

**Case Officer:** Matthew Chadwick

**Applicant:** Nicholas King Homes

**Proposal:** Erection of a three-bedroom house, with 2no parking spaces.

**Ward:** Adderbury, Bloxham And Bodicote

**Councillors:** Councillor Mike Bishop  
Councillor Chris Heath  
Councillor Andrew McHugh

**Reason for Referral:** Called in by Councillor McHugh due to the level of public interest in the application

**Expiry Date:** 10 March 2021

**Committee Date:** 15 April 2021

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## **1. APPLICATION SITE AND LOCALITY**

1.1. The application site is located on the north side of the Milton Road in the west of the village of Adderbury, in a new development constructed by Nicholas King Homes. The plot of land is an area of soft landscaping to the east of 7 Henge Close and to the west of 17 and 19 Henge Close. To the north of the site is an undeveloped field.

## **2. CONSTRAINTS**

2.1. The application site is not located within a conservation area and there are no listed buildings within the immediate vicinity of the site. The Adderbury Conservation Area is located approximately 85m to the east of the site and the closest listed building is St Marys House, which is 145m to the northeast of the site.

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

3.1. Planning consent is sought for a single new dwelling on an area of grassed land. The house would be constructed from ironstone under a natural slate roof and would have two parking spaces to the front of the site. The dwelling would be constructed on the same building line as 7 Henge Close and the applicant proposes that the dwelling would have a similar design to some of the existing dwellings on the site.

3.2. This application is identical in its design to the dwelling approved under 18/00691/F.

## **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>
14/00250/F	Demolition of existing agricultural buildings and erection of 20 private houses and 11 affordable dwellings, provision of public	Application Permitted

open space and land for a possible community use

17/00813/F	Erection of 5 No private market sale dwellings on land previously allocated for possible community use	Application Permitted
18/00691/F	Erection of a three-bedroom house, with 2no. parking spaces.	Application Permitted

- 4.2. This application is identical in design to that approved under 18/00691/F. The land on which the application site is located was approved as a soft landscaping area as part of a wider Landscape and Ecological Management Plan, which secured ecological improvements across the site under condition 19 of 14/00250/F. This shall be covered in more detail later in this report.

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

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

## **6. RESPONSE TO PUBLICITY**

- 6.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **23 February 2021**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. There has been particular interest raised locally with concern about how the original application was handled, in particular its impact upon ecology due to the loss of soft landscaping and planting. Sixty-eight comments have been received on the application. The comments raised by third parties are summarised as follows:
- The development would cause harm to biodiversity.
  - Residents have a right of way across the land.
  - It would set a precedent for the development of similar parcels on other estates.
  - The loss of undeveloped land would cause harm to the character and appearance of the area.
  - The application documentation does not consider the Adderbury Neighbourhood Plan
  - The developer plans to develop the field to the north and this application only seeks to keep the route to the north open.
  - The development would result in sound pollution and construction movements would cause harm to the amenity of neighbours.
  - The development would cause harm to highway safety.

- The development would result in the loss of light and privacy of four adjacent properties.
- The approval of this application would be unlawful.
- The application should be accompanied by an ecological appraisal.
- The plot is smaller than surrounding plots and would cause harm to the character and appearance of the area for this reason.
- The development would cause harm to great crested newts in the area.
- The development would be in breach of a number of conditions of 14/00250/F.

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. **ADDERBURY PARISH COUNCIL: Objects.** In the granting of planning application 18/00691/F, planning officers overlooked condition 19 of 18/00691/F which required for the land to be landscaped for the development and retained as such. The granting of this consent would be in breach of this and would be unlawful.

### CONSULTEES

7.3. **OCC HIGHWAYS: No objections**, subject to conditions relating to car parking details, cycle parking details and a construction traffic management plan.

7.4. **CDC ECOLOGY:** No comments received at the time of writing this report.

7.5. **CDC LANDSCAPE SERVICES:** No comments received at the time of writing this report.

