

The George And Dragon
15 East Street
Fritwell
Bicester
OX27 7PX

16/00023/F

Case Officer: James Kirkham **Ward(s):** Deddington

Applicant: Leywood Developments Ltd

Ward Member(s): Cllr B Williams
Cllr H Brown
Cllr M Kerford-Byrnes

Proposal: George and Dragon site - Erection of a terrace of 4 no. 3 bed cottages with parking. Erection of single storey village hall re using existing village car park and access.

Village Hall site - Demolition of existing village Hall and erection of 7 no. 3 bed houses with through access to surface parking

Committee Date: 19.05.2016 **Recommendation:** Approve

Reason for Referral: Major Development

1. Application Site and Locality

- 1.1 The development proposal is spread across 2 sites located within the village of Fritwell; the site of the former George and Dragon public house, and the site of the village hall. The former George and Dragon site is situated quite central to the village and was formerly occupied by a public house which has now been demolished. The site has a frontage onto East Street and backs onto the village car park area serving the playing fields to the east. A play area also exists adjacent to the eastern boundary of the site. The general area is residential in character featuring predominately 1 and 2 storey properties. The majority of the site is located outside the Conservation Area however the Conservation Area exists immediately to the south of the site.
- 1.2 The existing village hall site forms the other part of the site and is approximately 0.2ha. It has a frontage onto Fewcott Road. The existing village hall is located towards the front of the site in a pre-fabricated single storey building which has been extended overtime. It has an aged and functional appearance. Access is obtained directly off Fewcott Road where there is a small tarmacked surface car park. To the rear (south) is a mown lawn and a number of sheds accommodating equipment for users of the village hall. The surrounding land use is mixed residential. The site is located wholly within the Conservation Area.
- 1.3 There are notable species in the form of common swift and west European hedgehog recorded within 250metres of the site.

2. Description of Proposed Development

- 2.1 The current application is a resubmission of an earlier planning approval (14/01757/F) on the site which allowed for the demolition of the George and Dragon pub and existing village hall and the construction of 8 dwellings and a new village hall.
- 2.2 The current application seeks consent to increase the number of dwellings proposed on the site to 11 dwellings and also some minor changes to the design of the village hall building. The application is forwarded on the basis that some of the profits from the proposed housing development would provide funding to construct the new village hall building. The application is accompanied by a financial viability appraisal.
- 2.3 The former George and Dragon site would accommodate 4 dwellings along the frontage with East Street. These would consist of a terrace row of two storey properties constructed of stone under a slate roof. The single storey elements to the rear of the buildings would be rendered. Gardens would be provided to the rear of the dwellings and parking for the new dwellings would be provided in a rear courtyard. This would provide 2 parking spaces for each of the properties and would be accessed to the south of the terrace row from East Street.
- 2.4 A new village hall building would be located to the rear (east) of the proposed dwellings on the former George and Dragon site on the area which previously accommodated the pub garden. It would be an L shaped single storey building constructed of render under a tiled roof. Only very minor changes are proposed from the previous approved scheme with the largest change being removal of the limestone plinth and replacement with a rendered plinth. The village hall building would utilise the existing parking area serving the playing fields to the east of the site and would use the existing access from Fewcott Road. Some improvements to the layout of the parking and provision of parking spaces to the east of the proposed village hall are also proposed. Pedestrian access to the site would also be available from East Street.
- 2.5 The site of the existing village hall would then be used for residential development. This would accommodate 7 new dwellings. There would be 3 dwellings on the frontage of the site facing onto Fewcott Road (a pair of semis and a detached dwelling) and a terrace of 4 dwellings to the rear of the site. These would be constructed of stone under a slate roof.
- 2.6 Amended plans have been received during the course of the application. In summary the changes are:
 - The inclusion of chimneys to the residential properties
 - Alterations to the design of the property on Plot 7
 - Clarification of the use of natural stone and slates on dwellings and removal of stone plinth on village hall building
 - Provision of new footpath on East Street linking the application site to the school site
 - Alterations to footpaths in private parking area

3. Relevant Planning History

| <u>App Ref</u> | <u>Description</u> | <u>Status</u> |
|----------------|--|---------------|
| 14/00537/F | <p>George and Dragon site - Demolish existing redundant public house and erect 3x3 bed terrace housing with parking and new single storey village hall.</p> <p>Village Hall Site - Demolish existing village hall and erect 5x3/4 bed houses in 2 terraces with through access to parking and parking barn (open fronted).</p> | Withdrawn |
| 14/01757/F | <p>George and Dragon site - Demolish existing redundant Public House and erect 3 x 3 bed terrace housing with parking and new single storey Village Hall.</p> <p>Village Hall Site - Demolish existing Village Hall and erect 4 x 3 and 1 x 4 bed houses in 2 terraces with through access to surface parking.</p> | Permitted |
| 15/01875/F | Variation of condition 2 of 14/01757/F - alterations to window and door openings in association with reconfigured internal layout, and alterations to parking area including further landscaping and surface finishes | Permitted |

4. Response to Publicity

4.1 The application has been publicised by way of site notices and letters to neighbouring properties. The following comments have been raised in relation to this consultation:

- The backland position of the dwellings is not appropriate to the area.
- Width of footpath along East Street unsuitable
- Impact of development on electricity and phone services to neighbouring properties
- Loss of privacy to 13 East Street. The proposal requires a higher fence between the properties and the windows in the side elevation should be obscurely glazed.
- Noise and disturbance including smoke pollution to occupiers of 3 Fewcott Road
- Concerns over suitability of access to village hall
- Concerns over land ownership

5. Response to Consultation

Parish/Town Council:

- 5.1 **Fritwell Parish Council** – No objections to proposal however queries why village hall is not using a more sustainable heating source and hopes the parking is adequate for village hall.
- 5.2 They later raised concerns regarding the use of timber boarding on the village hall which has now been amended to render.
- 5.3 They also raised no objections to the pavement which is necessary to keep parents and children safe however the verge is very narrow and the parish wish to retain as many verges as possible.

