

**Former The Admiral Holland
Woodgreen Avenue
Banbury
OX16 0AU**

18/01591/CDC

Applicant: Cherwell District Council

Proposal: Development of 8 No houses and 6 No flats

Ward: Banbury Ruscote

Councillors: Cllr Barry Richards
Cllr Sean Woodcock
Cllr Mark Cherry

Reason for Referral: Major application made by the Council

Expiry Date: 12 December 2018 **Committee Date:** 22 November 2018

Recommendation: Approve subject to legal agreement and conditions

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Proposal

The current application seeks permission for the erection of 14 dwellings on the site of the former Admiral Holland public house. These would be 2 storey in scale and orientated to create a frontage to Woodgreen Avenue and The Fairway. Parking would be provided in rear courtyard accessed for The Fairway.

Consultations

- Consultees have raised no objections to the application

2 Letters of objection have been received.

Planning Policy

The application site lies within the built up limits of Banbury and is also situated in the area identified by Banbury 10 as Bretch Hill Regeneration Area.

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the application details are:

- Principle of Development
- Loss of the pub
- Design and layout
- Provision of affordable housing
- Parking and access

The report looks into the key planning issues in detail, and officers conclude that the proposal is acceptable subject to conditions

RECOMMENDATION - GRANT PERMISSION SUBJECT TO CONDITIONS AND COMPLETION OF A LEGAL AGREEMENT

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to the site of the former Admiral Holland public house in Banbury. It is situated to the south of The Fairway and to the west of Woodgreen Avenue adjacent to the roundabout. A small group of commercial uses including a shop and takeaway exist to the north of the site. A number of residential apartments exist to the west of the site.
- 1.2. The site lies in the Bretch Hill Regeneration Area as identified by Policy Banbury 10 of the Cherwell Local Plan Part 1 2015. The site contains a number of trees, in the northern and south-west areas of the site. The site is located on approximately 1 metre higher ground than The Fairway.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The current application seeks permission to erect 14 dwellings on the site. This would consist of 6 x 1 bed flats, 7 x 2 bed houses and 1 x 3 bed house.
- 2.2. They would all be two storeys in scale and constructed of brick under a tile roof. They would be arranged with a frontage created onto Woodgreen Avenue and The Fairway with a multi-angled building on the corner accommodating the flats. Parking for the dwellings would be provided in a rear courtyard parking area utilising the existing access serving the former public house from The Fairway.

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>
16/02393/DEM4	Demolition of the Admiral Holland pub	Permitted Development
18/00071/SO	Screening opinion to 18/01591/CDC - proposed development of 8 No houses and 6 No flats	Screening Opinion not requesting EIA

4. PRE-APPLICATION DISCUSSIONS

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

<u>Application Ref.</u>	<u>Proposal</u>
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15/00138/PREAPP Pre-application advice - Demolition of pub and construction of 15 units, predominantly housing

16/00083/PREAPP Pre-application advice - Revised scheme: 28 Apartments

17/00239/PREAPP 8 No two bed four person new build houses (shared ownership) and 10 No one bed two person new build flats (affordable rent).

4.2. The above pre-application enquiries all related to the application site, but each of the proposals was significantly different to the current proposal. It was advised that the loss of the public house would need to be justified and that in design terms the proposed development should actively address both the surrounding roads and the corner in a positive manner. It was also advised that the trees on the site are positive features of the locality which should be retained.

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. The final date for comments was 17.11.2018, although comments received after this date and before finalising this report have also been taken into account.

5.2. Two letters of objection have been received. The comments raised by third parties are summarised as follows:

- Loss of the pub which was profitable and thriving. It provided a social hub and its loss is harmful to the community.
- The Council closed the pub against the will of the people.
- Publicity of application insufficient.
- Overlooking from balconies given the height of the site.
- No need for further housing.

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. TOWN COUNCIL: **No objection**; however, considers that it would reinforce the history and character of the area if the new development referenced the name of the old pub "The Admiral" in some way.

