

Site Address: Ambrosden Court, Merton Road, Ambrosden

15/00480/REM

Case Officer: Matthew Parry

Recommendation: Approval

Ward Councillor: Councillor Lynn Pratt

Ward: Ambrosden and Chesterton

Applicant: Croudace Homes

Application Description: Reserved Matters to 13/00621/OUT - Appearance, landscaping, layout and scale for 45 dwellings - (Amended Plans - Amended design and layout of buildings and road layout, together with alterations to landscaping and site enclosures)

Committee Date: 1st October 2015

Committee Referral: Call-in by Ward Councillor due to concerns raised by the Parish Council

1. Application Site and Locality

1.1 The application site relates to a large detached stone-built house on the western edge of Ambrosden together with its large rear garden and an adjoining field used for livestock grazing that is approximately 1.63 ha in size. The site is therefore comprised of predominantly undeveloped greenfield land that forms part of the wider countryside setting to Ambrosden. The site is relatively open and flat with a combination of low-key vegetation and simple post and rail fencing marking the site's boundaries with the countryside beyond. There are however a couple of more mature trees within the site close to the site's eastern boundary with the neighbouring property of The Barn. High stone boundary walls abut and enclose the footway along the site's road frontage and extend down and along the site's eastern and southern boundaries with neighbouring residential properties. Unusually, the site wraps around the side and rear of the neighbouring house of Roman Way such that this existing dwelling is effectively sited mid-way along the site's Merton Road frontage.

2. Description of Proposed Development

2.1 Planning permission was granted in April 2014 at appeal for up to 45 dwellings on the site subject to the approval of reserved matters relating to layout, scale, external appearance and landscaping. Vehicular and pedestrian access to the site is not a reserved matter and therefore was considered in detail at the appeal. This application represents the first reserved matters submission following the granting of outline consent and continues with the upper limit of 45 dwellings in the form of a mixture of relatively traditionally styled detached, semi-detached and terraced two storey housing ranging from two to five bedrooms in size. Areas of open green space, play space, car parking, cycle parking and bin storage are also proposed together with the new residential streets. An affordable housing schedule has also been submitted that indicates the proposed siting of the affordable units that are required in accordance with the legal agreement associated with the outline consent.

3. Relevant Planning History

09/01346/OUT - Erection of 9 dwellings to the West and South of Ambrosden Court and replacement garage. Alterations to existing access to Merton Road. Access and layout only. **Refused 11.12.2009**

10/01219/OUT - Demolition of existing outbuildings, alteration of exiting access, construction of 5 no. new dwellings. **Permitted 08.10.2010 but not implemented.**

13/01221/REM - Reserved Matters Application (10/01219/OUT) - Approval of overall appearance of the scheme and the acceptability of landscaping proposals. **Permitted 07.10.2013 but not implemented.**

13/00621/OUT - OUTLINE - Demolition of Ambrosden Court and erection of 45 No residential units with access off Merton Road. **Refused 12.07.2013. Allowed at appeal 02.04.2014.**

13/01669/OUT - OUTLINE - Development of 45 dwellings with access from Merton Road - re-submission of 13/00621/OUT. **Refused 10.01.2014.**

4. Publicity

The application was publicised by way of press notice, neighbour notification letters and a notice displayed near to the site both in the case of the originally submitted proposals as well as amended proposals. 13 third party representations were received in relation to the original proposals and the comments made are summarised as follows:

- Merton Road has seen a significant increase in traffic in recent years which has made it dangerous for pedestrians and vehicle traffic as it is too narrow with inadequate footways. The proposals would exacerbate this.
- Ambrosden has already been subject to enough new housing and does not need any more of the dust, noise and disturbance associated with construction.
- The local primary school is overcrowded and this development would put more pressure on it.
- Development such as this causes a loss of wildlife habitat.
- The pedestrian access arrangements are shown to link to a private footway to the front of Rowan Way which is outside the control of the applicant.
- Proposed house plots to the western edge of the site should be constructed of natural stone as they are visible on the approach to the village.
- The affordable housing should be more evenly distributed throughout the site.
- The proposals would encourage the parking of cars on Merton Road.
- The proposed development does not include any bungalows to serve the needs of local elderly people.
- It is preferable for houses along Merton Road not to have access out onto the street in the interests of dissuading cars from being parked along the road.
- Bollards and double yellow lines could be installed along Merton Road to prevent on-street car parking from this development.

- The internal road layout does not allow for the turning of delivery vehicles in some areas which would result in long distances of reversing within the site to the detriment of pedestrian safety.
- Studios are proposed above some garages and planning conditions should be used to prevent use as sleeping accommodation.
- The Council should ensure that bin storage is provided in appropriate locations throughout the site in the interests of visual amenity.
- It would be desirable for trees and planting to be continued along the boundary wall to the rear of plots 4, 5 and 6 to improve privacy for occupiers of The Barn (an adjacent dwelling).
- A stone garden wall runs along the entire eastern boundary of Ambrosden Court and this should be retained in the interests of protecting neighbouring amenity at The Barn.
- No balancing pond is shown with the proposals yet was shown in the indicative masterplan submitted in support of the outline application. It is not clear why this is the case and this could lead to surface water flash flooding.
- There does not appear to be a children's play area within the site yet there was an obligation to provide this as part of the outline consent.
- The development proposes the upper limit of the 45 dwellings approved at outline stage. A more sympathetic layout could be proposed to create a development that better responds to its rural context.