Cherwell District Council:

- 5.4 **Strategic Housing** – Originally requested that 4 of the dwellings be provided as affordable dwellings. However following the submission of a financial viability appraisal they raise no objection to the application. They have provided an analysis of the viability information that has been provided by the developer and stated the following:
 - *They seem to be making reasonable assumption's regarding build cost, cost of lending, professional fees etc*
 - *The sales values are on the low side, however even if we look to increase these to what I believe is a reasonable level their profit margin only increases to 18%. A normal expectation for a developers profit would be 20%*
 - *The costs p/sqm of the Community building is quite high, but without seeing the spec to the building it is difficult to tell whether this is accurate or not, however I would deem it not to be an unreasonable level*
 - *Overall I would dispute some of the figures they have used but generally what they have submitted seems to outline a position which demonstrates they cannot provide a community building as well as affordable housing. It will therefore be up to committee as to which they would prefer to see in this location*
- 5.5 Furthermore information from the applicant has been submitted to justify the cost of the community building following the above comments and comments are awaited from the Strategic Housing Officer.
- 5.6 **Conservation Officer** – comments that: *The village hall would look more traditional with a gabled rather than hipped roof (I appreciate the width of the building is very wide for 'traditional' but full gabled roofs are more traditional in this region).*

Plot 7 – the en suite might benefit from direct ventilation via a single light opening window.

Chimneys would add rhythm and interest.

The elevations could also be enlivened with the use of quoins on corners.

No barge boards – not traditional.

Flush/balanced casements preferred.

Materials need to be traditional (ie natural stone + natural slate) + taken from the palette of traditional building found within the village/conservation area.

- 5.7 **Landscape Officer** - comments that: *This proposal does not look very different from a previously approved proposal.*

We will need to see a planting plan but this can be conditioned. Also the gravel does need to be bound and not loose. I know the plan says bound gravel – just need to ensure that it is.

- 5.8 **Environmental Protection Officer** - No objections however recommends the following conditions should be applied (which mirror those discussed and applied to the previous permission granted in 2014 at 14/01757/F):

Prior to the commencement of the development hereby approved, full details of a scheme to acoustically enclose all areas of the village hall where amplified sound can be generated shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the building, the development shall be carried out and retained in accordance with the approved details.

No external lights/floodlights shall be erected on the village hall or associated land without the prior express consent of the Local Planning Authority.

All windows and doors are to be kept shut (except for access and egress) when amplified speech or music is occurring inside the village hall or any other event/occurrence is taking place that is likely to cause a nuisance to neighbouring properties i.e. the playing of musical instruments.

The proposed outdoor paved area to the village hall shall not be used after 9pm.

The proposed village hall shall only be used for events between 09.00 and 23.00hrs Mon – Sat and 10.00 and 22.00 hrs. on a Sunday except for on 15 occasions per year (and New Year's Eve when it can be used until 2am on New Year's Day). Notice of these events is to be made available to the local residents by means of a notice board and/or website.

These are designed to prevent potential unreasonable nuisance to the nearest neighbours.

- 5.9 **Waste Officer** - Happy with the developer's proposal for waste and recycling storage. Section 106 contribution of £106.00 per property will also be required.

Oxfordshire County Council:

- 5.10 **Highways** – Originally the highway engineer raised concerns regarding the application and requested details of a footway along East Street linking the application site and the school site. Following receipt of amended plans they raise no objection to the application subject to a number of conditions. The following issues are also raised:

- 5.11 *Visibility splays are marked, but it is not completely clear that the railings are behind them – they must be. Also any land within the visibility splays will need to be dedicated.*

- 5.12 *Parking is extremely tight – especially manoeuvring in and out of Plot 1's parking space. Getting into back gardens will be difficult past the cars. There is a risk that cars will be left on street instead. East Street suffers parking congestion at peak times, with the risk that buses and emergency access to the school could be restricted. A contribution of £2,500 will be required to cover the costs of implementing a Traffic Regulation Order to control parking on East Street should the need arise.*
- 5.13 *Fritwell Bridleway 11 passes along the southern boundary of the site. This is likely to suffer damage to its surface from increased use. Proposals to mitigate this should be discussed with the county council's Rights of Way team.*
- 5.14 **Archaeology** – No objection subject to conditions: *The site is located in an area of archaeological interest as identified by an archaeological evaluation undertaken on the site. The report for this evaluation has been submitted along with this application. The evaluation recorded a number of medieval linear features and a programme of archaeological monitoring and recording (watching brief) will need to be undertaken during the development. A written scheme of investigation for this watching brief has been agreed with County Archaeology and submitted with this application. We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction in line with the agreed and submitted written scheme of investigation. This can be ensured through the attachment of a suitable negative condition.*
- 5.15 **OCC Education** – No objection: *Based on the information currently available, this proposed development has been estimated to generate 4.29 primary pupils, 2.86 secondary pupils (including 0.33 sixth formers) and 0.08 pupils requiring education at an SEN school.*
- 5.16 Primary education - *OCC is not seeking Education contributions to mitigate the impact of this development on primary school infrastructure. Existing school capacity is forecast to be sufficient, taking into account this proposed development and other development already approved.*
- 5.17 Secondary education - *OCC is not seeking Education contributions to mitigate the impact of this development on secondary school infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), and the need to reserve our ability to seek contributions from larger developments than this in the area in future.*
- 5.18 *Special Educational Needs (SEN) education - OCC is not seeking Education contributions to mitigate the impact of this development on SEN school infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), and the need to reserve our ability to seek contributions from larger developments than this in the area in future.*
- 5.19 **OCC Property Services** - *OCC is not seeking property contributions to mitigate the impact of this development on infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended).*
- 5.20 **OCC Ecologist** – No objections.

