

**PLANNING REPORT
(including Statement of Community Involvement)**

in support of

**Erection of 7 one and two storey age restricted dwellings
(60 years) for older people with access, landscaping
and associated infrastructure**

at

**The Poplars, Land to the South of Clifton Road,
Deddington**

On behalf of

Blue Cedar Homes Limited

D2 Planning Ref: 015/19

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November 2020

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1. INTRODUCTION

- 1.1. This Planning Statement has been prepared to support a detailed planning application for the erection of 7 residential retirement properties for people over 60 years old on The Poplars, land to the south of Clifton Road, Deddington.
- 1.2. The purpose of this statement is to assess the site's potential to accommodate housing with particular regard to the provision of housing for older people.
- 1.3. The proposed development comprises: -

Erection of 7 one and two storey age related dwellings (60 years) for older people with access, landscaping and associated infrastructure
- 1.4. These proposals represent the only development aspirations that the applicant has for the site. There is no intention to provide any further development in subsequent phases. This is an important issue and clearly indicates that no further development proposals are being considered.
- 1.5. In order to fully assess the application, this statement should be read in conjunction with the following information: -
 - Application forms and ownership certificate;
 - Design and Access Statement by BBA (Chartered Architects)
 - Landscape and Visual Appraisal Report by Leyton Place
 - Transport Statement by Pegasus
 - Flood Risk & Drainage Assessment by Hydrock
 - Heritage Statement by Heritage Places
 - Archaeological Evaluation by Red River Archaeology
 - Geotechnical and Geo-Environmental Assessment (Ground Investigation Phase 1) by RSK
 - Arboricultural Impact Assessment prepared by Tyler Grange
 - Ecological Appraisal by Malford Environmental Consulting

- Utilities Statement by Blue Cedar Homes Limited
- BCH Retirement Statement

Plans

- Location Plan – Plan No. 419-3-002D
- Existing Nolli Plan – Plan No. 4192-3-047
- Proposed Nolli Plan – Plan No. 4192-3-048
- Site Plan – Plan No. 4192-3-049
- Concept Plan – Plan No. 4192-3-050C
- Conservation Enhancement Plan – Plan No. 4192-3-051C
- Proposed Materials Plan – Plan No. 4192-3-052B
- Proposed Hard Surface Treatment Plan – Plan No. 4192-3-053B
- Boundary Treatment Plan – Plan No. 4192-3-054
- Plot 1 & 2 Ground Floor Plan – Plan No. 4192-3-200B
- Plot 3 Ground Floor Plan – Plan No. 4192-3-203C
- Plot 4 & 5 Ground Floor Plan – Plan No. 4192-3-205C
- Plot 6 Plans – Plan No. 4192-3-208C
- Plot 7 Plans – Plan No. 4192-3-210B
- Plot 1 & 2 Elevations – Plan No. 4192-3-220A
- Plot 3 Elevations – Plan No. 4192-3-221A
- Plot 4 & 5 Elevations – Plan No. 4192-3-222A
- Plot 6 Elevations – Plan No. 4192-3-223A
- Plot 7 Elevations – Plan No. 4192-3-224A
- Site Sections – Plan No. 4192-3-230
- Entrance Wall Gate & Planter – Plan No. 4192-3-300

- Landscape Layout Plan – Plan No. JW-011.01B
- Topographical Survey Part 1
- Topographical Survey Part 2
- Artist Impression Courtyard
- Artist Impression Site Entrance

1.6. This statement, along with the above, should be read as a complete package. It sets out details of the proposed development, an appraisal of the site and surrounding area, site planning history and an assessment of key planning issues within the context of relevant planning policy. These issues should all be considered in the determination of the application.

1.7. In summary, the proposal is consistent and in accordance with the National Planning Policy Framework (NPPF) and Local Plan policy. The site and development are most sustainable, with Deddington being identified as a Service Village that has sufficient facilities and services to accommodate new residential development (particularly retirement) in the period up to 2031.

Blue Cedar Homes Operation

1.8. Blue Cedar Homes, are focused on providing high quality, private retirement housing. The Company was established in December 2007 and their Head Office is based in Exeter, with a regional office in Bristol.

1.9. Blue Cedar Homes recognise the housing and lifestyle needs of the active retired and specialise in selling distinct homes for people who want to get the most out of their retirement and value the quality of their living environment.

1.10. All of their properties are offered for sale to the retirement market, and the permanent occupier or at least one spouse must be over the age of 55 (or 65 in some locations).

1.11. All of their homes are supported by a range of core services including estate maintenance, gardening, external window cleaning, periodic building redecoration, security services and waste management. The company provides high quality accommodation in desirable towns and large villages in England and Wales, with

retirement schemes currently under construction in Wedmore. Completed schemes include Bampton, Willersey, Kingston Bagpuize, Truro and Sidmouth.