Following re-consultation on amended proposals, six objections were received from four different addresses and the comments raised are summarised as follows:

- The revised plans show a welcome improvement to the layout and a more appropriate palette of construction materials;
- Plot 1 is shown close to the boundary wall with the neighbouring East Cottage. Whilst no windows are proposed in the side wall a bathroom window is proposed in the rear at first floor level and this has the potential to allow overlooking of the garden of East Cottage.
- The front elevations of Plots 1-3 are shown to be constructed of stone but the rear elements are in brick. Residents of East Cottage would look out onto this unsightly change in materials.
- A number of mature trees are shown to be removed and not all would be replaced. There needs to be tree planting along the boundary with East Cottage to preserve the rural view from the property.
- There is limited provision of visitor parking within the development which could increase parking congestion along Merton Road.
- There are two terraces of houses either side of the vehicular access from Merton Road which each have pedestrian accesses out onto Merton Road. This would encourage residents, visitors and delivery vehicles to park in Merton Road rather than drive round into the development to park. Further on-street parking would impede traffic movements and endanger highway safety.
- The vehicular access is directly opposite that to Home Farm Close. This will make it dangerous from cars trying to exit at the same time which would be exacerbated by cars parked in Merton Road.
- The dropped pedestrian kerb is in a poor location where the footways are of insufficient width to turn prams or wheelchairs and then navigate past telegraph poles in the footway.
- The proposal for a balancing pond has been removed which makes it more likely that surrounding properties will experience flooding.
- The houses along the northwest and southwest boundaries of the site should be constructed wholly of natural stone rather than featuring some areas of brickwork.

5. Response to Consultation

Cherwell District Council:

Strategic Housing – Comments were made on the original proposals only and stated that the location, mix and specification of the proposed affordable housing appears to be suitable. An improved mix of market housing could be provided so that a greater number of smaller and accessible dwellings are provided.

Conservation – Comments made on the original proposals only. A Heritage Impact Statement has been produced which provides background to the approach taken to the setting of the grade II listed building of Holly Cottage. The significance of the building is identified as being its historic interest to the village of Ambrosden, its architectural appearance and the view of the building whilst entering Ambrosden. The Heritage Impact Statement discusses its materials, architectural style and position on the plot and in relation to the road (set back 5m from the edge of the road). The approach taken with the design of the properties facing Merton Road is to set them back a similar distance from the road and to create design of similar characteristics with wide fronted houses with centrally positioned doors and constructed of stone. There has been no attempt to replicate the thatched roofing material. The approach proposed is what would usually be expected for respecting the setting of a listed building - by taking design cues from the building, but not replicating it and making the development subservient to the building. There are, however, significant concerns with this approach in this instance. The proposed terraces are very bland; there is no vertical emphasis and the individual houses are not distinguished from each other. The presence of the existing property of Roman Way means that they cannot form a continuous line along the road frontage. The proposed solution does not provide a suitable setting for the listed building or the approach into the village of Ambrosden. The listed building and the properties immediately opposite to the south of the road are the only historic buildings in the locality. These are surrounded by modern development. The walls surrounding the current building of Ambrosden Court are the key element of the area which give a sense of local distinctiveness and provide a positive setting to the listed building. The existing walls should be retained with the housing set behind these walls, this would preserve the existing setting of the listed building. If this approach is not possible the alternative would be to set the development back to a far greater extent, similarly to that on the opposite site of the road at Home Farm Close. This would create a greater sense of consistency in the street scene and a greater distinction between the modern development and the start of the historic settlement. The listed building would remain the dominant building in the streetscape from the western approach to the village.

Oxfordshire County Council:

Local Highway Authority – No objection subject to conditions including the need for the specification of the works linking the public highway to the development to be approved and the requirement for appropriate vision splays to be provided at all times.

Archaeology – No objections subject to conditions requiring a written scheme of investigation to be agreed and a staged archaeological evaluation of the site.

Other External Consultees:

Thames Water – No concerns with respect to foul sewerage capacity.

Environment Agency – No objection as matters of flood risk were considered at outline stage where development has been restricted to that in flood zone 1 only and therefore not at particular risk of flooding. Conditions on the outline consent relate to sustainable surface water drainage.

Ambrosden Parish Council – Comments made on the amended proposals are summarised as follows. The Parish Council objects to the proposals for the following reasons:

- The revised proposals remove the existing footway that currently exists to the east of Roman Way. The removal of this footway disconnects Roman Way from the rest of Ambrosden forcing the residents of Roman Way to cross the road to walk to the village. This is detrimental in highways terms and the footway should be reinstated.
- The dropped kerb on the North side of Merton Road will be positioned where the footway is only 900mm wide. Pedestrians who have buggies or wheelchairs will not be able to negotiate this dropped kerb without being tipped into the road, due to the geometry of the footway. This presents a highways safety issue, footway widening and carriageway reduction in this area should be considered.
- The construction of this development will have a significant impact on the elderly and infirm owners of Roman Way, as it is on all three sides of the development. Where possible attempts should be made to make the impact as low as possible. The following conditions should be applied to the development to ameliorate the impact to below nuisance levels.
 - a. Limit of working hours to 8.30 to 5pm Monday to Friday. No weekend or bank holiday working.
 - b. The new stone boundary walls proposed to Roman Way Shall be erected prior to commencement of development and site setup.
 - c. That the site compound location should be approved and agreed prior to commencement.
 - d. No materials to be stored within 20m of the boundary with Roman Way
 - e. No burning of materials on site.
 - f. No equipment or generators to be run between the hours of 5pm and 8.30 am
 - g. No delivery lorries to wait on Merton Road or Park Farm Close.
 - h. Banksman and traffic control to be used at all times a site entrance.
 - i. Services to Roman Way to not be obstructed.
 - j. Wheel washing condition.
- While the amendments to the area around plots 33-36 are acknowledged, it is imperative that vehicles are restricted from stopping or parking on Merton Road, outside these houses, as this will block the visibility splays to Roman Way, and conflict with the traffic calming and ramp. An impervious post and rail fence or stone wall, softened with a hedge should run from the boundary with Roman Way westwards to link up with the new proposed hedge on the western boundary of the site.
- Outline application 13/00621/OUT, was accompanied by illustrative plans, and included a number of bungalows. These bungalows were positioned to the south of Roman Way, and limited the impact of the development on Roman Way as well as providing a mix of dwellings. The bungalows should be reintroduced into the scheme and, if not positioned as previously shown, the proposed dwellings 37-41, should be 1.5 storey with rooms in the roof. An improved housing mix was also thought necessary by the Council's housing team where the provision of smaller market housing was encouraged.

