

**The Paddock
Wykham Lane
Broughton
Banbury
OX15 5DT**

17/01998/F

Applicant: Mr Herbert Ward

Proposal: Demolition of existing single storey workshop and extension and conversion of existing detached garage to create a separate dwelling

Ward: Cropredy, Sibfords And Wroxton

Councillors: Cllr Ken Atack
Cllr George Reynolds
Cllr Douglas Webb

Reason for Referral: Public interest

Expiry Date: 23 November 2017 **Committee Date:** 14 December 2017

Recommendation: Approval

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to an existing single storey garage with room in the roof space and single storey workshop building located with the curtilage of the Paddock, a stone built bungalow, within the village of Broughton. The existing garage is of brick construction, save for its stone front façade, under a concrete tiled roof. The workshop building uses a combination of corrugated metal sheeting corrugated fibre-cement sheeting for its walls and roof with the rear wall of the workshop forming part of the boundary of the site with the adjacent properties 38 & 39 Danvers Close. There is timber fencing to other boundaries of the site.
- 1.2. The Paddock has a somewhat back-land siting with an access drive off the adjacent highway Wykham Lane. There are residential properties to the north, south and east of the site, with a community hall to the west. There is a slight variance in land levels at the site with the existing dwelling (The Paddock) sitting on a slightly more elevated position in relation to the existing garage and workshop and adjacent residential buildings.
- 1.3. In terms of site constraints, the site is not within a conservation area and the building is not a listed building. The site is within a buffer zone surrounding an area of potentially contaminated land and an area where the geology is known to contain naturally occurring elevated levels of Arsenic Chromium and Nickel; as is seen in many areas across the district. The site sits adjacent the historic village core, an area considered to be of archaeological interest. There is a row of Grade II Listed Alms houses some 21m west of the site, situated on the main road through the village (B4035). There are no other notable site constraints relevant to planning and this application.
- 1.4. Amended plans have been received during the course of the application in response to officer's concerns and issues raised by third parties (summarised below). The amendments to the scheme have included: the replacement of a first floor window in

the southern elevation with two smaller obscurely glazed windows; the removal of a rooflight in the southern facing roof slope (serving bedroom 2); the introduction of an additional first window to the west elevation (serving bedroom 2); the introduction of a rooflight to the west facing roof slope (serving bedroom 1); a reconfiguration of the internal layout at first floor level and corrections to drawing annotations/labelling with regards to east and west elevation. In light of the amendments made, a further re-consultation exercise was undertaken.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks permission for the removal of the existing single storey workshop and the conversion and extension of the existing garage building to form a new detached two bedroom dwelling, with integral garage, associated residential garden area and parking. The proposed new dwelling would provide accommodation on two floors with the upper floor being accommodated within the roof space. The overall height of the proposed building would be as the height of the existing garage (~6.6m), albeit with the building being extended further to the east by 6.2m with a total width of 10.65m; resulting in a footprint of ~77m². Materials to be used in construction are proposed to match those currently in use at the site.
- 2.2. The proposals would also include a new boundary fence to the northern boundary, a 0.6m high retaining wall with 0.9m high timber fence above separating the existing dwelling from the proposed, and the formation parking areas for both the existing and proposed dwelling (two spaces per dwelling). Access to the site would be shared via the existing access drive onto Wykham Lane.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
CHN.310/76	Erection of bungalow with garage, alteration of access.	Application permitted
CHN.187/85	Granny flat (Outline).	Application refused
CHN.160/90	Demolish part of shed and reconstruct to form double garage with storeroom over.	Application permitted

- 3.2. Outline application CHN.187/85 for the development of a 'Granny flat' (with all matters reserved) was refused 22/05/1985, on the following grounds:
 - The proposal would not accord with housing policy as the site was not considered to constitute an infill plot; within the strict definition of that term;
 - The proposal would result in an over-intensive use of the back-land plot which would have an adverse effect on neighbour amenity;
 - The access was considered substandard in both geometric and vision terms; and that an increase in its use would result in a detriment to highway safety.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. The following pre-application discussions have taken place with regard to this proposal:

Application Ref. Proposal

17/00113/PREAPP: Demolish the single story workshop and extend the garage/store to create a separate 2 or 3 bedroom dwelling with associated amenities

Response issued 01/06/2017: Support offered to the principle of developing a further dwelling on site, through the conversion and extension of the existing garage; but that this would be dependent on an appropriate quality design solution being brought forward that would be of an appropriate scale and sympathetic to the context, that would not detrimentally impact on the character and appearance of the area or on the amenity of the existing properties (on and adjacent the site) and that could demonstrate that the proposals would not have a detrimental impact on highway safety.