- 1.12. Further information on the company can be found at www.blueceardhomes.co.uk and within the Retirement Housing Statement and Blue Cedar Homes Living System leaflet submitted as part of this application.

Pre-Application Enquiry

- 1.13. The applicant has carried out pre-application consultation with both the Planning Authority, Historic England and a range of local residents together with local elected officials in Deddington Parish Council and Cherwell District Council. Responses to the local consultation exercises are set out in Section 6 of this report. The pre-application consultation was carried out prior to the release of the appeal decisions on land south of Clifton Road, Deddington for up to 14 and 15 dwellings which were allowed.
- 1.14. A number of discussions have taken place with Historic England regarding the form and nature of development on site. Historic England's latest correspondence dated 1st October 2020 (Appendix 2) concludes: -

“The revised proposal would cause less harm to the designated heritage assets than the previous schemes on which we advised. The proposal would cause less than substantial harm to the scheduled monument Deddington Castle and to the Deddington Conservation Area. There is no formal scale for less than substantial harm, but I would place the harm in this case as minor, in the case of the Castle, meaning that while the harm is still significant, it lies at the lower end of the spectrum. In the case of the conservation area I would describe the harm as minor to moderate.”

2. SITE DESCRIPTION

- 2.1. The total area of the site is approximately 0.46ha. The site is bounded by Clifton Road to the north, existing residential development to the west and further east, and a footpath and fairly substantial tree belt to the south. This footpath leads to Deddington Castle (a Scheduled Ancient Monument (SAM)), which is an earthwork comprising the remnants of an 11th Century Motte and Bailey Castle. The Castle grounds are presently used as a village recreation ground.
- 2.2. The architectural vernacular throughout Deddington is of a high standard and predominantly comprises a variety of mid terraced cottages including some townhouses and large detached properties.
- 2.3. The site lies within the Deddington Conservation Area and falls within Flood Zone 1. Access is proposed to be provided into the site off Clifton Road. The site topography drops from Clifton Road and then again to the south.
- 2.4. The site is currently used for hay making by a local farmer but was previously used to graze horses, cattle and sheep. There are a number of mature trees to the north of the site along Clifton Road and these provide some screening. Little to no management has been carried out on the tree stock in recent years. There is a small derelict outbuilding on the western boundary although the development would demolish this unsightly structure. No Public Rights of Way cross the site.
- 2.5. The site was subject to a previous planning application by Banner Homes (now Cala Homes) although it was subsequently withdrawn. This is discussed in more detail below. The Cherwell Local Plan 2011-2031, adopted 2015 (readopted in 2016), identifies Deddington as a Group A (Service Centre) under policy settlement under Policy Villages 1.
- 2.6. According to the 2011 Census, Deddington has a population 2,146 residents. It lies just under seven miles south of Banbury and 20 miles north of Oxford. The M40 is close-by.
- 2.7. The village centre (Market Place) is approximately 500m away and is well served with a wide range of local facilities including a regular farmers' market, several local shops, a post office, library, hotels, restaurants, pubs, church and primary school. The village

is also served by a bus service which runs between Banbury and Oxford. In addition, the Doctors surgery is approximately 400m away.

- 2.8. The site's location provides the opportunity for residents to use public transport and to walk to services and facilities available in Deddington.

3. APPLICATION PROPOSALS

- 3.1. A Design & Access Statement was prepared by BBA (Chartered Architects) which describes the extent of the proposals and the form of development now being proposed.
- 3.2. The 7 dwellings reflects the low density housing which is characteristic of this part of Deddington. The style and form of development reflects that of an agricultural courtyard. However, the courtyard form is broken down to both minimise the impact on the view from the castle and align with the neighbouring buildings to create a more informal courtyard.
- 3.3. The form and style reflects the neighbouring Castle Barns. Creating single storey dwellings not only allowed the mass of development closest to the castle to be minimised, but also creates houses suited for their proposed use as retirement dwellings. Towards the north of the site 2 no. two storey dwellings are proposed outside the courtyard one of which would form a feature ‘farmhouse; that would have a more domestic style and mark the entrance to the site.
- 3.4. The agricultural style of the development and barn like architecture of the buildings reflects both the current use of the site and the style of many of the neighbouring buildings. Plot 7, the ‘farmhouse’, is of a more domestic style, a single building in this style is often found within a farm courtyard and would have acted as a home for the farmer and their family.
- 3.5. To create a new development that fits within its context, the details of the proposed development take much of their precedent from the village of Deddington. This is particularly true of the housetype fenestration.
- 3.6. A variety of images are shown in the Design & Access Statement.