- 5.21 **OCC Drainage** - No objection to the proposal, but note that there appears lacking any formalised sustainable drainage strategy for the site in the application documents: *We note that the applicant intends to use soakaways to dispose of surface water drainage and would request further details of this aspect of the design. Has the use of permeable paving for the driveways / parking areas been considered?*
- 5.22 *Some preliminary soakage tests have been carried out, which have produced indicative values, but further testing is required to comply with BRE 365 for detailed design purposes. (as noted in the applicant's Ground Investigation Report). As such recommend a condition requiring full details.*

6. Relevant National and Local Planning Policy and Guidance

6.1 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. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1

- PSD1: Presumption in favour of sustainable development
- SLE4: Improved transport and connections
- BSC1: District wide housing distribution
- BSC2: Effective and efficient use of land
- BSC12: Indoor Sports, Recreation and Community Facilities
- ESD3: Sustainable construction
- ESD10: Protection and enhancement of biodiversity and the natural environment
- ESD13: Local landscape protection and enhancement
- ESD15: The character of the built and historic environment
- Villages 1: Village categorisation

Cherwell Local Plan 1996 (saved policies)

- C28: Layout, design and external appearance of new development
- C23: Features in conservation areas
- C30: Design of new residential development
- C33: Retention of undeveloped gaps
- ENV1: Development likely to cause detrimental levels of pollution

6.2 Other Material Planning Considerations:

National Planning Policy Framework (The Framework) – the National Planning Policy Framework sets out the Government’s planning policies for England and how these are expected to be applied.

Planning Practice Guidance (NPPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

7. Appraisal

7.1 Officers’ consider the following matters to be relevant to the determination of this application:

- Relevant Planning History
- Principle of Development;
- Design, Layout and Heritage
- Residential Amenity
- Highways
- Affordable Housing
- Effect on Infrastructure
- Other matters

Relevant Planning history

7.2 Planning permission for 8 dwellings and a replacement village hall on the application site has already been granted under planning application 14/01757/F. This consent remains extant and could be implemented without further planning permissions. The site area remains identical in the current application and whilst the number of dwellings has increased in the current application the dwellings proposed are now smaller and the position of buildings remains similar to that previously permitted. The presence of this earlier consent is a material consideration in determining the application.

7.3 The proposed development of the houses and the new village hall are linked. Essentially some of the profits made from the new dwellings will fund the construction and delivery of the new village hall building. Since the earlier approval further works have been undertaken to establish more accurate costing for the village hall and these are substantially higher than originally expected. Therefore to make the combined project financially viable a different mix and number of dwellings are proposed.

Principle of Development

7.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan consists of the Cherwell Local Plan Part 1 (2015) and the Saved Policies of the Cherwell Local Plan (1996).

- 7.5 The National Planning Policy Framework (NPPF) is a material planning consideration and states that development that accords with an up-to-date development plan should be approved and proposed development that conflicts should be refused unless material considerations indicate otherwise (para. 12). At the heart of the NPPF is a presumption in favour of sustainable development. For decision making this means approving development which accords with the development plan without delay and where a 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 framework taken as a whole, or
 - Specific policies in the framework indicate development should be restricted
- 7.6 The Council can demonstrate a 5 year supply of deliverable housing sites that follows the requirements of the recently adopted Local Plan. Therefore the policies which control housing in the Local Plan are considered to be up to date and can be given significant weight in determining this planning application.
- 7.7 Policy Villages 1 of the Local Plan Part 1 provides a categorisation of the villages in the district to direct unplanned and small scale development in the rural areas to the villages which are best placed to accommodate small scale growth. This includes Fritwell as a Category A village which is amongst the most sustainable rural settlements. Policy Villages 1 states within the built up limits of Category A villages minor development, infilling and conversions of buildings may be considered acceptable subject to other material considerations.
- 7.8 The proposed development can be considered to be 'minor development' and given the relationship with the surrounding built development and the previous use of the sites, the sites are considered to lie within the built up limits of Fritwell. Paragraph C.262 of the Local Plan Part 1 states that in assessing whether proposals constitute acceptable 'minor development' a number of criteria will be considered including the size of the village and level of service provision, the sites context within the existing built development and whether it is in keeping with the character and form of the village. Whilst the number of dwellings has increased from the previous proposal it is contained within the same application site. It has a strong relationship with the surrounding built environment and whilst Fritwell is one of the smaller Category A settlements given the above factors the proposals are considered to be acceptable in terms of number of dwellings. Furthermore Fritwell has not seen significant levels of housing growth in recent years and so the cumulative impact of the levels of growth are not considered to be a significant issue in this case.
- 7.9 As noted above the current application is being forwarded on the basis that the proposed housing development would fund the new village hall facility and the increase in the number of dwellings on the site is required to deliver the level of funding required to deliver the village hall whilst still being a commercial proposition for a developer. This enabling factor further tips the balance in favour of the amount of housing proposed. Overall taking into account all these factors the level of housing development proposed is considered to be acceptable.

