

**Case Officer:** Rebekah Morgan

**Applicant:** Rehman Property Management Ltd.

**Proposal:** Demolition of existing 3 bed house and erection of 5 new flats - 4 x 2 bed (C3) & 1 x 1 bed (C3). Associated parking, amenity, refuse and bike storage.

**Ward:** Kidlington East

**Councillors:** Cllr Billington, Cllr Mawson and Cllr Middleton

**Reason for Referral:** Referred by Assistant Director for Planning and Development for the following reasons: Due to its controversial nature.

**Expiry Date:** 11 October 2022

**Committee Date:** 06 October 2022

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**SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The site is on the south side of Bicester Road within Kidlington, and this site is accessed from this same highway. The property, like others on this side of Bicester Road, benefits from a relatively long spacious plot, and the dwelling is set back some distance from the highway. The property is described as a 'chalet bungalow' but is essentially a two storey dwelling. It is mainly constructed from brick under a tile roof.
- 1.2. The south side of Bicester Road mainly consists of detached single storey to two storey dwellings. The site itself has a two storey dwelling to one side and a part two storey and part three storey block of flats to the other side.

**2. CONSTRAINTS**

- 2.1. The application site is within 2km of the Rushy Meadows Site of Special Scientific Interest (SSSI).
- 2.2. The site is not within a Conservation Area and there are no Listed Buildings within the vicinity of the site.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The application proposes the demolition of the existing detached bungalow and construction of 5 flats in the form of a single building. The building would be positioned back in the site, in line with neighbouring properties with a parking area to the front and bin store, cycle parking and amenity space to the rear.
- 3.2. The proposed building would be three storeys, with a maximum height of approximately 9m. The proposed design is modern with a mixture of materials shown in the 3D images. The building's design has a width (across the front elevation) of approximately 9.3m for the first two storeys, with the top floor being set in from the sides (with a width of approximately 6.7m).

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

4.1. There is no planning history directly relevant to the proposal.

#### **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 27 September 2022.

6.2. 22 letters of objection, no letters of support and 3 comments have been received. The comments raised by third parties are summarised as follows:

- Gosford Hill Court is only part three storey, with the section closest to the application site being only two storey
- Overlooking of neighbouring properties
- Overshadowing of neighbouring properties
- Impact on daylight and privacy of adjacent flats due to size/height of proposal
- Windows in new design face Gosford Hill Court
- Too many flats in this area causing problems
- Flats change the character of the street
- Results in a large number of bins blocking the pavement on collection days
- Design is not in keeping with properties in the area
- The development is too wide for the plot and too high
- Concerns there will be balconies on the proposed building
- Not in keeping with the height of the majority of buildings on this side
- Risks turning Bicester Road into a row of square blocks
- Disruption from building work
- Loss of tree in front garden
- Lack of visitor parking provision in the proposal
- It will exacerbate the existing parking issues and on-street parking issues in the area
- Impact on highway safety inc. risk to children at the primary school
- Increased traffic
- Five parking spaces are inadequate for the proposal
- Not meeting the Council's climate change and sustainability agenda
- Suggestion they build a two storey building containing three flats

- Should be promoting Council's climate change policy by requiring good insulation standards, solar panels, efficient lighting, heat pumps, electric vehicle charging etc.
- There should be a limit on the number of family homes that can be demolished and replaced with flats
- Shortage of family homes in the area

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. KIDLINGTON PARISH COUNCIL: object on the following grounds:

- The height of the proposed development will have a detrimental impact upon adjoining development
- Concerns about the level of on street parking and the provision of one space per flat is inadequate, within this context

7.3. GOSFORD AND WATER EATON PARISH COUNCIL: object on the following grounds:

- Overdevelopment and out of context
- Very close to Gosford Court and will very likely overlook neighbouring garden
- There is no parking in the area (as a general comment)

### CONSULTEES

7.4. CDC ECOLOGIST: No objections, subject to a condition requiring biodiversity enhancements.

7.5. OCC HIGHWAYS: no objections, subject to conditions.

*I visited the site at 06:45 this morning and observed no overspill adjacent to the flats that are already existing within this road (Oxford B&B, 65, 66 and 70 Bicester Road). The car parks to these properties were not full at the time of observation with spaces available in each one. The main overspill was towards the west-end of the road (towards the main road) with vehicles parked along one edge, with the odd vehicle parked on the grass verges outside of private houses. There is no definitive way of knowing if these cars belong to the residents living within the flats or not, but given their distance from the flats I would say it is unlikely.*