- The front elevation and building material plans show that plots 1-3 will be fronted by stonework. However the rear extension to plot one will be brick. Therefore there will be an unsightly change in exterior from the windows and gardens of East Cottage. Furthermore this brickwork to the rear of the plot is not in keeping with the current boundary walls nor respectful of the period nature of the nearest residential dwellings. The west facing walls of plots 26-33 should be faced in stone.
- Planning conditions should be applied to ensure that these annexes cannot be used as for sleeping accommodation, the running of businesses, or separate dwellings.
- Permitted development rights should be removed due to the small garden sizes.
- Unsightly bins can damage the visual amenity of an area and contribute to increased levels of anti-social nuisance such as odour and litter, so bin storage should be carefully planned. The Parish Council consider that a planning condition should be imposed ensuring that bins should not be stored in the front or side gardens of dwellings.
- The situation with respect to vehicular parking and deliveries has been improved. We however have concerns about the lack of close visitor parking to plots 33-36. Two visitor spaces should be introduced to the west of plot 32. The parking spaces to plots 3 and 45 are not workable. While tracking diagrams have been produced, these utilise a small family vehicle and not a large family car with larger turning circles will not be able to use these spaces without considerable manoeuvring
- Members of the public have requested that we repeat the local knowledge that the tennis court and green house area of Ambrosden Court has flooded a number of times over the past 40 years. While we note that the Inspector found this issue was not sufficient to stop development, the houses to the southern part of the development site should be provided with appropriate flood escape routes, and a flood escape plan, and flood warning system should be provided. We also have concerns that the developers have not adequately demonstrated that the foul drains have sufficient capacity to take surface water as proposed. Conditions should be applied to ensure that a fully modelled drainage strategy has been approved by the Environment Agency to ensure that water courses and neighbouring dwellings are not contaminated with sewage in periods of heavy rainfall.

6. Relevant National and Local Planning Policy and Guidance

Development Plan Policies

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1

BSC1 - District Wide Housing distribution

BSC2 - The Effective and Efficient Use of Land

BSC3 - Affordable Housing

BSC4 - Housing Mix

BSC11 - Local Standards of Provision - Outdoor Recreation

ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

ESD13 - Local Landscape Protection and Enhancement

ESD15 - The Character of the Built Environment

Cherwell Local Plan 1996 (Saved Policies)

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

ENV1 - Development likely to cause detrimental levels of pollution

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

CDC's Home Extensions and Alterations Design Guide (March 2007)

7. Appraisal

Officers' consider the principal planning issues in this case to be:

- Background and Planning History;
- Design and Layout;
- Housing Mix;
- Impact on Neighbouring Dwellings;
- Amenity and Landscaping;
- Parking and Access Considerations.

Background and Planning History

7.1 Planning permission was granted for up to 45 dwellings on the site at appeal in April 2014. The application was made in outline with all matters reserved except for access. At that time, insufficient housing was projected to be constructed within the District over the following 5 year period to meet the objectively assessed needs of the District and hence, in accordance with the NPPF, planning permission was granted given that the harm identified did not significantly and demonstrably outweigh the benefits associated with the new housing. The principle of developing the site for up to 45 dwellings has therefore been established and the dwellings to be provided on this site have been included in calculating the Council's housing delivery trajectory over the next five year period.

7.2 Whilst consideration of the appeal did not relate to either the scale, layout, appearance or landscaping of the development, all other matters were considered including principle, amount of development, accessibility, land contamination, flood risk and impact on public infrastructure. A number of conditions were imposed on the outline consent relating to those matters considered at outline stage and many

of the pre-commencement requirements of these conditions have now been discharged. The reserved matters details must fall within the scope and therefore the limitations of the primary outline planning permission and any conditions or planning obligations attached to it.

- 7.3 As a consequence, 35% of the dwellings on the site have already been secured as affordable in tenure as well as the provision and maintenance of play areas and general public green space within the site. Conditions relating to flooding were also imposed and, notwithstanding third party comments, it has thus already been established that a balancing pond is not required on the site (as it would not be effective due to the ground conditions) despite the indicative plans submitted to accompany the outline application.
- 7.4 As 'access' was not a reserved matter in the outline consent, the means of accessing the site and its suitability was considered by the Inspector at appeal and found acceptable subject to a number of conditions. This included a requirement to create a traffic calming build-out on entry to the village from the west along Merton Road as well as a dropped kerb between either side of Merton Road to enable improved pedestrian connectivity to the village centre. As a consequence a number of the concerns raised by third parties about the safety and suitability of the vehicular access, traffic generation, and pedestrian connectivity are not material to the consideration of this application except in-so-far as they relate to specific effects on them arising from the detailed design and layout now proposed.
- 7.5 Consequently, in considering these reserved matters, the Council can only assess the scheme in terms of its detailed layout, appearance, scale and landscaping. It cannot revisit the principle of development or other matters that were considered as part of the outline application.