17/00203/PREAPP: The proposal is to demolish the single story workshop and extend the garage/store to create a separate 3 bedroom dwelling with associated amenities. (Follow up to 17/00113/PREAPP)

Response issued 01/06/2017: Officers confirmed that they would likely be able support the proposal, but only on the strict provision that the following amendments were made:

- The scale of the proposal needs to be reduced to a two bedroom unit;
- The dormer windows are removed from the scheme;
- Appropriate outdoor amenity space can be provided for the proposed dwelling that would not significantly impact levels of amenity of the existing dwelling house.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. As noted above, an additional consultation exercise was undertaken following the submission of revised plans. The final date for comments is 07.12.2017. Given that the final date for comment is beyond the date of the preparation of this report, any further comments received post finalising this report will be conveyed to planning committee by way of a written update prior to the commencement of the committee meeting; however, it is considered unlikely that the amendments made to the proposed scheme would raise any further issues than those raised by third parties following the initial consultation, and in some respects the amendments have looked to address the concerns raised.
- 5.2. Objections have been received from 5 local residents in response to the publicity undertaken. The comments raised by third parties are summarised as follows:
- Potential impact on neighbour amenity through over-dominance, loss of privacy through over-looking, loss of light to garden areas.
 - Highway safety; through increase traffic and parking issues particularly when the community hall is in use.
 - This would be a new separate dwelling that could be sold on in the future.
 - Potential sewerage issues.
 - Setting a precedent of allowing extra residences to be built in the future.

- Two storey dwelling out-of-keeping with existing property and those within the area.
- Potential asbestos issues
- Any replacement fence, between adjoining gardens, would need to be at least as high if permission was granted.

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 AND NEIGHBOURHOOD FORUMS

6.2. BROUGHTON PARISH COUNCIL: **No comments received.**

STATUTORY CONSULTEES

6.3. HIGHWAYS AUTHORITY: **No objections**, subject to a condition securing further details of the proposed parking and manoeuvring areas (including construction, layout, surfacing and drainage).

6.4. THAMES WATER: **No comments received.**

NON-STATUTORY CONSULTEES

6.5. None undertaken.

7. RELEVANT 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:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031)

- PSD1: Presumption in Favour of Sustainable Development
- Villages 1: Village Categorisation
- ESD 3: Sustainable Construction
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- C30: Design control

7.3. 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. The National Planning Policy Framework (NPPF) 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 echoes the NPPF'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 5.6 year housing land supply. The presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.
- 8.6. Policy Villages 1 of the Cherwell Local Plan Part 1 groups villages into three separate categories (A, B and C). Broughton is recognised as a Category C village. Category C villages are considered to be the least sustainable settlements in the District's rural areas (which is highlighted by the village's lack of community facilities) and as such new residential development will be restricted to conversions and infilling within the built up area of the settlement.
- 8.7. Whilst officers do not consider the site to represent a plot that would strictly conform to the definition of 'infill development' as expressed within the CLP 2031 (*'Infilling refers to the development of a small gap in an otherwise continuous built-up frontage'*), given that the proposals would be for the conversion and an extension of an existing building within the built-up limits of the village officers consider that there is policy support for the principle of development, in general sustainability terms, subject to the further considerations discussed 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 NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP 2031 which requires new development to respect an area's unique built, natural and

cultural context. It requires development to complement and enhance the character of its context through sensitive siting, layout and high quality design.