- 7.10 In relation to the replacement village hall the existing village hall building is rather dilapidated and is in need of replacement or significant levels of repairs. The new village hall is substantially larger than the existing facility and would provide a flexible community space and would be suitable for a wider range of community uses. Whilst the village hall will not be replaced on the same part of the site as the existing site it would be provided on the adjacent site and would still be well related to the existing village. The design and layout of the building has been undertaken in consultation with the Village Hall Committee and remains very similar to that previously approved under 14/01757/F. When viewed as a whole the proposed development will therefore not result in the loss of the community facility but will result in a significant enhancement to the villages' facilities. This is supported by Policy BSC12 of the Cherwell Local Plan Part 1 which states the Council will support the provision of community facilities to enhance the sustainability of communities and will protect and enhance the quality of existing facilities. As with the earlier approved planning applications on the site it is important that the provision of the village hall be secured through a planning condition to ensure that it is delivered prior to the first occupation of any of the dwellings and the housing cannot be occupied without the village hall. Overall the principle of providing a replacement village hall on the site is therefore considered to be acceptable.
- 7.11 The application would result in the loss of the site of a former public house however the loss of the public house was already accepted under the previously approved planning application and the former building has been demolished. Therefore as the loss of this use is already permitted it is not considered to be a constraint to the current application.
- 7.12 Overall subject to other material considerations the principle of developing the site for residential development and a replacement village hall building is considered to be acceptable so long as the provision of the replacement village hall is adequately secured and linked to the housing development.

Design, Layout and Heritage

- 7.13 The former George and Dragon site lies predominantly adjacent to the Conservation Area with the most southerly part within the Conservation Area. The existing village hall site falls wholly within the Conservation Area.
- 7.14 The Conservation Area is defined as a designated heritage asset. The NPPF requires Local Planning Authorities take account of the desirability of sustaining and enhancing the significance of heritage assets and seeks to ensure that new development should make a positive contribution to local character and distinctiveness. It goes on to state when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. It goes onto state that where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Policy ESD 15 of the Cherwell Local Plan echoes this advice. Furthermore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

- 7.15 Policy ESD15 of the Cherwell Local Plan states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. This includes a requirement for new development to respect the traditional pattern of routes, spaces and plots and the form, scale and massing of buildings. It also states development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography. Saved Policy C28 and C30 of the 1996 Local Plan seeks to ensure the layout, scale and design of development is of a high standard.
- 7.16 The proposed residential development (Plots 1 to 4) on the former George and Dragon site would provide a frontage onto East Street. The position of the buildings remains similar to the earlier approval. The row of terrace properties would be situated forward of the adjacent properties on East Street however the building line is not uniform in this area. Furthermore the siting of the new dwellings closer to the frontage of the site enhances the sense of enclosure which exists within the Conservation Area close to the junction between Fewcott Road and East Street and is more characteristic of a historic row of terrace cottages. Therefore it is considered this would positively contribute to the setting of the conservation.
- 7.17 The dwellings would have a simple linear frontage which is in keeping with the simple appearance of rural cottages and would have a small kink in the frontage which would add to the informal appearance of the row of traditional terrace properties. The use of casement windows and chimneys add a sense of rhythm to the buildings. The applicant had initially stated that the dwellings would be constructed of Bradstone however given the historic constraints of the site and strong use of limestone within the Conservation Area this was not considered to be acceptable. Therefore the applicant has been advised that the dwellings would need to be constructed of natural stone under a slate roof as this would be appropriate for the context and design concept of the proposed dwellings. The single storey elements would be finished in render. It is recommended full details of this be conditioned along with the full architectural detailing (such as eaves, verge and lintel details) of the properties to ensure they are suitably detailed to respect the character and appearance of the area and setting of the Conservation Area. The parking for the dwellings is located to the rear of the dwellings however it is still conveniently placed for occupiers of the dwellings with rear access gates. This reduces the visual impact of the parking in the street scene and allows for a more continuous frontage. The dwellings on the frontage of this site are therefore considered to be acceptable in terms of design and layout.
- 7.18 With regards to the proposed new village hall building, this is set back from the road frontages and located outside of the Conservation Area. The position and design of the village hall remains very similar to that previously approved and there are not considered to be any changes in circumstance which would justify a different conclusion being reached on this matter. The Conservation Officer has raised concerns regarding the hipped roof of the proposed village hall building and has suggested a gable ended property would be more appropriate. However the form of the village hall remains as previously permitted and the hipped nature of the roof reduces its bulk and massing and also reduces the impact on the amenity of the neighbouring properties. The village hall would be constructed of render under a tiled roof. The wider area has a mix of predominantly limestone and rendered properties.