## **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:

## CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC7 – Meeting Education Needs
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- ESD3 – Sustainable construction
- ESD10 – Biodiversity And The Natural Environment
- ESD15 - The Character of the Built and Historic Environment
- INF1 – Infrastructure

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

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

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Adderbury Neighbourhood Plan (ANP) which was made in 2018 and the following Policies of the Neighbourhood Plan are considered relevant:

- AD1 – Adderbury Settlement Boundary

8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

## **9. APPRAISAL**

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

- Planning history
- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety
- Ecology impact
- Planning obligations
- Other matters

## Planning history

- 9.2. 14/00250/F - Demolition of existing agricultural buildings and erection of 20 private houses and 11 affordable dwellings, provision of public open space and land for a possible community use – This application permitted the existing houses in Henge Close.
- 9.3. 15/00228/DISC - Discharge of Conditions 5, 7, 8, 11, 13, 16, 17, 18, 19, 20, 22, 23, 28 and 29 of 14/00250/F – Condition 19 of this application related to a Landscape and Ecological Management Plan. The application site was identified as a soft landscaping area which formed part of the wider Landscape and Ecological Management Plan,
- 9.4. 18/00691/F - Erection of a three-bedroom house, with 2no. parking spaces. This application was approved under delegated powers in November 2018 and was identical in design to the dwelling under consideration in this application.

## Principle of Development

### *Policy Context*

- 9.5. 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.
- 9.6. Paragraph 11 of the NPPF states that a presumption of sustainable development should be seen as a golden thread running through decision taking, which means approving development proposals that accord with an up-to-date development plan without delay. The NPPF goes on to say that, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 9.7. The principle of residential development in Adderbury is assessed against Policy Villages 1 in the CLP2015 and within this policy Adderbury is recognised as a Category A village. Category A villages are service villages that are considered to be most sustainable rural settlements within the district. Within Category A villages, residential development will be restricted to the conversion of non-residential buildings, infilling and minor development comprising small groups of dwellings on sites within the built up area of the settlement. The site is within the built limits of the village and it is considered that the proposal would constitute infilling. Policy AD1 of the Adderbury Neighbourhood Plan is consistent with this and states that proposals for infill development within the boundaries of the village will be acceptable.
- 9.8. The Written Ministerial Statement of 12 September 2018 provided flexibility to the Oxfordshire Local Planning Authorities so that they only had to demonstrate a 3-year land supply whilst the Oxfordshire Plan was being produced. This flexibility expired on 31 March 2021. Cherwell District Council's position on five-year housing land supply is set out in the 2020 Annual Monitoring Report. For the period 2021-2026, the Council has a 4.7-year housing land supply. Paragraph 11(d) of the NPPF tilts the decision-making balance towards granting planning permission for development (subject to other considerations) where Development Plan policies are out-of-date. This includes where a five-year supply of deliverable housing sites cannot be demonstrated.

### *Assessment*

- 9.9. The site is within the built limits of the village and it is considered that the proposal would constitute infilling. The development would therefore comply with both Policy Villages 1 of the CLP2015 and AD1 of the ANP 2018. The development would provide additional housing which would support housing delivery which is a material consideration weighing in its favour. However, this would not be a not significant boost because infilling is acceptable in principle under Policy Villages 1 and the proposal is for a single dwelling.
- 9.10. However, concerns have been raised during the consultation process that the approval of a dwelling this location would be in breach of conditions 19, 24 and 25 of 14/00250/F. Details for condition 19 were approved under 15/00228/DISC in April 2017. This condition related to the ecological enhancement scheme for the site, which established this land as soft landscaping for the development and the condition states that the ecological enhancement measures shall be carried out and retained in accordance with the approved details. Condition 24 required the landscaping scheme to be carried out with approved drawings and condition 25 required for the landscaping to be retained for at least five years.
- 9.11. Condition 18 secured swift boxes and bat tubes on some of the dwellings for the development. On the application site, a number of trees are shown on the approved plan and these would be removed as part of the proposed development. It is clear from this that its main purpose was an area of landscaping within the built environment. The initial ecological report concluded that there was little ecological value in the site and the area of land was designed in a way to not significantly increase biodiversity potential. The ecological impact of the application will be covered in more detail later in this report.
- 9.12. The provisions of this condition do not prohibit the submission of this application and that given its siting within the built limits of the village, the principle of development remains acceptable, but this has to weighed against other relevant factors.