- 8.9. Saved Policy C28 of the CLP 1996 also 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 urban or rural context of that development. Further, saved Policy C30 of the CLP 1996 states that control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density with existing dwellings in the vicinity.
- 8.10. The existing dwelling (The Paddock) sits in a backland position in relation to the adjacent highway (Wykham Lane) and the proposals would have a similar relationship to the highway. Given its siting views of the proposed dwelling would largely be limited to those experienced from within the site and from neighbouring properties and glimpsed views up the access drive to the site; and the proposed dwelling would not be a prominent feature within the street-scene.
- 8.11. Third party comments have been made suggesting the proposals constitute a new two storey dwelling and that this would be out of character with existing development, both within and surrounding the site. It is noted that the area contains quite a variety in the scale and design of properties within the vicinity of the site; with two storey properties within Danvers Close north-east of the site and single, one and a half and two storey dwellings along Wykham Lane. Whilst the proposals would provide accommodation on two floors, the upper floor would be contained within the roofspace – though some of this achieved through roof extension to the existing building; a similar arrangement and scale to that seen at the property to the front of the site (to the south), Stones Throw. The existing dwelling (the Paddock) sits at a slightly elevated position in relation to the proposed dwelling and in officer's opinion would not be over-dominated by the proposed new dwelling.
- 8.12. The scale and form of the proposed new dwelling is considered to be appropriate within the context. The proposals are also presented as being constructed in materials to match those in use on the existing buildings within the site, which is also considered an appropriate design approach by officers. Appropriate construction and materials details and samples could be secured through appropriate conditions attached to any permission given to ensure the satisfactory appearance of any completed development.
- 8.13. As noted above, there is a row of grade II listed buildings on the main road through the village to the west of the site. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* The proposals would not be seen in the same context as these heritage assets and given the separation distance and that there is development on intervening land (community hall), the proposals are therefore not considered to detrimentally affect these properties or their setting.
- 8.14. On balance, officers consider that subject to approval of appropriate construction finish materials the proposed development would not significantly detract from the visual amenities of the site or the wider street-scene, therefore sustaining the character and appearance of the area and therefore acceptable in this regard.

Residential amenity:

- 8.15. 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’.

- 8.16. The proposals would result in the development of a modest two bedroomed property within the built-up limits of the village. The internal layout is considered to provide appropriate room sizes that would provide an adequate living environment for potential future occupants of the property. The proposals include a small private garden area to the side which would provide outdoor amenity space.
- 8.17. Concerns have been raised with regards to potential detrimental impacts on the levels of amenity currently enjoyed by existing neighbouring properties, including Stones Throw to the south and 38 and 39 Danvers Way to the north/north-east. Issues raised include loss of privacy through overlooking of dwellings and garden areas, overbearing and loss of light, again to dwellings and garden areas.
- 8.18. The properties that would potentially be impacted upon to the greatest extent by the proposals would be the existing dwelling (The Paddock) and Stones Throw to the south of the site.
- 8.19. With regard to the Paddock the proposals would result in the loss of some of the current garden area/outdoor amenity space and garage/workshop at the front of the property. However, the property would still retain a substantial area of garden land to the front, sides and rear, which would provide suitable outdoor amenity space for the occupants of the property.
- 8.20. The proposed new dwelling would be set at a slightly lower level than the Paddock and given its proposed scale, siting and orientation in officer’s opinion would not be overly dominant or result in a significant loss of light or outlook to the windows of the existing dwelling.
- 8.21. The proposed new dwelling would have a first floor window in the east elevation which would face back towards the Paddock, but this is proposed to be obscurely glazed and as such would not result in any issues of overlooking.
- 8.22. With regards to the impact on Stones Throw, the rear elevation of this neighbouring property would sit ~21m from the front elevation of the gable projection of the proposed new dwelling. The Council’s informal design guidance (within the document ‘Home Extensions and Alterations Design Guide’) advocates a distance of 22m between elevations containing windows to habitable rooms, in such circumstances, to maintain an appropriate separation distance between existing and proposed dwellings; to ensure that there is no significant impact to neighbour amenity to the extent that would warrant a reason to refuse the proposals.
- 8.23. In light of the separation distance being in conflict with the informal guidance officers raised concerns with the applicant’s agent with regards to the potential for over-looking issues from windows and rooflights in the south elevation and roof slope. Amended plans were subsequently submitted removing the rooflight and replacing a first floor window with two smaller obscurely glazed windows; thereby removing any opportunity for over-looking of Stones Throw.
- 8.24. The occupants of Stones Throw also raised concerns with regard to loss of outlook and over-domination, and the case officer subsequently visited the site during the application, to appreciate the views that were being expressed. Stones Throw sits a slightly lower level, with timber close-boarded fence along the rear boundary and north facing rear elevation and garden. The only windows in the rear elevation are at ground floor level. There are views of the roof of the existing garage from within the rear garden and the living/dining room within the property. Whilst the proposed extended form of the proposed building would appear more prominent in views from this property, it is considered that the separation distance is such that the proposed new dwelling would not appear as being overly dominant or result in a loss of outlook or light to the rear of this property that would be so significant that it would warrant a reason to refuse the application that could later be sustained at appeal.