*The amount and dimension of spaces, coupled with the provision of cycle parking are all adequate within this development.*

*Subject to the condition above, this proposal is unlikely to cause any significant impact on the highway in terms of safety or convenience. Therefore, OCC do not object to the granting of planning permission.*

7.6. COUNCILLOR MIDDLETON: The following comments were made in response to the comments provided by OCC Highways.

*Thanks for taking a look at the site at that time of the morning. I think part of the reason you're not seeing cars parked in some of the other converted units is because many of them are listed as ABNBs and it's not really high season now.*

*You also noted that cars are regularly parked on the grass verges to a lesser or greater degree. At the time of your visit it may have been a lesser degree, but in general it's greater and getting greater all the time as these developments multiply.*

*As I've said multiple times before to both OCC Highways and CDC planners, we can no longer look at these developments in isolation. They are multiplying at a rate of knots and each new development puts additional strain on existing infrastructure and increases parking in surrounding streets. There is going to come a point where the area can no longer cope with this and the increase in parking generated by additional development as a result of the LLPR and an increase in people using Kidlington's streets as a free car park while they jump on the train.*

## **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
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation

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

- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- ENV1: Environmental Pollution

- 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)

- Planning Practice Guidance (PPG)
- Kidlington Masterplan (2016)
- Cherwell Residential Design Guide (SPD) (2018)

## 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
- Residential amenity
- Accessibility, highway safety and parking
- Climate change and sustainability
- Ecology and Biodiversity
- Other matters

### Principle of Development

9.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that the decision maker should apply a presumption of sustainable development. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.

9.3. Paragraph 12 of the NPPF notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

9.4. Paragraph 103 of the NPPF states that the planning system should: “*Actively manage patterns of growth*”, whilst Policy ESD1 of the Cherwell Local Plan (2011 2031) Part 1 states that: “*Measures will be taken to mitigate the impact of development within the District on climate change.*” Policy ESD1 states that this includes distributing growth to the most sustainable locations as defined in the Local Plan and delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.

9.5. The Cherwell District Council Annual Monitoring Report (AMR) (December 2021) shows that the Council can currently demonstrate only a 3.5 year housing land supply which indicates an insufficient supply of new housing. The Local Plan is considered out of date (for housing applications) where there is a lack of five-year supply. This triggers paragraph 11(d) of the NPPF which states that if the most relevant Local Plan policies for determining a planning application are out of date, the application should be approved unless the harms caused by the application significantly outweigh its benefits.

9.6. The proposal does represent an increase in density on the site and will provide a net increase of 4 dwellings. Whilst this is a limited number, windfall sites do contribute to the overall targets to help meet the housing land supply requirements.

9.7. The principle of residential development in Kidlington is assessed against Policy Villages 1 in the CLP 2015. Kidlington is recognised as a Category A village in the

Cherwell Local Plan Part 1. Category A villages are considered the most sustainable settlements in the District's rural areas and have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Within Category A villages, residential development will be restricted to the conversion of buildings, infilling and minor development comprising small groups of dwellings on sites within the built-up area of the settlement

- 9.8. Theme 2 of the Kidlington Masterplan focusses on 'creating a sustainable community' and in relation to the approach to housing development it states: *"A range of options for development within the existing built-up area should be considered including appropriate redevelopment, intensification and infill while protecting Kidlington's key assets. This may involve increasing housing densities, reconfiguring land uses and introducing mixed used development."*
- 9.9. This proposal is considered to constitute minor residential development in the village of Kidlington which is a sustainable location for new housing. It is therefore considered that the proposal is acceptable in principle, but this is subject to other material considerations which are discussed below.

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

- 9.10. Government guidance contained within the NPPF towards achieving well-designed places states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPF goes on to note that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Further, Paragraph 134 of the NPPF states that *'development that is not well designed should be refused, especially where it fails to reflect local design policies and national guidance on design'*.
- 9.11. Paragraph 130 of the NPPF states that planning policies and decision should ensure that developments:
- a) Will function and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) Are sympathetic to local character and history including the surrounding built environment and landscape setting, while not preventing or discouraging innovation or change (such as increased densities);
  - d) Establish or maintain a strong sense of place, using arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 9.12. Policy ESD15 of the CLP 2015 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."* The Cherwell Residential Design Guide SPD also encourages development which is locally distinctive and the use of appropriate materials and

detailing, but states that new development should avoid the creation of 'anywhere places' which do not respond to local context.

