

Application 10/00297/F	No:	Ward: Deddington	Date 01/03/2010	Valid:
Applicant:	Coralgate Ltd			
Site Address:	Land to the rear of New Vicarage, Earls Lane, Deddington, Oxfordshire			

Proposal: Four dwellings with garages, parking and private gardens

1. Site Description and Proposal

- 1.1 The site is currently vacant and situated to the rear of The New Vicarage accessed from Earls Lane and is 0.1360ha in area. The access to the site is situated between Mayfield and The Bungalow and serves the site and The New Vicarage. There is also an emergency access to Deddington Primary School sited here. The site is bounded by The Beeches to the east and the school grounds to the west. The area is largely residential and outside the Deddington conservation area. There are no listed buildings within proximity of the site. The site is situated on potentially contaminated land.
- 1.2 This application seeks permission for the above development. The four dwellings will consist of two detached four bedroom properties and two semi-detached three bedroom properties. The four bed properties will benefit from a double garage each, with parking availability at the front of these. The three bed properties will benefit from a single garage with a parking space available in front of these. All parking will be accessed from the existing access road and turning head. Each property will gain a private garden to the north of the property. The heights of dwellings 1 and 4 are 5m to the eaves and 8.6m to the ridge and of dwellings 2 and 3 are 5.4m to the eaves and 9m to the ridge. Each property has a rear projecting two storey element. Bin stores are positioned to the front of each dwelling behind a front boundary wall.
- 1.3 Planning history
04/01713/OUT (Permitted) Demolition of existing Vicarage and erection of new Vicarage, 2 no building plots and new access to the highway
04/02722/REM (Permitted) Reserved Matters (04/01713/OUT) Demolition of existing Vicarage and erection of new Vicarage, 2 no building plots and new access to the highway (this also granted reserved matters approval for the two houses to the rear of the New Vicarage).

2. Application Publicity

- 2.1 The application has been advertised by way of site notice, press notice and neighbour letter. The final date for comment is 08/04/2010.
- 2.2 12 letters of objection have been received (3 letters/ emails from 3 The Beeches) raising the following matters:
- Much larger development than originally approved plans show no respect or sympathy for the current neighbourhood being disproportionate and is designed solely to maximise return for the developer.

- Not in keeping with surrounding development on this side of Earls Lane
- The Vicarage is an investment in Deddington and the proposed development swamps its attraction, devaluing the investment
- Current planning permission has lapsed and new permission has not been granted, however trees have been cut down and greenery removed in preparation
- Rapid greenery has disappeared over the past six years, an outside classroom has been built next to garden and a massive playground and a further largely developed adventure playground built next to property bringing extensive noise throughout the day. Had a reasonable brownfield development turned down and this development is an extensive, crowded urban development in comparison.
- Planned development will be overbearing on the surrounding area and will invade privacy, block light, increase noise and air pollution; generally degrade the quality of life of the neighbours
- Proposal will block all late afternoon sun in the winter and early evening sun in the summer into the garden and west elevation of 3 The Beeches and the north elevation of Tay's House and their garden
- Traffic will be significantly increased. The access road is the fire access to the school, parking is currently a significant problem due to the school and the health centre on Earls Lane and throughout the Beeches
- No access to the site for refuse vehicles so bins will need to be wheeled down to Earls Lane and left on the pavement, on certain days bins will increase from 2 to 10 or more.
- Block light into 3 The Beeches as proposal builds house 4 very close to the boundary making it overbearing and having a greater impact on light than if it was further away from the boundary, positioning of house 4 forward on its plot in relation to the rear of 3 The Beeches and with a rearward extension would block light into all windows on the west elevation (2 lounge and study) and significantly reduce light into 2 windows on the south elevation (lounge and bedroom 4). All windows in the lounge will have light impacted making the main room of the house much darker, will also reduce light into the Vicarage
- Proposal will reduce privacy of 3 The Beeches as the two storey east elevation of house 4, which is forward of 3 The Beeches, has second floor windows directly overlooking the garden and allowing residents to look directly down into the lounge and study of 3 The Beeches via the west elevation windows.
- Parking for 12 cars on the site and the fact that the garage and parking of house 4 are very close to the garden boundary with 3 The Beeches will significantly increase the level of traffic noise and air pollution
- When the owners purchased 3 The Beeches they were assured by the planning department that the current approved plan would now set the precedent for any future planning application. New application bears no resemblance to the original plan, which consisted of only 2 houses, built further from the boundary line and with a design which did not impact light into property as much.
- Access road is fire access to the school so it is important this does not become blocked by bins or parking for future residents.
- Appalled that the Council is considering 4 dwellings
- Block light into garden of Tays House, as the erection of The Vicarage did when it was built, 3 The Beeches will also suffer and it will be worse in the winter, autumn and summer when the sun is low in the sky
- Traffic in Earls Lane is very heavy with both sides of the road being full of cars,

the Beeches is often used for parking and it can be very dangerous with parents dropping off children for the primary school, which is at the end of Earls Lane and so having another 'road opening' onto Earls Lane will cause more havoc.