- 8.25. Concerns have been raised by the occupants of 38 and 39 Danvers Close with regards to potential for overlooking of their properties and loss of light to the rear gardens. In respect to these properties the only openings that could potentially afford views of their properties are a rooflight in the rear (north) roof slope and first floor windows in the east elevation of the proposed dwelling. The rooflight would be set at 1.7m above floor level and would not result in direct views of the gardens of properties to the north. The proposed window in the east elevation would be obscurely glazed and again would not afford direct views of neighbouring properties.
- 8.26. The proposed building would set against the boundaries of the rear gardens of both 38 and 39 Danvers Close and would impact on the rear extents of these gardens. The boundaries of these properties are made up in part of the rear wall of the existing workshop and timber fencing immediately adjacent the existing garage. There are also a number of trees with the garden off 38 Danvers Close along the boundary adjacent the area of the proposed dwelling. It is considered that any loss of light to the rear gardens above that already experienced, given the existing garage and boundary treatment, would not be so significant that it would warrant a reason to refuse the application.
- 8.27. On balance, whilst officers acknowledge that there would be some impact on neighbouring properties it is considered that, given the siting and scale and relationship of the proposals to neighbouring properties, any impact on neighbour amenity would not be so significant that it would warrant a reason to refuse the application and the proposals are therefore considered acceptable in this regard.

Highway safety:

- 8.28. The Highways Authority (LHA) has assessed the proposals and raises no objections subject to further details being secured with regards to the parking and manoeuvring areas, to ensure a satisfactory standard of construction with appropriate drainage, in the interests of highway safety.
- 8.29. Officers see no reason not to agree with the opinion of the LHA. The proposals would utilise an existing access with appropriate levels of parking for both the existing (2 spaces) and proposed dwellings (2 spaces + garage), and is unlikely to result in any need for on-street parking. Manoeuvring could also be achieved within the site to ensure that vehicles could enter and leave the site in a forward manner.
- 8.30. Subject to the requirements of the LHA being met through appropriate conditions attached to any such permission, it is considered that the proposals would not likely result in any significant detrimental impacts on the safety and convenience of highway users and is acceptable in terms of highway safety.

Other matters:

- 8.31. Concerns have also been raised with regard to the potential impact on sewerage capacity given issues that have previously been experienced. Thames Water as water utility suppliers for the site has been consulted during the application; however, no response has been received. Officers have subsequently discussed the matter with the Council's Building Control Team, who were of the opinion that any extra burden put upon the existing sewer system, as a result of the development of one additional dwelling, would not be significant and not a reason to withhold the granting of planning permission on such grounds, given that Thames Water had not raised an objection in this respect.
- 8.32. Comment has been made by local objectors with regard to the potential for asbestos being present within the site, which would require appropriate safe removal. No such material has been identified as being present within the site. The disposal of asbestos is controlled through separate legislation (The Control of Asbestos Regulations 2012) outside planning, and any such removal, should such be required, would need carried out by the applicant/developer in accordance with

these regulations and also The Health and Safety at Work Act 1974; and as such is not considered to constitute a reason to withhold planning permission.

