

Case Officer: Emma Whitley

Applicant: Mr A Bradbury

Proposal: Erection of a 4 bedroom detached dwelling with garage and access

Ward: Fringford and Heyfords

Councillors: Councillor Clarke, Councillor Corkin and Councillor Wood

Reason for Referral: Called in by Councillor Wood for the following reasons:
Complex planning history (turned down at appeal 3 times);
and high level of public interest

Expiry Date: 23 June 2022

Committee Date: 16 June 2022

SUMMARY OF RECOMMENDATION – GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The site is located towards the south of Fringford, on the corner of Rectory Lane and Farriers Close. Farriers Close is a more modern residential development of four detached dwellings, granted on appeal (95/00702/OUT). The site is accessed via Rectory Lane, which is a dead-end street, although pedestrian footpaths provide access through to Crosslands and Church Lane.

2. CONSTRAINTS

2.1. The application site is occupied by 7 trees which are protected by way of a Tree Preservation Order. The site is within a medium priority Archaeological Alert Area, designated as “Fringford Historic Core, including site of moat at Fringford Manor and med/post-med fishponds”. Fringford is not covered by a Conservation Area, and there are no listed buildings within 25m of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The applicant seeks planning permission for the erection of a single residential dwelling. The dwelling would be two-storey and constructed from yellow-facing brick with a natural stone front gable. The dwelling would have a traditional appearance, with the main element having a north to south gable fronting towards Rectory Lane, and a two-storey gabled projection proposed off the western flank. The dwelling would also feature an attached garage to the east, which would be single storey in scale.

3.2. This application is a re-submission of the 2020 application (ref: 20/01891/F) with additional information submitted in relation to ecology and archaeology.

4. RELEVANT PLANNING HISTORY

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

10/01220/F: No. three bedroom dwelling.
Application Refused 23 September 2010.
Dismissed at Appeal 14 February 2011

20/01891/F: Erection of a 4 bedroom detached dwelling with garage and access
Application Refused 18 September 2020.
Dismissed at appeal 27 August 2021.

4.2. The Inspector dismissed the 2011 appeal on grounds of character and appearance, impact on trees and insufficient information in respect of archaeology.

4.3. The Inspector dismissed the 2020 appeal (ref: APP/C3105/W/21/3270400) on archaeological grounds. The Inspector for this appeal concluded that the application was acceptable in terms of impact on the character and appearance of the area and impact on trees.

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 **10 May 2022**.

6.2. 32 letters of objection and 0 letters of support have been received. The comments raised by third parties are summarised as follows:

- Copse was conditioned to be retained (Condition 11 of 95/00702/OUT).
- Two previous applications have been refused due to impact on character of area and nothing has changed in this application
- Detrimental harm to neighbour amenity by way of overshadowing
- Inaccuracies in naming and location of neighbouring properties
- Inaccurate naming of application site
- Inaccuracies in the height difference between proposal and neighbouring property
- Loss of existing trees would result in detrimental impact to character of area
- Application site not maintained
- No requirement for size of dwelling in village
- Detrimental impact to highway safety
- Ecological impact
- Question the reliability of the archaeological survey
- Traffic impact due to construction machinery
- Limited details provided with regards to services provision (water, sewerage, energy)
- No details with regards to the loss of the existing dry-stone wall
- Nothing to stop future occupants removing hedgerows and trees in the future

- Site inappropriate for residential development
- Entire planning history not considered

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.

7.2. Fringford Parish Council – **Objection.** Comments: proposal represents inappropriate infill development and is unacceptable in planning terms by way of the previous planning application refusals and dismissed appeals. The proposals would be detrimental to character and appearance of area, neighbour amenity trees and wildlife and highway safety.

7.3. Arboriculture (CDC) – No comments or objections received at the time of drafting the report.

7.4. Archaeology (OCC) – Comments:

An archaeological evaluation has been undertaken on the site in relation to a previous application (ref: 20/01891/F), and a report of this evaluation has been submitted with the current application. The evaluation recorded a wall, which has been given a provisional date of 18-19th century, though it is unclear what the wall is a part of, and how it might interact with the structures recorded in the excavation adjacent to the current proposal site.

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition along the lines of:

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

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2021).

2. Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in

their wider context through publication and dissemination of the evidence in accordance with the NPPF (2021).

If the applicant contacts us at the above address, we shall be pleased to outline the procedures involved, provide a brief upon which a costed specification can be based, and provide a list of archaeological contractors working in the area.

7.5. Ecology (CDC) – **No objections, subject to conditions.** Comments:

With regard to the above application, the Preliminary Ecological Appraisal from a former application has been submitted however this is satisfactory as little is likely to have changed in the interim period. I consider the recommendations within the report to be valid. The precautionary working practices for birds, bats, amphibians and hedgehogs within section 5.4 of the report are fine to serve as a CEMP for biodiversity and can be conditioned as they are.

