

Land Adj To 53A Hamilton Close, Bicester

15/01052/F

Ward: Bicester West

District Councillor: Cllrs Bolster, Hurle and Sibley

Case Officer: Stuart Howden

Recommendation: Approval

Applicant: Oxon Group Ltd

Application Description: Erection of 2 no. semi-detached dwellings

Committee Referral: Member call in by Cllr Sibley

1. Site Description and Proposed Development

- 1.1 The application site is located within Bicester, within an existing, modern residential area. The site is currently fenced off from Hamilton Close. The site is between 53A Hamilton Close to the north and 53 Hamilton Close to the south. Hamilton Close is mainly characterised by two storey detached dwellings constructed from brick under tile roofs, however there are a limited number of terraced dwellings further to the north west of Hamilton Close as well.
- 1.2 Planning permission is sought for 2.No semi-detached dwellings. The dwellings are proposed to be constructed brick under a concrete tiled roof. Proposed dwelling No.1, which is the most northerly of the proposed dwellings, would be a depth of approximately 9 metres and a width of approximately 6.1 metres. Dwelling No.2 is proposed to have a depth of approximately 8.1 metres and a width of approximately 7.9 metres. A single storey element would protrude from the rear of the main body of proposed dwelling No.2. Dwelling No.1 would have a gabled front and would protrude approximately 0.3 metre beyond Dwelling No.2. The roof of dwelling No.1 is proposed to pitch away from Hamilton Close. Two vehicular parking spaces are proposed for each dwelling and these are proposed to be accessed by going across land belonging to another residential property (No.53a Hamilton Close).
- 1.3 The site is not within a Conservation Area, but is close to the boundary of Bicester Conservation Area (- 20 metres to the south east of the site). The site is not within close proximity to any listed buildings. Legally protected species have been located within close proximity to the site, including swifts.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, press notice and site notice. The final date for comment was 24 August 2015. 12 letters have been received from 8 people objecting to the proposal and the issues raised are summarised below:
- Overdevelopment of the site;
 - Loss of privacy to No.53 and No.53a Hamilton Close;
 - Loss of light and overdomination;
 - Highway safety matters including:
 - The access has insufficient sight lines;
 - The access is too narrow for regular motor vehicles;
 - The proposed access is too narrow for large service vehicles;
 - Turning and manoeuvring areas are inadequate;

- Would result in the reduction of the on-street parking on Hamilton Road as well as the size of the turning area;
- The proposal is contrary to Policies TR2 and TR5 of the adopted Cherwell Local Plan;
- Removal of trees and loss of biodiversity;
- Land ownership issues;
- Covenant on the land restricting access to the site;
- The development of the proposal would result in construction vehicles posing a risk to highways safety;
- There is no provision in the plans for kerbside collection of up to 4 individual refuse bins. Residents will have to drag bins some distance, all the way to the edge of the road, creating a noise nuisance, affecting the amenity of existing residents;
- Surface water run-off from access;
- The development would be behind fencing and this could encourage anti-social behaviour.

3. Consultations

- 3.1 Bicester Town Council: *“Strongly objects to this application as an overdevelopment of the site and has concerns regarding access and highway issues”.*

Cherwell District Council Consultees

- 3.2 Ecology Officer: *“I have no objections to the application on ecological grounds. My comments are similar to those for the previous application on this site and I would recommend the same conditions as below.*

The applicant plans to retain some of the trees and they will need to be aware of root protection zones in assessing whether this is feasible. The tree or landscape officers should be consulted on this. A number of trees will be removed and this should not be carried out during the nesting bird season (March – August inclusive) unless checked to confirm no nesting birds are present as birds are protected at this time under the Wildlife and Countryside Act 1981 (as amended).