- Concern regarding loss of privacy/ overlooking to The Bungalow particularly from house 1 having an impact to the full length of their property and garden. Should the application be accepted, an increase in the boundary wall height and screening would help to mitigate this negative aspect somewhat and request this is taken into consideration and a planning condition imposed if necessary.
- Parochial Church Council of Deddington concerned that this is in excess of what is appropriate for the site. In particular concern is raised over the number of vehicles that may need access to the properties. Restrictive covenants should be imposed to limit the size of vehicles, caravans etc that may be parked at the properties.
- Central two houses will overlook Mayfield
- Deddington Primary School Governors object to the application, which is causing severe concerns. Site is not large enough for so huge a development, which is totally out of keeping with the surrounding area; access road is unsuitable for this amount of potential occupants and the resulting traffic. This issue has been the subject of several meetings with OCC over the past few months as there are grave concerns with regard to child safety. Road provides emergency access to the back of the school, particularly the nursery and field, this cannot be blocked. Properties will overlook the school playground and nursery; houses are adjacent to the fence which is very concerning. School Governing body is in favour of new housing in the village but it needs to fit in to the environment, needs an affordable element and must not increase any potential risks to children. This development is totally unsuitable.
- Contrary to the Council's design guidance as the windows on the east elevation of house 4 overlooks 3 The Beeches and the 22m guide between these windows and this property has not been applied. The obscure glass on these windows is unacceptable as they will still over look and they should be moved to the south elevation. Houses 1, 2 and 3 overlook the garden of Mayfield and even though the 22m guide has been applied, additional screening should be provided. East elevation of house 4 is only 6.3m from 3 The Beeches, the Council's guide states a windowless elevation should be at least 14m from the nearest habitable window to avoid over shadowing, this elevation has a window so should be 22m from the side of 3 The Beeches, however if the window is moved it should be at least 14m away (as there are habitable room windows on the side of 3 The Beeches). The 45° rule has been taken from the patio doors on 3 The Beeches, but what about the side windows? If a 45° is taken from the side window, the dwelling should be re-sited in a northerly direction.
- Development meets the 30 houses per hectare policy, but does not meet the guidelines that gardens should receive sunlight in the winter, this is due to their design and positioning. The Council's guidelines state this is a measure of over development. Are the gardens a useable size for the size of property?
- The conditions refer to the existing hedge between the site and 3 The Beeches; this is not a hedgerow but a collection of overgrown plants and weeds. Request a condition that a close boarded fence is installed and that the 3m hedge is planted with mature evergreen plants prior to the building works commencing. There was a fence drawn into the original plans. The

bungalow also requested a fence and this has not been addressed.

A response has been received from the agent for the application raising the following points:

- The density of the proposed development, at a fraction under 30 dwellings per hectare, is at the low end of the density range advised by Planning Policy Guidance in PPS3 and is comparable with other recent permissions granted by Cherwell.
- Garage and parking provision for the development exceeds the required standards and there is no objection from Highways.
- The development does not face onto or obstruct the access lane which affords emergency access to the adjoining school.
- The east and west facing elevations of Houses 4 and 1 respectively have no windows at upper floors other than obscured bathroom windows to bathrooms.
- The site lies to the North of the properties on Earls Lane and will cause no loss of daylight or sunlight in respect of these houses.
- In respect of the relationship between House 4 and 3 The Beeches the proposal complies with the recognised standards of Design for Sunlighting and Daylighting.
- The layout of the proposed development meets the required overlooking distances from adjoining properties. Specifically, House 4 is 22m from the New Vicarage and over 30 metres from Mayfield. In respect of 'The Bungalow,' which is not directly overlooked, the raised ridge of the garage to the front of House 1 prevents any view from south facing first floor windows of the new house towards either the bungalow itself or its garden. Similarly, the placement of the garage roof to the front of House 1 prevents any view from its first floor windows towards Tays House and its garden.
- The plot sizes and spacing of the new houses are comparable with those of adjoining development at 'The Beeches.'
- The new houses, with varied use of Hornton stone, stock facing brick and tiled or slated roofs have been carefully designed to be appropriate in their surroundings.

