

**Land South Of Blackwood Place and Molyneux
Drive and North West Of Cotefield Farm
Oxford Road Bodicote**

16/01599/F

Case Officer: Bob Neville

Contact: 01295 221875

Applicant: CALA Management Limited

Proposal: Amendments to planning permission reference 11/00617/OUT (and reserved matters approval 12/01802/REM) to create an additional 4 dwellings and replacing a number of the existing approved dwellings with new house types.

Expiry Date: 17.11.2016

Ward: Adderbury, Bloxham & Bodicote **Committee Date:** 27.10.2016

Ward Councillors: Cllr Chris Heath, Cllr Mike Bishop, Cllr Andrew McHugh

Reason for Referral: Major application

Recommendation: Approval

1 APPLICATION SITE AND LOCALITY

- 1.1 The application relates to an area of former agricultural land south of Blackwood Place and Molyneux Drive and north west of Cotefield Farm, previously granted consent for residential development for 82 dwellings. An outline application (11/00617/OUT) was recommended for refusal and subsequently refused by Planning Committee on the 12 August 2011. However, following a public enquiry an appeal was allowed and development granted outline consent by the Planning Inspectorate on 26 March 2012. There have been subsequent approvals of reserved matters (12/01802/REM), clearance of conditions, and non-material amendment applications (detailed below) and construction works now have commenced on site.
- 1.2 The site is bordered by the rear gardens of residential properties to the north, a garden centre and nursery to the east, and a woodland belt to the west. A group of buildings in commercial use exist to the south-east. Access is off the A4260 Oxford Road to the east.
- 1.3 Outline planning permission has recently been granted for 95 homes immediately to the south of the application site (14/02156/OUT - Phase II).

2 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The application seeks planning permission for amendments to the approved scheme to sit alongside the existing consent. The amendments include 4 no. additional units to be incorporated within the south-western corner of the site and amended house-types to facilitate the inclusion of these additional units, and further amended house-types within the centre of the site. Whilst the proposed development of the wider site as a whole would bring forward 86 no. residential units in total, it should be noted

that this application only relates to 17 no. of these plots and does not seek a revised consent for the wider site.

- 2.2 The amendments to the housing types, whilst retaining some consistency with the approved scheme in terms of the general design approach taken, would see the introduction of 8 no. 2.5 storey 4-bedroom dwelling units within the proposed scheme. Construction materials are proposed to be consistent with the extant scheme, with a mixture of brick and natural stone properties under tiled roofs.
- 2.3 During the course of the application amendments have been made to the scale and type of dormers within the proposed scheme; following officers raising concerns with the applicant and their agents with regards to the dormers, as originally submitted, being disproportionate and overly dominant features within the roof-slopes. Amended plans have subsequently been received reflecting the advice and guidance given by officers.

3 RELEVANT PLANNING HISTORY

- 3.1 11/00617/OUT - Outline application for residential development of 82 No. dwellings. Refused but allowed at appeal 26 March 2012.

12/01802/REM - Reserved Matters Application - (Outline Application 11/00617/OUT) - Layout, appearance, scale and landscaping of a scheme of 82 dwellings. Permitted 10 April 2013.

13/01767/OBL - Submission of details to address Clause 13.1 of first schedule of S106 dated 27 February 2012 - Landscape Management Plan from App ref 11/00617/OUT. Permitted 10 December 2013.

13/00357/DISC - Discharge of conditions 4, 5, 6, 8, 9, 10 and 11 of 11/00617/OUT. Permitted 18 March 2014.

13/00358/DISC - Discharge of Conditions 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 16, 17 & 18 of 12/01802/REM. Permitted 19 March 2014.

13/00105/NMA - Non Material Amendment to 12/01802/REM - To remove and/or reduce the height of planting where there is planting within the vision splays in order to improve both driver and pedestrian safety. Permitted 25 February 2014.