There are a number of records of swifts in close proximity to this site and in order to attempt no net loss of biodiversity any new building should include at least three provisions for this bird in the form of swift bricks (Schwegler number 17 triple brick or similar set up) embedded in the fabric of the dwellings to ensure their future retention and minimise maintenance. The applicant should consult the swift project coordinator for Cherwell to discuss the most suitable aspect and position. Should the coordinator consider the buildings unsuitable a different species should be included (house sparrow for example).

Landscaping on site should include some wildlife friendly planting such as berry or flower bearing species and close boarded fencing should be avoided or raised due to the proximity of records of hedgehogs which are now a Priority Species as this inhibits their movement.

I would recommend the following condition to any permission therefore: Prior to the commencement of the development hereby approved, full details of a scheme for the location of at least three nesting opportunities for swifts or another suitable bird species shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building the nesting bricks shall be installed on the site within the building fabric in accordance with the approved details.

And the following informative: Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.”

- 3.3 Arboricultural Officer: *“The amenity value and quantity of trees within the red-line boundary is very low and therefore I would not expect any tree on site to be a constraint to the proposal.*

There are a number of trees in neighbouring properties which are located close to the site boundary however, they would appear to be of an adequate distance from any major construction activity and should therefore not require any precautionary protective measures.

I have no arboricultural objections and no further comments to make in relation to this proposal.”

Oxfordshire County Council Consultees

- 3.4 Highways Liaison Officer: *“It is noted that the site does not have direct access to the highway but does have access via a private drive over the driveway of number 53a Hamilton Close. This is clearly a civil matter and one the County Council as Highway Authority will not be party to i.e. over rights of access to/from the application site from private land.*

Notwithstanding this situation the proposal in traffic terms has little impact on the highway given it's for two properties with no real intensification of use or detriment to other highway users. The concerns relating to visibility at the access can be overcome by reducing the height of the fence adjacent to the highway to no more than a 1 metre, although, it is unlikely that this area immediately adjacent to the access is heavily used by pedestrians given the amount of properties served by the cul-de-sac beyond this point.

In short, Oxfordshire County Council as Local Highway Authority hereby notifies the District Authority that they do not propose to object to the grant of permission i.e. there are no objections to the proposal from a traffic and highway safety point of view.”

Other Consultees

- 3.5 Thames Water: No objections in relation to sewerage infrastructure capacity and water infrastructure capacity.

4. Relevant National and Local Policy and Guidance

- 4.1 Development Plan Policy

Cherwell Local Plan 2011-2031 Part 1

PSD1: Presumption in Favour of Sustainable Development

BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density

ESD10: Protection and Enhancement of Biodiversity and the Natural Environment

ESD15: The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

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 (2012)

Planning Practice Guidance (2014)

Cherwell District Council: Home Extensions and Alterations Design Guide (2007).

