

**Case Officer:** James Kirkham

**Applicant:** Miss Kim Swallowe

**Proposal:** Erection of 3no wheelchair adaptable bungalows for affordable housing

**Ward:** Fringford And Heyfords

**Councillors:** Councillor Ian Corkin, Councillor James Macnamara, Councillor Barry Wood

**Reason for Referral:** Application affects Council's own land and/or the Council is the applicant

**Expiry Date:** 20 December 2019

**Committee Date:** 18 December 2019

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

#### **Proposal**

The proposal seeks permission to erect 3 new bungalows on the site with associated parking and amenity space.

#### **Consultations**

The following consultees have made **comments** to the application:

- Middleton Stoney Parish Council,

The following consultees have raised **no objections** to the application:

- OCC Highways, OCC Archaeology, OCC Minerals and Waste, Oxfordshire Fire Service

The following consultees are **in support** of the application:

- CDC Strategic Housing, Mid-Cherwell Neighbourhood Forum (subject to conditions)

We have received one letter of objection, one letter of support and one further letter of comment.

#### **Planning Policy and Constraints**

The site lies within the setting of Middleton Park which is a Grade II Registered Park and Garden. It also lies in a mineral consultation area and an area of archaeological notification.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

#### **Conclusion**

The key issues arising from the application details are:

- Principle of development

- Design, and impact on the character of the area
- Heritage impact
- Residential amenity
- Other matters

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

**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 site is an area of undeveloped land in a small grouping of bungalows located in Bullmarsh Close, which is situated at the western edge of Middleton Stoney. The site is relatively flat and is currently laid to grass with some young trees situated on it. It is accessed from a private road from Heyford Road to the north of the site.

### **2. CONSTRAINTS**

- 2.1. The application site is located adjacent to Middleton Park which is a Grade II listed Registered Park and Garden. The site is also located in the Mid-Cherwell Neighbourhood Plan Area and within an archaeological notification area.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The current application seeks permission to erect 3no new single storey, wheelchair adaptable 2 bedroomed dwellings on the site. The dwellings would be sited perpendicular to the road in a terrace, completing a U shape arrangement around a central area of shared amenity space with the existing 2 rows of terrace bungalows which already exist in Bullmarsh Close.
- 3.2. The layby which exists to the west of the existing site, and currently accommodates parallel parking spaces, would be amended to provide 7no perpendicular parking spaces.
- 3.3. The proposals have been amended during the course of the application and now show the dwellings constructed of bradstone under a tiled roof.
- 3.4. *Timescales for Delivery:* The applicant/agent has advised that, in the event that planning permission is granted, they anticipate development commencing as soon as possible. The proposed development is coming forward as part of the Oxfordshire Growth Deal.

### **4. RELEVANT PLANNING HISTORY**

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
75/00168/S	Erection of 6no 2 bedroom and 4no 1	Permitted and

- 4.2. This permission was implemented but only 6 of dwellings were constructed. The remaining dwellings were permitted on the site of the proposed development but were never constructed.

## **5. PRE-APPLICATION DISCUSSIONS**

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

19/00056/PREAPP – Development of 3 bungalows for affordable housing.

- 5.2. It was advised that the site was contrary to the Council's rural housing strategy however it was noted that the planning history of the site implies that there is an extant permission for dwellings on the site. It was also advised that the applicant may wish to promote the site as a Rural Housing Exception site, but that this would require further information.

## **6. RESPONSE TO PUBLICITY**

- 6.1. 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 **28 November 2019**, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. The comments raised by third parties are summarised as follows:

- Proposed houses should look the same as existing with matching materials
- Access serving the site is narrow,
- Access should be adopted by the Council. Already used by Clock Court, Middleton House (apartments and houses) and cricket club so can get busy.
- Access required to bungalows for ambulance
- Lack of parking. Control of parking area and queries whether it will be allocated.
- Speeding at the access with Heyford Road
- Damage to access during construction
- Disruption from noise, dust, access, traffic and parking during construction.
- Electric charging points should be provided
- Fire hydrant and overhead lines will need replacing/diverting
- Access to gardens will be impeded by hawthorn hedge
- Loss of trees.