Given the position of the site, outside of the Conservation Area, and the set back position of the building from the road frontage this choice of material is therefore considered to be acceptable.

- 7.19 The residential development on the existing village hall site would have road frontage onto Fewcott Road. Currently this site is occupied by the old village hall building which is single storey and detracts from the character and appearance of the Conservation Area. The current application therefore provides an opportunity to enhance the area.
- 7.20 The frontage dwellings would be set back from the frontage and would broadly respect the building line of the existing properties on the southern side of Fewcott Road. The frontage dwellings on Plots 5 and 6 would follow a similar design approach to the dwellings on Plots 1-4 and would have a traditional vernacular design constructed of traditional materials. The dwelling on plot 7 would have a different design to the other dwellings with a gable fronting onto the road. This has been amended during the course of the application as there were concerns that the originally proposed dwelling appeared cramped and incongruous given its width, design and detached relationship with the other properties. Whilst gable fronted properties are not a predominant features within the Conservation Area it is noted that there are a number of other examples of buildings with gables onto the road. Furthermore the dwelling would be seen in the context of the other new dwellings on the site and be seen adjacent the more modern rendered properties to the south east of the site and would act as a transition site. Given these issues the re-orientation of the roof of the property is considered to be acceptable when balanced against the overall visual benefits of the frontage development on this site.
- 7.21 The dwellings on plot 8 to 11 are located in a back-land position which remains similar to the earlier approved scheme and so this is considered to be acceptable with regard to the impact on the character and appearance of the Conservation Area. The design of the dwellings retains a traditional appearance and the use of materials is considered to be acceptable in this regard. The parking areas to the front of the dwellings are not considered to be ideal and would be a rather dominant aspect of the development. However in this case siting the parking away from the frontage of the site is beneficial as it reduces the impact on the public views within the Conservation Area. Furthermore given the back land position of the parking it would be largely screened by the proposed buildings and the areas could be softened with appropriate use of materials and landscaping. Therefore on balance it is considered to be acceptable.
- 7.22 Overall the development is considered to preserve and enhance the character and appearance of the Conservation Area and positively contribute towards local distinctiveness. The design and layout of the development is therefore considered to be acceptable in regard to Policy ES15 of the Local Plan Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and advice in the NPPF.

Residential Amenity

- 7.23 Both the NPPF and Policy ESD15 of the Local Plan Part 1 seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings.
- 7.24 The proposed development on the former George and Dragon site would be situated adjacent to residential properties. The occupier of 13 East Street to the north of the site, adjacent to the side elevation of Plot 1, has raised concerns over the loss of privacy to the bathroom window which exists on the ground floor side elevation of that property. Whilst it is noted that there may be some loss of privacy to the existing window on the side elevation of 13 East Street this window is obscurely glazed and the windows in the side elevation of Plot 1 could be conditioned to be obscurely glazed. The first floor windows on the rear elevation of the terrace row will overlook the neighbouring properties gardens to some extent however given the distance and orientation of the properties this is not considered to be significant and would be relatively common in a built up area. The dwellings on Plots 1 and 4 are considered to be a sufficient distance from the properties on the opposite side of East Street to ensure they would not result in a significant loss of privacy, light or over domination. The row of terrace properties is also considered to be a sufficient distance from the property to the south of the site, 3 Fewcott Road, to not result in significantly loss of amenity.
- 7.25 Concerns have been raised by the occupier of 3 Fewcott Road in relation to the impact of the new village hall building on their residential amenity in terms of noise and disturbance. The use, position and overall massing of the building remains very similar to that previously approved and so are considered to be acceptable. In terms of noise and disturbance this has been considered by the Council's Anti-Social Behaviour Manager. Whilst it is agreed that the village hall could lead to some noise nuisance, as with the earlier application the levels can be controlled by planning conditions requiring some acoustic protection of the village hall building, ensuring windows and doors are closed when amplified music is played and restricting the use of the outdoor area adjacent to this property at night time. It should be noted that the previous use of the site as a public house was not controlled in these respects. The Anti-social Behaviour Manager has also requested that the opening hours of the village hall be restricted however this was not a condition of the earlier permission and officers therefore consider it would be unreasonable to require it in this case as there has been no material change in circumstances. Therefore with the conditions as recommended at the end of this report, the development is considered to be acceptable in this respect.
- 7.26 With regards to the residential development on the site of the existing village hall the proposed development on plot 4 would be situated to the west of the rear elevation of 17 East Street. The distance between the main rear elevation of 17 East Street and the two storey side elevation of plot 4 would be 12.2 metres. Whilst this is below the normal back to flank distance the Council would normally require, in this case it is noted that the dwelling at 17 East Street has a large garden to the side (north) of the building which would reduce the impact on the garden area. Furthermore 17 East Street has a relatively wide plot and the proposed side elevation of the dwelling would only occupy part of this and would not be located directly on the boundary. On balance therefore it is consider that whilst the proposed

development will lead to some loss of outlook and amenity to the rear of 17 East Street this is not considered to be significant to justify refusal in terms of being overly dominant.