STATUTORY CONSULTEES

- 6.3. OCC HIGHWAYS: **No objections subject to conditions and legal agreement.** The site is well located for shops and services. The works to the access will require a S278 agreement with dropped kerbs for the crossing. The width of the access road is acceptable and the access gate is set back 15m into the site to allow vehicles to pull off the carriageway. The Woodgreen Avenue access will need to be formally stopped up. Bin collection points for the dwellings need to be considered. The vehicle tracking has been updated to show a refuse vehicle can turn on site. In accordance with OCC guidance 27 parking spaces should be provided. 26 spaces are proposed however the shortfall is not considered to warrant an objection. Cycle storage has been incorporated in the scheme.
- 6.4. Requests contribution £21,622 for improvements to the bus service in accordance with Policy Banbury 10 and a real-time information display at the closest bus stop. A S106 is also required to enter into a S278 to secure improvements works to the access and closure of Woodgreen Avenue access.
- 6.5. In relation to surface water drainage the proposal includes permeable paving and underground geo-cellular soakaways. The details include infiltration testing, calculations and a maintenance plan. The development would be carried out in accordance with this and this should be conditioned.
- 6.6. Request conditions for a Construction Travel Management Plan, full access details, car parking and turning areas (including lighting), cycle provision and drainage.
- 6.7. THAMES WATER: **No objections.** Surface water will not discharge to the public system. There is adequate capacity in the foul and water network to accommodate the development.

NON-STATUTORY CONSULTEES

- 6.8. CDC HOUSING: **Support.** This scheme is subject to Oxfordshire Growth Deal funding and as such is fully supported by the Housing Strategy Team. The scheme provides 100% much needed additional affordable housing for the area by bringing a now empty site back into use. The size and tenure mix of the housing is acceptable:-

Affordable Rent: 7 x 2B4P houses

Shared Ownership: 6 x 1 B2P maisonettes and 1 x 3B5P house

- 6.9. The general design of the units is also acceptable, provided that 50% of the affordable rented units meet the Building Regulations Requirement M4 (2) Category 2: Accessible and Adaptable Dwellings requirement. All of the units are to be built to the government's Nationally Described Space Standards. Satisfied for the CDC Build! Team to manage these units.
- 6.10. CDC TREES OFFICER: An impact assessment is required in relation to the impact on the trees.
- 6.11. CDC LANDSCAPE: Request provision of 800m² of public open space and the provision of a Local Area of Play. The provision on site is considered to be acceptable.
- 6.12. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to conditions on Construction Environmental Management Plan and ducting being provided for electric vehicle charging points.

- 6.13. CDC BUILDING CONTROL: **Comments** that the issue of bin collection from the private road should be considered and that escape windows will be required. Level access should be provided to the site.
- 6.14. CDC WASTE AND RECYCLING: **Comments** that bin storage should be provided in line with the Councils guidance.

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 Part 1)

- PDS1 – Presumption in Favour of Sustainable Development
- BSC2 – The effective and efficient use of land
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigation and Adapting to Climate Change
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment
- Policy Banbury 10 – Bretch Hill Regeneration Area

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide SPD (2018)
- Developer Contributions for Cherwell SPD (2018)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development including loss of public house
- Design, and impact on the character of the area
- Highways
- Residential amenity
- Other matters

Principle of development including loss of public house

- 8.2. The Local Plan states that housing growth will be directed towards the urban areas of Banbury and Bicester. Paragraph B88 states: *“By focussing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth”*. The site is positioned within the built up limits of Banbury and has good access to public transport links, local shops and amenities. In addition, the site is located in the Bretch Hill Regeneration Area (Policy Banbury 10), which states that development proposals will be permitted for small scale redevelopment/renewal that would result in improvements to the existing housing stock and community facilities. It is therefore considered to be located within a sustainable urban location which in principle is suitable for residential development subject to other material considerations.
- 8.3. Whilst the site is currently vacant, following the demolition of the former public house, the lawful use of the site remains as a public house (Use Class A4). Public houses are classified as a use which serves as a community facility and Policy BSC12 seeks to protect and enhance the quality of existing facilities. Paragraph 92 of the National Planning Policy Framework states planning decisions should guard against the unnecessary loss of valued facilities particularly where this would reduce the communities ability to meet its day to day needs.
- 8.4. In considering the loss of the public house there are a number of matters, which need to be taken into consideration. The applicant has been requested to submit details in relation to the marketing of the public house and also to justify the loss of the facility.
- 8.5. Whilst limited marketing information has been provided, the applicant has submitted a detailed viability appraisal undertaken by Thomas E Teague who specialises in the valuation of licensed properties. The report considers the viability of the pub taking into account numerous issues such as the location, the buildings, layout and the fact the pub was not tied to any brewery. It notes that the rateable value of the building is derived from an estimate of fair maintainable receipts (as assessed by the Valuation Officer) and the reduction in rateable value over the years prior to its closure suggests the pub has been in slow decline. It also notes that at the time of his visit (after the closure of the pub but prior to its demolition) considerable investment (approx. £150k) would have been required to address the vandalism caused to the building.
- 8.6. The Viability Report has made attempts to assess how the pub operated prior to its closure based on the expertise of the author. Unfortunately they were not able to obtain barrellage or turnover figures from the previous tenant of the now demolished pub. However, based on the information that was provided, it has been assumed that trade was predominately wet-led with negligible food sales. It also considers that, given the above factors, it would continue to operate in a similar manner and would be likely to serve a local customer base and have little visitor potential. It considers that changes in the economy and the public house industry over the years and the more deprived nature of the area has meant that such pubs are particularly hard hit. Overall the report concludes, even where the public house was still standing, that the public house would not be viable to reopen as the risk associated with making the necessary investments in the property would be too great to attract a new occupier and the pub would be likely to trade at a loss.
- 8.7. It is also important to note that in protecting public houses the NPPF states that the intention is to guard against the unnecessary loss of ‘valued facilities’ particularly where this would reduce the communities ability to meet its day to day needs. In the current application only two objections from the public have been received in relation to the loss of the pub and the Town Council does not object to the application.