Design and Layout

- 7.6 Policy ESD15 of the Local Plan 2031 requires new development to respect its context in terms of scale, form, massing, layout and design detailing so as to contribute positively to an area's character and identity. Its requirements are consistent with the Government guidance set out in the NPPF which emphasises the importance of high quality design in achieving sustainable development whilst adding that "*it is proper to seek to promote or reinforce local distinctiveness*" without unnecessarily imposing arbitrary architectural styles or particular tastes.
- 7.7 The majority of the surrounding buildings are two storey and feature traditional pitched roof forms. The two 1960's era bungalows directly opposite the site frontage are the exception to this. There is however no overriding consistency to the design detailing or pattern of development in the immediate locality with both more historic natural stone buildings in addition to a range of mid-twentieth century housing. The provision of predominantly two storey housing should therefore be visually appropriate and be in the best interests of making efficient use of land as well as delivering a mix of housing to meet identified need. Two terraces of three houses are proposed to either side of the vehicular access and these are shown to be sited close to the road frontage incorporating natural stone front boundary walls so as to continue the sense of rhythm and enclosure to the street provided by the existing high stone boundary walls to East Cottage and Ambrosden Court. Officers support this approach which should reinforce the distinctiveness of the street. The terraces themselves feature traditionally designed uniform stone cottages with a symmetry that defines the site entrance and creates an active interface with Merton Road without dominating the streetscene. In addition to their natural rubble stone external walls, the houses in the terraces along the site frontage all have traditional modest canopy porches, vernacular casement windows and red brick chimneys to ensure they reflect traditional vernacular architecture.

- 7.8 A Grade II listed cottage lies slightly further to the east of the site on the opposite side of Merton Road. National and local planning policy attaches significant weight to its preservation as a heritage asset to which harm can only be justified where outweighed by public benefits. The Council also has a statutory duty to consider the desirability of preserving its special interest. Whilst Ambrosden Court is not a building of heritage significance it is nonetheless a building of pleasant appearance with its high stone walling making it a notable feature in the streetscene. Its loss however has already been accepted as part of the extant outline consent and the Inspector established at appeal that a development of 45 dwellings on the site could be comfortably designed in such a way that it would not unacceptably affect the heritage significance of the nearby listed building. At present the listed cottage is surrounded by a range of buildings including, in particular, a number of 1960's era homes that have adversely affected its setting and create an unremarkable setting to the building. As stated previously, the new houses proposed along the road frontage are of traditional vernacular domestic form and scale and, given that they are located on the opposite side of the road to the Grade II listed cottage and therefore visibly more discrete from it in the streetscene, the immediate impact of the proposed development on the Grade II cottage would be limited and probably immaterial in the context of the generic mid-twentieth century housing surrounding it. Notwithstanding that, even if the design and layout of the development was concluded to have a minor adverse effect on the setting of the listed building, the Inspector's decision has already made it clear that the wider public benefits of the new housing outweighs any modest harm in this respect.
- 7.9 Further to the west along the road frontage, new houses are shown to be positioned further back into the site with houses at Plots 33-36 set in from both the boundaries with Merton and the site's western edge to help soften the transition to the countryside with generous soft landscaping and low-key boundary treatments proposed along these site edges to assist in creating this effect. Further back into the site the houses are all shown to be set away from the site's countryside boundaries to avoid development appearing too prominent within the natural landscape in both short and long distance views. Indeed houses along the site's southern boundary are predominantly 1 ½ storey in height with a minimum of 10m separation distances to the boundary. The southern boundary is proposed to be delineated through a combination of an extension to an existing 2m high natural stone wall as well as a 1m post and rail fence which are considered to be traditional vernacular boundary treatments that will help ensure the development integrates appropriately with its rural context.
- 7.10 Within the site the proposed development has a comparatively organic layout with no overriding uniformity to the street pattern or strongly prevailing house type which reflects the variety of materials to be used as well as the house sizes. The new houses within the site are proposed to be constructed in a relatively traditional style with steeply pitched roofs, clipped eaves and vernacular verge detailing using a combination of natural Cotswold rubble stone and brick. Buildings in the more prominent positions along Merton Road are shown to be constructed principally using natural stone though in some cases utilising red brick elements to the rear which is a common arrangement in traditional local architecture. A couple of the key buildings (Plots 31 and 32) are shown to be constructed of natural stone with brick quoins to add some presence within the site on the arc of the main new estate road which officers consider to be a suitable approach to take. Plots 24 and 25 on the opposite side of the corner take a similar approach to the materials but have a layout that follows the configuration of the road to ensure a consistent active interface with the new estate road. Plots further within the site are generally to be constructed in brick which officers consider to be appropriate given that this part of the site is not in an architecturally sensitive location. A condition is recommended

that requires the prior approval of a sample panel of stone walling as well as a sample of the brick(s) to be used.

- 7.11 Within the site, development is proposed at a density sufficient to ensure that the site has a spacing between and around built and natural features that enables it to respect its rural setting. To this end the development includes public green spaces and play areas as well as generous planting belts along the western site boundary as well as further soft landscaping along Merton Road. A small number of parking courts are proposed within the development though these are modest in size and within areas that are actively overlooked by the proposed dwellings to ensure that these do not become disused areas of the site. These parking areas are also shown to be landscaped with areas of grass verges and low-key planting to help create a more pleasant communal environment for future occupiers.
- 7.12 Consequently, subject to conditions requiring the prior agreement of samples of construction materials and suitable boundary treatments, officers are satisfied that the general design and layout of the development respects its rural context whilst delivering a quality of residential environment within the site that ensures it will function as a successful addition to the village. Officers are therefore satisfied that in this respect the proposals accord with the requirements of all relevant development plan policies as well as Government guidance set out in the NPPF.