- Poor access to local amenities for residents including wheelchair bound residents. More suitable locations for this type of development in larger settlements.
- 6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## **7. RESPONSE TO CONSULTATION**

- 7.1. 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

- 7.2. MIDDLETON STONEY PARISH COUNCIL: **Comments.** A number of suggestions were made to the applicants in a parish council meeting including changes to materials, extra living space and more parking. There are problems accessing the area and reserving out. Frustrated with the lack of responses from the applicant and cannot support application until further information is provided.
- 7.3. MID-CHERWELL NEIGHBOURHOOD PLAN GROUP: **Supports subject to site being a rural exception site and changes to layout and materials.** Single storey accessible housing supported but the sustainability of the village is questionable. Wish to see a condition regarding the dwellings to remain affordable and to meet a local need. MCNP are undertaking a housing survey across the plan area. Note the current Housing Needs Survey only indicates a need for 2 dwellings. Raise concerns regarding the internal layout of the dwellings. All windows and doors should be wooden or metal not UPVC as specified in the plans.

### CONSULTEES

- 7.4. OCC HIGHWAYS: **No objections** subject to standard conditions in respect of parking and cycle parking. The proposed access from the Heyford Road is circa 5m wide which accords with OCCs Residential Road Design Guide (2003) - Second Edition (2015). The access track is over 12m's in length (prior to the narrowest point of the access) to allow a vehicle to access / egress the access road without having to wait and obstruct traffic on the Heyford Road should two vehicles attempt the same manoeuvre at the same time.
- 7.5. The proposal provides sufficient parking for the proposed units whilst also providing further parking above and beyond what would be expected for 3, 2 bed dwellings. As a result of the above, the proposals are unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view.
- 7.6. OCC MINERALS AND WASTE: **No objections.**
- 7.7. CDC STRATEGIC HOUSING: **Supports.** Proposal would provide disability adapted social housing which is needed in the district based on the housing register. The submitted Housing Needs Survey identifies a need for 2 dwellings. The Housing Register identifies a need to 3 applicants with village connection. Would like to see the dwellings meet the higher of the accessibility standards in the Building Regulations and requests that the least accessible dwelling be located furthest from the parking. Suggest some changes to the internal layout. The dwellings are proposed to be affordable rent which should be capped at Local Housing Allowance rate.

- 7.8. THE GARDENS TRUST: **No comments.** Have considered the application and liaised with Oxfordshire Garden Trust and have no comments to make.
- 7.9. OCC ARCHEALOGY: **No objections** subject to conditions for a written scheme of works and investigation.
- 7.10. HISTORIC ENGLAND: **No comments.**
- 7.11. OXFORDSHIRE FIRE AND RESCUE: **No objections.**
- 7.12. SCOTTISH AND SOUTHERN ELECTRICITY NETWORKS: **No objections.** The developer would have to contact SSE in regard to any wayleaves or diversions that need to be made.
- 7.13. *Officer comment:- Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.*
- 7.14. *In this particular instance, the above financial payments are not considered to be material to the decision as they would not make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority and hence the above response from the Council's Finance department is therefore provided on an information basis only.*

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. 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:

### MID-CHERWELL NEIGHBOURHOOD PLAN 2018-2031

- PD4: Protection of Important Views and Vistas
- PD5: Building and Site Design
- PH1: Open Market Schemes
- PH2: Affordable Housing on Rural Exception Sites
- PH3: Adaptable Housing
- PH5: Parking, Garaging and Waste Storage Provision

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

- PSD1: Presumption in favour of sustainable development
- SLE4: Improved transport and connections

- BSC1: District wide housing distribution
- BSC2: Effective and efficient use of land
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- ESD10: Protection and enhancement of biodiversity and the natural environment
- ESD13: Local landscape protection and enhancement
- ESD15: The character of the built and historic environment
- Villages 1: Village categorisation
- Villages 3: Rural Exception Sites

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- TR1: Transportation
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C33: Retention of undeveloped gaps
- ENV1: Development likely to cause detrimental levels of pollution
- ENV12: Contaminated land

#### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 ("HRA")
- Equalities Act 2010 ("EA")

### 9. APPRAISAL

#### 9.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Heritage impact
- Residential amenity
- Other matters

#### Principle of Development

##### *Policy Context*

- 9.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996.
- 9.2. 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. Paragraph 7 of the NPPF sets out the Government's view of what sustainable development means in practice for the planning system – the three strands being the economic, social and environmental roles. It is clear from this that as well as proximity to facilities, sustainability 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.