Therefore the facility does not appear to be a use which was strongly valued by the wider community. It is also noted that the site was not listed as an Asset of Community Value at any point.

- 8.8. Furthermore in considering whether the proposal would 'reduce the communities' ability to meet its day-to-day needs' it is important to take into account the availability of alternative provision of public houses in the locality. The site lies approximately 1.2km (walking distance) from the town centre which includes a wide range of public houses. Those closest to the site include The Horse & Jockey, West Bar St; The Dog and Gun, North Bar St.; The Swan, South Bar Street; The Exchange, High Street and The White Horse, Parson Street. There are also a number of other public houses further from the site in the town centre which are available as alternatives.
- 8.9. There are also a number of pubs situated within 1.5km which serve the residential areas much like the Admiral Holland would have. The Musketeer exists on Ruscote Avenue 1.1km to the north of the site and the Barlow Mow exists approximately 1.4km (by foot) to the north west of the site. The Easington exists approximately 1.4km to the south of the site. Whilst these sites are not ideally placed for residents in the immediate vicinity of the Admiral Holland and none is within 1km or 15mins walking distance, they would all be reasonably proximate to the application site. A number of these pubs, and those in the town centre, also provide a similar type of pub to that which previously operated from the application site.
- 8.10. Having regard to all the above matters, the loss of the public house is considered to be acceptable. Whilst the loss of the pub is unfortunate for those in the community who used it and would restrict choice for the local community, it would appear there is little prospect that a public house could be viably be operated from the site in the future. It is questionable whether the facility was valued by the wider community given the lack of objection to the loss of the facility and there is also alternative provision in the locality as outlined above which would be available to meet the day to day needs of the community despite the loss of the application site as a public house.

Design, and impact on the character of the area

- 8.11. Policy ESD15 seeks to ensure that new development contributes positively to an area's character and identity. It goes on to note that development should be designed to deliver high quality safe, attractive and durable places to live and should be designed to integrate with existing streets and respect the form, scale and massing of existing properties. Policy Banbury 10 also requires a high quality of design and paragraph 93 of the NPPF goes onto state planning decisions should consider the social, economic and environmental benefits of estate generation.
- 8.12. The proposed development has been sited and orientated in a manner to have a similar relationship with the street to new development the opposite side of the roundabout (Spring Gardens) and creates a positively and active frontage onto both Woodgreen Avenue and The Fairway. The proposal addresses the corner of the site with a faceted unit and seeks to retain the existing mature trees which exist to the front of the site and positively contribute to the area. A full impact assessment on these trees has been requested from the applicant.
- 8.13. The units are set back slightly further from the Woodgreen Avenue than the existing properties immediately to the south of the site. However, the relationship is not dissimilar to the new development opposite in terms of siting. Furthermore the proposed development would clearly be read as a separate parcel of development to the post-war housing to the south and the prominence of the buildings on the

application site, particularly those on the northern part of the site, would be increased by the fact that they are located on higher land than The Fairway.