An overall net gain for biodiversity must be achieved on site and sections 5.2 and 5.3 make some good recommendations in this regard. A biodiversity enhancement scheme should be conditioned which must show the planting proposed on site, the location and type of integrated bat and bird features and any other features proposed such as hedgehog highways, log piles, insect hotels etc.

7.6. Local Highways Authority (OCC) – **No objection subject to conditions** relating to parking and manoeuvring areas and full details relating to access.

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
- ESD 1: Mitigating and Adapting to Climate Change
- ESD 3: Sustainable Construction
- ESD 7: Sustainable Drainage Systems (SuDS)
- 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 control
- C33: Important local gaps

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:

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

Principle of development

- 9.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the Cherwell Local Plan 2011-2031 Part 1 (CLP 2015) and the saved policies of the Cherwell Local Plan 1996 (CLP 1996).
- 9.2. Paragraph 10 of the National Planning Policy Framework states that at the heart of the Framework is a presumption in favour 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 are interdependent and need to be pursued in mutually supportive ways.
- 9.3. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'. Cherwell's position on five-year housing land supply is set out in the 2021 Annual Monitoring Report (AMR). This highlights that despite a strong record of delivery since 2015, there is a land supply position of 3.5 years for the period 2022-2027. According to the AMR, an additional 1,864 homes would need to be shown to be deliverable within the current 2021-2026 five-year period to achieve a five-year supply as required by the NPPF.
- 9.4. However, paragraph 12 of the NPPF advises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. In February 2021, the primacy of development plans in the planning system was reaffirmed by a Court of Appeal ruling on two appeals by land promoter Gladman, which emphasised that where a council lacks the required five-year housing land supply, this may tilt the balance in favour of proposed residential schemes, but it does not render grants of planning permission automatic.
- 9.5. Policy ESD1 of the Cherwell Local Plan Part 1 states measures will be taken to mitigate the impact of development on climate change and deliver the goals of sustainable development. This includes distributing housing growth to the most sustainable locations as defined in the Local Plan and delivering development which reduces the need to travel. The local plan has a strong urban focus with large amounts

of housing planned at Bicester and Banbury, with rural housing growth therefore more restrained.

- 9.6. The principle of residential development in Fringford is assessed against Policy Villages 1 in the Cherwell Local Plan Part 1. Fringford is recognised as a Category A village in the CLP 2015.
- 9.7. Category A villages are recognised as the most sustainable rural settlements within the district, which can accommodate appropriate minor development, infilling and conversions. Infilling is defined within paragraph C.264 of the CLP 2015 as *“the development of a small gap in an otherwise continuous built-up frontage”*.
- 9.8. The land subject of this application is considered to accord with this definition of infilling, given its size and location generally between other buildings (Farriers Close development and the Old School/Fringford Study Centre). Further, Cherwell’s housing land supply position identifies that positive consideration should be given to new housing provided within sustainable locations such as Fringford.
- 9.9. Thus, the overall principle of development, in sustainability terms, is not opposed. However, the acceptability of the proposal is subject to other considerations such as the impact of the proposal on both the visual amenity of the site and surrounding area, impact on neighbours and highway safety.

Design and impact on the character of the area

- 9.10. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps makes development acceptable to communities. 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.
- 9.11. 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.
- 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.”*
- 9.13. Relevant here is paragraph C.264 under Policy Villages 1 of the CLP 2015 in relation to appropriate infilling. Furthermore, saved Policy C33 seeks to preserve important local gaps where they are important to preserving the loose knit character of an area of where they are important in maintaining the setting of a listed building.
- 9.14. This proposal is identical to the previous application (ref: 20/01891/F) in terms of design, scale, siting and appearance, with the only changes made to this application by way of additional information in relation to ecology and archaeology.
- 9.15. The Inspector for the 2021 appeal on this site considered that the plot is sufficiently spacious to accommodate the proposed dwelling and would not result in the appearance of an overdeveloped plot. Further, the proposed dwelling would appear in-keeping in design and scale, with the existing surrounding dwellings within the immediate vicinity.