- 9.13. Saved Policy C28 of the CLP 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with existing buildings.
- 9.14. The Cherwell Residential Design Guide SPD states that development within Kidlington should look to strengthen the character of the village. The Design Guide SPD also states that new development should avoid architectural focus on individual buildings rather than the overall street composition. The SPD goes on to state that individual buildings should be designed to relate well to their neighbours, creating a harmonious overall composition and work with site conditions.
- 9.15. Kidlington Masterplan SPD, Theme 2: Creating a sustainable community, subheading 'Securing high design standards' states that: *"The design of the site layout, access arrangements, scale, massing and appearance will be required to demonstrate a positive relationship with the immediate surrounding context of the site and respect and enhance the townscape character of Kidlington as a whole."*
- 9.16. The layout for the site provides vehicular parking between the building and highway. Amenity space is provided to the rear of the buildings as well as cycle storage and bin storage. This offers an overall layout that is akin to the character of the area and protects the quiet environment to the rear of properties along this street. The area to the front of the building would mainly comprise hardstanding, but this would be relatively similar in character and appearance to what presently exists to the front of the dwelling. The existing tree is to be retained on the front boundary and this would help soften the development and provide some screening when viewed from the public domain.
- 9.17. The siting of the bin cycle storage area behind the building would be screened from the public domain and is therefore welcomed. However, full design details of these structures would need to be submitted and this can be conditioned.
- 9.18. The immediate context to the application site is one of mainly 1 to 2 storey residential dwellings. That said, there is a large part 2 and part 3 storey apartment building immediately to the west of the site which is of little architectural merit, this being Gosford Court. The front elevations of the dwellings in the locality tend to be relatively simple in articulation and appearance. Fronting onto a straight section of highway, it is within this context that the proposed frontage of the altered and extended building would be viewed.
- 9.19. The building would have a slight increase in height in comparison to the existing buildings in this area, but the third floor would be constructed in a different material, so it reads more like a roofing element rather than the full bulk of the rest of the building. It is considered that the overall height of the replacement building could be considered acceptable because it would not appear significantly higher or overly prominent in the context of the neighbouring buildings.
- 9.20. In relation to the mass of the building, the replacement building would be larger than the existing chalet bungalow both in terms of height and width. The building would occupy the majority of the width of the plot. Many of the properties along Bicester Road are detached and occupy a significant proportion of the width of their plots, therefore the width of the development and close positioning with the neighbouring properties would not be out of keeping when considering the visual appearance of the street scape. Thus, it is considered that the mass of the building in this location

would be acceptable especially when considered in the context of the adjacent flats which occupy a very wide plot.

- 9.21. The design incorporates a mix of materials and projections to break up the expanse of the frontage, so it does not appear as a single mass. The inclusion of a projecting element on the front elevation is reflective of the existing flat development immediately adjacent to the site. The second floor is set back from all elevations creating a more subservient feature and would be in a darker material, reflective of the darker tiling on the neighbouring properties.
- 9.22. The proposed design is distinctively more modern than most buildings in the area. There are some other examples of more modern design on Bicester Road, mainly towards the west end at the junction with Blenheim Road. Whilst the design is modern, the form is reflective of the adjacent flats with flat roof and projecting elements. The predominant materials proposed are brick and render which are common materials in this area.
- 9.23. The existing buildings in the area, particularly the adjacent flats are clearly 'of their time' and do not have a strong architectural presence. The introduction of a more modern development would not disrupt the flow of the area or appear completely out of keeping. The area is not sensitive in terms of historic assets and simply replicating the form of the neighbouring flats would not itself be a positive design approach. The examples of modern design in developments at the west end of Bicester Road demonstrate that this type of design approach can be successfully incorporated into the wider street scene and character of this area.
- 9.24. Given the above, it is considered that, when viewing the building from Bicester Road, the proposed building would not appear overly prominent or out of keeping with the neighbouring residential developments in the locality. Furthermore, it is considered that the proposal accords with Policy ESD15 of the CLP 2015, saved Policies C28 and C30 of the CLP 1996 and Government guidance contained within the NPPF.