- 8.14. Given the depth of the site, the limited access points and the desire to have a strong frontage to Woodgreen Avenue and The Fairway, the proposal has a relatively large rear courtyard parking area,. However, there is a requirement for parking on the site, and a rear parking court is better than siting parking to the front (which would create a weaker frontage and appear more car-dominated) and is considered to be acceptable in this location. The rear courtyard is proposed to be a secure and private area, and the boundary details to this part of the site can be controlled through conditions. Furthermore amendments have been sought to the plan to include further landscaping in this area and improve the quality of the environment be providing an additional sense of surveillance from lower boundary treatments to the dwellings gardens. The provision of balconies and entrances to the rear of the flats would also provide activity and surveillance to this area and small area of open space is also proposed in this area for the use of residents.
- 8.15. The surrounding area contains a wide mix of buildings with varying architectural styles and materials. Given that many of the existing buildings are of limited architectural value, the applicant has sought to take on board some of the characteristic of the locality in order to integrate the development into the surroundings. However, it is also important, as the Build! development on the opposite corner has done, to seek to elevate the standard of built development in the locality.
- 8.16. Some interesting detailing is proposed, e.g. brick insets within the building elevations add interest to the elevation and are reflective of panelling used on other dwellings in the locality and the design of the buildings has a strong vertical emphasis and the use of deep window reveals will also add interest and depth of the elevations to help create an attractive development. The grey famed windows and doors also pick up on the grey used on the new development opposite.
- 8.17. Overall, the design, layout, form and detailing of the building is considered to be acceptable and, subject to conditions to secure appropriate materials, would result in a contextually appropriate design with a more contemporary appearance.

Affordable Housing

- 8.18. Policy BSC3 requires development within Banbury to provide 30% affordable housing on site and provides detail on the mix that should be sought between affordable social rent (70%) and shared ownership (30%). Policy Banbury 10 states development proposals including an element of shared ownership/shared equity properties will be encouraged.
- 8.19. The current scheme proposes 100% of the housing to be provided as affordable in the form of:
- Affordable Rent: 7 x 2 bed houses
- Shared Ownership: 6 x 1 bed maisonettes and 1 x 3 bed house
- 8.20. This more than exceeds the policy requirement for affordable housing and is a significant benefit arising from the development and would need to be secured through a legal agreement alongside the standards required by the housing officer. Given the mix of tenures the proposal does not conflict with the Councils guidance that no more than 10 units of one tenure or 15 units of multiple affordable tenures should be clustered together.

Accessibility, Highway Safety and Parking

- 8.21. Policy SLE4 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.”*
- 8.22. The proposed development would utilise and alter the existing access from The Fairway to serve the development and would provide 26 parking spaces including 3 visitor parking spaces. The highway engineer has raised no objection to the use of the access and it is considered to be acceptable in terms of visibility and safety. The site layout has been revised and allows for a refuse vehicle to turn on site. The gated access is set back far enough from the road to allow vehicles to pull clear of the highway whilst the gates are opening without obstructing the road.
- 8.23. The level of parking provided is considered to be appropriate and allows 2 parking spaces for the 2 bed units and 1 space for the 1 bed units. Cycle stores are provided in the flats and there are sheds in the gardens for cycle storage to the dwellings. Subject to conditions the proposal is therefore considered to be acceptable in this regard.
- 8.24. The Highway Engineer has also requested a construction traffic management plan which has been submitted by the applicant and comments from the highway authority are awaited.

Residential amenity

- 8.25. Policy ESD15 of the Cherwell Local Plan Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. The NPPF also notes that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.26. The proposed development would largely be sited away from the boundaries of the neighbouring properties and, given its scale, distance and orientation, is not considered to significantly impact on any of neighbouring properties in terms of light or overbearing impact.
- 8.27. The proposed development would alter the outlook of the properties in Penrose Close, which includes a number of units with first floor windows facing over the western boundary of the application site. There would also be some increased overlooking as a result of the balconies to the rear of the proposed flats and the windows of the dwellings facing these properties. However, the given the distance to these property and the relative position of windows and openings, this is not considered to result in an unacceptable level of privacy particularly in light of the former use of the site being a public house.
- 8.28. In term of the amenity of the future flats they are all considered to be of a sufficient size to provide a good standard of amenity internally and, whilst some of the rear gardens of the proposed dwellings are rather small (approx. 8.5 metres), on balance the proposal is considered to be acceptable in this regard, particularly in light of the shared amenity grass space in the rear parking area.