- 9.16. In considering the appeal against refusal of application 20/01891/F, the Inspector stated: "... *the site would remain verdant, and the development would not have a significant effect in eroding the openness and general spaciousness of the area. The dwelling would not appear incongruous in this setting as it would suitably integrate into this residential area. I would not regard this proposal as an inappropriate or unacceptable form of infilling*". [appeal ref: APP/C3105/W/21/3270400].
- 9.17. Policy ESD10 of the CLP 2015 states that the protection of trees will be encouraged, with an aim to increase the number of trees in the District. Policy ESD15 adds that new development proposals shall respect local topography and landscape features, including trees. Paragraph 180 of the NPPF states that development involving the loss or deterioration of irreplaceable habitats (including veteran trees) should be refused.
- 9.18. There are 7 trees within the site which are covered by a Tree Protection Order (TPO). The trees make a valuable contribution to the character and appearance of the area. However, just one tree is proposed to be felled, which is classed as a 'C' class sycamore. The tree in question does not hold any high amenity value and was considered in the 2021 appeal to not be a reason to prevent the proposed development.
- 9.19. In order to ensure that the trees are not compromised by any future development that the Council would not ordinarily have control over, it is recommended that permitted development rights are removed, via conditions, in respect of extensions, new outbuildings and boundary treatments.
- 9.20. The site is an undeveloped gap of land, but its contribution to the character and appearance of this area is primarily its verdant appearance and the significant trees in this prominent location. However, the Inspector in the 2021 appeal identified that whilst the introduction of a dwelling into this gap would result in some change to the character of the site, the retention of all but one of the significant trees and additional proposed landscaping would remain '*of a positive spacious and verdant character within this setting*'.
- 9.21. The loss of the dwarf dry stone wall to the south-west boundary of the site is inferred in the application proposal. The wall has very limited contribution to the character of the area particularly given its limited scale. The loss of the wall is therefore considered acceptable.
- 9.22. On this basis, officers see no reason to come to a different conclusion in relation to the siting of the proposed new dwelling. Officers agree with the Inspector that the proposal would neither be harmful to the character and appearance of the area or the protected trees on the site, which are set to remain. The proposal is thus in accordance with Policy Villages 1, ESD10 and ESD15 of the CLP 2015, saved Policies C28, C30 and C33 of the CLP 1996 and relevant paragraphs of the NPPF.

Residential amenity

- 9.23. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: '*new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space*'.
- 9.24. Officers note that a number of third-party residents have concerns regarding overlooking and loss of light to Pringle Cottage. Officers previously considered in respect of the 2020 application that whilst the dwelling in this location may result in

some shared views across the road between bedrooms, this can usually be expected where dwellings front onto the road / face each other across the public realm and as the proposals have not been amended from the 2020 scheme, Officers consider this position to remain the same. Further, the new dwelling is set back within the plot and as such the distances involved (approx. 18m) are not considered to result in any significant material harm to neighbouring or future residents in this case. Neither the dwellings on Farriers Close nor the dwellings to the rear are considered to be in close enough proximity for there to be any material harm caused, which is the same position as Officers reached in the 2020 application.

- 9.25. With regards to amenity space for future residents, the size of the plot is relatively small in comparison to some neighbouring plots. However, Officers consider that the amenity space is of an adequate size in terms of future occupants and is acceptable in this regard.
- 9.26. Overall, for these reasons, the proposal is considered acceptable in residential amenity terms, compliant with Policy ESD15 of the CLP 2031, saved Policies C28, and C30 of the CLP 1996 and relevant paragraphs of the NPPF

Highway safety

- 9.27. 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*.
- 9.28. The Local Highway Authority (LHA) has raised no objections to this proposal, advising the proposal would not have a significant detrimental impact in terms of highway safety and convenience. The LHA has requested conditions relating to manoeuvring and access. Officers see no reason to disagree with the LHA's view or these suggested conditions and therefore conclude that the proposal is acceptable on these grounds, compliant with local and national policy.
- 9.29. Residents' concern with regards to impact from construction traffic is noted, however there were no concerns raised by the LHA in this regard, nor did they request a condition relating to a Construction Management Plan. Given the scale of development relating to a single dwelling, it is not considered necessary to include a condition relating to the management of construction traffic.

Ecology

- 9.30. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision*.
- 9.31. Paragraph 174 of the NPPF states that: *"The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity, including by establishing coherent networks that are more resilient to current or future pressures"*. This requirement is

echoed by Policy ESD10 of the CLP 2031 Part 1, which states that “a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources”.

- 9.32. The Council's Ecologist noted that the Ecological Appraisal dated February 2021 (previously submitted as part of the 2021 appeal) is considered satisfactory, which should be conditioned and that a biodiversity net gain scheme should be conditioned.
- 9.33. Officers note that residents raised concerns with regards to the impact the proposal would have on the site's ecology. However, as set out in the 2021 appeal decision, the ecological appraisal was considered acceptable by the Council's Ecologist and therefore the reason for refusal in respect of the appeal was withdrawn. The Council's Ecologist has confirmed that the position remains the same and therefore is acceptable in this regard.
- 9.34. The proposal is thus in accordance with Policy ESD10 of the CLP 2015 and relevant paragraphs of the NPPF.