- 9.3. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise (Para. 12).
- 9.4. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015 and can demonstrate a five-year supply of deliverable housing sites. Therefore, the policies in the development plan guiding the provision of housing can be considered up to date and given significant weight in determining applications. In addition to this, the Written Ministerial Statement of 12th September 2018 now considers important policies for determining the application to be out of date only where a 3 year supply of deliverable sites cannot be demonstrated. The presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.
- 9.5. Policy ESD1 of the Cherwell Local Plan Part 1 states measures will be taken to mitigate the impact of development on climate change and deliver the goals of sustainable development. This includes distributing housing growth to the most sustainable locations as defined in the Local Plan and delivering development which reduces the need to travel. The local plan has a strong urban focus with large amounts of housing planned at Bicester and Banbury, and rural housing growth therefore more restrained.
- 9.6. Policy Villages 1 of the Cherwell Local Plan provides a framework for housing growth in the rural areas and seeks to deliver some new development to the most sustainable rural locations and limiting it elsewhere. It does this by categorising the villages within the district and allowing for some limited growth in the most sustainable villages based on services, facilities and size of settlements. The categorisation also takes into account clustering of villages. The current site is located at Middleton Stoney which is classified as a Category C village. This is amongst the least sustainable rural settlements in the district where only infilling and conversion may be permitted for new housing within the built up limits. Saved Policy H18 of the Cherwell Local Plan 1996 is also relevant and states that new dwellings will not be permitted outside the built up limits of settlements apart of in special circumstances.

### *Assessment*

- 9.7. The first issue to consider is whether the site lies within the built limits of the village. Given the relationship of the proposed site with the surrounding buildings and open countryside officers consider the proposed development lies outside of the built limits of the village as it has a stronger affinity with the surrounding open land. This is a balanced judgement. However, even were it to be concluded that the site lies within the built up limits of the village, in Category C Villages such as Middleton Stoney only limited infill and conversion is permissible. Clearly the proposal is not conversion of a building. In considering whether the development falls within the definition of 'infill' development, Paragraph C.264 of the Cherwell Local Plan Part 1 (2015) states:

*'Infilling refers to the development of a small gap in an otherwise continuous built-up frontage.'*

- 9.8. The site does not form a 'small gap' in an otherwise continuous built up frontage and therefore the proposal would not constitute infill development, as defined in the development plan. The provision of new dwellings on the site would therefore be contrary to the development plan policies which seek to guide new housing in the district to the most sustainable locations by restricting new housing in less sustainable settlements where access to services and facilities is more restricted and difficult.
- 9.9. However, in this case the planning history of the site is also a relevant planning consideration. In 1975 planning permission was granted for 10 bungalows on the wider site. Only 6 of these were constructed which are now known as 1-6 Bullmarsh Close and the other 4 remained unbuilt. When a planning permission is partially implemented (in this case only 6 of the 10 houses were built) the permission for the other parts of the scheme that were not built (4 bungalows) remain capable of being implemented at any time without the requirement for any other planning permission. Given that this is a fallback position which could potentially be used by the applicant and would result in more dwellings being provided on site this is considered to be a material planning consideration which outweighs the conflict with the Council's rural housing strategy outlined above.

#### *Conclusion*

- 9.10. Whilst new residential development in this location is generally considered to be contrary to the Council's rural housing strategy, in this instance this is outweighed by material considerations in relation to the site's planning history. The principle of 3 dwellings on the site is therefore considered to be acceptable, with overall acceptability subject to other material considerations.

#### Design, and impact on the character of the area

- 9.11. 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 and Policy PD5 of the Mid-Cherwell Neighbourhood Plan (MCNP) which look to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness.
- 9.12. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Further, saved Policy C30 of CLP1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.13. Policy ESD 13 of the CLP states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Further that development that causes undue harm or visual intrusion into the open countryside would not be supported.
- 9.14. The proposed development has been designed to create a horse shoe arrangement around the existing central area of amenity space with the existing bungalows that lie adjacent to the site. This reflects the layout of the approval in the 1970s and is



considered the most appropriate way of developing the site to be in keeping with the surrounding character and appearance of the area and address the public realm including the amenity space. The hedgerow to the south west of the site helps contain the development the south west and provides the most appropriate location to form a rear boundary.