16/00048/NMA - Elevation changes to plots 32, 33, 37, 38, 40, 41, 54, 61, 70, 71, 72 and 73 (proposed non-material amendments to 11/00617/OUT and 12/01802/REM). Permitted 22 July 2016.

Land to the South East, adjacent the application site (Phase II)

14/02156/OUT – outline 95 no. new homes. Permitted 03 October 2016.

4 PRE-APPLICATION DISCUSSIONS

- 4.1 No pre-application discussions have taken place with regard to this proposal.

5 RESPONSE TO PUBLICITY

- 5.1 This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records.
- 5.2 Two items of correspondence have been received as a result of the publicity of the application. The comments raised by third parties are summarised as follows:

- The site is not offering sufficient amenities to support Bodicote which is already stretched both with schooling and professional services;
 - Highway safety;
 - Ownership of trees and access to boundaries.
- 5.3 The comments received can be viewed in full on the Council's website, via the online Planning Register.

6 RESPONSE TO CONSULTATION

- 6.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL

- 6.2 BODICOTE PARISH COUNCIL: **No objections but make the following comments:** *'We request that the current line of trees screening the development be protected by TPOs, to prevent them from being cut down by future owners.'*

We also request that the pedestrian and cycle access through to Keyser Road be permanently protected by staggered barriers so that vehicles cannot drive through'.

CDC CONSULTEES

- 6.3 ARBORICULTURAL OFFICER: **No objections**, subject to a revised landscaping scheme.
- 6.4 ENVIRONMENTAL PROTECTION OFFICER: **No objections.**
- 6.5 ECOLOGIST: **No comments received.**
- 6.6 LANDSCAPE OFFICER: **No objections**, subject to a revised landscaping scheme.
- 6.7 PLANNING POLICY: **No comments received.**
- 6.8 STRATEGIC HOUSING OFFICER: **No objections.** *'Despite increasing the total number of dwellings on the development, the amount of affordable housing provided is still above the 35% amount stated in our Affordable Housing policy, so we have no issues with this amendment'.*

OXFORDSHIRE COUNTY COUNCIL CONSULTEES

- 6.9 TRANSPORT: **No objections**, subject to completion of a Deed of Variation, linking the original S106 agreement and increasing transport contribution in line with the original calculations, which were based on the Cherwell Planning Obligations SPD.
- 6.10 ARCHAEOLOGY: **No objections**, subject to conditions to secure a programme of archaeological recording.
- 6.11 EDUCATION: **No objections**, subject to completion of a Deed of Variation, linking the original S106 agreement and increasing the number of dwellings from 82 to 86.
- 6.12 PROPERTY: **No objections**, subject to completion of a Deed of Variation, linking the original S106 agreement and increasing the number of dwellings from 82 to 86.
- 6.13 MINERALS AND WASTE: **No comments to make.**
- 6.14 ECOLOGY: **No objections.** *'The District Council should be seeking the advice of their in-house ecologist who can advise them on this application'.*

OTHER CONSULTEES

- 6.15 ENVIROMENT AGENCY: **No comments received.**
- 6.16 THAMES VALLEY POLICE: **No comments received.**

6.17 THAMES WATER: **No objections.**

7 RELEVANT NATIONAL AND LOCAL PLANNING POLICY AND GUIDANCE

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

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

7.3 Cherwell Local Plan 2011 - 2031 Part 1 (CLP 2031)

Policy PSD1: Presumption in Favour of Sustainable Development

BSC1: District Wide Housing distribution

BSC2: The Effective and Efficient Use of Land

BSC3: Affordable Housing

BSC4: Housing Mix

ESD10: Protection and Enhancement of Biodiversity and the Natural Environment

ESD 13: Local Landscape Protection and Enhancement

ESD 15: The Character of the built and historic environment

Villages 1: Village Categorisation

Villages 2: Distributing Growth Across the Rural Areas

7.4 Cherwell Local Plan 1996 (Saved Policies) (CLP 1996)

C28: Layout, design and external appearance of new development

C30: Design control

7.5 Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

8 APPRAISAL

8.1 The key issues for consideration in this case are:

- Principle of development
- Design and impact on the character of the area
- Residential amenity
- Highway safety

