

**Site Address: Land adj to
Vespasian Way, Chesterton**

15/01165/F

Ward: Ambrosden and Chesterton **District Councillor:** Cllr Lynn Pratt

Case Officer: Aitchison Raffety **Recommendation:** Approval

Applicant: Hill Residential

Application Description: Erection of 6 no. Dwellings with associated means of access, car parking and landscaping

Committee Referral : Following earlier refusal of earlier major application

Committee Date: 25 November 2015

1. Site Description and Proposed Development

- 1.1 The application site is situated to the south of Chesterton, off Green Lane that runs along its northern boundary. The site sits adjacent to an existing housing development, currently under construction, for 44 dwellings, along with a village hall/sports pavilion. The site has an overall area of 0.66 hectares.
- 1.2 The proposal seeks consent for 6 dwellings, 2 of which would be affordable. The site would be accessed via a new vehicular access that has been constructed to serve the existing development of 44 dwellings currently under construction.
- 1.3 The site is situated beyond the existing built-up limits of the village.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 6 August 2015. No comments have been received.

3. Consultations

- 3.1 **Chesterton Parish Council:** Whilst not objecting to this application concerns have been raised over increased traffic. Bearing in mind the proposed Taylor Wimpey development of 44 homes.

Cherwell District Council Consultees

- 3.2 **Ecology Officer:** The submitted ecological survey is fine and we should condition its recommendations. No further survey work is needed at this stage and there are no major ecological constraints as the primary habitat of value (hedgerow) is to be retained.

In general the landscaping and planting scheme is good from an ecological point of view with native species, fruit trees and reasonable connections through the development in terms of green corridors. I would like to see some more interesting mixes of grasses included as well as amenity grass. Areas of species rich grassland appropriately managed such as in the Southern corner around the fruit trees or on the grass bund would be beneficial for wildlife and make a more natural link to the surrounding countryside.

In line with NPPF recommendations and Policy ESD10 we should be seeking to ensure a net gain for biodiversity where possible and in order to maximize opportunities I would suggest a biodiversity enhancement scheme is conditioned to include provisions on the dwellings themselves (bat tubes, integral bird boxes etc..) as well as inclusion of areas of species rich grassland – they should refer to R1 of the submitted ecological report which lists suitable enhancements at this site (for hedgehogs, bats, reptiles and invertebrates, bats, birds etc..) and produce a plan of locations and types.

I would recommend the following conditions:

K19 Ecology: Compliance with Submitted Details

The development hereby approved shall be carried out strictly in accordance with recommendations R3, R4, R5, R6 and R7 set out in Section 6 of the Preliminary Ecological Assessment submitted with the application, which was prepared by Middlemarch Environmental dated November 2014.

Reason KR2

K17 Biodiversity Enhancement

Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity on site, to include plans of locations and types of enhancements shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason KR3

K20 Landscape and Ecological Management Plan (LEMP)

Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason KR2

3.3 **Planning Policy:** As it is only 6 dwellings, no comments.

3.4 **Landscape Officer:** When a revised proposal for this section of the development was discussed it was agreed that we would permit 4 dwellings in a small group in the NE corner of the site and that the remaining open space would remain undeveloped so I am surprised to see a further dwelling at the site entrance. I am happy with the 5 dwellings in the wide part of the site but not the additional dwelling at the entrance as it was agreed that the outward

facing dwellings should face onto open countryside, not a dwelling and a garden with all the domestic clutter that these contain.

This also reduces the open space to a much reduced proportion of the original.

The open space provides an opportunity for some large native trees rather than a large number of small garden trees (Sorbus, Acer Plat Globosum) Some fruit trees are acceptable but I would like to see larger trees in addition.

Oxfordshire County Council Consultees

- 3.5 **Highways Liaison Officer:** Oxfordshire County Council as Local Highway Authority 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.

It is noted that there is an agreement in place for a S278 access arrangement. Although the road is currently private/un-adopted, there will be a future agreement to adopt the new road at some future date.

The Private Drive proposed to serve access to Plot 5 and Plot 6 dwellings shall however not be adopted as it only serves two properties.

Development is also subject to S184 (dropped crossing application) arrangement for Plot 1 dwelling.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Cherwell Local Plan 2011-2031 Part 1:

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015.