Archaeology

- 9.35. The site is within in Archaeological Alert Area. Paragraph 194 of the NPPF has regard for sites with archaeological interest. It states, “Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”.
- 9.36. This application included the results of an archaeological field evaluation, the absence of which was the only reason for the appeal being dismissed in 2021. This information has been submitted to and considered acceptable by the County's Archaeologist, subject to the recommended conditions which have been included in the condition list below. Notwithstanding that some neighbouring residents have questioned the reliability of the archaeology report, Officers have no reason to dispute its findings or indeed reach a different conclusion to that of the County Archaeologist.

Other matters

- 9.37. Comments were raised with regards to the maintenance and retention of the copse under the 1995 planning permission (ref: 95/00702/OUT). The two previous applications (refs: 10/01220/F and 20/01891/F) have not identified that the siting of the dwelling on land restricted by condition to be unacceptable and therefore a reason for refusal. Further, the lack of maintenance is not a matter that would hold any weight with regards to maintaining a refusal of planning permission and therefore is not a material planning consideration.
- 9.38. Officers note comments with regards to inaccuracies in the naming convention of the application site and neighbouring dwellings. These are administrative matters; however, they have not prevented neighbours from commenting or affected the assessment of the application.
- 9.39. The relevant planning history has been identified within this report and in respect of the 2020 planning application. Whilst the 1995 permission (ref: 95/00702/OUT) is referenced in this report, this application is not directly relevant to this application as it relates to the construction of 4 residential dwellings and this area of land was not identified for development.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal represents an infill development within a Category A village which accords with Policy Villages 1 of the CLP 2015. It also weighs in favour of the proposal that it represents additional housing in a sustainable location in the absence of a five-year housing land supply. Further, the application is considered acceptable in terms of impact on visual amenities, residential amenity, highway safety, trees, archaeology and ecology. In accordance with Paragraph 11 of the NPPF, planning permission should therefore be granted.

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.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: drawing numbers 02 (Proposed Floor Plans), 03 (Proposed Elevations), 04 (Site Plan), 05 (Site Location Plan/ Block Plan) and 06 (Street Scenes).

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. A schedule of materials and finishes to be used in the external walls and roof(s) of the dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to any foundations work. The development shall thereafter be implemented in accordance with the approved details and shall be retained as such thereafter.

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

4. Prior to the commencement of works above slab level in respect of the development the development hereby approved, a scheme for landscaping the site shall be submitted to and approved in writing by the Local Planning Authority which shall include:

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch, etc.),

(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 including hard surface areas, pavements, pedestrian areas and steps,

(d) details of the enclosures along the boundaries of the site.

All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) [or on the completion of the development, whichever is the sooner,] and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved hard landscaping and boundary treatments shall be completed prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of visual amenity of the area and to comply with Policies ESD13 and 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 until and unless a plan detailing the proposed parking and turning 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 and turning facilities shall be laid out and completed in accordance with the approved details before the first occupation of the dwellings. The car parking and turning spaces shall be retained for the parking and turning of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking and turning 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. The proposed access, parking and turning facilities shall be provided in accordance with the approved plans before first occupation of the development hereby permitted. The access parking and turning facilities shall thereafter be retained for use in connection with the development for those purposes only.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street parking [and turning/loading/unloading] to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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

Reason - To safeguard the recording of archaeological matters within the site in

accordance with the NPPF (2021).

8. Following the approval of the Written Scheme of Investigation referred to in condition 7, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2021).

9. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Ecological Appraisal dated February 2021 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with Government guidance contained within the National Planning Policy Framework.

10. A method statement for enhancing biodiversity on site, to include, but not limited to, details of planting and integrated bat/bird provisions, shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. 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 the National Planning Policy Framework.

11. Prior to the first occupation of the dwelling hereby approved, 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.

12. Notwithstanding the provisions of Schedule 2, Part 1, Classes A-D inclusive of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no enlargement alteration or improvement of the dwellinghouse shall be undertaken at any time without the prior planning permission of the Local Planning Authority.

Reason: Taking into account the density of the site it is considered to be in the public interest to ensure the merits of future proposals can be assessed by the Local Planning Authority so that the amenities of the adjoining occupier(s) are not adversely affected and to ensure that the existing trees on the site are adequately protected in accordance with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031

Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no building or structure shall be erected or placed within the curtilage of the dwelling hereby permitted without the prior planning permission of the Local Planning Authority.

Reason: In order to retain the open character of the development and area and to ensure that the existing trees on the site are adequately protected in accordance with Policies ESD10 and 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.

14. Notwithstanding the provisions of Schedule 2 Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed in front of the front wall of any dwelling and the highway, at any time.

Reason: In order to retain the open character of the development and area and to ensure that the existing trees on the site are adequately protected in accordance with Policies ESD10 and 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.