proposed access prevents the ease of use of the designated on street parking spaces. The insertion of the access points to the new dwellings will therefore improve the ability to use the designated spaces. Whilst it is recognised that there is a shortfall of parking along Westbeech Court for the existing dwellings, this is not an issue that should be rectified by the proposed development..

- 5.33 The application site is currently a car park used in conjunction with 36 West Bar Street, with the wider parking area also linked to number 38. 21 parking spaces are currently available for use in association with number 36. Reorganisation of the space will enable this number of spaces to be retained and used. The Prior Approval Application for 38 West Bar Street to be used as flats noted 16 parking spaces would be provided. 11 have been marked out, some of which are substandard. No concern over this level of provision was raised previously by the Highway Officer, a position anticipated to be continued. As such the level of parking retained is considered acceptable in this instance.
- 5.34 The above comments are provided subject to receipt of OCC Highway comments. Given that they considered that the previous scheme for four dwellings was acceptable, and that this proposal reduces the housing numbers by one, it is expected that no objection will be forthcoming. Therefore, subject to no objection from OCC Highways, the access and parking is considered to be in line with Policies TR5 and TR11 and Appendix B of the Non-Statutory Cherwell Local Plan.

#### **Section 106/Financial Contributions**

- 5.35 As part of this development, a contribution of £106 per dwelling towards waste and recycling has been requested. This can however be dealt with by condition

#### **Other Matters**

- 5.36 Extensive concern has been raised by local residents and businesses in response to development of this land, through the previous refused application and on-going for the current application. The majority of the material planning concerns highlighted have been covered in the discussion above. However, a few additional points have been raised in respect of this site, along with other elements that need to be considered.
- 5.37 It has been highlighted that there is asbestos within the garage to be demolished, whilst Japanese Knotweed has also been identified as being present on site recently. These are elements that could have notes attached to any permission to ensure the applicant is aware of these issues and the duty to deal with them in accordance with law.
- 5.38 In terms of archaeology, no information has been provided with this application. However, its proximity to the historic part of Banbury and the walls bounding the site leads to the position that as part of any approval a condition seeking archaeological information should be provided.
- 5.39 As part of the information provided, it has been proposed that the site will deal with surface water via soakaways. No detail has been provided in respect of whether this is achievable and where any facilities to enable this would be located. As part of any approval, full details relating to foul and surface water, including means of discharge, would need to be provided.

#### **Consultation with Applicant**

5.40 Discussion with applicant's agent has been undertaken to keep them informed of progress. This has included the suggestion of the provision of brackets to the front of the building to more effectively connect the front gable projection to the building. Amended plans have been received to this effect.

### **Conclusion**

5.41 The principle of the development of this land for residential purposes is considered acceptable. The scheme proposes three dwellings with a layout and scale of development that reflects the character of the surrounding area. The design provides an individual development, which whilst not replicating the adjacent properties on Westbeech Court, offers attractive buildings that will improve the character and appearance of the street scene and views into and out of the adjacent Conservation Area. No material impact upon the amenity of surrounding residents will occur. Acceptable access and parking levels are provided in support of this development.

5.42 The proposal incorporates a comprehensive redesign of the scheme following the previous refusal for four dwellings in May 2015. This has addressed the issues of overdevelopment, the uncharacteristic scale and poor design of the buildings which were cited as reasons for refusal. This application is considered to accord with policy and consequently recommended for approval.

## **6. Recommendation**

**Approve**, subject to:-

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 condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement and drawings numbered: 1435 -01 A; 5212.03 A; 5212.06; 5212.07A.

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

3. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roofs of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall

be carried out in accordance with the approved schedule.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing and proposed site levels 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 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure, in respect of those dwellings which they are intended to screen shall be erected, in accordance with the approved details, prior to the first occupation of those dwellings.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

7. The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 1.0 metres measured from the carriageway level.

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

8. Prior to the first use of the access hereby approved, the existing vehicular access onto The Shades shall be permanently stopped up 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.

9. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- parking of vehicles of site operatives and visitors
- routes for construction traffic from West Bar Street
- hours of operation
- method of prevention of mud being carried onto highway
- pedestrian and cyclist protection
- any proposed temporary traffic restrictions
- arrangements for turning vehicles

Reason: In the interests of highway safety and protection of amenity for local residents.

10. Prior to the commencement of the development hereby approved, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first occupation of any building to which the scheme relates the approved foul sewage drainage scheme shall be implemented. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. Prior to any demolition on the site, the commencement of the development hereby approved and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

12. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 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 1996 and Government guidance contained within the National Planning Policy Framework.

13. 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.

14. The dwellings hereby approved shall not be occupied until domestic bins for the purposes of refuse, food waste, recycling and green waste have been provided for each approved property in accordance with the Council's current bin specifications and requirements.

Reason – To provide appropriate and essential infrastructure for domestic waste management in accordance with the provisions on Policy 1NF1 of the adopted Cherwell Local Plan 2011-2031

## **PLANNING NOTES**

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
2. The applicant is advised that if further advice is required in relation to condition 11, contact should be made with the County Archaeologist on 01865 328944 or by writing to [Richard.Oram@oxfordshire.gov.uk](mailto:Richard.Oram@oxfordshire.gov.uk) or Historic and Natural Environment Team, Infrastructure Planning, Speedwell House, Speedwell Street, Oxford, OX1 1NE, who can provide advice in

terms of the procedures involved, provide a brief upon which a costed specification can be based, and provide a list of archaeological contractors working in the area.

3. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
4. Disposal of hazardous waste from the site may require specialist help and advice. If you are in doubt about the safety of asbestos, or do not know how to safely dispose of it, then call Oxfordshire County Council at Ardley. Please ensure that you contact Ardley on 01869 343459 prior to disposal in order to confirm that there will be space.
5. It has been indicated that there may be Japanese Knotweed on the application site. You are not legally obliged to remove these plants or to control them. However, if you allow Japanese Knotweed to grow onto other people's property then you could be prosecuted for causing a private nuisance. Should you require further information regarding the control or disposal of Japanese Knotweed, then please speak to either Natural England on 0300 060 1112 or the Environment Agency on 0370 850 6506.

#### **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.