3. Consultations

3.1 **Deddington Parish Council** objects to the application on the grounds

- That this is over development of the site. The original application sought permission for three properties on the site of the former Vicarage, the new Vicarage takes up a considerable area of the site and the new proposal asks for four large houses on a site originally intended for two.
- New houses will have 6 garages between them with a provision for 6 further off road parking places. No other parking provision on site and the Vicarage would be expected to have more visitors and therefore more vehicles arriving than most normal domestic premises. Extra development likely to cause problems
- Access road is a service road to the school and its playing field. It is also an access road for emergency vehicles. Any parked vehicles would cause an

obstruction. Leads off of Earls Lane, which is already congested and subject to waiting restrictions. Proximity of school and health centre do not ease the situation.

- Traffic concerns about the extra manoeuvres in and out of turning especially at school times. Already considerable congestion in the vicinity.
- Concern regarding the collection of refuse and access for the waste vehicles. What provision is made for the placing out of bins? Surely they can't be placed the night before the collection in Earls Lane as there is no suitable site. How soon would they be removed? This could cause a hazard for children and parents going to the school.
- Site of houses is close to existing properties some of which will suffer loss of light, and be left in shadow for parts of the day. Concerns regarding loss of privacy for these properties and any spatial feeling currently enjoyed will be lost. The placing and glazing of windows is important.
- Appreciated that the site will be developed at some stage but a more modest scheme is needed. A mix of two and three bed houses might not be so cramped. What is proposed is a 'quart in a pint pot'.
- Aware of neighbours concerns and support these
- Whatever development is granted on this site should contain a condition that the garage space must not be used for living purposes. Such a condition would hopefully relieve some pressure on the adjacent road and its lack of parking provision.
- Request a site meeting is made and that the application is brought before committee.

- 3.2 **Oxfordshire County Council (Highways)** No objections subject to conditions relating to the parking and manoeuvring areas and their specification and that the garages cannot be converted within the prior planning permission from the Local Planning Authority.
- 3.3 **Natural England** has no comments to make on this planning proposal. Asks the Local Planning Authority to give consideration to the possible protected species on the site and the need for possible biodiversity enhancements.
- 3.4 **Cherwell District Council (Anti Social Behaviour Manager)** When an outline application was received in respect of this site some time ago the proximity of Deddington Primary School playing fields was carefully considered. At this time it was felt that the primary schools facilities would be in use for limited periods of time during week days and its presence should not be considered a barrier to the development of this site. No objection was previously made by the then Environmental Protection team. With the passage of time nothing has emerged that has lead us to change that advice. Accordingly the Anti Social Behaviour team would not object to the approval of this planning application.
- 3.5 **Cherwell District Council (Urban design)** comments that the outline approval for 2 dwellings on this site, by virtue of the approval of 04/01713/OUT is for two detached dwellings which created an approach to development not dissimilar to what is now proposed, with a courtyard effect albeit the current proposal is an increase in actual footprint. She does not consider the development of four dwellings makes a significant difference, however is concerned that, the buildings have a generous footprint in relation to the size of the plot, there are windows still relatively close to the boundary with the school playground and we should seek the

opinion of the Thames Valley Design Advisor on the matter of overlooking, the scale of house 4 (1 on the plans) in relation to the adjacent bungalow and single storey school building may be rather dominant, although she is pleased to see this gable is not blank, appears from the elevations that the central semi detached houses have lost the rooms in the roof as no windows are shown, but the plans still indicate access to the roof space. The intention here needs checking. She recommends approval once the matters described have been satisfactorily resolved.

- 3.6 **Cherwell District Council (Head of Building Control and Engineering Services)** has no comments.
- 3.7 **Cherwell District Council (Environmental Protection)** raises no objections to the application, however requests a condition is applied relating to contaminated land.
- 3.8 **Thames Water** comments that with regard to surface water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. Further comments in relation to surface water drainage have been formed into a planning note for information to the developer. No objections are raised in terms of sewerage infrastructure or water infrastructure.
- 3.9 **Thames Valley Police (Crime Prevention Design Advisor)** comments that after visiting the site and checking local crime records, he has no objections to this development.
- 3.10 **The Environment Agency** have advised it is likely to have a low environmental risk and due to work prioritisation are unable to make a full response