- 9.15. In terms of the wider visual and landscape impacts of the development, these would be relatively modest given the proposal would be seen in the context of the existing bungalows and would have a clear visual relationship with the adjacent buildings.
- 9.16. The terrace arrangement of the dwellings with a staggered frontage is in keeping with the other rows of bungalows in this location. Whilst the proposed dwellings are not exact replicas of the existing bungalows, they would share a similar simple form and character to the existing dwellings which is considered to be acceptable. The use of simple pitched roofs, staggered building lines and in set doors all aid with the integration with the existing dwellings. The materials of the development have been amended during the course of the application to reflect the reconstituted stone of the existing bungalows as there were concerns raised by officers and other parties regarding the use of buff brick.
- 9.17. The Neighbourhood Plan Forum has stated that UPVC windows and doors should not be acceptable given the proposal lies in the setting of a Registered Park and Garden. However, the other properties in this location already have UPVC windows and nature of the buildings and context of the site means officers consider that UPVC would not appear incongruous or harmful in this case, and in this particular instance it would be difficult to sustain a refusal at appeal on this basis.
- 9.18. The dwellings would be between 0.2 – 0.3 metres taller than the existing bungalows; however, this is not considered to be harmful and they would still relate appropriately to the scale of the existing buildings.
- 9.19. Overall the layout and design of the proposed dwellings is considered acceptable and would integrate successfully with the surroundings. The proposal thus accords with Policies ESD13 and ESD15 of the CLP 2031 and saved Policies C28 and C30 of the CLP 1996 in this regard as well as the relevant guidance within the NPPF.

#### Heritage Impact

- 9.20. The site is within the setting of Middleton Park which is a Grade II Listed Park and Garden. This is a designated heritage asset. The site is also within an archaeological notification area. Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.
- 9.21. The proposed development has the potential to impact on the setting of Middleton Park Registered Park and Garden. However, in this case the proposed development would clearly be seen in the context of the existing dwellings at Bullmarsh Close having a close relationship with existing bungalows. They would be of a similar design and scale and would not appear any more intrusive from the Registered Park and Garden than the existing development in this location in officer opinion. The proposal is therefore not considered to result in any material harm to the setting of the Registered Park and Garden. The application has been discussed with the Council's Conservation Officer who has no objection to the proposal and

also Historic England and the Gardens Trust has stated it does not wish to comment on the proposal.

- 9.22. The County Council Archaeologist (CA) has advised that the site has potential to impact on below ground heritage assets. He notes that parts of the medieval village of Middleton Stoney were removed during the creation of the Middleton Park and remains have been recorded 200m south of the proposal. Furthermore, the site is also located 200m north of the Scheduled Monument of Middleton Stoney Castle (SM 28134) and a Roman building was also recorded in the 1970s that is thought to be a farmhouse or villa site. Additionally, a circular cropmark has been identified from aerial photographs 40m south west of the proposed site. On this basis the CA has requested a written scheme of investigation be secured through a planning condition. Officers agree with this assessment so that any archaeology impacted by the proposal can be fully recorded.
- 9.23. The proposal would therefore preserve the significance of heritage assets and accords with Policy ESD15 of the CLP 2031 in this regard as well as the relevant guidance within the NPPF.

#### Affordable housing and Housing Mix

- 9.24. Policy Villages 3 of the CLP and Policy PH2 of the MCNP both relate to the provision of new dwellings on rural exception sites. Policy BSC4 of the Cherwell Local Plan also provides advice on housing mix. Policy PH3 of the MCNP states that housing development will be favoured that is designed with features that enable residents to live through different phases of their lives and supports the provision of accessible dwellings and dwellings on a single level.
- 9.25. Given the planning history of the site Officers do not consider that the proposal needs to be assessed against Policy Villages 3 of the CLP and Policy PH2 of the MCNP which relate to Rural Exception Sites for affordable housing as the principle of development is considered to be acceptable without relying on such policies for support as outlined above. Therefore, it is not considered there is any planning requirement/justification to secure the development as Affordable Housing through a legal agreement to make the development acceptable in planning terms.
- 9.26. However, the application is proposed as 3no affordable wheelchair adaptable bungalows as part of the Oxfordshire Growth Deal. A local housing needs survey was undertaken in the village and this evidenced a need for 2no affordable units. The Council's Housing Department has also commented on the applicant and notes that the housing register identifies 3no applicants who have a local connection to Middleton Stoney and also states that the housing register identifies a clear need for disability adapted homes in the district. Therefore, whilst these matters are not determinative, the proposal would bring benefits associated with the provision of affordable and assessable housing as supported by Policy PH3 of the MCNP and this weighs in favour of the development.