Housing Mix

- 7.13 The outline consent required a minimum of 35% of the new housing on the site to be affordable units which in this case equates to 16 dwellings. These are shown to be distributed throughout the site in a manner that avoids undue clustering and ensures they are equivalent in quality to the market dwellings in accordance with Government guidance set out in the PPG. The proposed affordable homes are also of a size and type (mainly 2 and 3 bedroom units) that accords with the local affordable housing need identified in the Oxfordshire Strategic Housing Market Assessment (SHMA). Officers are therefore satisfied with the affordable housing proposed.
- 7.14 Policy BSC4 of the Local Plan 2031 requires new residential development to provide a mix of homes to meet current and future housing need to help create mixed and balanced communities. The development proposes a range of 2, 3, 4 and 5 bedroom dwellings which in officers' view constitutes a suitable mix. Whilst the scheme features a relatively high proportion of 3 bedroom dwellings, the Oxfordshire SHMA concluded that Cherwell District had a greater proportionate need for 3 bedroom dwellings than the rest of the county and so officers consider the mix and type of housing provided to be appropriate and in general accordance with the requirements of Policy BSC4. Some third party comments have suggested that the development should include bungalows to cater for elderly residents. Whilst recent Government guidance in the PPG has indicated support for bungalows as part of meeting the housing needs of older people and those with mobility restrictions, there is no specific development plan policy basis on which to require such provision and, in any event, for reasons already set out officers are content with the housing mix proposed. It should be noted however that the affordable units are proposed to accord with Lifetime Homes standard as required by the legal agreement associated with the outline consent.
- 7.15 All new dwellings are shown to be served by rear gardens of a satisfactory size and layout with no new dwelling unduly overlooked or overshadowed by any other. Whilst houses along the site's southern boundary are shown to feature dormer windows these properties are only of 1 ½ storey heights and the majority of the dormers would only allow views over the wider countryside. Where dormer windows are proposed in the front roof slopes these would only face towards the front

elevations of houses on the opposite side of the estate road rather than overlook rear gardens and these would be separated from each other by generous distances. Furthermore, all new open market and affordable dwellings are shown to be served by a sufficient level of accessible dedicated car parking spaces as well as pedestrian access to their rear gardens which provides them direct access to storage for cycles and refuse bins. For these reasons officers are satisfied that the proposals would deliver housing of an acceptable mix and quality that assists in meeting the identified housing needs of the District and in this respect accords with the provisions of the development plan.

Impact on Neighbouring Dwellings

- 7.16 Policies ESD15 of the Local Plan 2031 and C30 of the Local Plan 1996 require new residential development to adequately safeguard existing residential amenity in terms of outlook, privacy, natural lighting and impact on indoor/outdoor space. These requirements reflect the core principles set out in the NPPF which states, inter alia, that *“planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.
- 7.17 East Cottage abuts Merton Road and lies adjacent to Ambrosden Court. It is separated from the application site by a high stone wall that runs perpendicular to Merton Road all along the site’s eastern boundary. This boundary wall is proposed to be retained as part of the development. Plot 1 would be sited close to the boundary with East Cottage but it would not project for any significant distance past windows to habitable rooms in the neighbouring dwelling such that light and outlook to its key rooms would not be unduly affected. Furthermore, the layout of the garden serving East Cottage is such that its principal usable garden area is sited further away from the boundary with Plot 1 and so the new house would not overbear the main part of the neighbouring garden to any significant degree. Moreover, no windows or other openings are proposed in the east elevation of Plot 1 that could allow actual or perceived overlooking into East Cottage or its garden ensuring that the overall quality of the outdoor living conditions at East Cottage would not be unacceptably reduced. Officers do however recommend that permitted development rights be removed by condition to allow control over such alterations in the future. Notwithstanding representations made by occupiers of East Cottage during the application process, in officers’ opinion a rear facing obscure glazed bathroom window in Plot 1 would not give rise to a significant perception of loss of privacy and so it is not reasonable to think that these windows would be harmful to neighbouring amenity. East Cottage would also retain a relatively open, pleasant outlook both in views from rear windows in the house as well as from its garden with only a section of the view from the property being adversely affected by the presence of built development. The proposed retention of the stone boundary wall between the application site and the neighbouring property should also help preserve privacy for occupiers of East Cottage as well as a consistency to the outlook.
- 7.18 The Barn is a dwelling that lies to the rear of East Cottage and adjacent to the eastern boundary of the application site. This dwelling enjoys a large open rear garden with southerly views from the house out to the countryside beyond. The retention of the existing high stone eastern boundary wall should prevent general loss of privacy at this neighbouring property though of course there will be the potential for some overlooking to occur from first floor windows in the terrace comprising Plots 4, 5 and 6. However, the distance from these houses to the middle of the The Barn’s rear garden is about 30m and even further to its conservatory and main outdoor seating area. This distance should prevent these new dwellings from feeling unduly intrusive for occupiers of The Barn. The retention of mature trees in the proposed green space between Plots 7 and 8 and the avoidance of built development close to existing trees within the rear garden of The Barn should also ensure there is a softer boundary to the development as experienced from the lower

part of The Barn's rear garden. The orientation of The Barn such that its footprint is at an angle with respect to Plots 4, 5 and 6 should also ensure that future occupiers of the new dwellings cannot look directly into front or rear facing windows in The Barn and vice versa.