4. Relevant Planning Policies

- 4.1 PPS1: Delivering Sustainable Development
PPS3: Housing
PPG13: Transport
- 4.2 The South East Plan: Policies CC1, BE1, T4, C4
- 4.3 Adopted Cherwell Local Plan: Policies H13, C28 and C30
- 4.4 Non Statutory Cherwell Local Plan: Policies H15, D3, D6, TR5 and TR11

5. Appraisal

- 5.1 Principle of the development
As described within the planning history of this site, a previous application has been granted for two dwellings on this particular site. This has established the principle for residential development. Notwithstanding the planning history of the site, Deddington is classified as a category 1 settlement under policy H13 in the adopted Cherwell Local Plan and policy H15 in the non statutory Cherwell Local Plan. Villages within this category can support limited extra housing growth because of their physical characteristics and the range of services they provide. Within category 1 settlements new residential development is restricted to infilling, minor development comprising small groups of dwellings on sites within the built up area

of the settlement or conversions of non residential buildings. The development of this site is considered to be minor development comprising a small group of dwellings within the built up area of the settlement and therefore residential development on this site is considered to comply with policy H13 of the adopted Cherwell Local Plan.

- 5.2 The current proposal for four dwellings must be considered in accordance with the most up to date policy, which is PPS3: Housing. This document sets out that new housing development should be to a density of at least 30 dwellings per hectare (dph) in order to make the most efficient use of land. Four dwellings on this site equates to 29.4dph, which complies with PPS3 and ensures that the best use of this land within a sustainable location is made.

Given these comments, it is concluded that subject to all other material planning considerations, which are addressed below, the proposal is acceptable in principle in accordance with the policies set out above.

5.3 Impact on visual amenity

The proposed dwellings will not be widely prominent in the local area given their positioning to the rear of The New Vicarage and Mayfield. This area of Deddington is made up of a range of house types and is not situated within the conservation area or in proximity of any listed buildings. The dwellings are considered to be well designed and make use of traditional materials, which will ensure they are appropriate for the local area. Given the positioning of the dwellings, behind neighbouring properties, means they will be seen in the context of surrounding development causing limited harm to the visual amenity or character of the area. The Bungalow, situated on Earls Lane is single storey; however the new dwellings are not considered to have an unacceptable impact in relation to this property as they are set back and with the garage in front of the main dwelling, the perspective will mean they are not overly prominent. Furthermore, the design of the dwellings is similar to the design of the New Vicarage, meaning they will integrate into the character of the area. Each dwelling has a two storey rear projecting element, which is set down from the ridge of the main dwelling to appear subservient, which is appropriate. At the rear of houses 2 and 3, a rather wide span results from the rear projecting element, this would not be widely visible, although some views will be gained. This detail is unfortunate, however is not considered so unacceptable the application could be resisted on these grounds, particularly given the limited visibility. Bin stores are positioned to the front of the site however will be tucked away, particularly given the enclosure details proposed. The dwellings are not considered to cause undue harm to the visual amenity of the area being sympathetic to the rural context of that development and the proposal therefore complies with policy C28 of the adopted Cherwell Local Plan.

5.4 Neighbouring amenity

With regard to the impact upon the residential amenity of neighbouring properties, the proposal is considered to be acceptable. The positioning of the dwellings largely complies with the Council's informal space standards, with the front elevation of the two storey element of the proposed dwellings being at least 22m from Mayfield, The New Vicarage, The Bungalow and Tays House. This distance will ensure that the impact by loss of light, loss of privacy or over dominance to these particular neighbouring properties is to an acceptable level. The garages to the front of houses 1 and 4 are closer to these neighbouring properties; however these are

single storey with a height of 4.4m to the ridge, which again, together with the distance between the garage and the neighbouring properties limits the impact to an acceptable level.