4. PLANNING HISTORY

Application Site

- 4.1. On 25th April 2014, an application for the erection of 26 dwelling comprising 17 private market sale dwellings and 9 affordable dwellings and the provision of a car parking area for 40 vehicles for users of the residential facilities at Deddington Castle was withdrawn (Application No. 14/00412/F).
- 4.2. In August 2020, representations were made on behalf of the applicants to the ‘Call for Sites’ for the Deddington Neighbourhood Plan.

Land South of Clifton Road, Deddington

- 4.3. On 19th October 2020, two appeals were allowed for the erection of up to 14 and up to 15 residential dwellings together with means of access etc on the above site (Appendix 1).
- 4.4. The Inspector identified the main issues in both appeals as: -
- i. The effect of development of the character and appearance of the area including Deddington Castle and the Deddington Conservation Area; and
 - ii. Whether a satisfactory and executed planning obligation exists to deliver infrastructure necessary to support the development.
- 4.5. Dealing with the planning obligation first, the appeal inspector dealt with this in paragraphs 23-38 of her decision letter. She confirmed that the submitted planning obligation which secured affordable housing together with financial contributions towards play and open space, indoor and outdoor sports facilities, community hall facilities, refuse facilities, education, highway infrastructure and libraries complied with the provision of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 56 of the Framework including the requisite test set out therein.
- 4.6. Turning to the first reason, the Inspector stated: -

“The Council contend that the site is outside of the continuous and main built form of Deddington, detached from the core of the village. Whether this is the case or not, it is sufficiently related to the peripheral development

cluster, which although lower density and located away from the core of the village is still part of its wider pattern of development and identity, acting as a functional visual cue of a changing landscape. In principle, development in this cluster would therefore avoid harmful effects on the open countryside, that might otherwise occur if development was brought forward in a truly isolated location.

Reaffirming this point, Policy Villages 2 of the Cherwell Local Plan Part 1 2015 (CLP1), does not include a limiting spatial dimension and development can be delivered at category A villages (such as Deddington) both within and outside of built-up limits. So long as development has at least some relationship with the village and its pattern of development, it would be permitted in principle subject to the criteria set out within the policy.

The Council places emphasis on the existence of undeveloped field parcels within the peripheral cluster. It contends their presence differentiates the village core from this area of Deddington, and that this differentiation is sufficient to determine that the site's location is inappropriate by reason of detachment and remoteness. However, the differentiation merely communicates that this area of Deddington is peripheral to the village core and it does not communicate that it is completely divorced from the village, or that it is within a detached or remote open countryside location.

The visual differentiation is important to preserve, and the high density nature of the village core should not be allowed to sprawl outward to lower density locations such as the peripheral cluster. It is my view that in utilising the flexibility afforded by an outline planning application and subsequent reserved matters, a quantum of development up to the maximum amount applied for could be scaled to achieve a layout and landscaping solution that preserves the fundamentally peripheral nature of the site's location. This could be achieved through a layout which preserved gaps and views through the site, and landscaping which balances the built form in the natural environment.

I note the Council's concerns over the access design and that access can inform the fundamental configuration of a development. However, even

though details of access are sought in this case, layout is still a reserved matter and the means in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development is yet to be determined. Consequently, there will remain flexibility under future reserved matters to pursue an appropriate layout.

Offsite access works would deliver a degree of formality to existing highways infrastructure, and even if the extent of works along Earls Lane would be entirely new, the degree of change would be minimal. A paved surface would still remain open and this would not cause any obstruction or loss of the key views over the meadow towards the church. Arguably, a safer route for pedestrians would embolden them in taking in the heritage significance of the conservation area, without the need to worry as much about traffic. In any event, the works would not only serve the site but also neighbouring development in the cluster and clear improvements to highways safety should outweigh any potential concerns.

The prevalence of other field parcels that would remain interspersed amongst development along Clifton Road would guard against ribbon development, and even with the loss of the site to the development the proportion of unbuilt vs built form would remain low density. Coupled with potential future landscaping and layout options available at reserved matters, this would maintain the peripheral nature of the development cluster as a whole. Consequently, this area of Clifton Road could maintain its low density and peripheral nature (through a combination of layout and landscaping approaches and the preservation of other field parcels) and still be easily discernible from the relatively high density nature of the village core.

The development should not be considered to form a precedent, there are sufficient numbers of remaining field parcels that preserve the peripheral feel of the area and any future development proposals would need to account for the subsequent and cumulative loss of any field parcels and any consequential effects.