Principle of development

8.2 In determining the acceptability of the principle of new dwellings regard is paid to Government guidance contained within the Framework. This explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

- 8.3 Paragraph 6 of the Framework sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.
- 8.4 Policy PSD1 contained within the CLP 2031 echoes the Framework's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 8.5 Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015 and can demonstrate a 5 year housing land supply. The presumption in favour of sustainable development, as advised by the Framework, will therefore need to be applied in this context.
- 8.6 The principle of development has been established with the granting of the outline planning permission (11/00617/OUT), with further approval of reserved matters (12/01802/REM) relating to layout, appearance, scale and landscaping. The proposed development to be assessed within this application is confined to two areas within the wider consented scheme as shown on drawing CFB_FUL_PLN_SP Rev. D, with no amendments to the majority of the consented scheme. There would be no change to the general road layout or location and quantity of the affordable housing provision. The proposed amended house types would be generally consistent with those approved as part of the extant scheme, and furthermore the additional units would be contained within the boundaries of the original consented scheme.
- 8.7 Whilst the proposals would result in an increase in the total number of dwellings that would result from the overall development it is considered that this increase is minor and provides a positive contribution towards maintaining the Council's 5 year housing land supply, within a sustainable location where residential development has previously been accepted, and is therefore acceptable in principle subject to further considerations with regard to residential and visual amenity and highway safety discussed further below.

Design and impact on the character of the area

- 8.8 The Government attaches great importance to the design of the built environment within the Framework. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.9 Policy ESD13 of the CLP 2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. It goes on to state that proposals will not be permitted if they would result in undue visual intrusion into the open countryside or would harm the setting of settlements. Policy ESD15 of the CLP 2031 further reinforces this view, in that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. It also states development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features.
- 8.10 Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the rural or urban context of that development.
- 8.11 The general road layout would not vary from the previously approved scheme, and as noted above the general design approach taken on the revised house types is

consistent with that taken on the consented scheme as are the proposed materials. Officers consider that the amended house-types would not appear out-of-place in the context of the wider development.

- 8.12 The additional units would be incorporated within the wider scheme through a reorganisation of the plots and amended house-types. This would result in a slight reduction in the size of some of the plots. Officers consider that the supporting plans demonstrate that the additional units can be accommodated within the site without any undue impact on the character, quality and appearance of the consented scheme. There is sufficient separation between plots that the development would not appear cramped within the street-scene and is considered by officers to be acceptable in this regard.
- 8.13 The introduction of 2.5 storey units would result in an increase (~1m) in the scale/overall height of these dwellings, however these units would be dispersed within the wider development and would represent a relatively small percentage of the overall scheme and would not detrimentally impact on its general character or appearance. Furthermore this would be consistent with the approach taken, with regard to the scale of development, on the recently approved scheme (following completion of legal agreement) on land to the south-east of the site under reference 14/02156/OUT.
- 8.14 Finish materials for the extant scheme, currently under construction, have been approved under discharge of condition application 13/00358/DISC. Should permission be granted it is considered appropriate to condition that the dwellings be constructed in accordance with the previously approved schedule and samples of materials, to ensure the satisfactory appearance of the completed development.
- 8.15 In conclusion the proposed additional dwellings and amended house types would be contained within the boundaries of the extant scheme and would not intrude into the open countryside to any greater extent than that which has previously been assessed and considered acceptable.