- 7.19 Roman Way is an existing two storey 1970's era dwelling that is sited quite unusually with the application site wrapping around its eastern, western and southern boundaries. Roman Way has its principal garden area to the front and side of the house as the gap between the house itself and the rear of its plot is small. It is bounded by the natural stone garden walls of Ambrosden Court to its eastern boundary and part of its southern boundary too but with low timber fencing around the remainder. Care is needed to ensure that the living conditions experienced at this dwelling are adequately preserved in accordance with the requirements of development plan policy.
- 7.20 Plots 43-45 are proposed to form a terrace to the east of Roman Way though are sited forward of this existing dwelling. The distance between Plot 43 and front facing windows in Roman Way is such that the outlook from these windows is unlikely to be significantly adversely affected or that natural light into the house would unacceptably reduce particularly given that the existing 2m high stone wall along the eastern boundary of Roman Way is proposed to be retained which would help to reduce the apparent change to the outlook from Roman Way and reduce any loss of privacy. The garden area serving Roman Way is unusual in that its layout means that it is mainly to the front and side of the dwelling rather to the rear and therefore ostensibly less private than is typically the case. However, at present the closest existing properties are dwellings on the opposite side of Merton Road and therefore the garden would not be significantly overlooked for prolonged periods despite being highly visible to passing traffic. In an effort to protect this privacy, the proposed adjacent house of Plot 43 is not proposed to contain any first floor side facing windows looking towards Roman Way and its rear facing windows are positioned such that they project beyond the front elevation of Roman Way and therefore would not allow overlooking into the dwelling or of its main garden area.
- 7.21 Similar to Plot 43, the proposed adjacent dwelling to the west of Roman Way - Plot 36 – does not have any openings in its side elevation that could allow overlooking of the house or garden of Roman Way. Plot 36 is set back further into the site and therefore almost in line with Roman Way though separated from it by approximately 25m. Whilst it does abut the main private garden of Roman Way the separation distance is such that the relationship between Roman Way and Plot 36 well exceeds the typical distances expected to flank walls (at least 14m) as set out in the Council's Home Extensions and Alterations Design Guide. Such a separation distance therefore ensures that the garden serving Roman Way should not be unduly overshadowed or overborne by Plot 36.
- 7.22 Some concern has been raised by third parties about the potential for adverse impact on Roman Way as a result of development proposed to the rear. The houses of Plots 37-40 are separated from the rear boundary with Roman Way and would present only a relatively modest width flank wall towards Roman Way's garden. Whilst it would be sited to the south of Roman Way, the effect on daylight and sunlight would not be expected to be significant in the context of the separation distances involved and the relatively wide expansive garden that Roman Way enjoys. Furthermore, it is proposed to erect an extension to the existing high natural stone wall that runs along the southern boundary of Roman Way which should help to preserve adequate privacy for occupiers of this existing dwelling. Some concern has been raised about the potential for noise and disturbance to originate from use of the small parking court to the rear of Roman Way that is shown to serve Plots 37-40. However, officers find this to be unlikely given the small size of the parking area

and its visible position within the wider residential environment which should ensure that it is well-used and overlooked rather than a clustering point for anti-social behaviour. In the interests of discouraging any unwitting use of the privately owned footway to the front of Roman Way by occupiers of the new housing, a low post and rail fence is proposed to be erected around the site's western boundary to link up with the existing boundary fencing around Roman Way.

- 7.23 Officers recognise that there is the potential for construction work to cause genuine disturbance to the occupiers of Roman Way given that the application site surrounds this existing property. Consequently officers recommend that a condition be imposed requiring submission, approval and adherence to a Construction Environmental Management Plan that would set out parameters for hours of working, noise levels, dust, vibration and other matters. Subject to this condition as well as others requiring the erection/retention of specified boundary walls and the removal of householder permitted development rights for the new dwellings, officers are satisfied that reasonable quality living conditions would be preserved for occupiers of neighbouring dwellings in accordance with the requirements of Policy ESD15 of the Local Plan 2031 and Policy C30 of the Local Plan 1996 as well as Government guidance set out in the NPPF.

Amenity and Landscaping

- 7.24 Landscaping was a reserved matter on the outline consent and therefore falls to be considered as part of this reserved matters application. Policy ESD15 of the Local Plan 2031 requires new development to be designed to deliver high quality, attractive places to live and work by respecting landscape features and creating new ones through the planting of trees and hedgerows. Policy ESD13 of the Local Plan 2031 requires new development to be consistent with local character and not to cause undue intrusion into the open countryside.
- 7.25 As stated earlier in this report, officers consider the scale and layout of the proposed new development to be in keeping with both its built and natural context. The height of the houses along the southern and western site boundaries is relatively modest and they are shown to be set in from the boundaries by some distance to ensure a soft edge to the development. In order to help achieve this, significant new planting is proposed all along the western boundary of the site though final details of the size and species would need to be determined by condition. There are two main mature trees within the site itself which are both proposed to be retained and incorporated into a public amenity area. Details would need to be provided by condition of measures to protect these trees during construction as well as those trees off the site.
- 7.26 Officers have already discussed the various boundary treatments proposed to the site which are considered to be visually appropriate to deliver a suitably vernacular transition to the wider countryside. The proposed play area and green spaces appear to be sensibly distributed and integrated throughout the site in safe, secure locations whilst being within easy reach of all of the new houses. Details of the local play area are required to be submitted to the Council for approval through clauses within the legal agreement associated with the outline consent.
- 7.27 Small areas of grass verge and trees are proposed within and around the car parking courts which help to soften their appearance. Similar to the other green spaces, ownership and maintenance of these areas would transfer to the District Council in addition to a financial contribution towards their maintenance in accordance with the terms of the legal agreement.
- 7.28 Consequently officers are satisfied that the proposed landscaping of the development complements the design and layout of the houses to ensure that it

successfully integrates with the rural context and delivers a good quality residential environment within the site in accordance with the requirements of Policies ESD13 and ESD15 of the Local Plan 2031 and Government guidance set out in the NPPF.