In preserving this pattern of development, it is also considered that the settings of both Deddington Conservation Area and Deddington Castle would also be preserved. I note that Historic England raised concerns about the loss of the field parcel in and of itself, but in my view the setting of the castle should be taken as a whole, not in isolation, and by this measure it would be preserved. Accordingly, I have not found that there would be less than substantial harm and consequently a finding on overriding public benefits is not required.

I note the Council's reference to another appeal nearby, but this relates to a proposal on land described as being open and isolated. This is a different context to what I have found in this case, where the site is very much framed by other development, and not in an open or isolated location. Even though the site was included within the village limits of Deddington Neighbourhood Plan, it has been withdrawn. In the absence of other evidence elaborating on why the site may have been included, such arguments surrounding its inclusion now hold limited weight. However, this does not change my existing assessment of the site's relationship with Deddington village.

Overall, the development proposed by each appeal, would preserve the character and appearance of the area, including the setting of Deddington Castle and the Deddington Conservation Area. There would be accordance with Policies ESD13, ESD15 and Villages 2 of the CLP1, and saved Policies C28 and C33 of the Cherwell Local Plan 1996 (CLP), Cherwell Residential Design Guide SPD 2018 and Section 16 of the National Planning Policy Framework (the Framework). Among other things, these seek to secure appropriate residential development in rural areas and villages and conserve the historic environment."

4.7. The Inspector also considered a range of other issues principally raised by third parties which included: -

- Traffic Impact (paragraph 41)
- Noise and disturbance (paragraph 42)
- Impact on Trees (paragraph 43)

- Foul and Surface Water Drainage Impact (Paragraph 44)
- Impact on Biodiversity (Paragraph 45)
- Impact on Archaeology (Paragraph 46)
- Request for additional financial contributions (Paragraph 47)

4.8. She concluded that none of the issues raised were of such importance that they would merit either appeal to be dismissed.

4.9. The appeal decision concludes that a proper assessment needs to be undertaken to ascertain whether a site forms part of the settlement. A proper analysis of the application site concludes that the land is well related to the settlement and should be developed. In no way is the application site more isolated than the appeal site to the east which as the appeal inspector concluded was acceptable and formed part of the settlement.

5. PLANNING POLICY CONTEXT

Development Plan

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that planning applications be determined in accordance with the relevant policies contained within the development plan unless material considerations indicate otherwise.
- 5.2. The development plan comprises the ‘saved’ policies of the Cherwell Local Plan 2011-2031 (Part 1) – re-adopted 2016 and the ‘saved’ policies of the Adopted Cherwell Local Plan – 1996.

Cherwell Local Plan 2011-2031 (Part 1) 2016

- 5.3. Policy PSD 1 ‘Presumption in Favour of Sustainable Development’ advises that planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 5.4. Policy Villages 1 ‘Village Categorisation’ identifies Deddington as a Category A village where minor development, infilling and conversion will be supported. Deddington as a Category A village is categorised as one of the more sustainable villages in the District.
- 5.5. Policy Villages 2 ‘Distributing Growth Across the Rural Areas’ seeks to deliver 750 homes across the rural areas, in addition to the rural allowance for small windfall sites. The policy applies to developments of ten or more dwellings and is subject to the site being considered against eleven separate criteria.
- 5.6. Policy BSC 4 ‘Housing Mix’ advises that new residential development will be expected to provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities. There is an accepted need for retirement properties in the area and this proposal has been specifically designed to meet part of that need.
- 5.7. Policy BSC 1 ‘District Wide Housing Distribution’ seeks to deliver a varied choice of high quality homes across the District including 750 homes in the rural areas on windfall sites of 10 or more dwellings.

- 5.8. Policy BSC 2 ‘The Effective and Efficient Use of Land – Brownfield Land and Housing Density’ seeks to encourage the re-use of previously developed land in sustainable locations as well as ensuring the efficient use of land. The policy advises that in general, new housing should be provided at a net density of at least 30 dwellings per hectare, however the density of new housing development will be expected to reflect the character and appearance of individual localities and development principles that are appropriate to the individual circumstances of sites. The site is not on previously developed land but is located in a sustainable settlement. The proposed development would have a density of 15 dwellings to the hectare, this low density is considered to be an appropriate density for a rural village and to the site and its setting.
- 5.9. Policy ESD 3 ‘Sustainable Construction’ expects all new residential development to include sustainable design and construction technology to achieve zero carbon development in line with Government policy. Energy efficient measures can be incorporated into the proposed development.
- 5.10. Policy ESD 10 ‘Protection and Enhancement of Biodiversity and the Natural Environment’ sets out a number of ways to protect the natural environment of the District. This planning application gives full consideration to the protection of and enhancement of biodiversity and the natural environment and to this end the application is accompanied by an ecological survey and a tree survey. The findings of the ecological survey indicate that the development can occur without harming any protected species or habitats, or otherwise affect any habitats of note. The accompanying tree survey indicates that the development can proceed without causing harm to any important trees. Indeed, substantial additional tree planting is proposed as part of the proposals.
- 5.11. Policy ESC 13 ‘Local Landscape Protection and Enhancement’ expects development to protect the countryside, seeks to secure the enhancement of the character and appearance of the landscape and important natural landscape features from undue visual harm; protect local character; not impact on areas with a high level of tranquillity; not harm the setting of settlements, buildings, structures, other landmark features or the historic value of the landscape. The site is not identified as having any significant

landscape value and has not been identified in the now withdrawn Neighbourhood Plan as comprising a key view.