The Plan was the subject of an independent examination conducted by an Inspector appointed by the Secretary of State. The Inspector's report was published on 12th June 2015 and the recommended main modifications required to make the Plan sound have been included in the adopted plan.

The Plan provides the strategic planning policy framework and sets out strategic site allocations for the District to 2031. Now adopted, the Plan forms part of the statutory Development Plan and the basis for decisions on land use planning affecting Cherwell District.

The Local Plan 2011-2031 – Part 1 replaces a number of the saved policies of the 1996 adopted Cherwell Local Plan. Those saved policies of the 1996 adopted Cherwell Local Plan which are retained remain part of the Development Plan. These are set out in Appendix 7 of the Local Plan 2011-2031.

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The following policies are considered to be relevant:-

Policy PSD1	Presumption in Favour of Sustainable Development
Policy BSC2	The effective and efficient use of land
Policy BSC3	Affordable Housing
Policy BSC10	Open Space, Outdoor Sport and Recreation Provision
Policy ESD3	Sustainable Construction
Policy ESD7	Sustainable Drainage Systems
Policy ESD13	Local Landscape Protection and Enhancement
Policy ESD15	Character of the built and historic environment
Policy Villages 1	Chesterton is a Service Village

Adopted Cherwell Local Plan (Saved Policies)

C13	Area of High Landscape Value
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

National Planning Policy Framework 2012 – Core planning principles and the delivery of sustainable development with regard to the following sections:-

4	Promoting sustainable transport
6	Delivering a wide choice of high quality homes
7	Requiring good design
8	Promoting healthy communities
10	Meeting the challenge of climate change and flooding
11	Conserving and enhancing the natural environment

Planning Practice Guidance

Non-Statutory Cherwell Local Plan 2011

Whilst some policies within the plan may remain to be material considerations, other strategic policies have in effect been superseded by those in the Submission Local Plan (October 2014). The main relevant policies to consider are as follows:-

Policy H15	Category 1 Settlements
Policy H19	New dwellings in the countryside
Policy EN30	Sporadic development in the countryside
Policy EN31	Beyond the existing and planned limits of Banbury and Bicester
Policy EN34	Conserve and enhance the character and appearance of the landscape

5. Appraisal

5.1 The key issues for consideration in this application are:

- Site History
- Planning Policy and the Principle of Development
- Five Year Housing Land Supply
- Design
- Landscape impact
- Ecology
- Flooding and Drainage
- Transport Assessment and Access
- Delivery of the Site
- Planning Obligation

Site History

5.2 The application site was subject to an application for 10 dwellings last year (14/01899/F) that was refused at Committee. The application was refused for 3 reasons, those being as follows:

1. The proposed development will be conspicuous from public vantage points to the west and will be detrimental to the character and appearance of the countryside and to the setting of the village and the land is not allocated for development by either the saved policies of the adopted Cherwell Local Plan 1996, nor is the application site proposed for development as a strategic housing allocation in the Submission Local Plan December 2014. The proposal will have a greater impact on these matters than the scheme being built that was allowed at appeal (re non 12/00305/OUT) and represents a sporadic, unplanned, urban extension, encroaching into the open countryside which fails to maintain its rural character and appearance. The application is, therefore, contrary to Policies H18, C7 and C8 of the adopted Cherwell Local Plan, Policies ESD13, and ESD16 of the Submission Cherwell Local Plan June 2014 (as amended by modifications) and national policy contained in the National Planning Policy Framework.

2. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development will be provided. This would be contrary to the Policy R12 of the adopted Cherwell Local Plan, Policy INF1 of the Submission Cherwell Local Plan January 2014 and national policy contained within the National Planning Policy Framework.

3. Development in the manner proposed will curtail the opportunity for the developer to deliver the informal open space that it is obligated to provide in the terms of a legal agreement entered into by the applicant in respect of the adjacent site that is currently being built to the detriment of the character and appearance of that scheme and the quantum of open space that should be provided, contrary to Policy BSC10 of the submitted Cherwell Local Plan.

An appeal has been lodged against that refusal of planning permission and a decision upon it is awaited.