#### Residential amenity

- 9.27. 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.

- 9.28. The proposed development would form a grouping of dwellings with the existing bungalows in Bullmarsh Close. The proposal would impact on the outlook to the front of these existing properties; however, given the scale and siting of the proposed development it is not considered to result in significant impacts on the amenity of these neighbouring properties.
- 9.29. When the application was submitted it was proposed to include the area of land immediately to the south west of the side elevation of 6 Bullmarsh Close into the private garden of one of the bungalows. However, the side elevation of number 6 includes small windows and it would not be desirable to have this facing directly into a private garden area of an unrelated property.
- 9.30. As such the hedge for the garden on the proposed dwelling has now been set back in line with the front elevation of the proposed bungalow and it is intended that the area immediately in front of this window will remain unenclosed as part of the open land to the front of the bungalows. This is considered to overcome these concerns.
- 9.31. Bullmarsh Bungalow is located to the south of the site and is separated from the site by a tall hedge. Given the single storey scale of the proposal and the relationship between this property and the proposal it is not considered to be significantly impacted upon by the proposal in terms of loss of light, privacy or outlook.
- 9.32. The layout of the dwellings is considered to provide a good standard of amenity for future residents. Whilst the garden areas are small, given the intended market these properties are proposed to serve (including those with mobility issues) they are considered to provide an adequate small outside space for residents to enjoy. The proposal thus accords with Policy ESD15 of the CLP 2031 and saved Policies C28 and C30 of the CLP 1996 in this regard as well as the relevant guidance within the NPPF.

#### Parking and access

- 9.33. 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." Paragraph 109 of the NPPF states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the impacts on the road network would be severe.
- 9.34. Policy PH5 of the MCNP states unless it is clearly impractical to do so parking should be built in direct association with dwellings in preference to rear or separate parking courts.
- 9.35. The development would utilise the existing access from Heyford Road and the private road serving the existing bungalows. This access already serves the existing bungalows at Bullmarsh Close as well as a number of other dwellings at Clock Court and Middleton House. It also appears to serve the cricket pitch according to residents' comments.
- 9.36. The existing access is not ideal as it is too narrow in places which means 2 vehicles cannot pass in all places and have to wait in certain places. However, the Local Highway Authority (LHA) is satisfied that the vehicle access close to Heyford Road is wide enough to allow vehicles to access / egress the access road at the same time without having to wait and obstruct traffic on the Heyford Road and therefore raises no objection to the proposal. Given the proposal would only generate a modest increase in traffic the additional traffic impact is not considered to be significant or result in severe impacts which is the test outlined in the NPPF.

- 9.37. In relation to parking, the proposed development would alter the existing parallel parking bay which exists adjacent to the access which accommodates between 2 to 3 vehicles and appears to be used on an unallocated basis by residents and visitors. This would be altered to provide 7 parking spaces in a perpendicular arrangement. This would accommodate 3 disabled access spaces which would be allocated to the proposed units and the remaining 4 spaces would remain for use on an unallocated by visitors and residents of all the units. The LHA considers this level of parking would be acceptable and raises no objection to the proposal. The unallocated nature of the 4 spaces means they could be used on a flexible basis like the existing parking in the parking bay.
- 9.38. The parking serving the development is not situated immediately adjacent to dwellings as encouraged by Policy PH5 of the MCNP. However, in this case given the need to provide an acceptable layout and design to the development this is not considered to be practical. The provision of a scheme for future proofing the provision of electrical charging vehicle points through ducting is proposed to be controlled through a planning condition.
- 9.39. Concerns have been raised by one resident that access is required over the grass area to the front of the existing bungalows by residents and potentially ambulances. However, whilst the proposal may impede this if all the parking spaces were full, there is no planning requirement for this and it would not justify refusal of the application. The proposal thus accords with Policy ESD15 of the CLP 2031 in this regard as well as relevant guidance within the NPPF.