### *Conclusion*

- 9.13. The principle of development is acceptable and would comply with Policy Villages 1 of the CLP2015, Policy AD1 of the ANP 2018 and Government guidance contained within the NPPF.

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

#### *Policy context*

- 9.14. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 9.15. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.

- 9.16. Policy ESD15 of the CLP2015 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.

#### *Assessment*

- 9.17. The dwelling would be located on an area which was previously approved as a soft landscaping area as part of a wider Landscape and Ecological Management Plan, which secured ecological improvements across the site under condition 19 of 14/00250/F. The site is located between two dwellings and it is proposed to erect a 3 bedroom two storey dwelling with parking to the front of the site. The dwelling is proposed to be constructed from ironstone under a natural slate roof, materials which are used elsewhere on the site and in the local area.
- 9.18. The plot is slightly smaller than some of the neighbouring plots; however the dwelling would still sit comfortably, with a sufficient spacious front garden and parking area and rear garden. An obscurely glazed window on the front elevation of a dwelling is not a desirable arrangement, however given the context of the development within a modern housing estate, the harm caused by this element this could not constitute a reason for refusal in its own right and on balance this is considered to be acceptable. Furthermore, the design of the dwelling is identical to that approved under 18/00691/F, a scheme which is still extant.
- 9.19. The development would result in the loss of a soft landscaping area as part of a wider Landscape and Ecological Management Plan, which secured ecological improvements across the site under condition 19 of 14/00250/F. This would result in a limited level of harm to the character and appearance of the area due to the loss of an area of landscaping and a partial breach of condition 25 of 14/00250/F. However, the site is located between two existing dwellings and the contribution that the soft landscaped area makes to the character and appearance of the area is not significant. This visual harm is therefore considered to be minor. The proposed scheme would retain a grassed area to the front of the property and two trees, and a hedgerow are proposed. Further details of this can be secured by condition.
- 9.20. A condition removing permitted development rights for the erection of new walls, gates and fences has been included. This is to retain the open character of the area as the erection of enclosures to the front of the property would cause harm to this.

#### *Conclusion*

- 9.21. On balance, it is considered that the development would successfully integrate into the existing housing estate and would sit comfortably in this context. The development would not cause significant visual harm to the character and appearance of the area and is acceptable in this regard. This limited level of harm needs to be weighed in the planning balance. The development would comply with Policy ESD15 of the CLP 2015, Saved Policy C28 of the CLP 1996 and Government guidance contained within the NPPF.

#### Residential amenity

- 9.22. Policy ESD15 of the CLP2015 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. Saved Policy C30 is consistent with this policy.

- 9.23. The proposed dwelling would be located in close proximity to a number of existing dwellings. A bathroom window is included at first floor level on the front elevation and given that this window is the closest to neighbouring dwellings and that there would be potential for a loss of privacy and overlooking, it could be conditioned that this window is obscurely glazed and a condition is recommended on this basis. Subject to this condition, it is considered that the development would not cause harm to the privacy of neighbours.
- 9.24. Concerns have been raised regarding overshadowing of 7, 17 and 19 Henge Close. The development would result in a small level of overshadowing of these properties and in particular their gardens, however given the siting and orientation of the dwellings, this level of harm would not be significant and would not cause demonstrable harm to the amenities of neighbours.
- 9.25. The development would therefore comply with Policy ESD15 of the CLP 2015, Saved Policy C30 of the CLP 1996 and Government guidance contained within the NPPF.