Other matters

- 8.29. Policy BSC11 of the Cherwell Local Plan Part 1 requires development proposals to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. It states provision should usually be made on site in accordance with the minimum standards of provision set out in the Local Plan. In this case the proposed development would require a local area of play (non-equipped) and also a general green space (approx. 800 sq m). There are areas to the rear of the parking area which could serve as a local area of play and an area to the front flats (adjacent to The Fairway) which can be used to meet the green space requirements. Whilst they would not be available to the wider public to use they would be available to the proposed residents. The applicant has stated that these areas would be managed and maintained by a management company and the landscape officer is satisfied with this.
- 8.30. Policy ESD1 of the Cherwell Local Plan Part 1 states that measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the Cherwell Local Plan Part 1 seeks to achieve carbon emission reductions. Policy ESD3 of the Cherwell Local Plan Part 1 encourages sustainable construction methods. The reference to allowable solution in Policy ESD2 and 'zero carbon' are no longer being pursued by the government so are no longer relevant however the water usage requirements of ESD3 are still required to be met. In regard to energy efficiency the Council now seek to secure in excess of that required under the 2013 Building Regulations, up to the equivalent of the (now withdrawn) Code for Sustainable Homes Level 4 – i.e. a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations. The applicant has been requested to provide an energy statement to demonstrate compliance with this and these details are awaited or could be controlled through a condition.
- 8.31. In terms of flood risk the site lies within Flood Zone 1 (lowest area of flood risk). The proposal seeks to use a series of sustainable urban drainage systems including permeable block paving in the rear parking area and cellular soakaways to accommodate a 1 in 100 year storm event plus an allowance of 40% for climate change. The Lead Local Flood Authority has raised no objection to the scheme subject to a compliance condition. Thames Water has raised no objection to the proposal in relation to foul water connection or water supply.
- 8.32. Ground investigation has been undertaken and found the site is suitable for residential development and the Environmental Protection and Building Control have raised no objection in this respect.
- 8.33. The Environmental Protection Officer has also requested the submission of a construction management plan to ensure the amenity of neighbouring properties during construction however given the relatively small scale of the scheme this is not considered to be justified and can be controlled through other environmental legislation. The provision of ducting for electric vehicle charging points can be controlled through condition.
- 8.34. The site would also re-use a brown field site in the built up limits of the town which is supported by Policy BSC2 of the Cherwell Local Plan and this is a significant benefit arising from the development. The site is also identified as a site on the Council's Brownfield Land Register.

Infrastructure

- 8.35. Policy INF1 of the Local Plan states that: *development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.* The Developer Contributions SPD 2018 is the starting point for such contributions however the local

authority is also required to ensure that any contributions sought meet the following tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):

- Necessary to make the development acceptable in planning terms;
- Directly relate to the development; and
- Fairly and reasonable related in scale and kind to the development.

8.36. Having regard to the above, the following would be sought if this application were to be approved:

- Contribution of £21,622 towards public transport services. This would include the provision of a real time information display at Mold Crescent bus stop (served by the B5) and improvements to the bus service. This is supported by Policy Banbury 10 which states development proposals including improvements and enhancement of the bus service will also be encouraged and the NPPF which seeks to ensure that sustainable forms of transport are encouraged.
- Contribution of £14,980 toward community hall facilities. This is in line with the Developer Contributions SPD. This would be towards the landscaping of the outdoor areas and the outdoor equipment fit out of The Hill Youth and Community Centre located in Bretch Hill
- Contribution of £106 per dwelling for bin and collection vehicle provision.

8.37. A legal agreement would be required to secure these alongside the affordable housing provision and S278 works for the works to the highway. Given the scale of the development Oxfordshire County Council has not requested any education contributions. Contributions have been sought in line with the SPD for indoor and outdoor provision; however, in light of the fact that no specific projects have been identified it is not considered that these contributions would comply with the regulations and so are not being pursued in this case.

9. PLANNING BALANCE AND CONCLUSION

9.1. The proposed development would lead to the loss of site previously used for a public house which is unfortunate. However, on the evidence available, it is considered unlikely that the site would trade profitably as a public house and there are a number of alternative provisions within the locality, with various pubs in the town centre only 20-25mins walk. The proposed development would re-use a brownfield site in a sustainable location and would also provide 100% affordable housing which are significant benefits arising from the proposal. The proposal is considered to be acceptable in design terms and would successfully integrate with the surrounding locality. Overall the development is considered to comply with the Development Plan when read as a whole and it is recommended that planning permission be granted.

10. RECOMMENDATION

Delegate to the Assistant Director of Planning Policy and Development to grant planning permission, subject to:

1. Completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and

Compensation Act 1991, in accordance with the summary of the Heads of Terms set in para 8.36 and 8.37 and;

2. Conditions relating to the matters detailed below (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning Policy and Development).