- 7.27 The backland properties, plots 8 to 11, will overlook the gardens of the properties on Fewcott Road and East Street however given the orientation of the dwellings and the distances involved this is not considered to result in a significant loss of privacy or level of overlooking to the gardens or properties which would justify refusal, particularly in the context of the approved (extant) scheme. The window to window distances between plots 8 to 11 and Nos 25 and 27 East Street to the rear of the site is also considered acceptable. The gable side to plot 8 and the distance to the rear of No. 21 East Street is also acceptable at approximately 18m to prevent the dwellings appearing overly dominant.
- 7.28 Overall, on balance, the proposal is therefore not considered to significantly impact on the amenity of the neighbouring properties and is considered to comply with Policy ESD15 and advice in the NPPF in this respect.

Highways

- 7.29 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to a site can be achieved for all people however development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy SLE4 of the Cherwell Local Plan Part 1 states that all development, where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. It goes on to state that development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.
- 7.30 The proposed access to the development sites remain very similar to that previously approved. OCC Highways have been consulted and have raised no concern regarding the accesses serving the site. The proposed village hall will utilise the existing village car park which is already located immediately adjacent to the proposed building. Some minor works are proposed in this area including the provision of a drop off zone and a small amount of additional parking. This arrangement remains identical to the previously approved application and is considered to remain acceptable.
- 7.31 During the course of the application discussions have taken place with the applicant regarding the provision of a footpath along the eastern side of East Street which would link the development site with the access to the school. The proposed development would lead to an increase in the number of dwellings on the site and it is considered very important that there is a pedestrian link between the site and the school as this part of East Street becomes very busy at peak times and is used by children and parents. Unfortunately it has become clear during the course of the application that the area is not wide enough to accommodate a standard width footpath given the extent of the highway in this location. However OCC Highways have indicated that they are likely to accept a below standard width footpath in this location as any footway is considered to be advantageous to pedestrian safety particularly at school drop off and pick up times when finding a safe place for residents to cross the road and

back again to access the school would be particularly challenging and present a hazard for pedestrians. Therefore it is recommended that full design details and the provision of this footway be controlled through condition.

- 7.32 The application site provides for 2 allocated parking spaces for each of the new dwellings and the Highway Engineer is satisfied with this level of provision. However it is noted that parking is extremely tight particularly on the former George and Dragon site where on street parking is already limited at certain parts of the day and this may cause issues with buses and emergency access to the school. Therefore OCC have requested a contribution of £2,500 be provided by the developer to cover the cost of implementing a Traffic Regulation Order to control parking on East Street should the need arise.
- 7.33 OCC Rights of Way have also stated that the public bridleway which exists at the entrance to the new village hall site should not be obstructed or altered without the permission of the County Council. These matters can be covered by informatives on any grant of planning permission.
- 7.34 Overall the development is therefore considered to be acceptable from a highway perspective subject to full details being secured by condition.

Affordable Housing

- 7.35 Policy BSC3 of the Cherwell Local Plan Part 1 states that all developments that include 11 or more dwellings (gross) will be expected to provide at least 35% of new housing as affordable homes on the site. This provision expects 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms such as shared ownership. It goes on to state where developers consider that individual proposals would be unviable with this requirement an open book financial analysis of the development will be required and that further negotiations considering the housing mix and tenure will be considered.
- 7.36 Based on the policy requirement the proposed development should provide 4 of the units as affordable housing (3 x affordable rent and 1 x shared ownership). However in this case the applicant is stating that the scheme is unviable with the provision of affordable housing and has therefore submitted a viability appraisal in respect of the scheme to evidence this.
- 7.37 As outlined above the proposed development is a combined project. Essentially the housing development is, at least in part, an 'enabling development' to fund the construction and delivery of the village hall building. The delivery of the village hall prior to the occupation of any of the dwellings would need to be controlled through a planning condition to ensure this benefit of the scheme was secured and the housing was not constructed in isolation. In considering the application it is important to note that without the replacement village hall being provided the development would be contrary to local and national planning policy which seeks to protect existing community facilities. Therefore as well as the housing being required to finance the new village hall, there is also a planning policy requirement for any redevelopment of the existing village hall site to involve the provision of alternative facilities.

- 7.38 The consideration of financial viability is a material consideration in determining planning applications. In considering viability in determining planning applications the Planning Practice Guidance (PPG) advises that local planning authorities should look to be flexible in applying policy requirements where possible (Paragraph: 001 Reference ID: 10-001-20140306). The PPG advises that a site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken (Paragraph: 016 Reference ID: 10-016-20140306). It also states that viability should provide competitive returns to willing developers to enable the development to be deliverable (Paragraph: 024 Reference ID: 10-024-20140306). It is important to note that without a developer receiving a suitable profit from a development, developments are unlikely to be delivered given the risks involved.
- 7.39 The submitted viability appraisal provides a breakdown of the associated costs of constructing the housing and the new village hall against the potential sales values of the residential properties. This takes the construction costs of the village hall as a cost of the development however there are no associated sales figures in relation to this building given the enabling aspect of the development. The viability assessment outlines a position where the scheme would deliver a developer profit which is below the normal expectation for a developer even without any affordable housing provision which would further impact on the viability of the scheme. The main aspect affecting the viability of the scheme is the construction costs associated with the village hall which is an abnormal cost which would not normally be associated with a residential development of this scale. Therefore the applicant argues that development cannot provide affordable housing whilst still delivering the village hall and providing a competitive developer return in order for the development to come forward.
- 7.40 The Viability Appraisal submitted has been reviewed by the Councils Strategic Housing Officer. They have assessed the various inputs to the appraisals and consider that the applicant has made reasonable assumptions regarding the build costs of the dwellings, costs of lending and other development costs such as professional fees. They have raised some concerns regarding the sales values of the properties which they consider to be on the low side. However even taking increased sales values into account, which they think would be reasonable, this would not provide a level of developer profit which would normally be expected for such a development. Therefore this does not impact on the overall conclusions of the viability assessment. They have also queried the build costs associated with the village hall building and further information has been requested and submitted by the applicant to justify these costs. Comments from the Strategic Housing Officer are awaited on this information to understand whether there could be any contribution to affordable housing.
- 7.41 In considering this matter the history of the site is also relevant. The earlier approved application on the site for 8 dwellings does not require the provision of any affordable housing as at the time the application was determined the government guidance indicated no affordable housing could be sought on development sites of fewer than 10 units. Furthermore the condition of the existing village hall is poor and its replacement would be a significant community benefit for the wider community. At the current time the village have no other funding mechanism to deliver such a facility.