5. Appraisal

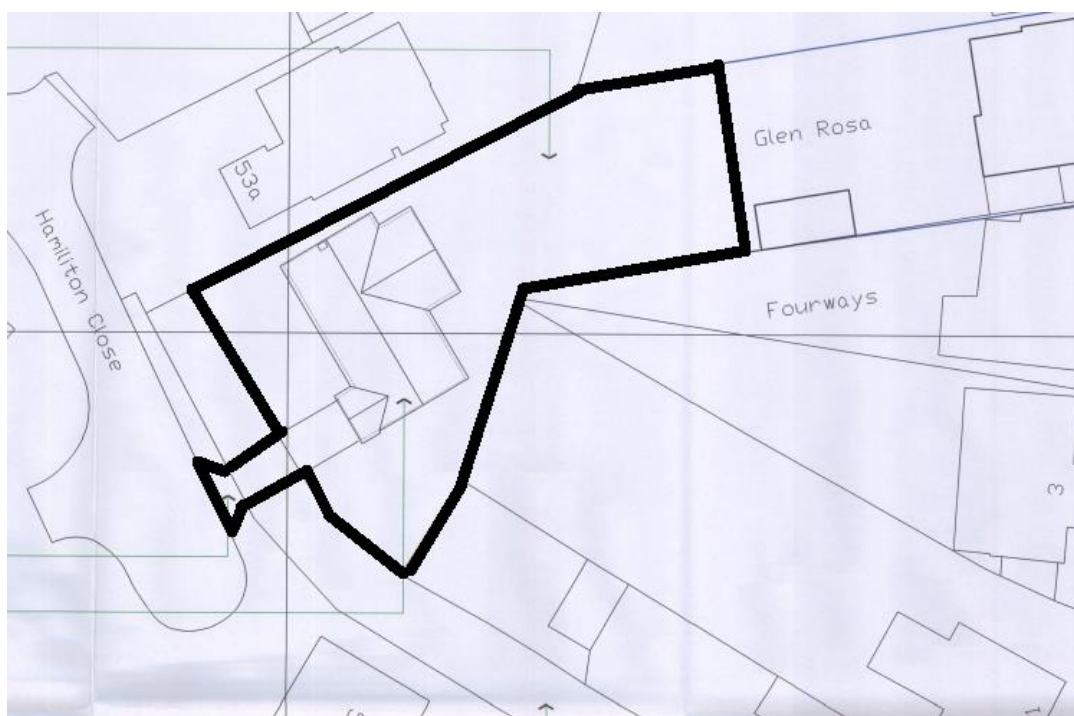
5.1 The key issues for consideration in this application are:

- Relevant Planning History;
- The Principle of the Development;
- Visual Amenities;
- Impact upon the Setting of the Conservation Area;
- Residential Amenities;
- Highways Safety;
- Ecological Impact;
- Other Matters.

Relevant Planning History

5.2 13/00836/F – Single dwelling – Approved

A detached bungalow was approved at the site in 2013 and this permission is extant (see image below of previously approved scheme).



5.3 15/00297/F – Erection of 4 flats at rear of Glen Rosa with access from Hamilton Close – Withdrawn.

5.4 Earlier in the year an application for a building accommodating 4.No 2 bedroom flats was withdrawn due to concerns held by officers. The design of the building, with its flat roof, was considered poor and out of keeping with the locality. Furthermore, vehicular parking was proposed to the rear of the site and officers considered this to be un-neighbourly.

5.5 **The Principle of the Development**

5.6 Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.

5.7 Paragraph 12 of the NPPF notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.

5.8 Cherwell District Council can demonstrate a five-year supply of deliverable housing sites therefore the presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.

5.9 There are no adopted Local Plan policies relating specifically to housing development within Bicester, however, the Cherwell Local Plan Part 1 states that housing growth will be directed towards the urban areas of Banbury and Bicester. Paragraph B.88 states: *“By focussing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth”.*

5.10 Paragraph 17 of the NPPF states that planning should: *“Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.”*

The site is positioned within the built up limits of Bicester, which has good access to public transport links, local shops and amenities. It is therefore considered to be located within a sustainable urban location, which in principle is suitable for residential development.

The principle of the proposed development in this case is also clearly dependent on it not causing adverse harm to the visual amenities of the locality, setting of the conservation area, residential amenities, highways safety or ecology. These issues are discussed below.

Visual Amenities

Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

Saved Policy C28 of the adopted Cherwell Local Plan exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.