5.12. A number of policies have been ‘saved’ from the Cherwell Local Plan 1996. Of relevance to this application are policies which seek good design and the provision of safe access to new development, namely: -

- Policy H18 No dwellings in the countryside
- Policy C23 Retention of features contributing to the character and appearance of a Conservation Area
- Policy C25 Development affecting the site or setting of a scheduled ancient monument
- Policy C28 Layout, design and external appearance of new development
- Policy C30 Design control
- Policy C33 Retention of important gaps of undeveloped land

Deddington Neighbourhood Plan

5.13. Deddington Parish Council submitted their Neighbourhood Plan to the District Council on 1st October 2018. An independent examiner was appointed in April 2019 and he published his report on 3rd September 2019. Following receipt of the Examiner’s report, the Parish Council resolved on 20th November 2019 to withdraw the Neighbourhood Plan. It is their intention to continue with the Neighbourhood Plan process and they have commenced preparation of a new Neighbourhood Plan and have had a ‘call for sites’. The application site has been submitted for consideration and has made it through to the second stage for evaluation.

5.14. The Parish has a relatively high proportion of older inhabitants. In 2011, 698 residents were aged 60 or over. Taken this further, 497 residents were aged over 65, some 23.2% of the parish population (compared with 16.3% in England as a whole). It is clear therefore that Deddington has a relatively high percentage of older inhabitants.

5.15. Whilst the submission version of the Deddington Neighbourhood Plan 2015-2031 (dated October 2018) was withdrawn and work on a new Neighbourhood Plan has started, it is worthwhile highlighting some of the findings of the report. Under ‘Housing

Mix' on page 41, many of the older population indicated a wish to downsize and remain in the Parish close to their support network. In relation to the types of new housing needed in the Parish, 50% of respondents wanted housing to be elderly friendly.

- 5.16. The Neighbourhood Plan also noted on pages 44-45 that given the demographic of the Parish and the known wish of many older residents to downsize, developers should take note that a significant proportion of downsizers will be looking for a high specification alternative to their current housing – fewer bedrooms, with an ensuite bathroom, a reception room spacious enough for family gatherings and a well-equipped and accommodating kitchen. Bungalows would be very much sought after. All of this is being delivered in our development.
- 5.17. No purpose built retirement dwellings have been built or are currently proposed in Deddington. There is therefore, a demonstrable need for further and alternative older persons housing to address the ageing population of the District This Blue Cedar Homes proposal will provide modern, purpose built accommodation, in keeping with the current needs and aspirations of elderly persons. The proposed development will provide specialist accommodation for older people, thereby helping to diversify housing options available for older persons within Deddington as well as assisting in addressing the ageing population of the District.
- 5.18. In addition, the supply of this type of housing stock could mean that family homes are 'freed up'.
- 5.19. As such, the report is a material consideration that should be taken into account in determining the application.

National Policy

- 5.20. The revised framework was published in February 2019 and sets out the Government's planning policies for England and how they are expected to be applied. Plans and decisions should apply a presumption in favour of sustainable development. For decision taking, this means: -
- Approving development proposals that accord with an up to date development plan without delay.

5.21. Paragraphs 60 and 61 state that development plans should cater for the needs of a variety of sectors of the population as follows: -

“To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

5.22. The NPPF emphasises a need for a deliverable supply of new dwellings to ensure demand is met. Paragraph 68 states that: -

“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.”

5.23. The Government attaches great importance to the design of the built environment.

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 (paragraph 124).

5.24. Paragraph 127 advises that planning policies and decisions should ensure that developments: -

“a) will function well 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 appropriate innovation or change (such as increased densities);**
- d) establish or maintain a strong sense of place, using the 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.”**

5.25. Moreover, the DCLG published guidance in the National Planning Policy Guidance (NPPG) relating specifically to Housing for Older and Disabled People. Paragraph 001, which was revised in June 2019, explains that: -

“The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems.” [Emphasis added].

