

Case Officer: Tomaz Akhter

Applicant: Mr Willow Hobbs

Proposal: Formation of means of access and associated dropped kerb

Ward: Banbury Ruscote

Councillors: Cllr Cherry, Cllr Watkins and Cllr Woodcock

Reason for Referral: Application submitted by a member of staff acting as agent, advisor or consultant

Expiry Date: 14 December 2022

Committee Date: 9 February 2023

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises a semi-detached dwelling that is set back from the road by approximately 23m and is screened from the public domain by well-established hedgerows and trees. The immediate vicinity is characterised by similarly designed semi-detached and terraced dwellings.

2. CONSTRAINTS

- 2.1. The application property is not listed nor is it situated within proximity to any listed buildings or within a designated conservation area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The applicant seeks planning permission to extend an existing dropped kerb on a classified highway, Warwick Road. In addition, as the property's front boundary is 14m from the roadside the applicant is also proposing to create a new means of access, 14m in length, across a grassed area and a public footpath. The access would abut an existing track. The access would serve a new parking area to the front of the applicant's property.

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

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 27 January 2023.

6.1. No comments have been raised by third parties

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. BANBURY TOWN COUNCIL – No objections

CONSULTEES

7.3. OCC HIGHWAYS: **No Objections**. This proposal is unlikely to have any detrimental impact on the highway in terms of safety or convenience. Therefore, OCC do not object to the granting of planning permission.

7.4. CDC ARBORICULTURE: **No Objections**, subject to the condition that prior to commencement the submission of an Arboricultural method statement in line with BS5837:2012 is to be submitted for review, outlining protective measures, and working practices to allow successful retention of T1.

7.5. OCC ARBORICULTURE: No comments received.

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
- ESD1 – Mitigation and adapting to climate change
- ESD3 – Sustainable construction
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 – The character of the built and historic environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control
- C32 – Provision of facilities for disabled people

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)

- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)

9. APPRAISAL

- 9.1. The key issues for consideration in this case are:
- Design, and impact on the character of the area
 - Highway safety
 - Trees

Design, and impact on the character of the area

- 9.2. As there are a number of similar access tracks along both sides of Warwick Road, the proposed works would have a very limited visual impact within the locality.
- 9.3. As the proposal is considered not to adversely affect the character or visual amenity of the local area, the proposed development complies with Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF.

Highway safety

- 9.4. The proposed access onto Warwick Road has good visibility splays in both directions and there is space on the adjoining access for vehicles to manoeuvre, so that they can enter onto Warwick Road in a forward gear. The Local Highway Authority has raised no objections to the proposed works.
- 9.5. The proposal therefore accords with Policy ESD15 of the CLP 2015 in this regard, as well as the relevant paragraphs of the NPPF in respect of highway safety.

Trees

- 9.6. The proposed hardstanding would be constructed between two trees, a horse chestnut tree and an oak tree. Notwithstanding the arboricultural method statement submitted with the application, the Council's Arboricultural Officer needs further reassurances that the new access would not unduly affect the root structure of the horse chestnut tree, which is identified as a category B tree and is within 4m of the closest part of the new access. The Arboricultural Officer is looking for further mitigation, most notably the use of an airspade, to ensure that the tree roots are not unnecessarily damaged during construction.
- 9.7. An arboriculture method statement is therefore sought, via condition to ensure that the development accords with Policy ESD15 of the CLP 2015, as well as the relevant paragraphs of the NPPF.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Based on the assessment above, the proposal complies with the relevant Development Plan policies and guidance listed at Section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

11. RECOMMENDATION

GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

Time Limit

1. 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 Purchases 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 application forms and the following plans and documents: Site Location Plan; P03; and the Arboricultural Statement produced by LandArb Solutions.

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.

Parking Area

3. Prior to the first use of the access hereby approved, the parking area shall be provided in accordance with the plan approved (Drawing No. PO3) and notwithstanding 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. Thereafter, the parking and manoeuvring areas shall be retained in accordance with this condition and shall be unobstructed except for the parking of vehicles at all times.

Reason - In the interests of 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.

Root Protection

4. Prior to the commencement of the works to form the new access track, an Arboricultural Statement (AMS), undertaken in accordance with BS:5387:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained tree and to ensure that they are not adversely affected by the constructions work. In the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with policies ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1966 and Government Local Guidance contained within the National Planning Policy Framework.

Planning Informative

Please note as works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and the County Council. This is separate from any planning permission may be granted.

CASE OFFICER: Tomaz Akhter