5.5 The neighbouring property to the east, 3 The Beeches is set 6.4m from the side of house 4. This neighbour has no windows at first floor on the side elevation, but three at ground floor level (two serving a living room and one serving a study), the living room also benefits from a set of double doors at the rear and the study benefits from a second window. It is recognised that some impact will be caused to this neighbour, however taking a 45° sight line from the middle of the double doors on the neighbouring property, based on the Council's informal space standards guidance, only the garage will protrude into this area, which is single storey and will have a pitched roof sloping away from this neighbour. The concerns regarding the distance of house 4 to 3 The Beeches is recognised, however properties side to side have different space standards (they cannot be expected to be 22 or 14m apart given that this would result in development not making the best use of land), particularly where the windows are ground floor (as boundary treatment, which could be erected under permitted development would have an impact on these windows in any event), and the room is served by another window (in this case the patio doors at the rear) and the windows facing this neighbour serve non-habitable rooms (bathrooms where the windows are obscurely glazed), which are treated differently. The 45° line is for guidance only, however as explained above, the windows on the side elevation of 3 The Beeches serves a living room (where other windows are present) and any boundary treatment could impact upon these windows. Furthermore, under the original outline planning permission (04/01713/OUT) a condition was included to ensure that the existing hedgerow/ trees along the eastern boundary of the site must be retained and properly maintained at a height of not less than 3m and that any hedgerow/ tree which may die within five years from the completion of the development shall be replaced and properly maintained in accordance with the condition. This condition was included for the interests of the visual amenity of the area and to provide an effective screen to the development. This condition has been recommended for this proposal, which will help to reduce the impact of the development on the residential amenity of the residents of 3 The Beeches. A condition has also been recommended to require details of all boundary treatments to be submitted to and agreed by the Local Planning Authority, which will ensure acceptable boundary treatments for all boundaries including within the site. It is also considered that the positioning of the garage will have no greater impact than a 3m hedge. With regard to windows located on the new dwelling and the potential for loss of privacy to 3 The Beeches, the two windows facing directly towards this neighbour are to serve bathrooms and therefore would be obscurely glazed (which can be secured via condition and the condition can also specify they will be non-opening with any part to open more than 1.7m above the floor level of the room it serves) windows serving bedrooms on this property are situated on the front and rear elevations and therefore any overlook from these windows will be at an obscure angle, with only the bottom of the garden being visible from the front bedroom window. The potential for loss of privacy is considered to be to an acceptable level. It is the view of the HDCMD therefore and given these comments that the impact upon 3 The Beeches by loss of light, loss of privacy or over dominance is to an acceptable level.

5.6 All other neighbouring properties (other than those mentioned above) are set a sufficient distance from the proposed dwellings to ensure the impact on their

residential amenity is acceptable. The school grounds surround the site to the north and west and a classroom is positioned close to the boundary with the site. Given the use of this building, the impact is considered to be to an acceptable level. Furthermore the comments of the Council's Anti Social Behaviour Manager and Thames Valley Police are noted here. The proposal is considered to comply with Policy C28 of the adopted Cherwell Local Plan.

5.7 Highway Safety

The comments of neighbouring properties in relation to highway safety and parking are noted here, however the Local Highway Authority raises no objections to the application subject to the imposition of conditions, which are recommended below. It is therefore considered that the application complies with policy T4 of the South East Plan and policies TR5 and TR11 of the non statutory Cherwell Local Plan.

It is recognised that an emergency access to the school runs alongside the position of the house 1, however the Local Highway Authority raises no objection in relation to this matter, particularly as the road is private and therefore this is not a matter the application could be resisted on. Furthermore, there is sufficient parking available for each dwelling that there ought not to be any parking on the access road.

5.8 Other matters

Sufficient bin storage is provided for each dwelling within the site. The road accessing the site is a private road and therefore bin collections are made from the adopted highway (Earls Lane). The comments of neighbouring properties in relation to the amount of bins on collection day are noted here and it is appreciated that this will be an increase from the current situation, however this issue alone is not considered a reason to resist the application.

With regard to protected species, Natural England's advice is noted. It is not anticipated that there would be the potential for any protected species and therefore a planning note is recommended to ensure the developer is aware of their responsibility with regard to protected species and to consider the potential for incorporating features which are beneficial to wildlife. The previous reserved matters application approved details for the two dwellings on this site and therefore as the permission has been implemented with the development of the Vicarage, this permission is still extant.

The Council's Environmental Protection Officer has no objection to this application, however recommends the full contaminated land condition, which is suggested.

The comments of Thames Water are noted and have been incorporated into a planning note to ensure the applicant is aware of their responsibilities.

The comments of the Council's Urban Designer are noted and have largely been addressed within the appraisal section of this report. The comments of the Thames Valley Police design advisor have been sought and no objections have been raised. Furthermore, the two semi detached dwellings are three bedroomed. It is recognized the properties are to be large, however their impact is limited as described above and the gardens are a sufficient size.