Residential amenity

- 8.16 Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.
- 8.17 Given the context of the site, nature of the proposals and their relationship with existing residential properties it is considered that there would be no significant impact on neighbour amenity above that previously assessed and considered acceptable. The proposals, to be considered within this application, are located within the existing consented site away from neighbouring residential properties and as such there would be no direct impact.
- 8.18 The proposals would result in a reduction in the size of some of the plots previously consented, to facilitate the inclusion of the additional 4 no. plots. Officers consider that this reduction in plot size would not significantly detract from the level of amenity that would be afforded to the future occupants of the development. The proposals would still allow for adequate outdoor amenity space and appropriate levels of privacy that would contribute to providing for a good standard of living and is therefore considered acceptable in this regard.

Highway safety

- 8.19 The Highways Authority (HA) has assessed the application and raises no objections to the proposed amendments to the consented scheme or the additional plots. The road layout and general arrangement for access off the Oxford Road would not

change from the consented scheme and appropriate parking would be provided within the amended plots subject of the application.

8.20 The Highways Officer comments:

'The inclusion of the additional 4 homes will not have a severe impact on local highway network capacity. However, they will add to the cumulative impact of development, therefore the strategic transport contribution secured in the Section 106 agreement on the outline permission (already implemented) should be increased in line with the revised number and composition of dwellings, by way of a Deed of Variation to the S106 agreement'.

8.21 Officers see no reason not to agree within the opinion of the HA. Subject to the completion of an appropriate Deed of Variation to modify the Section 106 legal agreement to secure appropriate transport contributions (to be negotiated with the applicant and their agent) it is considered that the proposals assessed within this application would not likely result in any significant detrimental impacts on the safety and convenience of highway users, above those previously assessed and considered acceptable, and is considered by officers to be acceptable in this regard.

8.22 The Highways Officer refers to matters of drainage within her comments. It is noted that this matter was dealt with at the outline stage through the application of condition 5 of the permission (11/00617/OUT); this has subsequently been discharged with the approval of drainage details approved under discharge of conditions application 13/00357/DISC.

Other Matters

8.23 The original consent 11/00617/OUT is subject to a Section 106 legal agreement which secures infrastructure contributions relating to:

- Provision, laying out and long-term management and maintenance of on-site amenity and play areas;
- Affordable Housing;
- Transport;
- County Council infrastructure (education, libraries etc).

8.24 A 'Deed of Variation' is being progressed with the applicant and will be required to link any new permission to the terms and requirements of the original legal agreement; updated as necessary with regard to the proposed additional 4 no. units.

8.25 The County Council's Archaeologist has suggested conditions in relation to archaeology at the site. However, this matter was again dealt with at the outline stage through the application of condition 11 of the permission (11/00617/OUT); this has subsequently been discharged with the approval of a written scheme of investigation approved under discharge of conditions application 13/00357/DISC. It is not considered necessary to apply further conditions in this respect as the developer is required to carry out development in accordance with the details previously approved.

8.26 Whilst no formal comments have been received from the Council's Ecologist in relation to the current application, it is considered the given the scale and nature of the proposals assessed within the application, it is highly unlikely that the proposals would result in any significant further ecological impact above that which has previously been assessed and considered acceptable. Subject to compliance with the previously approved details in relation to biodiversity enhancement (approved under discharge of conditions application 13/00358/DISC) the proposals are considered acceptable in ecological terms.

- 8.27 Comments have been made with regards to trees along the boundaries of the site and the pedestrian access from the site through to Keyser/Molyneux Drive. These matters have been assessed and approved during the preceding reserved matters application and discharge of conditions application, and the proposals to be assessed within this application do not affect these areas. It is therefore not considered appropriate or necessary to consider further conditions with regards to these matters.

9 CONCLUSION

- 9.1 The proposals would result in a modest increase in the number dwellings to the previously approved scheme and some minor material amendments to approved house-types. Given the above assessment officers consider the proposals to constitute an acceptable form of development that causes no significant harm to visual or neighbour amenity and is acceptable in highway safety terms. The proposals are considered to be consistent with the above mentioned policies and the application therefore is recommended for approval subject to the schedule of conditions set out below and the completion of an acceptable Deed of Variation linking any such permission to the original consent and associated S106 legal agreement.