#### Highway safety

- 9.26. Policy ESD15 of the CLP 2015 states that development should demonstrate a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing.
- 9.27. The Highways Liaison Officer offered no objections, subject to conditions relating to parking provision, cycle parking provision and a construction traffic management plan. Two parking spaces would be provided to the front of the dwelling, which is a sufficient amount of parking provision for a 3 bedroom dwelling in this location.
- 9.28. A construction traffic management plan would not often be conditioned for a single dwelling. However, the site is located in close proximity to a number of dwellings and in an area where there is limited off-road parking and construction vehicles would not be able to park within the site. This condition is therefore considered to meet the tests as set out in paragraph 55 of the NPPF.
- 9.29. The requested conditions are considered to be reasonable and necessary, as further detail is required for these areas of the application and the conditions shall be imposed. Subject to these conditions, it is considered that the development would not cause harm to the safety of the local highway network and would comply with Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF in this regard.

#### Ecology Impact

##### *Legislative context*

- 9.30. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.



- 9.31. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.

The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site.

#### *Policy Context*

- 9.32. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.33. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.34. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.35. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.36. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.37. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

## *Assessment*

- 9.38. There are no European protected sites in close proximity of the site.
- 9.39. As set out in the previous sections of this report, the application site formed part of soft landscaping area as part of a wider Landscape and Ecological Management Plan, which secured ecological improvements across the site under condition 19 of 14/00250/F. The site currently has a number of young trees, plants and a grassed area. There is a current planning enforcement investigation as to whether landscaping scheme as shown in the approved plan (BAN 18703 13C) from the 2014 permission has been implemented in full. Any assessment of the ecological value of this land will be based on this previously approved plan.
- 9.40. Whilst no ecological appraisal has been submitted alongside this application, the Council has no records of protected species on the site and the site at present is unlikely to accommodate any such species.
- 9.41. Policy ESD10 of the CLP 2015 requires for development proposals to provide a net gain in biodiversity. In this instance, the redline area of the application is the relevant parcel of land upon which to undertake this assessment. The submitted site plan shows the provision of trees, hedges and grassed areas of land.
- 9.42. No comments have been received from the Council's Ecology Officer on the application. Officers consider that subject to appropriate landscaping and ecological enhancement schemes, a net gain in biodiversity could be achieved on the site. The existing site does contribute to biodiversity but given that it is a grassed area with a number of young trees on it, it is considered that achieving a net gain in biodiversity is realistic and achievable and that the ecological enhancement condition would meet the tests.
- 9.43. The applicant has agreed to the imposition of a planning condition requiring an ecological enhancement scheme on the site and are confident that a net gain in biodiversity on the site can be achieved. As the issue of the ability for the site to provide for ecological enhancements goes to the heart to the planning merits for this development proposal, the condition has a 'prior to commencement' trigger. This provides the safeguard that the scheme has to be submitted to and approved in writing by the Council prior to the commencement of development giving maximum protection.
- 9.44. The Landscape and Environmental Management Plan (LEMP) for 14/00250/F found no evidence of protected species on the site and this was when the field was an open agricultural field. The report did recommend a precautionary method statement for great crested newts given that they have been found in the wider area and this should be included in the ecological enhancement scheme.
- 9.45. If the application were to be approved and the consent were to be implemented, there would be a partial breach with condition 19 of 14/00250/F, as the condition required for the ecological enhancement measures to be retained in accordance with the approved details. The same would also be true if a resident decided to remove a tree within their rear garden that was shown on the approved plan for condition 19. Recognising this overlap, by approving this proposal the Council would not be able to take formal action against a breach of condition 19 of the 2014 permission. The protection afforded to the land by the 2014 permission was to ensure that the development did not cause harm to any protected species or their habitats. The restrictive conditions recommended should this current application be

found acceptable would continue to ensure ecological protection and enhancement. A planning note is included in this regard.

- 9.46. Having considered the planning history, consultation responses and the Council's ecological records, it is clear that whilst the development would result in the loss of the soft landscaping area approved as part of a wider Landscape and Ecological Management Plan, which secured ecological improvements across the site under condition 19 of 14/00250/F. However, in the absence of any records of protected species and subject to the conditions set out in this report, it is considered that the development would not cause unacceptable harm to protected species and that the development could still provide a biodiversity net gain.
- 9.47. To conclude, on balance and subject to conditions, it is considered that the development would comply with ESD10 of the CLP 2015 and Government guidance contained within the NPPF.