- 5.11 The site is effectively located on a corner plot between two existing dwellings and is surrounded by a variety of two storey dwellings, those within Hamilton Close are of a modern style and relatively uniform in appearance, whereas those to the rear (fronting Buckingham Road) are older and are of varying styles and forms. The majority of dwellings in Hamilton Close are constructed from red/buff brick with a plain tile roof and white, upvc fenestration. The front of the site is currently landscaped with low shrubs, which is within highway land. Behind this, the site is secured by a ~1.8 metre high close boarded fence across the frontage.
- 5.12 The proposed dwellings would be clearly visible from the public domain of Hamilton Close. The proposed semi-detached unit would follow the general layout of the dwellings on the east side of Hamilton Close in that the dwellings tend to be set slightly forward of the main body of the next door neighbouring dwelling to the north. As the proposed unit would be set approximately 4 metres from the side (north west) boundary of the site and 8 metres from the highway boundary, officers hold the view that the proposed unit would respect the open character of the estate.
- 5.13 Whilst Hamilton Close is mainly characterised by detached dwellings, apart from a number of terraced units to the north west of the site, officers are of the opinion that the proposed semi-detached unit would respect local distinctiveness given its design, scale and layout. The proposed dwelling would only be approximately 0.3 metre higher than No.53a Hamilton Close, next door and the proposed materials would be similar to those existing dwellings on Hamilton Road. In addition, the roof of the proposed building would have the appearance of one which is pitching away from the highway, with a gable protruding from the main body of the dwelling, slightly similar to the design of a number of the existing dwellings within the estate (i.e. No.29, No.41 No.53 and No.53a Hamilton Road).
- 5.14 It is therefore considered that the proposed dwellings would not be an overly prominent feature from within the streetscene, especially when taking into account that this proposed unit would be situated next door to No.53a Hamilton Close, which has a highly noticeable lengthy and wide two storey gable extension protruding from the front wall of the main body of the dwelling.
- 5.15 Due to the shape of the plot, the rear gardens proposed for each property would have a slightly unusual layout, but this element would not be highly visible from the public domain of the highway and the amount of space within these gardens is considered to be more than adequate. Furthermore, the off-street parking proposed for each dwelling is considered to be commensurate for dwellings of this scale in this location. Thus, the proposal is not considered to be an overdevelopment of the site.
- 5.16 Given the above, officers consider that the proposal would prevent detrimental harm to the visual amenities of the locality and that the proposal would not result in the overdevelopment of the site.

Impact upon the Setting of the Conservation Area

- 5.17 Whilst the Bicester Conservation Area is situated to the south of the site and includes properties on Field Street, the two proposed dwellings would front Hamilton Close which is characterised by modern dwellings in an estate layout therefore officers consider that the proposal would have a negligible impact upon the setting of the Bicester Conservation Area.

Residential Amenities

- 5.18 The nearest neighbouring property is 53a Hamilton Close which is directly to the north of the application site. The proposed building would be positioned approximately 4 metres off the boundary to the north and approximately 5.6 metres from the side elevation of 53a Hamilton Road. The proposed building would not protrude beyond the front rear wall of this neighbouring dwelling. Whilst it is acknowledged that No.53a has a stepped rear elevation, the proposed dwellings would not protrude beyond any windows in the rear elevation of this neighbouring property. Officers are therefore of the opinion that the proposal would not result in a significant loss of light to the front and rear windows serving No.53a. No.53a has two first floor windows in the side elevation which face towards the site, one of which is a rooflight, but these both serve bathrooms and the window in the wall of the No.53a is also obscurely glazed, so the loss of light to these rooms is not considered to be to the detriment of the occupiers. At ground floor level, there are five openings on this side elevation of No.53a, two of these windows being the primary source of light to habitable rooms (a study and dining room). The existing boundary between the two sites comprises a 1.8 metre close boarded fence and as a result of this, a large amount of the light received into the ground floor windows is already restricted. Given this fence and that the proposed dwelling would be set approximately 5.6 metres away from this side wall therefore not breaching the horizontal 45 degree line as taken from these side 2 side windows serving habitable rooms, officers hold the view that the proposed building would not result in a detrimental loss of light to these ground floor side windows.
- 5.19 Concern has been raised by the occupants of No.53a in relation to overlooking and loss of privacy. The north west side wall which directly faces No.53a would only have one window and this is proposed at ground floor level. Given a 1.8 metre high fence sits between the site and No.53a, I am of the opinion that clear views into the side windows and garden of No.53a would not be gained. The rear first floor windows of the proposed dwellings would achieve partial views of the rear garden of No.53a but officers are of the opinion that the overlooking that the proposed dwellings would introduce is replicated in most parts of the built environment (oblique views of neighbouring gardens). Whilst the ground floor windows within the side elevation would be visible from the rear of the proposed unit, it is considered that clear views into these windows would not be gained given these side windows are set at an oblique angle to the proposed semi-detached building. It is therefore considered that the proposal would not cause detrimental harm to No.53a in terms of overlooking or loss of privacy.
- 5.20 Regarding No.53 Hamilton Close to the south west of the site, this neighbouring dwelling has no windows in its north east (side) elevation. Given the above, the respective distance between the proposed unit and No.53 and the orientation of the site, it is considered that the proposed dwelling would not cause detrimental harm to No.53a in terms of overdomination or loss of light. No first floor side windows are proposed in the south east elevation of unit, therefore clear views into the rear garden of No.53 would not be gained from this proposed building. Furthermore, clear views into the front windows of No.53 would not be gained from the front windows of this proposed unit given that No.53 is set at an oblique angle to the proposed building.
- 5.21 In relation to the neighbouring property which is directly to the rear of the site, Glen Rosa, the proposed rear wall of this semi-detached building would be approximately 22 metres away from the rear wall of the site itself and next door neighbouring properties to Glen Rosa already gain oblique views of this neighbouring rear garden. It is therefore considered that the proposed dwelling would not cause additional detrimental harm to Glen Rosa in terms of loss of privacy or overlooking.
- 5.22 To the east of the site are the neighbouring properties of Four Ways and No.3