Access and Parking

- 7.29 The means of access to the site was considered as part of the outline application at appeal and the proposals were found to be acceptable in this respect. As access is not a reserved matter the position of the vehicular access is therefore fixed and no longer for consideration. Conditions were imposed on the outline consent requiring a traffic calming build out to be constructed at the entrance to the village from the west as well as the installation of dropped kerbs in the footways to enable suitable pedestrian access from the site into the village. These works would need to be carried out by the developer under an agreement with the County Council and be in place prior to first occupation. The traffic calming measures and dropped kerbs have already been approved under condition and are shown simply in the interests of completeness on the proposed site layout plan. A number of third parties continue to raise concerns about the suitability of the access, traffic calming and position of the dropped kerbs but these are no longer for debate.
- 7.30 However, as part of determining the reserved matters it is still necessary to consider whether the particular design and layout of the detailed development would create any adverse effect in itself on highway safety as well the suitability of parking and road layouts within the site. Notwithstanding a number of third party comments, officers do not accept the notion that houses along the site frontage should not have entrances out onto Merton Road. Such an approach would go against well-established principles of good urban design where active relationships to streets are essential rather than turning its back on it. Indeed other houses on the opposite side of Merton Road have entrances in their front elevations and any deviation from this would appear awkward and inconsistent with the established streetscene. Whilst a front pedestrian entrance might generate on-street parking of an occasional delivery vehicle or visitor's car, they would be likely to be few and far between given that there are only six new dwellings proposed along the main site frontage. Any very occasional interruption to traffic movements would be more than outweighed by having a successful form of development that relates well to the built form of the existing village. Furthermore, the required provision of a traffic calming build out should reduce vehicular speeds into and out of the village should make the occasional parked car far less of a danger to highway safety than the current arrangements. In any event, it is reasonable to think that if the Inspector had genuine concerns about the impact of an occasional parked car along Merton Road (which would be inevitable from a development of 45 dwellings on the site) he would have suggested this in his decision but no such inference was made. The County Council as Local Highway Authority (LHA) has raised no concerns about the scheme.
- 7.31 Following receipt of amended plans, the existing footways leading from Roman Way into the village have been shown to be reinstated and indeed widened back into the site to allow for sufficient vision splays on exit from the site. This should also ensure that there is no impediment to residents of Roman Way from safely walking into the village. Within the site itself, car parking is shown to be provided both on-plot and in parking courts. The County Council as LHA has reviewed the proposals and is satisfied that there is sufficient car parking space shown within the site to serve the new homes as well as space for the manoeuvring of cars as well as delivery, servicing and refuse vehicles. They are also satisfied that each car parking space is sufficiently accessible. However, in order to ensure that there is no loss of off-street parking capacity, a condition is recommended that restricts the conversion of garages into living accommodation.

- 7.32 Consequently officers are satisfied that the proposals demonstrate a layout that does not prejudice safe and suitable access to and from the site by car or on foot which the Inspector has established is acceptable to serve the development. Moreover the layout demonstrates satisfactory parking, turning and manoeuvring areas within the site to ensure that congestion does not occur or that car parking stemming from the site would be likely to spill out onto Merton Road. Nevertheless, officers do recommend a condition requiring the submission and approval of details of bin and cycle storage facilities to serve each new dwelling in the interests of the amenities of future residents as well as visual amenity.

Other Matters

- 7.33 As already set out earlier in this report, matters considered at outline stage cannot be revisited as part of the reserved matters except where new issues are introduced as part of the details of the scheme. Third party comments regarding increased flood risk are therefore not of relevance to this application as this issue was addressed at outline stage where all built development was restricted to areas of the site within flood zone 1 and the potential for a sustainable drainage scheme had to be investigated. The reserved matters scheme is consistent with the outline permission in this respect and so is no longer for consideration. Similarly, the ecological impact of the development was considered at outline stage and conditions imposed on the outline consent requiring further surveys to be submitted prior to commencement of development as well as placing restrictions on the time of year that hedgerow removals can be carried out. An ecological report was submitted alongside the original outline application which set out proposed mitigation measures and recommendations to enhance biodiversity and a condition was also imposed requiring these measures to be carried out. The archaeological implications of the development as well as land contamination were also considered and found acceptable subject to conditions such that there is no need or ability to re-visit these matters now given that the reserved matters proposals are consistent with that granted outline consent. Consequently Members are reminded that as part of this application consideration can only be given to the detailed design, layout and landscaping of this already approved development and third party representations should be seen in this context.

8. Conclusion

- 8.1 The principle, amount of development and means of access to the site have already been established. Officers now consider the details of the scale, layout, external appearance and landscaping of the development to be acceptable given that they result in a development that forms an appropriate visual relationship with its context whilst safeguarding existing residential amenity and delivering an appropriate residential environment within the site for future residents. Officers are therefore satisfied that the proposals are in accordance with the provisions of the Development Plan as well as Government guidance contained in the NPPF and therefore recommend approval accordingly.

9. Recommendation

Approval, subject to:

Conditions

- 1 Except where otherwise stipulated by condition, for the purposes of the layout, scale, external appearance and landscaping of the approved development, the development shall be carried out strictly in accordance with the following plans and drawings in addition to those approved with respect to matters of access as part of the original outline consent:
Site Layout: DES/023/100G
Storey Heights Layout: DES/023/102F
Materials Layout: DES/023/101G
Affordable Housing Layout: DES/023/105F
Enclosure Layout: DES/023/103F
Lighting Strategy: DES/023/107F
Refuse and Cycle Storage Layout: DES/023/106F
Parking Strategy Layout: DES/023/104F
Drainage Strategy: DES/023/108F
Plots 1-3: DES/023/200 E
Plots 4-6: DES/023/201 A
Plot 7: DES/023/202 B
Plots 8 _ 9: DES/023/203 B
Plots 10 _ 17: DES/023/204 B
Plot 11: DES/023/205 B
Plot 12: DES/023/206 B
Plot 13: DES/023/207 B
Plots 14 _ 19: DES/023/208 B
Plots 15 _ 16: DES/023/209 C
Plots 18 _ 31: DES/023/211 A
Plots 24 _ 25: DES/023/212
Plots 26-30: DES/023/213 B
Plots 32: DES/023/219 B
Plots 33-36: DES/023/214 E
Plots 37-39: DES/023/216 B
Plot 40: DES/023/216 B
Plots 41 _ 42: DES/023/217 A
Plots 43-45: DES/023/218 E
Garages 1: DES/023/220 A
Garages 2: DES/023/221 A
Garages 3: DES/023/222 A
Car Ports: DES/023/223 C
Street Scenes Sheet 1: DES/023/300 E
Street Scenes Sheet 2: DES/023/301 D

- 2 Prior to the commencement of any works of construction as part of the development hereby approved, a stone sample panel (minimum 1m² in size) of natural rubble stone shall be constructed on site and then inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the buildings shown to be constructed in stone on the approved materials layout plan (ref: DES/023/101 G) shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

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. Such details are required prior to the construction of any development on the site to ensure its satisfactory appearance in the interests of environmental sustainability.

