

Suggested Conditions

CONDITIONS

The Inspector is requested to dismiss the appeal. However, if the Inspector is minded to allow the appeal and grant planning permission the Council, request that due consideration be made to the suggested conditions attached to this statement.

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 2.

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:

Drawings

- Site Location Plan 4349-02
- Site Plan 4349-03 Rev W
- Proposed Site Plan 4349-04 Rev H
- Plot 1 Elevations 4349-30 Rev F
- Plot 2 Elevations 4349-31 Rev F
- Plot 3 Elevations 4349-32 Rev E
- Plot 4 Elevations 4349-33 Ref F
- Plot 5 Elevations 4349-34 Rev E
- Street Elevations 4349-36 Rev A
- Floor Plans Plot 1 4349-40 Rev C
- Floor Plans Plot 2 4349-41 Rev D
- Floor Plans Plot 3 4349-42 Rev C
- Floor Plans Plot 4 4349-43 Rev C
- Floor Plans Plot 5 4349-44 Rev D
- Waste Management Plan 4349-50 Rev A
- Cycle Storage Plan 4349-51 Rev A
- Bat and Bird Brick Location Plan 4349-52 Rev A
- Materials Plan 4349-53 Rev C
- Landscape Layout Plan: JWL_095.01Rev D May 2023

Documents

- Arboricultural Impact Assessment, Tyler Grange, dated 10th May 2023
- Archaeology Evaluation by Red River Archaeology dated December 2021 and Archaeological Evaluation Note by Bristol and Bath Heritage Consultancy, December 2021
- BBA Architects and Planners Design and Access Statement Revision F
- Pegasus Group Drainage Strategy Technical Note dated 09/05/2023

- Malford Environmental Consulting Ecological Appraisal and Addendum dated 5th May 2023
- Sumo Geophysical Survey Report 05301 November 2021
- Geo Consulting Engineering Ltd Phase 1 Desk Study and Phase 2a Preliminary Ground Investigation December 2021
- Heritage Places Heritage Statement December 2021
- Drainage Strategy Pegasus Group, May 2023
- Archaeological Evaluation, Red River Archaeology and Bath and Bristol
- Pegasus Group Landscape and Visual Technical Note May 2023
- Contact Consulting Need and Demand Report May 2023
- Planning Report and Planning Statement Addendum D2 Planning Limited
- Sustainability Statement D2 Planning Limited
- Pegasus Group Transport Statement Letter May 2023

Reason: To clarify the permission and 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. Notwithstanding the details submitted, no dwelling shall be occupied until details of the proposed parking turning, loading, and unloading 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 turning, loading, and unloading facilities shall be laid out and completed in accordance with the approved details before the first occupation of the dwellings. The car parking turning, loading, and unloading spaces shall be retained for the parking turning, loading, and unloading of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking turning, loading, and unloading 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

4. No development shall commence unless and until a Construction Traffic and Environment Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority.
 - The CTMP must be appropriately titled, include the site and planning permission number.
 - Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
 - Details of and approval of any road closures needed during construction.
 - Details of and approval of any traffic management needed during construction.
 - Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
 - Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
 - The erection and maintenance of security hoarding / scaffolding if required.
 - A regime to inspect and maintain all signing, barriers etc.

- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
 - The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
 - No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
 - Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
 - Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
 - Any temporary access arrangements to be agreed with and approved by Highways Depot.
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.
 - Details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents.
- The development shall not be carried out other than in strict accordance with the approved CTMP.

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 and to ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Note to Applicant: 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.

5. No development shall commence above slab level on the dwelling constructed of render unless and until a render sample panel (minimum 1m² in size) demonstrating the type, colour and texture has been constructed on site and approved in writing by the Local Planning Authority. The render shall thereafter be carried out in strict accordance with the approved sample panel 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 and to safeguard the character and appearance of the area and the significance of heritage assets 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.

6. No development shall commence above slab level unless and until samples of the slates to be used externally in the construction of the roof of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be

carried out other than in accordance with the samples so approved and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and the significance of heritage assets 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.

7. No development shall commence above slab level unless and until a stone sample panel (minimum 1m² in size) has been constructed on site in natural ironstone, which shall be inspected and approved in writing by the Local Planning Authority. The external walls of the development shall not be laid, dressed, coursed and pointed other than in strict accordance with the approved stone sample panel and shall be retained as such thereafter.