Planning Policy and Principle of Development

- 5.3 The Development Plan for Cherwell District comprises the saved policies in the Adopted Cherwell local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the Local Planning Authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.4 The site in question is not allocated for development in any adopted or draft plan forming part of the development plan, but it does however fall within the application site boundary of the outline planning permission granted on appeal for 44 houses in February 2013 (12/00305/OUT). At the time of the refusal for 10 dwellings, Chesterton was designated as a Category 1 settlement in the 1996 Cherwell Local Plan. Policy H13 (now not saved) of that plan stated that new residential development within the village will be restricted to infilling, minor development comprising small groups of dwellings within the built up area of the settlement, or the conversion of non-residential buildings.
- 5.5 Policy Villages 1 of the recently adopted Cherwell Local Plan 2011-2031 designates Chesterton as a Category A village, and therefore one of the Districts most sustainable settlements based on criteria such as population, size, range of services and facilities and access to public transport. Policy Villages 1 replaced Policy H13 of the 1996 Local Plan, but broadly follows the same ethos, in principally allowing minor development within the confines of the settlement, infilling and conversions. Policy Villages 2 seeks to distribute the amount of growth that can be expected within these villages, although how the numbers will be distributed is not specified as precise allocations within each village would be set out in the Local Neighbourhoods Development Plan Document, based on evidence presented in the SHLAA.
- 5.6 Quite clearly the development fails to comply with the new Policy and in doing so also potentially conflicts with Policy ESD13 of the Local Plan that seeks to protect and enhance local landscapes.
- 5.7 Paragraph 49 of the NPPF states 'housing applications should be considered in the context of a presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites.
- 5.8 The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 7). It also provides

(paragraph 17) a set of core planning principles which amongst other things require planning to:

- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
- Proactively drive and support sustainable economic development
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Support the transition to a low carbon future in a changing climate
- Encourage the effective use of land by re-using land that has been previously developed
- Promote mixed use developments
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant developments in locations which are, or can be made sustainable
- Deliver sufficient community and cultural facilities and services to meet local needs

5.9 The NPPF at paragraph 14 states 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking'....For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or
- Specific policies in this framework indicate development should be restricted

5.10 Whilst it is acknowledged that Chesterton is one of the more sustainable villages, this does not necessarily mean that the proposal itself constitutes sustainable development. The NPPF sets out three dimensions to sustainable development, those being economic, social and environmental which are considered below. In respect of the appeal at The Green, it is important to note that the Inspector concluded that Chesterton is a sustainable location. Furthermore, in an appeal at Bourne Lane, Hook Norton an Inspector concluded that whilst the village does not have a piped gas supply and that electricity supply and broadband connectivity can be poor, that these did not alter his overall assessment of the range of facilities available within the village and that it was sustainable.

5.11 In terms of the environmental dimension, the development must contribute to the protection and enhancement of the natural, built and historic environment by improving biodiversity. Whilst this is a green field site and its loss will cause harm to the character and appearance of the countryside, this would be limited to short–medium distance views within the immediate vicinity of the site.

5.12 Paragraph 14 of the NPPF makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole. The identified issues of relevance are identified and considered below.

Design & Layout

- 5.13 The application is a detailed scheme and so full plans and elevations of the proposed dwellings have been provided. The proposal is for 6 detached houses. Plot 1 would have been served via an access directly onto Green Lane and would be the only property as part of this development to do so. Following comments received from the Council's Landscape Officer, a hipped roof has been placed on the single storey element on the western side of the property that would face towards the wider open countryside in order to mitigate its impact.
- 5.14 Plots 2 and 3 would front onto the access drive into the wider development of 44 dwellings currently under construction. These 2 properties would be the affordable units on the site. Plot 4 would also front onto this road.
- 5.15 Plots 5 and 6 would be served via a private drive that runs between plots 3 and 4.
- 5.16 Centrally within the site would be an area of informal open space. Members will recall that the previous application for 10 dwellings was refused as it would have resulted in the loss of informal open space related to the adjoining development and so have a detrimental effect on the character and appearance of this scheme. A balancing pond would also lie adjacent to this area of open space and plot 2.
- 5.17 In terms of the design of the proposed dwellings, all would be two-storey, with a mixture of materials to include stone and buff brick and red brick. The roofs would be constructed from a mixture of grey and terracotta plain tiles.
- 5.18 The design of these properties seeks to sit comfortably and match those properties currently under development on the adjoining site. Indeed, both sites are owned by the same developer and so there will be an obvious correlation between the sites and ensure that they do not conflict with each other.
- 5.19 It is considered that the design details provided that the proposed development would fit with the context of the wider village.