6. PRE-APPLICATION CONSULTATION

Methodology

Engagement Website

6.1. In September 2019, Blue Cedar Homes set up a smartphone compatible engagement website, designed to provide a central hub of information for the project for the community and to give anyone with an interest in the project an opportunity to comment online. This website contained: -

- Background information on the project, including an explanation of how Blue Cedar Homes have responded to the Deddington Neighbourhood Plan;
- Details of plans for The Poplars, Deddington, including a masterplan and perspective sketches;
- A project timeline, setting out the community engagement exercise within the project's context;
- A feedback questionnaire for members of the community to indicate their support for the project; and
- A contact form for members of the community to ask any questions or raise queries.

Community Postcard

6.2. Blue Cedar Homes distributed an A5, double sided postcard to all residential addresses in the Deddington settlement by 2nd class postage, setting out the following information: -

- Concise background information on the project;
- The URL of the engagement website; and
- Alternative ways in which the recipient could get involved and have their say, be sending a SMS message to the consultation team.

Stakeholder Briefing

6.3. Blue Cedar Homes sent a written briefing by email and post to key stakeholders in Deddington, setting out the following information: -

- Concise background information on the project;
- An explanation of how Blue Cedar Homes intended to engage with the local community;
- The URL of the engagement website; and
- An invitation to contact Blue Cedar Homes directly in the event that the recipient had any questions or queries.

6.4. This briefing was sent to: -

- Cllr Arash Fatemian – Oxfordshire County Councillor for Deddington
- Cllr David Rogers – Chair of Deddington Parish Council
- Cllr Alan Collins – Parish Councillor and Chair of Deddington Neighbourhood Plan Steering Group
- Cllr Bryn Williams – Cherwell District Councillor for Deddington
- Cllr Mike Kerford-Byrnes – Cherwell District Councillor for Deddington
- Cllr Hugo Brown – Cherwell District Councillor for Deddington
- Cllr Colin Clarke – Lead Member for Planning on Cherwell District Council

Outcomes

Profile of Respondents

6.5. 17 members of the local community responded to the consultation. The profile of those that responded are as follows: -

- All live in OX15 postcode area;
- 7 out of 17 respondents are aged 65 and over;
- 5 out of 17 respondents are aged 55-64;
- 1 out of 17 respondents is ages 45-54; and

- 4 out of 17 respondents did not disclose their age.

Project Support

6.6. 7 out of 17 respondents indicated that they were in support of the project, 5 indicated opposition and the remaining 5 respondents did not indicate either way.

Comments

6.7. The following comments were received from the local community and key stakeholders: -

- I have no objections to your proposals. Definitely need some smaller/less expensive homes built in the village.
- I would fully support such a project. Deddington certainly needs such an amenity.
- This type of development is much needed in Deddington and suits the site really well, there are only two other developments in the village with age restrictions and both are both popular and affordable to the age stated. The development of this site would, in my opinion, enhance the village as not only supplying this type of property but also using a barren site that will visually enhance the entrance to Deddington. Villages of the size of Deddington all require growth otherwise the nucleus dies, this can be seen by looking at neighbouring villages who have continually objected to growth. No doubt some people will object which is their right to do but I sincerely trust that the planning authority looks at this application on its own merit and to what it can and will bring to Deddington of which I have been a resident all my life.
- What is happening to Cala Homes who appear to be planning to build homes on the same site. Application Ref. 14/00412/F?
- What about the area at the top of Hempton Road which was earmarked for building?
- The idea of independent living for over 55's sounds all well and good but what does it mean? Will there be an on site resident warden for instance? Will they be specially adapted i.e. bathrooms with walk in showers and grab rails,

kitchens and living rooms with raised electric sockets, and staircases suitable for stairlifts?

- How big will the houses be? What are the safeguards to ensure 9 houses are built for this purpose without the usual erosion by contractors after outline permission is given? Will they in fact be 4/5 bedroom houses not 2/3 to enable most people to actually 'downsize'.
- Is there a bus stop near? This would be very important.
- I'd like to see the proposals for the whole of the Poplars site. Would this be the full extent of the building? Would the rest of the site be handed over to woodland or Castle Grounds?
- The site has been the subject of at least 8 planning applications over many years. All the objections raised, and reasons for refusals are still relevant. No matter what proposals are put forward, the effect will be to obscure a historic view of a scheduled ancient monument.
- There is evidence and local tradition that this site was used as an ancient burial ground outside the castle walls, with some evidence of a bailey to the southern side. In addition, the moat appears on both sides of the historic dry-stone wall dividing the site, indicating that this was also part of the ancient structure.
- Any claims regarding traffic will still have a detrimental effect on the village. As a designer and an adjacent resident of the site, the artistic interpretation of the proposed development as translucent blocks of colour will in no way represent what will be the actual reality of the scheme, this is also the case for the aerial view, I strongly object.
- Will the properties have EV charging points?
- I think the idea of retirement living in Deddington is very good. I think however they should not be more than 3 bedroom houses.
- At the moment you have only used part of the field, I would only expect you to further extend the build at a later date, this site abuts an ancient historic site and it would harm the area.