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 safeguard the character and appearance of the area and the significance of heritage assets 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.

8. No development shall commence above slab level on the dwellings constructed of brick unless and until a brick sample panel (minimum 1m² in size) demonstrating the type, colour, texture, face bond and pointing has been constructed on site and approved in writing by the Local Planning Authority. The brickwork shall thereafter be carried out in strict accordance with the approved sample panel 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 and to safeguard the character and appearance of the area and the significance of heritage assets 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.

9. No development shall commence on the garages unless and until a timber sample has been provided on site and approved in writing by the Local Planning Authority. The timber cladding shall thereafter be carried out in strict accordance with the approved sample 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 and to safeguard the character and appearance of the area and the significance of heritage assets 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.

10. No development shall commence unless and until full details of the doors and windows hereby approved, at an appropriate scale including a cross section, cill, lintel and recess detail and colour/finish, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and the significance of heritage assets 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.

11. The recommendations of the Biodiversity Enhancement Statement prepared by Malford Environmental Consulting, dated December 2021 and May 2023, must be implemented prior to the occupation of the dwellings hereby approved. The development shall be carried out in accordance with these details, and shall be retained as such thereafter.

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.

12. The Arboricultural Impact Assessment 10th May 2023(ref: TG Report No. 14139_R01b_JP_CW) submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in section Arboricultural Method Statement of the report, by a suitably qualified tree specialist.

Reason – To safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 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.

13. The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 12 shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Reason - In order to ensure compliance with the tree protection and arboricultural supervision details submitted under condition 11 pursuant to section 197 of the Town and Country Planning Act 1990 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.

14. No development shall commence above slab level unless and until a landscaping scheme has been 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 surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
- (d) elevational details and exact extent of the means of enclosure and other boundary treatments as indicatively set out in drawing "Landscape Layout Plan: JWL_095.01Rev D May 2023"

The development shall not be carried out other than in accordance with the approved scheme and the hard landscape elements shall be carried out prior to the first occupation of the development and shall be retained as such thereafter.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to safeguard the character and appearance of the area and the significance of heritage assets 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.

15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. No development shall commence above slab level unless and until full details of the provision, landscaping and treatment of open space within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space.

Reason - In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space and to comply with Policy BSC11 of the Cherwell

Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

17. Prior to the first occupation of the development, a scheme for the provision of a vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the unit they serve, and retained as such thereafter.

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

18. All of the dwellings hereby approved shall be constructed to accord with M(4)2 standard of Approved Document M of The Building Regulations 2010.

Reason - To deliver flexible housing to meet the diverse and changing needs of the population and to accord with Government guidance contained within the National Planning Policy Framework.

19. No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 051 Rev A (Cycle Storage Plan) for 2 bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.

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.

20. Notwithstanding the details on the approved plans the access hereby approved shall not be gated and access to the dwellings shall remain unfettered in perpetuity.

Reason - In the interests of highway safety, and to facilitate access by refuse and emergency vehicles, and to comply with Government guidance contained within the National Planning Policy Framework.

21. Other than the approved access no other access to the development hereby approved whatsoever shall be formed or used between the land and the highway.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

22. The 5 dwellings hereby permitted that form part of the retirement element of the scheme shall only be occupied by persons (a) aged 55 or over, and/or (b) living as part of a single household with such a person or persons; and/or (c) who were living as part of a single household with such a person or persons at the property who have since died.

Reason – To ensure that the development is used by elderly people only, to ensure compliance with the description of development and in accordance with Government guidance contained within the National Planning Policy Framework.

23. No removal of hedgerows, trees or shrubs, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

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.

24. The Notwithstanding the provisions of Classes A to F (inc.) of Part 1 and/or Classes A to C (inc.) of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwellings shall not be extended, nor shall any structures be erected or hardstanding laid within the curtilage of the said dwellings, without the grant of further specific planning permission from the Local Planning Authority.

Reason – To ensure and retain the satisfactory appearance of the completed development and to enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the character and appearance of the area and the amenities of the occupants of the adjoining dwellings 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.

25. 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, no means of access formed and no exterior painting carried out without the grant of further specific planning permission from the Local Planning Authority.

26. Reason – To ensure and retain the satisfactory appearance of the completed development and to safeguard the character and appearance of the area, the significance of heritage assets 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.