#### Planning obligations

- 9.48. A Deed of Variation was agreed between the Council and the developer on the previous application (18/00691/F) and the developer agreed to contributions relating to refuse bins, indoor sports facilities, outdoor sports facilities, primary and secondary education and transport contributions, with pro-rata contributions being provided in line with original legal agreement. This was considered to be acceptable and that the development would provide acceptable levels of financial contributions.
- 9.49. The developer has submitted a draft legal agreement with this application. The Council would look to secure contributions for the same matters and negotiations are underway between the two parties on this matter. The recommendation of this application is subject to a legal agreement on these matters.

#### Other matters

- 9.50. The issues of residents having easements over the application site has been raised during the consultation process. This is a legal matter between the developer and the residents of Henge Close and is not a material planning consideration for this 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 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2. The principle of development is considered to be acceptable, given that the development would constitute infilling within an existing residential site within the built limits of the village of Adderbury. The development would provide additional housing which would support housing delivery however this would not be a not significant boost.
- 10.3. The approval of this application would result in the loss of a soft landscaping area approved as part of a wider Landscape and Ecological Management Plan, which secured ecological improvements across the site under condition 19 of 14/00250/F, which would result in a partial breach to condition 19 of 14/00250/F but this would not cause a significant level of harm to either the character and appearance of the area and a net gain in biodiversity could be achieved at the site, subject to conditions.

10.4. The design of the dwelling would not cause unacceptable harm to the character and appearance of the area and would sit comfortably in this context. The development would not cause unacceptable harm to the amenities of neighbouring occupiers subject to conditions and would not cause harm to the safety of the local highway network. On balance, the development is therefore considered to be acceptable.

## 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) **AND THE 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, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- a) Refuse bins contribution
- b) Indoor sports contribution
- c) Outdoor sports contribution
- d) Primary education contribution
- e) Secondary education contribution
- f) Public transport contribution
- g) Transport contribution

### CONDITIONS

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents: NK - PLOT 37 B; MDL-1271-PL21 and MDL-1271-PL22.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. The development hereby approved shall be constructed in accordance with the stone and slate samples approved under 17/00543/DISC.

Reason - To ensure the satisfactory appearance of the completed development and to comply 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.

4. Prior to the commencement of the development hereby approved above slab level, a plan showing full details of the finished floor levels in relation to existing ground levels on the site for the proposed 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 approved finished floor

levels plan.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surrounding and to comply 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.

5. Notwithstanding the details submitted, no development shall commence above slab level until and unless a plan detailing the proposed parking provision for vehicles to be accommodated within the site (including details of the proposed surfacing and drainage of the provision), has been submitted to and approved in writing by the Local Planning Authority. The approved parking facilities shall be laid out and completed in accordance with the approved details before the first occupation of the dwellings. The car parking spaces shall be retained for the parking [turning/loading/unloading] of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking 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.

6. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

7. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods and that no construction related parking (temporary or otherwise) shall occur within the adopted public highway. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

8. Prior to the commencement 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 hard landscaping.

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, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. A method statement for enhancing biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. This scheme should include a baseline assessment of the land, a scheme to show how the biodiversity net gain would be achieved and an implementation plan. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

10. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed between the dwelling and the highway, within the curtilage or forward of the principle elevation/on the site without the prior express planning consent of the Local Planning Authority.

Reason - To retain the open character of the development and the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. Prior to the first occupation of the development hereby approved, the first floor bathroom window in the south elevation of the dwelling shall be fully glazed with obscured glass that complies with the current British Standard, and retained as such thereafter.

Reason - To safeguard the privacy and amenities of the occupants of the adjoining premises and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. Prior to the first occupation of the development hereby permitted, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

#### PLANNING NOTE

1. Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country

Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.

2. Implementation of this planning permission supersedes any control on the application site of Condition 19 of 14/00250/F, with specific regard to this application site only as defined by the red line site location plan.

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