#### Other matters

- 9.40. A number of concerns have been raised regarding noise, disturbance and issues with access during the construction phase of the development. Such impacts are a product of any new development and the applicant would need to ensure the site is appropriately managed during the course of the construction period. Given the nature of these impacts is temporary they are not considered to carry significant weight in planning decisions and given the relatively small scale of the proposal is not considered that the submission of a construction environmental and traffic management plan would be justified in this case.
- 9.41. The application site has relatively low ecological value with regularly mown grassland and young trees. There are therefore not considered to be any significant ecological impacts from the development. However, it is recommended that a landscape condition be imposed to ensure an appropriate landscaping scheme is provided.
- 9.42. The site is located in a minerals consultation area; however, it is outside the Minerals Safeguarding Area for crushed rock. Oxfordshire County Council as the Minerals and Waste Planning Authority therefore has no objection to the application.
- 9.43. A concern has been raised that the proposal may require existing electricity infrastructure to be relocated/diverted. The developer would have to contact the undertaker to discuss this matter which would be separate to the planning application.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 advises that the three dimensions to sustainable development (economic, social and environmental), which are interdependent; need to be pursued in mutually supportive ways.

- 10.2. Government guidance within the NPPF supports the plan-led system and advises that applications that accord with an up-to-date plan should be approved without delay.
- 10.3. The proposed development would conflict with the Council's rural housing strategy; however, there is an extant permission on the site which allows for a similar quantum of development and this carries significant weight as a fallback position. The proposal would provide 3 new affordable and accessible bungalows which is a benefit in support of the application. The impact on the character and appearance of the area is considered acceptable and there is not considered to be any material harm to nearby heritage assets. The proposal would utilise an existing access and sufficient parking would be provided to serve the new dwellings. Overall therefore the proposal is considered to represent a sustainable form of development and it is recommended that planning permission be granted.

## **11. RECOMMENDATION**

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

### CONDITIONS

#### **Time Limit**

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.

#### **Compliance with 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: 010 Rev A, 011 Rev B, 012 Rev C, 013 Rev C and 014 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.

#### **Archaeology**

3. Prior to any demolition and the commencement of the development a professional archaeological organisation shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2019).

4. Following the approval of the Written Scheme of Investigation referred to in condition 3, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of

Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within 2 years of the commencement of development.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019).

#### **Hedgerow protection**

5. 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 hedge protection measures 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.

#### **Materials**

6. Prior to the commencement of any works above slab level to the development hereby approved, and notwithstanding the details submitted, a sample panel of the external walling material to be used in the construction of the dwellings, to demonstrate material, colour, texture, bond and pointing (minimum 1m<sup>2</sup> in size) shall be constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the walls of the development shall be externally faced in strict accordance with the approved 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.

#### **Electric charging points infrastructure**

8. No development shall commence above slab level until a scheme for a system of ducting to allow for the future installation of electrical vehicle charging

infrastructure to serve each dwelling or a scheme showing the provision of electrical vehicle charging points for each dwelling has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

### **Boundary Enclosures**

9. 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. 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.

### **Landscaping**

10. 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,
  - (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.

### **Cycle Parking**

11. Prior to the first occupation of the development hereby permitted, details of the cycle parking facilities to serve the dwelling hereby approved shall be submitted and approved in writing by the local planning authority. The approved cycle storage facilities shall be provided in accordance with the approved details prior to the first occupation of the development.

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.

### **Car Parking and Management**

12. Prior to the first occupation of the dwellings hereby approved, the parking and manoeuvring areas shall be provided in accordance with the plan approved (Drawing No. 012 Rev C) and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. The parking shall be managed in accordance with the details outlined in the email from the agent on 4.11.18 (time 19:02)/ Thereafter, the parking and manoeuvring areas shall be retained and managed in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason – To ensure an adequate level of parking on the site in the interests of amenity, highway safety and flood prevention and to comply with Policies ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.