- Also the site's access is at a point where the traffic does drive too fast, entering and exiting the village and it would make the area more dangerous.
- It rarely works out the housing goes to local people!
- We already have had a major build within the village which has seen traffic with extra cars make life more difficult and far too busy. The doctors and other facilities are already stretch to capacity, and When does a lovely village become unpleasant! when too much expansion happens.
- These houses simply do not reflect the needs of the village. The village is amongst the wealthiest in the area with many of the homes already owned by an ageing population. This will further reinforce Deddington as a retirement village with younger people simply unable to buy. This is a dead end and unsustainable. It will lead to the slow death of a vibrant and mixed village population. We need smaller, affordable homes to encourage the younger generation to stay and to keep current businesses going and create new enterprises. If there is any need to keep the older generation in the village, suitably sized, single storey accommodation should be considered, not detached homes with large gardens where the space could be much better used.
- Looks ideal. There is a shortage of smaller housing in the village. It is conveniently near the shopping centre on a level walking path.
- The reason the castle was built where it was, was to separate from the village and not part of the village. It should remain that way and the Poplars field should not be built on.
- There is sufficient new development in the village.

Response to Feedback

- 6.8. Blue Cedar Homes has considered all of the comments received and has made refinements to the design of the homes proposed, the site access and the configuration of the site layout, particularly to respond to sensitivities of the nearby Castle Grounds Scheduled Ancient Monument. The feedback has reinforced Blue Cedar Homes' view that there is strong demand for retirement living homes locally.

7. KEY PLANNING ISSUES

7.1. Taking into account the planning history, the location of the site and the Local and National planning policy relevant to the proposal, it is considered that the key planning issues in the determination of the planning application are as follows: -

- i. The Principle of Residential Development;
- ii. Heritage Issues (excluding Archaeology)
- iii. Landscape and Visual Impact;
- iv. Biodiversity;
- v. Archaeological Issues
- vi. Hydrology (including Flood Risk & Drainage)
- vii. Transport;
- viii. Section 106 Contributions and CIL

7.2. These issues are discussed in turn in the subsequent sections of this report.

i. Principle of Residential Development

7.3. The Cherwell Local Plan 2011-2031 (CLP) seeks to allocate sufficient land to meet as a minimum District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. With regards to villages, the Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does however advise that there is a need within the rural areas to meet local and Cherwell wide needs. Part of this need relates to meeting housing provision for the elderly as set out in the Retirement Statement.

7.4. Policy Villages 1 of the CLP 2031 provides a framework for housing growth in the rural areas of the District and groups villages into three separate categories (A, B and C), with Category A villages being considered the most sustainable settlements in the District's rural areas which have physical characteristics and a range of services within

them to enable them to accommodate some limited extra housing growth. Deddington is a Category A village.

7.5. In order to meet the areas housing needs Policy Villages 2 of the CLP 2015 states that: -

“A total of 750 homes will be delivered in Category A villages. This will be in addition to the rural allowance from small site ‘windfalls’ and planning permissions for 10 or more dwellings as at 31 March 2014”

7.6. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan. Indeed, there is no defined settlement limits in any development plan document for Deddington. Policy Villages 1 and 2 provide a framework for housing to be delivered both inside and outside the built up limits as long as it is concluded that the site sits inside the built up limits of the village given its physical and visual relationship to the existing built form.

7.7. It is therefore necessary to consider the criteria associated with Policy Villages 1 as to whether the site is acceptable for development. Paragraph C.262 of the adopted Local Plan provides a set of criteria amongst which minor development proposals such as the current proposals are assessed. These are considered below: -

i. The size of the village and the level of service provision

7.8. Deddington is identified as a Category A settlement which are considered to be the most sustainable settlements to accommodate additional development. There can be no objections in principle to additional residential development at Deddington particularly as these proposals only seek to provide 7 residential properties restricted for older people for which there is a recognised and accepted need in the development plan and national policy. The recent appeal inspector concluded that development of up to 15 dwellings was acceptable in principle given the size of Deddington and the level of services provided. This must equally apply to these proposals.

ii. The site context within the existing built environment

7.9. The site is well related to the existing built up area with established residential development on its western and northern boundaries. The residential development provides a ‘pocket’ of development and would not extend the settlement into any areas of open countryside. The Landscape & Visual Impact Assessment concludes that views

of existing residential development are already obtained from identified viewpoints and that this will remain albeit they will be replaced by the new residential development which will be designed to be in keeping with the character and appearance of the area. Accordingly, the development is well related to the existing built up environment.