10 RECOMMENDATION

- 10.1 That permission is granted, subject to:

- A) The completion of a satisfactory legal agreement (Deed of Variation) to mitigate the off-site infrastructure impacts of the development and linking the development to the obligations contained in the S106 legal agreement entered into in respect of the original permission (ref: 11/00617/OUT)
- B) 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 forms, 'Planning, Design and Access Statement', and drawings labelled: SL.100, CFB_FUL_PLN_SP Rev. D, CFB_FUL_PLN_201 Rev. B, CFB_FUL_PLN_202 Rev. A, CFB_FUL_PLN_203 Rev A, CFB_FUL_PLN_204 Rev. A and CFB_FUL_PLN_205 Rev. 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.

- 3 The development hereby approved, shall be carried out in accordance with the schedule of materials and finishes for the external walls and roofs of the development, as submitted to and approved in writing by the Local Planning Authority under planning application 13/00358/DISC.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 4 With the exception of the walls shown on the approved plans to be stone, the materials to be used in the construction of the external walls and roofs of the development shall be in accordance with the samples of the bricks and tiles/slates submitted to and approved in writing by the Local Planning Authority under planning application 13/00358/DISC.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 5 The external walls of the development shown on the approved plans to be stone shall be laid, dressed, coursed and pointed in strict accordance with the stone sample panel approved in writing by the Local Planning Authority under planning application 13/00358/DISC.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 6 The doors and windows shall be installed within the buildings in accordance with the door and window details approved in writing by the Local Planning Authority under planning application 13/00358/DISC.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 7 Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing and proposed site levels for the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 9 Prior to the first occupation of any of the dwellings, details of the construction, surfacing and drainage of the access, driveways and turning areas serving those dwellings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation 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.

- 10 The development hereby approved shall be carried out in accordance with the recommendations within the Brownfield Consultants Desk Top Study and Site Investigation Report dated 17 March 2014, approved in writing by the Local Planning Authority under planning application 13/00358/DISC.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 11 If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 12 The development hereby approved shall be carried out in accordance with the Construction Environment Management Plan (CEMP), approved in writing by the Local Planning Authority under planning application 13/00358/DISC.

Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 13 The development hereby approved shall be carried out in accordance with the biodiversity enhancement measures submitted to and approved in writing by the Local Planning Authority under planning application 13/00358/DISC.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the Cherwell Local Plan, Policy ESD 10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 14 Prior to the occupation of any dwelling, bat, bird, owl and invertebrate boxes shall be installed on the site in accordance with the details submitted to and approved in writing by the Local Planning Authority under planning application 13/00358/DISC.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the Cherwell Local Plan, Policy ESD 10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 15 Prior to the first occupation 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 development 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.

Thereafter, the development shall be carried out in 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 C28 of the adopted Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 16 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 C28 of the adopted Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 17 The garages and carports shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.

Reason - To ensure that satisfactory provision is made for the parking of vehicles on site and clear of the highway in accordance with Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES:

1. Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
2. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
3. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if

protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.

4. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
5. Attention is drawn to the conditions imposed on the "outline" permission (App. No 11/00617/OUT) granted on 26 March 2012 and subsequent 'reserved matters' permission (12/01802/REM) which should be read together with this approval. Any outstanding requirement of the conditions to submit details for approval by the Local Planning Authority should be particularly noted.
6. The applicants should achieve Secured by Design (SBD) accreditation for the development. SBD is an Association of Chief Police Officers (ACPO) initiative which has a proven track record in assisting with the creation of safer places by providing guidance on Crime Prevention Through Environmental Design (CPTED), and by providing a minimum set of standards on physical security measures. Details can be found at www.securedbydesign.com and further advice can be obtained by contacting Thames Valley Police's Crime Prevention Design Team.