7.42 On balance, taking all these matters into account, the benefits of providing a new village hall are considered to outweigh the conflict with the affordable housing policy and it is considered that it has been adequately demonstrated, subject to the receipt of further comments on the cost of the replacement village hall from the Housing Officer, through the submission of a viability appraisal that the development would not be able to deliver affordable housing in addition to the new village hall. The development is therefore considered to be acceptable in this regard.

Effects on Infrastructure

7.43 OCC have confirmed that whilst the proposal will have some impact on community infrastructure such as education, libraries, museums and adult day care they do not wish to pursue a contribution in this case given the pooling restriction relating to the S106 contributions for such projects. They therefore need to reserve their ability to seek pooled contributions from larger developments than this that may occur in the area in future. Therefore in this instance they are not pursuing any contributions to these facilities.

Other matters

7.44 Policy ESD6 states the Council will manage and reduce flood risk and Policy ESD7 states that all development will be required to use sustainable drainage systems (SuDs). The site is located in Flood Zone 1 which is the lowest zone of flood risk and is not identified on the Environment Agency maps as an area of surface water flooding. OCC Drainage have considered the application and have requested that further details of the sustainable drainage strategy for the site be secured through conditions. It is therefore recommended that conditions be added in this respect.

7.45 The site is located in an area of archaeological interest and an evaluation of the site recorded a number of medieval linear features and a programme of monitoring and recording which will need to be undertaken during the development. The scheme of investigation which has been submitted with the application is considered to be acceptable by the County Archaeologist and it is recommended a condition be applied to ensure the works are undertaken in accordance with this.

7.46 One of the local residents has raised concerns that the proposed frontage development on the former George and Dragon site would affect the electricity and phone service to their property which currently exist in overhead cables over the development site. In relation to this matter the developer would be responsible for contacting the service providers to arrange for these services to be relocated. This matter would fall outside of the scope of the planning application.

8. Conclusion

- 8.1 The principle of developing the site for residential purposes and a replacement village hall facility is considered to be acceptable subject to the village hall replacement being secured through a condition. The layout of the development retains the same principles as the earlier approval on the site which remains extant. The design and appearance of the buildings would preserve and enhance the character and appearance of the area and the Conservation Area and would also promote local distinctiveness. The access points and parking areas would be adequate to serve the development. The proposed development would not provide any affordable housing development as the provision of the village hall building would impact on the viability of the scheme. Subject to further comments from the Strategic Housing Officer in relation to the submitted viability appraisal agreeing the build costs of the village hall, the benefits of the new village hall are considered to outweigh the absence of affordable housing. Overall the development is therefore considered to constitute a sustainable form of development and it is recommended that planning permission be granted.

9. Recommendation

Approve subject to:

- a) receipt of final comments from the Strategic Housing Officer raising no objections**
- b) the applicant entering into a legal agreement in respect of the financial highway contribution sought by OCC**
- c) the following conditions:**

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 development shall be carried out strictly in accordance with the following plans and documents: Application form and drawing numbers 14-GDF-SL01, 15 GDF SP05 A, 15 GDF SP04 C, 15 GDF SP04 B, 14 GDF P2 H, 14 GDF P3 F, 14 GDF P5 B, 14 GDF P4 E, 14 GDF P3-1 A, 14 GDF P2-1 A, 15 GDF PE01 E, 15 GDF BS1 A, 15 GDF PE02 B and 15 GDF WD1 A.

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.

Conditions relating to whole site

- 3 Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels for the proposed buildings in relation to existing ground levels on the site and in relation to the ground levels and ridge and eaves height of surrounding buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 2015 and Government guidance contained within the National Planning Policy Framework.

- 4 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; and
 - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 2015 and Government guidance contained within the National Planning Policy Framework.

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

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 2015 and Government guidance contained within the National Planning Policy Framework.

- 6 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 ESD15 of the Cherwell Local Plan Part 1 2015 and Government guidance contained within the National Planning Policy Framework.

- 7 No development shall commence on site other than in accordance with the submitted written scheme of investigation (WSI for an Evaluation - The George and Dragon and Village Hall Sites, Fritwell, Oxfordshire prepared by Oxford Archaeology Ltd (October 2015)). Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.

Reason - To safeguard the recording of archaeological matters within the site in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 2015 and advice the NPPF (2012).

- 8 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To protect the development and area against flooding and manage surface water in accordance with ESD7 of the Cherwell Local Plan Part 1 2015 and advice in the NPPF.