Banbury Road. The proposed semi-detached unit would be over 30 metres away from these neighbouring dwellings and approximately 8 metres away from the boundaries of these properties. Whilst views of the rear gardens of these neighbouring properties would be gained from this proposed building, officers are of the opinion that the views gained would not be significantly different from views of these neighbouring gardens gained from other neighbouring properties within the locality.

5.23 Despite what the submitted site location plan displays, the residential curtilage of No.1 Banbury Road does not adjoin the site and the boundary of this property is set back from the proposed semi-detached unit by approximately 18 metres. Furthermore, views of the rear garden of No.1 would be restricted due to the garden being surrounded by landscaping and due to an outbuilding which sit adjacent to the north west boundary of this neighbouring garden. It is therefore considered that the proposal would not cause detrimental harm to No.1 in terms of loss of privacy or overlooking.

5.24 As no side windows are proposed in the south east (side) elevation of the proposed semi-detached unit, clear views of No.4 Field Street to the south east of the site would not be gained from the proposed unit and the proposal would therefore not cause adverse harm to No.4 in terms of overlooking or loss of privacy.

Highways Safety

5.25 Whilst concerns have been raised in relation to highways safety, the Local Highways Authority have no objections to the proposal.

5.26 Reference to Policies TR2 and TR5 of the Cherwell Local Plan 1996 has been made by third parties, but these policies were not saved following a review of the Cherwell Local Plan 1996 by the Secretary of State in 2007.

5.27 The site does not have direct access to the highway, but does have access via a private drive over the driveway of No.53a Hamilton Close. As the Local Highways Authority note, this is not a planning matter, but a civil matter.

5.28 The Local Highways Authority are of the opinion that the proposal in traffic terms would have little impact on the highway given that it is for two properties and there would be no noticeable intensification of use or detriment to other highway users.

5.29 The Local Highways Authority state that concerns relating to visibility can be overcome by reducing the height of the fence adjacent to the highway to no more than 1 metre, but given that this area immediately adjacent to the access is not heavily used by pedestrians given the amount of properties served by the cul-de-sac beyond this point, this is not necessary.

5.30 Two on-site parking spaces for each dwelling is considered to be commensurate for dwellings of this scale in this location. Given the above, it is considered that the proposal would not have an adverse impact upon highway safety.