Landscape Impact

- 5.20 The application site lies beyond the built up limits of the village in an area of open countryside. Policy ESD13 of Cherwell Local Plan 2011-2031 seeks to resist development if it would result in demonstrable harm to the topography and character of the landscape but also to secure appropriate mitigation where damage to local landscape character cannot be avoided.
- 5.21 Paragraph 113 of the NPPF states that Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of internal, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution they make to wider ecological works.
- 5.22 The application site, like the adjoining land under development, is not within any locally or nationally designated landscapes. Indeed, the wider site was considered by the Planning Inspector in allowing the adjoining development for 44 dwellings and the landscape impact was found to be minor.
- 5.23 The main concern raised by the Council's Landscape Officer relates to Plot 1, which fronts onto Green Lane and would be the most visible of the plots when approaching the village from the west. Following these comments, amended plans have been received from the applicant, which propose to hip the westerly facing single storey element of the proposed house. In addition, a 6m deep landscaping buffer is proposed along the western boundary adjacent to Plot 1 to mitigate the impact and enhance the current landscaping position on this approach into the village.
- 5.24 With the omission of the middle section of the development, it is considered that the development proposed would have a reduced prominence in the wider area and in views from the Little Chesterton road to the west in particular, and with the provision of mitigation measures to further enhance the approach into the village it is considered to be acceptable and in compliance with Policy ESD13 of the Cherwell Local Plan 2011-2031 and Government advice in the NPPF. This is a very balanced judgement however, and the Council could choose to be firm and not allow this land, previously identified in the earlier appeal permission as informal open space, to be developed at all.

Ecology

- 5.25 The application is accompanied by an Ecological Assessment that confirms that the site is not within or adjacent to any statutory or non-statutory wildlife sites and that the proposed development would not cause any significant impacts to such sites.
- 5.26 The Ecological Assessment considers the potential impact on a number of species, including bats, badgers, hedgehogs, brown hare, birds, reptiles and amphibians.
- 5.27 In respect of all these species, none were found specifically on the site but within the proximity of the surrounding area. As such, it concludes that whilst there is unlikely to be any direct impact arising from the development,

precautionary measures need to be taken during construction to monitor the situation further.

- 5.28 The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 109, that, ‘the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 5.29 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that ‘every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity and: ‘local Planning Authorities must also have regard to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of the Conservation Regulations 2010, which states that a ‘competent authority’ in exercising their functions, must have regard to the requirement of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places’.
- 5.30 Under Regulation 41 of the conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met:-
1. is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
 2. there is a satisfactory alternative
 3. is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species
- 5.31 Therefore where planning permission is required and protected species are likely to be found present at the site, or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.
- 5.32 The Council’s Ecologist has assessed the Ecological Assessment which has been submitted with the application and considers that it is appropriate in scale and depth. The Ecologist recommends 3 conditions to ensure that appropriate measures are put in place to ensure that protected species are adequately managed. Consequently, having regard to the above, it is considered that Article 12 (1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present on the site will continue, and will be safeguarded, notwithstanding the proposed development. The proposal therefore accords with the NPPF and Policy ESD10 of the Cherwell Local Plan.

Flooding and Drainage

- 5.33 No objections have been raised by the Environment Agency to the proposed development as the application site is not within a high risk area, being located within Flood Zone 1.

Transport

- 5.34 The majority of the application site would use an existing, consented access, that serves the adjoining development of 44 dwellings and so in respect of the position and size of the access, it is not considered to be inappropriate.
- 5.35 In respect of the new access onto Green Lane to serve Plot 1, as well as the wider development, Oxfordshire County Council Highways have raised no objections.