- 8.33. Comment has been made with regard to the proposed boundary treatment along the site's boundary with properties in Danvers Close. The applicant has clarified with revised site layout drawings that this boundary will be a new close-board fence and it is considered that further details and the erection of this boundary fence could be secured through an appropriate condition attached to any such permission.
- 8.34. Comment has been made with regard to acceptance of the proposals setting a precedent for future similar developments. Whilst these comments are again noted, each application must be assessed on its own merits and within the relevant context and therefore that precedent setting is not a reason to refuse an application on these grounds alone.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. Given the above assessment in the light of current guiding national and local policy context and other material considerations, officers consider that the proposals represent an appropriate form of sustainable development within the built up limits of the village, providing additional housing which would not conflict with the housing strategy for the district, set out within the policies of the development plan.
- 9.3. The proposals would provide social and economic benefits through providing additional residential accommodation and construction employment and trade opportunities within the local area supporting the district's economy. The proposals are considered acceptable in terms of visual amenity, residential amenity and highway safety and are not considered to be of any significant detriment to the environment sustaining the character and appearance of the site and its setting within the village.
- 9.4. As such, the proposals are considered to comply with the Development Plan and above mentioned policies and are therefore recommended for approval as set out below.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application forms and drawings numbered: 17122(PL)021 Rev. B, 17122(PL)022 Rev. A, 17122(PL)023 Rev. B, 17122(PL)024 Rev. B, 17122(PL)025 Rev. B, 17122(PL)026 Rev. C, 17122(PL)027 Rev. B, 17122(PL)028 Rev. A, 17122(PL)029 Rev. B and 17122(PL)030 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 comply with

Government guidance contained within the National Planning Policy Framework.

3. Prior to the commencement of the dwelling hereby approved above slab level, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural stone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the southern and eastern elevations of development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and retained as such thereafter.

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

4. The materials to be used for the roof of the development hereby approved shall match in terms of colour, type and texture those used on the existing garage building.

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. The bricks to be used for the construction of the external wall on the northern elevation of the development hereby approved shall match in terms of colour, type and texture those used on the existing garage building.

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Notwithstanding the details submitted, full details of all new and replacement doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail, materials and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation in the development. Thereafter the doors and windows and their surrounds shall be installed within the development in accordance with the approved details and retained as such thereafter.

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

7. Prior to the first occupation of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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

8. Prior to the first occupation of the development hereby approved, 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 the dwelling and shall be retained as such thereafter.

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 Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the first occupation of the development hereby approved, the first floor windows in the southern and eastern elevation of the dwelling shall be fully glazed with obscured glass (at least Level 3) only that complies with the current British Standard, and shall be retained as such thereafter.

Reason: To safeguard the privacy and amenities of the occupants of the adjoining premises and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. 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 adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. 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 shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the grant of further specific planning permission from 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 in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no new windows, rooflights or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the dwelling without the grant of further specific planning permission from 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 in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES:

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
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. The applicant is advised that in respect of Surface Water, Thames Water have recommended that it should be ensured that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Where it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer services will be required. They can be contacted on 0845 850 2777.
4. It is known that in some areas of the northern part of Cherwell District elevated concentrations of naturally occurring arsenic, chromium and nickel and in Souldern, Somerton, Upper Heyford, Lower Heyford and Kirtlington elevated levels of naturally occurring arsenic exist above soil guideline values produced by DEFRA. While these elements are not considered a risk to residents occupying the completed development, there exists a potential risk to residents using the garden for home grown produce or where regular contact with the soil occurs due to ingestion and dermal contact. A risk may also occur to building site workers during construction, due to dermal contact and inhalation of potentially contaminated soil and dust. The applicant is therefore requested to ensure contact with the soil is minimised, especially where young children are present and not to grow home grown produce until such a potential risk has been shown to be negligible. In addition, to ensure that all site workers are informed of this potential risk and that appropriate health and safety requirements are used to protect the site workers. For further information please contact the Council's Environmental Protection Officer.

CASE OFFICER: Bob Neville

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