#### Residential Amenity

- 9.25. Paragraph 127 of the NPPF states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.26. Policy ESD15 of the CLP 2015 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.
- 9.27. Saved Policy ENV1 of the CLP 1996 states that: "*Development which is likely to cause detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.*"
- 9.28. The properties most likely to be affected by the proposed development are those on either side of the site, these being No 62 Bicester Road and the flats located in the eastern side of Gosford Hill Court.
- 9.29. No. 62 Bicester Road is a two storey property with a hipped roof. The width of the property is smaller than its depth given the narrow, long nature of the plots. The property occupies the majority of the width of the property.
- 9.30. The proposed development would project approximately 4.5m further back (element of proposal closest to the boundary) than the property at 62 Bicester Road with a gap of approximately 2.1m between the properties. The proposed development



does project slightly further at the rear, but that element is set away from the neighbour. The second floor is also designed so it is set back from the elevations, increasing the distance that this element sits from the neighbour by an additional 1.7m.

- 9.31. The applicant has annotated the plans with a 45 degree line, from the mid-point of the neighbouring window, that demonstrates the proposal would not encroach that line. This test is informal guidance that is commonly used by the Council to assess potential impact. Given the position of the proposed building, it is not considered to have a harmful impact on the general outlook from 62 Bicester Road and would not appear overbearing.
- 9.32. There are some windows proposed facing 62 Bicester Road, but these are small windows and proposed to be obscurely glazed above ground floor level. To ensure they do not have a negative impact, a condition can be imposed to ensure all first floor the windows on this elevation are obscurely glazed and non-opening. The windows are secondary windows serving living rooms, so the condition would not be considered unduly restrictive for future occupiers as they have an alternative window that could be opened. The ground floor windows would not have a harmful impact as the face onto the boundary fence and would not result in overlooking.
- 9.33. Gosford Hill Court immediately to the east of the site, is a mixture of two and three storey development and sits close to the boundary with the application site. The distance between Gosford Hill Court and the proposed building is approximately 5m at the point where the three storey element is proposed on the development and this is opposite a two storey section of Gosford Hill Court (the top section - second floor element is set approximately 1.4m back from the main elevation, positioning it approximately 6.4m away from the neighbouring flats at this point).
- 9.34. Although the proposed development represents a change from the existing chalet bungalow, given the distance between the properties, it would not be harmful in terms of general outlook or being overbearing. In terms of windows facing onto Gosford Hill Court, the first and second floor windows are proposed to be obscurely glazed and fixed shut, and this would be secured by condition.
- 9.35. Concerns have been raised by the Parish Council regarding potential overlooking of the neighbouring gardens. Given the nature (predominantly two storey buildings) and layout (continuous row) of buildings in this area, it will be common for properties to have views into neighbouring rear gardens and the views from the proposed development would not be dissimilar. Therefore, the ability of the development to have some views into neighbouring gardens is not considered to be harmful given the context of the site.
- 9.36. It is therefore considered that the proposed development would be sited so as to prevent significant or demonstrable harm to any other neighbouring properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing impact. Therefore, the proposal is considered to be acceptable in this regard.

#### Accessibility, highway safety and parking

- 9.37. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should: *“Be designed to deliver high quality safe...places to live and work in.” This is consistent with Paragraph 110 of the NPPF which states that: “Developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.”*

- 9.38. The proposed development would utilise the existing vehicular access to the property with the provision of 5 parking spaces (with EV charging) provided at the front of the site. Secure cycle storage would be provided to the rear of the property.
- 9.39. Kidlington is considered to be a sustainable settlement with local facilities close by and good bus links. Active travel should be promoted and is achievable in this area. The Local Highway Authority has advised the size and number of parking spaces provided for the development are acceptable.
- 9.40. It is acknowledged that there are concerns from third parties on the matter of parking and highways safety. The Local Highway Officer has carried out a site visit to observe the situation and considered the parking situation in the local area. Whilst it is likely the development could result in some additional pressure on on-street parking, the Local Highways Authority is of the opinion that the proposal would not have a significant detrimental impact on the highway network.
- 9.41. In conclusion, the access, vehicular parking and cycle parking provision are considered to be adequate for the development. The proposal is unlikely to cause significant detrimental impacts on the highway network and is considered acceptable in this regard.