Time

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.

Approved Plans

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 form and drawing numbers 001-(PL)-8146 Rev A, 003-(PL)-8146 Rev D, 311-(PL)-8146 Rev C, 004-(PL)-8146 Rev B, 003-(PL)-8146 Rev D, 201-(PL)-8146 Rev D, 203 (PL)-8146 Rev B, 202-(PL)-8146 Rev B, 102-(PL)-8146 Rev C, 101-(PL)-8146 Rev C

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.

Tree Protection

3. No development shall take place until an Arboricultural Impact Assessment and Method Statement, undertaken in accordance with latest British Standard has been submitted to and approved in writing by the Local Planning Authority. This shall include details of tree protection during construction. Thereafter, all works on site shall be carried out in accordance with the approved details.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Sustainable Construction

4. Prior to the commencement of any works associated with the construction of a dwelling, details of the means by which all dwellings will be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and no dwelling occupied until it has been constructed in accordance with the approved energy performance measures.

Reason - In the interests of environmental sustainability in construction in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

Materials

5. Notwithstanding the details submitted, a schedule of materials and finishes to be used in the external walls, windows and roof(s) of the building(s), along with further details of the architectural detailing of the exterior of the building(s), including the design, materials and colour/finish of the windows and doors, window and door recesses, the inset brick panels, the eaves and verge treatment of the buildings, and the screens to the balconies shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

Reason : To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of any works above slab level to the development hereby approved, and notwithstanding the details submitted, a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m² in size) shall be constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be constructed in strict accordance with the approved brick sample panel and shall be retained as such thereafter.

Reason: To ensure the materials are appropriate for the site in accordance with Policy ESD15 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 any works above wall plate level of the development hereby approved, samples of the external roof material to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved and shall be retained as such thereafter.

Reason: To ensure the materials are appropriate for the site in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Access Details

8. Prior to the laying out of the access of the development hereby approved, full details of the means of access between the land and the highway on The Fairway, including position, layout, and vision splays, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the development, the means of access shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework

Parking and Surfacing

9. Prior to works commencing on the parking and turning areas of the development, full specification details of the access drives, car parking and turning areas to serve the development which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any part of the development, the access, car parking and turning areas for that part of the development shall be constructed in accordance with the approved details. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter, unless otherwise agreed in writing beforehand by the local planning authority.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Boundary Enclosures

10. Prior to the commencement of any works above slab level to the development hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the vehicle access and the means of control. Thereafter, the approved means of enclosure shall be carried out in accordance with the approved details prior to the first occupation of those dwellings, and shall be retained as such thereafter.

Reason: To protect the character and appearance of the area and provide a safe and durable development in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

External Lighting

11. Prior to the commencement of any works above slab level to the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved details prior to the first occupation of the development, and shall be retained as such thereafter in accordance with the approved details.

Reason: To protect the amenity of the neighbouring properties and ensure the lighting is appropriate for the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Landscaping

12. 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 site shall include:-
- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the

- nearest edge of any excavation,
(c) details of the amenity space within the rear courtyard.
(d) details of the hard surface areas, including parking area, pavements, crossing points and steps.

The development shall be carried out in accordance with the details approved prior to the first occupation of the development and the hard landscape elements shall be retained as such thereafter.

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

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Drainage Strategy

13. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (SEPT 2018 / Doc Ref: 3232-ADMI-ICS-XX-RP-C-001/Infrastruct CS Ltd) and the following mitigation measures detailed within the FRA:

- Use of permeable paving and geo-cellular soakaway SuDS to manage surface water runoff (Section 7.7 of the FRA) and as shown on the drawing : ' Proposed Drainage Layout' < SEPT 2018 / Drg Ref : ADMI - ICS – 01- XX - DR - C - 003 - P2 / Infrastruct CS Ltd)
- A SuDS Management and Maintenance Plan (based on the principles outlined in Appendix J of the FRA).
- Raising finished floor levels 150mm above the average ground level to mitigate against the risk of any surface water flooding (Section 7.8 of the FRA)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason : To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

Cycle Parking

14. Prior to the first occupation of the development hereby permitted, the cycle parking facilities, as shown on the approved plans (garden shed, etc.) shall be provided on the site.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

Electrical Vehicle Infrastructure

15. Each dwelling shall be provided with ducting to allow for the future installation of electrical vehicle charging infrastructure to serve that dwelling prior to its first occupation.

Reason - To maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework.

Water Efficiency

16. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

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