- 3 Prior to the commencement of any works of construction in connection with the carrying out of the development hereby approved, samples of the brick types to be used in the construction of the external walls of the development as well as samples of all types of external roof coverings to be used 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 samples so as to accord with the specifications set out in the approved Materials Plan (ref: DES/023/101 G).

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. Such details are required prior to the construction of any development on the site to ensure its satisfactory appearance in the interests of environmental sustainability.

- 4 Prior to the construction of any building above slab level, full details of the proposed doors and windows to be used at 1:20 scale 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. Such details are required at this stage to ensure that the buildings are constructed in a manner that is visually appropriate and therefore environmentally sustainable.

- 5 Prior to the commencement of any works of construction in connection with the carrying out of the approved development, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

Reason - In the interests of the amenities of future occupiers and 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. Such details are required at this stage in the interests of ensuring the proper planning of the development rather than potentially retro-fitted at a later stage.

- 6 Prior to the first occupation of the development hereby approved, the appropriate number of refuse bins required in relation to each dwelling shall be provided to accord with the current standards of Cherwell District Council.

Reason: In the interests of the amenities of future occupiers of the site in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

- 7 Prior to the construction of any new site boundary wall, a sample panel of natural stone walling for use in the construction of the walls shall be erected on site and approved in writing by the local planning authority. All new stone boundary walls shown in plan no. DES/023/103 F shall be erected in accordance with the approved sample panel and such boundary walls shall in turn be fully constructed prior to first occupation of any of the approved 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 and Government guidance contained within the National Planning Policy Framework.

- 8 Prior to the first occupation of any dwelling, the car parking, garages, car ports and manoeuvring areas serving it shall be provided in accordance with that shown in plan ref. DES/023/104 F and shall be constructed from porous materials or with provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the car parking, garages, car ports and manoeuvring area shall be retained in accordance with this condition and shall be unobstructed at all times except where used for the parking and manoeuvring of motor vehicles.

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

- 9 Prior to the first occupation of any dwelling within the development hereby permitted, covered and secure cycle parking facilities shall first be provided to serve that dwelling in accordance with details set out in plan ref. DES/023/106 F. Thereafter, the cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the dwelling.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

- 10 The garage(s) shown on the approved plans (ref. DES/023/104 F) shall be laid out such that they are available for the parking of motor vehicles at any time and shall not be converted to any other purpose (including to provide 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 to prevent parking congestion in accordance with Government guidance contained within the National Planning Policy Framework

- 11 Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed between the principal elevations of dwellings identified as Plots 1-3, 33-36 and 43-45 and Merton Road other than that shown on the approved "Enclosure Plan" ref. DES/023/103 F without the prior express planning consent of the Local Planning Authority.

Reason - To retain an appropriate interface with the rural streetscene in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 12 Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments, no new windows or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the approved dwellings referred to as Plots 36, 37 and 43 in approved plan ref. DES/023/100 G 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 existing neighbouring dwelling known as Roman Way in accordance with the requirements of Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 13 Notwithstanding the provisions of Classes A, B and E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments, the approved dwellings shall not be extended, nor shall any structures be erected within the curtilage of the dwellings 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 future occupants of the dwellings in accordance with the requirements Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 14 Prior to the carrying out of any works of construction on the site in connection with the approved development, the proposed means of enclosure surrounding the boundaries of the existing curtilage of the dwelling known as Roman Way as shown in plan ref. DES/023/103 F shall be fully laid out and, where this involves construction of new stone walling, this shall be in accordance with the approved sample panel of boundary walling as specified in condition 7.

Reason - To protect the living conditions experienced by occupants of Roman Way in accordance with the requirements of Policy C30 of the Cherwell Local Plan 1996 as well as Government guidance set out in the National Planning Policy Framework.

- 15 Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect surrounding residential properties together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. These details are required prior to commencement to ensure that, from the outset, the developer adequately safeguards reasonable living conditions at neighbouring dwellings during the course of construction works.

- 16 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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. Such details are required at pre-commencement stage to ensure important landscape features are retained and incorporated into the development in the interests of creating an appropriate new residential environment.

- 17 All hard and soft landscaping set out in the approved landscape scheme shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces) by the end of the first planting and seeding seasons following the first occupation of the development or on substantial 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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 18 Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions that details methods for the protection of retained trees during construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. The details are required prior to commencement of development as it is essential that tree protection measures are addressed at this stage to ensure important existing landscape features are retained and protected during the development.

- 19 The development approved shall only be carried out in accordance with the lighting strategy set out in plan no. DES/023/107 F. No other external lighting in public areas shall be used without the prior written consent of the local planning authority.

Reason - To ensure an appropriate balance is achieved between the creation of a safe environment and the preservation of biodiversity and the character of the natural landscape in accordance with the requirements of Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

- 20 Prior to the first occupation of any of Plots 33-36 (inclusive), the 1m post and rail fence shown in plan no. DES/023/103 F shall be erected in full in the position shown in the approved plan and retained as such thereafter.

Reason - In the interests of ensuring a satisfactory relationship with the Merton Road streetscene and protecting neighbouring amenity in accordance with the requirements of Policies C28 and C30 of the Cherwell Local Plan 1996.

Informatives

- 1 Prior to the commencement of development, a separate consent must be obtained from Oxfordshire County Council's Road Agreements Team for the proposed access works under Section 278 of the Highway Act 1980. For guidance and information please contact the County Council's Road Agreements Team on 01865 815700 or email Road.Agreements@oxfordshire.gov.uk

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), the Council has worked positively and proactively to determine this application in an efficient manner having worked with the applicant/agent where necessary to resolve any concerns that have arisen during consideration of the application in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

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