5.9 The comments of Deddington Parish Council are noted and are largely addressed within the report and below.

It is recognised that local residents were anticipating this site to accommodate only two dwellings, given the history of this area. This is appreciated; however this does not mean that a proposal for four dwellings cannot be submitted. The application must be considered in accordance with current planning policy, taking all material planning considerations into account. As described within this appraisal, the density complies with PPS3 and all other material considerations are satisfied to an acceptable level leading to the recommendation of approval for this proposal. It is also important to add that PPS3 (para 50) states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing form. This applies in this case. The comments from neighbouring properties in relation to the garden sizes is also noted, however the above statement from PPS3 applies in relation to garden sizes also in that they do not need to reflect the sizes of nearby garden sizes. The HDCMD recognises the garden sizes are fairly small, but they are considered adequately sized and do not make the scheme unacceptable.

The comments regarding highway safety are noted, however again, the Local Highway Authority raises no objections and sufficient parking is provided on the site, which includes provision for visitor parking. A condition is recommended to ensure the garages cannot be converted without prior permission.

The loss of property value is not a material planning issue that could be taken into consideration as part of this application. The issue of restricting size of vehicles/ no caravans is not an issue a planning condition could address.

5.10 Conclusion

Given the above assessment it is considered that the proposal is acceptable in principle and would not cause undue harm to visual nor neighbouring amenity. Furthermore it would not be detrimental to highway safety. As such and having had regard to the adopted Cherwell Local Plan and the non-statutory Cherwell Local Plan 2011, the application is recommended for approval subject to the conditions below.

6. Recommendation

Approval; subject to the following conditions:

1. 1.4A (RC2) [Full permission: Duration limit (3 years)]
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: location and block plans and drawing numbers 735/P1, 735/P2, 735/P3, 735/P4, 735/P5, 735/P6, 735/P7, 735/P8, 735/P9, 735/P10 and 735/P11, photographs and design and access statement
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 Policy BE1 of the South East Plan 2009.
3. 2.2AA (RC4A) [Samples of walling materials] insert 'stone and brick' 'dwellings and garages'
4. 2.2BB (RC4A) [Samples of roofing materials] insert 'tiles and slates' 'dwellings and garages'
5. 5.5AA (RC4A) [Submit new design details] insert 'doors and windows, which shall be

constructed from timber'

6. 2.9AA (RC6A) [Obscured glass windows] insert 'bathroom and en-suite' 'east elevation of house 4 and west elevation of house 1' add at end 'and shall be fixed shut unless any opening element is at least 1.7m above the floor level in the room in which it serves'
7. 2.10A (RC7A) [Floor levels]
8. 3.7AA (RC12AA) [Submit boundary enclosure details (more than one dwelling)]
9. 3.0A (RC10A) [Submit landscaping scheme]
10. 3.1A (RC10A) [Carry out landscaping scheme and replacements]
11. That the existing hedgerow to the eastern boundary of the site shall be reinforced by additional planting in accordance with a detailed scheme to be first submitted to and approved in writing by the Local Planning Authority and carried out in the first available planting season following the occupation of the dwellings or on the completion of the development whichever is sooner. The approved hedgerow shall be retained and properly maintained at a height of not less than three metres, and that any hedgerow/ tree which may die within five years from the completion of the development shall be replaced and thereafter be properly maintained in accordance with this condition (RC11A)
12. 4.13CD (RC13BB) [Parking and manoeuvring area retained]
13. 6.2AA (RC32A) [Residential – No extensions]
14. 6.3A (RC33) [Residential – No new windows]
15. 6.6AB (RC35AA) [No conversion of garage]
16. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.
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 PPS23: Planning and Pollution Control.
17. If a potential risk from contamination is identified as a result of the work carried out under condition 16, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
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 PPS23: Planning and Pollution Control.

18. If contamination is found by undertaking the work carried out under condition 17, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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 PPS23: Planning and Pollution Control.

19. If remedial works have been identified in condition 18, the remedial works shall be carried out in accordance with the scheme approved under condition y. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.

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 PPS23: Planning and Pollution Control.

Planning notes

1. X1 insert at end 'Natural England have advised that this application may provide opportunities to incorporate features into the design which are beneficial to wildlife such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. Further information can be obtained from Natural England on the number above.
2. S1
3. T1
4. U1
5. 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.

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal is acceptable in principle and will not cause undue harm to neighbouring or visual amenity or highway safety. As such the proposal is in accordance with PPS1: Delivering Sustainable Development, PPS3: Housing, PPG13: Transport, Policies CC1, C4, BE1 and T4 of the South East Plan 2009, Policies H13, C28 and C30 of the Adopted Cherwell Local Plan and Policies H16, D3, D6, EN25, TR5 and TR11 of the Non-Statutory Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

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