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

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

- 10 Prior to the commencement of the development hereby approved, full details of the proposed footway linking the development and the access to Fritwell Primary School along the south east side of East Street, including a timetable for its provision, as indicatively shown on drawing number 15 GDF SP04 Rev C, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the footway shall be constructed and retained in accordance with the approved details and timetable.

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

- 11 Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS) and Tree Protection Plans and details, undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of all trees to be retained. Thereafter, all works on site shall be carried out in accordance with the approved AMS and tree protection measures.

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 ESD15 of the Cherwell Local Plan Part 1 2015 and Government guidance contained within the National Planning Policy Framework.

Conditions relating to the replacement village hall building only

- 12 Prior to the commencement of the development on the village hall hereby approved, full details of a scheme to acoustically enclose all areas of the village hall where amplified sound can be generated shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the building, the development shall be carried out and retained in accordance with the approved details.

Reason: To protect the amenity of the neighbouring properties in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 2015.

- 13 Prior to any works above slab level of the development hereby approved, samples of the render to be used in the construction of the walls of the village hall building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 2015 and Government guidance contained within the National Planning Policy Framework.

- 14 Prior to any works to the roof structures of the development hereby approved, samples of the tiles to be used in the construction of the village hall shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 2015 and Government guidance contained within the National Planning Policy Framework.

- 15 Prior to the first use of the village hall a car park management plan for the village hall and associated car park shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be operated in accordance with these details.

Reason: To aid management of the shared car park with the village hall, playing fields and scout hut and in the interests of highway safety in accordance with the NPPF.

- 16 All windows and doors are to be kept shut (except for access and egress) on the village hall building hereby approved when amplified speech or music is occurring inside the village hall.

Reason: To protect the amenity of the neighbouring properties in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 2015.

- 17 The external amenity space serving the village hall to the south west of the building as shown on drawing number 15 GDF SP04 Rev B shall not be used after 2100hrs or prior to 0800hrs.

Reason: To protect the amenity of the neighbouring properties in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 2015.

- 18 The village hall shall be used only for purposes falling within Class D1 as specified in the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 (as amended) and for no other purpose(s) whatsoever.

Reason: To provide and protect the community facility in accordance with Policy BSC2 of the Cherwell Local Plan Part 1 2015 and advice in the NPPF.

Conditions relating to the new dwellings only

- 19 Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, parking 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, parking and turning areas shall be

constructed in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter

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

- 20 Prior to any construction of the dwellings above slab level, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural stone, and shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the dwellings shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

- 21 Prior to any works above slab level of the development hereby approved, samples of the render to be used in the construction of the rear elements of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 2015 and Government guidance contained within the National Planning Policy Framework.

- 22 Prior to any works to the roof structures of the development hereby approved, samples of the slate to be used in the construction of the roof of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 2015 and Government guidance contained within the National Planning Policy Framework

- 23 Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the dwellings, including the design of the eaves and verge treatment shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the dwellings above slab level. The development shall thereafter be carried out in accordance with the approved details.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the

Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

- 24 Notwithstanding the details on the approved plans, prior to the insertion of any windows and doors, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows and their surrounds 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 ESD15 of the Cherwell Local Plan Part 1 2015 and Government guidance contained within the National Planning Policy Framework.

- 25 Prior to the occupation of any dwelling on the site full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of any of the 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 ESD15 of the Cherwell Local Plan Part 1 2015 and Government guidance contained within the National Planning Policy Framework.

- 26 Prior to the first occupation of any of the residential units hereby approved, the replacement village hall shall be completed and ready for use.

Reason: To provide and protect the community facility in accordance with Policy BSC2 of the Cherwell Local Plan Part 1 2015 and advice in the NPPF.

- 27 Prior to the first occupation of the development hereby approved, the first floor windows in the side elevations of the dwellings hereby permitted shall fully glazed with obscured glass that complies with the current British Standard, and retained as such thereafter.

Reason: To protect the amenity of the neighbouring properties in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 2015 and advice in the NPPF.

- 28 Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwelling(s) shall not be extended or altered, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the

adjoining dwellings and to ensure and retain the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 2015 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. The Local Highways Authority have advised the following in respect of the works to the public bridleway at the entrance to the new village hall site:

a) Temporary obstructions. No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place. Reason: To ensure the public right of way remains available and convenient for public use.

b) Route alterations. No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team or necessary legal process. Reason: To ensure the public right of way remains available and convenient for public use.

c) Vehicle access (construction): No construction / demolition vehicle access may be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants or their contractors to put right / make good to a standard required by the Countryside Access Team. Reason: To ensure the public right of way remains available and convenient for public use.

The applicant should note that part of the proposed development lies within the highway boundary. For the development to proceed, a Stopping Up Order under Section 247 of the Town and Country Planning Act would be required. The applicant would need to make an application to the county council if and when planning permission is granted: contact Nick Blacow at highway.records@oxfordshire.gov.uk

Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners.

2. The Sustainable Urban Drainage System as required by condition 8 shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features
- Sizing of features and attenuation volume
- Infiltration in accordance with BRE365

- Detailed drainage layout with pipe numbers
- SUDS - Soak away, permeable paving
- Network drainage calculations
- Phasing
- Limiting the surface water run-off generated by the 100 year (+allowance for climate change) critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as the decision has been made in an efficient and timely way.

CONTACT OFFICER: James Kirkham

TELEPHONE NO: 01295 221896