Planning Obligations

- 5.36 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation, to enable the development to proceed. The draft Supplementary Planning Document (SPD) relating to the requirements was considered by the Council's Executive in May 2011 and was approved as interim guidance for development control purposes.
- 5.37 New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost of all or part of the additional infrastructure/services. Obligations are the mechanism used to secure these measures.
- 5.38 In respect of planning obligations, the NPPF advises at paragraph 204 that they should be sought where they meet all of the following tests:
- necessary to make development acceptable in planning terms
 - directly related to the development; and
 - fairly and reasonably related in kind and scale to the development
- 5.39 Having regard to the above, the Heads of terms relating to the additional development would include the following:-

CDC Contributions

- Provision of 2 affordable dwellings
 - Provision and retention of on-site informal open space
 - Monitoring fee - £1500
- 5.40 Whilst this site is small and would not in the usual scheme of things require contributions towards County Council infrastructure, this proposal is effectively a second phase on the scheme just being built out. On that basis it is considered reasonable to seek further pro-rata payments for those elements that continue to comply with the CIL Regulations. This matter requires further discussion with OCC, and an update will be given at Committee.

Engagement

- 5.41 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.42 Whilst the Council are currently able to demonstrate a five year supply of housing sites, this does not preclude the ability to approve dwellings outside of the village confines and an individual judgement needs to be made as to whether the benefits arising outweigh the harm. The NPPF at paragraph 14 sets out the presumption in favour of sustainable development at the heart of decision taking within the planning system. The application site lies within an area that formed the site for an approval for 44 dwellings, currently under construction. It is located within a sustainable location and in your officers opinion will not cause undue harm to the character and appearance of the countryside, and so, therefore, on balance, it is considered that there is support for the principle of development.
- 5.43 In accordance with paragraph 14 of the NPPF, the adverse impacts of the proposed development do not outweigh the benefits and so there should be a presumption in favour of sustainable development.

6. Recommendation

Approval, subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined in paragraph 5.39 and 5.40,
- b) the following conditions:
1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Site Location Plan (063-1000), Existing Site Layout (063-1001), Proposed Site Layout (063-1010A), Plot 1 & Plot 4 (063-1101A), Plots 2 & 3 (063-1102), Plot 5 (063-1103), Plot 6 (063-1104), Planning Statement, Design and Access Statement, Tree Protection Plan (HILL/19532/03a), Landscape Proposals (HILL/19532/11a), Arboricultural Impact Assessment (HILL19532aiaA), Preliminary Ecological Assessment (Nov 2014), Flood Risk Assessment (June 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, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

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

4. Prior to the commencement of the development, a plan showing the details of the finished floor levels of the proposed dwellings in relation to existing ground levels on the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason – To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

5. Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which this scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Associations current edition 'sewers for adoption'

Reason – To ensure that the development is served by proper arrangements for the disposal of surface/foul sewage, to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework

6. All planting, seeding or turfing comprised in the approved Landscaping Proposals and Specification 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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. Notwithstanding the details submitted in the approved Landscaping Plan, prior to the commencement of the development hereby approved, a landscaping scheme for the proposed buffer to Plot 1 (as indicated in plan 063-1010A) 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 provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. The development hereby approved shall be carried out strictly in accordance with recommendations R3, R4, R5, R6 and R7 set out in Section 6 of the Preliminary Ecological Assessment submitted with the application, which was prepared by Middlemarch Environmental dated November 2014.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, including

any demolition, and any works of site clearance, a method statement for enhancing the biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. All species used in the planting proposals associated with the development shall be native species of UK provenance.

Reason - To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

12. Prior to the commencement of the development hereby approved, a lighting scheme will be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. Prior to the commencement of the development hereby approved, full details of the access vision splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the dwellings the vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.6m above carriageway level.

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

14. Other than the approved access(s) no other means of access whatsoever shall be formed or used between the land and the highway.

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

15. The delivery bay adjacent to the LPG tanks shall be kept free of obstructions at all times and used only for the specified purpose.

Reason - In the interests of highway safety, to ensure a proper standard of development and to comply with Government guidance contained within the National Planning Policy Framework.

16. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

17. Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

18. That the garage accommodation shall be retained as such and shall not be adapted for living purposes unless planning permission has first been granted by the Local Planning Authority on a formal application.

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

19. A final drainage design plan and full drainage calculation need to be submitted and approved by Oxfordshire County Council prior to the development commencing on site.

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

Planning Notes

1. PN19
2. PN22

Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.