Ecological Impact

5.31 The Ecology Officer has no objections to the proposal in principle. However, the Ecology Officer notes that there are a number of records of swifts in close proximity to the site and in order to attempt no net loss of biodiversity, the Ecology Officer notes that any new building should include at least three provisions for this bird in the form of swift bricks embedded in the fabric of the dwellings to ensure their future retention and minimise maintenance. The Ecology Officer states that if the building is unsuitable for swifts, then a different species (e.g. house sparrow) should be

included. Given the above, a condition has been attached requesting details of a scheme for the location of at least three nesting opportunities for swifts or another suitable bird species. Subject to the aforementioned condition, it is considered that the proposal would not cause adverse ecological harm.

Other Matters

- 5.32 The Arboricultural Officer has no objections to the proposal and notes that the amenity value and quantity of trees within the red-line boundary is very low and therefore the Arboricultural Officer does not consider any tree on site to be a constraint to the proposal. The Arboricultural Officer states that whilst there are a number of trees in neighbouring properties which are located close to the site boundary, they would appear to be of an adequate distance from any major construction activity and should not require any precautionary protective measures. Officers see no reason to disagree with the Arboricultural Officer.
- 5.33 A number of issues have been raised by third parties, but the following are not material planning considerations in this case:
- Land ownership issues;
 - There is a covenant on the land restricting access to site;
 - The development of the proposal would result in construction vehicles posing a risk to highways safety.
- 5.34 A third party has noted that the development would be behind fencing and this could encourage anti-social behaviour as this area would be free to anyone. This area of land would be privately owned and would be to the front of the proposed dwellings therefore officers consider that this area would be no more susceptible to anti-social behaviour than anywhere else in the estate.
- 5.35 A third party has raised concerns about the kerbside collection of refuse bins causing a nuisance in terms of noise. Whilst it is somewhat undesirable that any future occupants would have to pull their refuse bins a relatively long distance to the nearest kerbside, officers do not consider that this would have a significant impact upon the amenity of any neighbouring residents in terms of noise.

Engagement

- 5.36 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. The applicant's agent was contacted in relation to concerns officers had with the initial design of the proposal and the applicant's agent amended the scheme to seek to achieve a positive solution. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.37 The principle of the development is considered to be acceptable. The proposal would not cause detrimental harm to the visual amenities of the locality, setting of the conservation area, residential amenity, ecology, trees or highways safety. The proposal is therefore compliant with the policies outlined in section 4 of this report. Overall, the proposal is considered to have no adverse impacts, therefore the application is recommended for approval and planning permission should be granted subject to appropriate conditions.

6. Recommendation

Approval, 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 Form submitted with the application;
- Drawing No. DE(9)900 Rev A submitted with the application;
- Design and Access Statement dated July 2015 received from the applicant's agent by E-mail on 27th July 2015;
- Drawings No's: DP(0)001 Rev D; DP(9)900 Rev D; DP(0)050 Rev B; and DP(0)051 received from the applicant's agent by E-mail on 27th July 2015.

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, samples of the tile to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, samples of the brick to be used in the construction of the wall of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the 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 a scheme for the location of at least three nesting opportunities for swifts or another suitable bird species shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building the nesting bricks shall be installed on the site within the building fabric in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, a landscaping

scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

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 ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

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 ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

9. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) 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 the site in order to safeguard the amenities of the area and prevent the overdevelopment of the site in accordance with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996

and Government guidance contained within the National Planning Policy Framework.

10. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed between the dwelling(s) and any highway, access road or private drive 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 ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. In relation to condition 5, the applicant is advised to contact the swift project coordinator for Cherwell to discuss the most suitable aspect and position.
2. 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.
3. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at www.thameswater.co.uk
4. 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 0800 009 3921. This is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
5. 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.
6. Birds and their nests are fully protected under the Wildlife and Countryside Act

1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 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. The applicant's agent was contacted in relation to concerns officers had with the initial design of the proposal and the applicant's agent amended the scheme to seek to achieve a positive solution. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.