#### Climate change and sustainability

- 9.42. Policies ESD1-3 and ESD5 of the CLP 2015 set out the Council's expectations in terms of climate change and sustainability requirements.
- 9.43. The proposal efficient use of previously developed land by increasing the density of dwellings on the site and is located within a sustainable location. The proposal includes sustainability features including an air source heat pump, solar panels and electric vehicle charging points. Furthermore, changes in building regulations would also ensure more sustainable methods of construction would be required for this new build development.
- 9.44. Policy ESD3 of the CLP 2015 states 'Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day'. The applicant has not provided details of water efficiency methods or rates for the development; however, it is considered that this could be appropriately secured via a planning condition.
- 9.45. The proposal is considered to represent a sustainable development with a sufficient provision of sustainability features. Therefore, the proposal complies with the provisions of ESD1-3 and ESD5 of the CLP 2015.

#### Ecology and Biodiversity

- 9.46. 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.
- 9.47. 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.

- 9.48. Paragraph 174 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.
- 9.49. Paragraph 180 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.
- 9.50. Policy ESD10 of the CLP 2015 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.
- 9.51. The proposal includes the demolition of an existing building. The constraints for the site do not highlight any ecology or protected species constraints, however the Council's ecologist has advised there are records of hedgehogs (a priority species) within the area.
- 9.52. The Council's ecologist has recommended seeking biodiversity enhancements for the site; this could include wildlife friendly planting/landscaping, hedgehog highways in fencing, bat and bird provision integrated into the fabric of the building and swift bricks. It is considered that a planning condition requiring the submission/approval of a biodiversity enhancement scheme would be appropriate.
- 9.53. With regards to the demolition of the building, the ecologist has advised there could be the potential presence of bats, although due to its location and lack of local records, the likelihood is reduced. Therefore, a planning note will be included to make the applicant aware of the strict laws pertaining to bats.

#### Other matters

- 9.54. Third party comments have raised concerns about the potential removal of the existing tree at the front of the site. The application form states no trees would be affected by the development and the proposed block plan shows the retention of the tree which sits just outside the existing front boundary feature. A consultation has been sent to the Council's Arboricultural Officer seeking their view in relation to the tree and an update will be provided to the Committee.

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

- 10.1. For the reasons set out in this report, the proposal would be compliant with the Local Plan Policy and Government guidance set out in Section 8 of this report. The principle of minor residential development in Kidlington is acceptable, and it is considered that the proposal would not cause detrimental harm to the character and appearance of the area and would safeguard the living conditions of neighbouring properties. In addition, the proposal would not have an adverse impact upon

protected species or the safe and efficient operation of the highway network. The proposal is therefore considered to constitute sustainable development and is recommended for approval subject to conditions set out below

## 11. RECOMMENDATION

### RECOMMENDATION –GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

#### 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.

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
- Design and Access Statement
- Drawing number 220011-A-PR-90 rev A – [Proposed site plan]
- Drawing number 220011-A-PR-100 – [Proposed ground floor and first floor plans]
- Drawing number 220011-A-PR-110 rev A – [Proposed second floor and roof plans]
- Drawing number 220011-A-PR-200 – [Proposed front and rear elevations]
- Drawing number 220011-A-PR-210 – [Proposed side elevations]

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. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed in accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area 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.

4. A schedule of materials and finishes to be used in the external walls and roof(s) of the building 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 development is constructed and finished in materials which are in harmony with the building materials used in the locality 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. Prior to the first occupation of the development hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details,

shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

Reason: In order that proper arrangements are made for the disposal of waste, and to ensure the creation of a satisfactory environment free from intrusive levels of odour/flies/vermin/litter in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 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 to be first 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. All hard-standing areas within the site must be constructed from a permeable material, or provision must be made within the site for surface water to discharge to soakaway/ SUDS feature. There must be no increase in surface water run-off from the site to the highway or neighbouring properties as a result of this proposal.

Reason: In the interests of highway safety and flood prevention and to comply with Policy ESD7 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

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

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

9. The first and second floor window(s) in the east and west side elevations shall be obscure glazed, using manufactured obscure glass, (not an applied adhesive film) before the building is first occupied and shall be permanently retained as such thereafter. They shall also be non-opening, unless those parts which can be opened are more than 1.7m above the floor of the room in which it is installed and shall be permanently retained as such thereafter.

Reason: To ensure that the amenities of the occupants of the neighbouring properties are not adversely affected by loss of privacy 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.

10. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. The dwelling shall not 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 and Government guidance contained within the National Planning Policy Framework.

### **Planning Notes**

1. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.