iii. Whether it is in keeping with the character and form of the village

- 7.10. The proposals are consistent with the local character and form of the village.
- 7.11. The development has been located to adjoin the existing settlement edge, retaining the majority of the pasture as open grazing land. Views across the pasture towards the castle are maintained and there is a substantial area of grassland and trees between the housing and the castle. The overall setting of the settlement, despite the edge moving approximately 50m further east, remains open and unchanged.
- 7.12. The historic value of the landscape is derived from the castle, and subsequently the architectural merit and history of the settlement in the Conservation Area. These valued aspects of the landscape and townscape are retained. The castle's inclusion in the confines of the settlement has resulted from the expansion of Deddington, the proposals do not alter this situation.

iv. Its local landscape setting

- 7.13. A Landscape and Visual Impact Assessment has been prepared by Leyton Place Limited to accompany the application. The assessment recognises that the site is not identified within any statutory designated landscape. The analysis of the character of the landscape has identified a number of key features, such as stonewalls and native trees. None of these elements are individually important. Furthermore, no harm is caused to these features., these are improved and enhanced by the proposals. The collective importance relates to the presence and proximity to the castle and its distinctive landform. No harm occurs in respect of the physical structure and associated attributes of the castle.
- 7.14. The proposals retain and enhance the tree and woodland cover. Existing walls will be repaired. It is recognised that these features are characteristic of the area which is why the scheme has sought to conserve and enhance them.

7.15. Finally, the proposals cause no visual intrusion to the landscape setting. The new dwellings will be visible from some locations (as is existing development), the buildings are designed, alongside the mitigation measures to complement the existing visual composition and benefit from filtering of the views. There is no contrast in the elements present in the view, and the overall balance of open, enclosed and built and natural elements is maintained and the proposals take into the local landscape setting.

v. Careful consideration of the appropriate scale of development particularly in Category B (Satellite villages)

7.16. The site is not situated within a Category B (Satellite Settlement), rather Deddington is a Category A settlement. The development is for 7 dwellings which is categorised as minor development. There can be no objection to this scale of development given that the appeal inspector concluded that up to 15 dwellings was an appropriate scale of development. Furthermore, Policy Villages 1 accepts that minor development is acceptable in Category A settlements.

Comment

7.17. In view of the above, if a proper analysis of the proposals is undertaken it can only be concluded that the development is of an appropriate scale and is well related to the existing settlement.

7.18. Moreover, the proposals are specifically meeting an identified need for retirement properties as set out in the submitted Retirement Statement.

ii. Heritage Issues (Excluding Archaeology)

7.19. The application site [NGR: SP 47090 31750] is an open agricultural field or paddock, lying on the east side of Deddington and immediately south of Clifton Road, and just within the north eastern boundary of Deddington Conservation Area. Immediately to its south stands Deddington Castle, a scheduled monument.

7.20. The statement establishes that there are three designated heritage assets that might receive impacts from the development of the application site: Deddington Conservation Area (an asset of medium to high significance), Deddington Castle (a scheduled monument of high significance), and the jointly Grade II* listed Castle End and Monks Court.

- 7.21. The statement contains a heritage impact assessment, which concludes that the proposals within the application are likely to cause slight ‘less than substantial’ harm to both Deddington Castle and the Conservation Area, but will have no effect on the significance of Castle End and Monks Court.
- 7.22. The statement also considers the cumulative effect of the application together with development proposals for a site further east along Clifton Road recently granted outline planning consent at appeal. It finds that the cumulative harm resulting the two developments together would not reach a tipping point that causes ‘substantial harm’ to the significance of either Deddington Conservation Area or Deddington Castle.
- 7.23. The application proposals include positive heritage enhancements to the Conservation Area and Deddington castle. The statement notes that these heritage benefits form part of the wider public benefits that will be delivered by the proposals within this application and need to be considered as part of the planning balance required by the NPPF.

iii. Landscape and Visual Impact

- 7.24. A Landscape & Visual Impact Assessment of the site has been carried out by Leyton Place Limited. Their assessment concludes that: -

“It is acknowledged that any development of greenfield locations for new housing will give rise to landscape and visual change. However, it is inevitable that the most appropriate location for new homes will be in the ‘open countryside’ abutting settlements across the district. The majority of allocations for new housing in Cherwell District are in greenfield locations.

The location on the edge of Deddington is considered appropriate for development by the applicant for a number of reasons, as set out in the Planning Statement and DAS. In addition to the sustainability credentials and community profile, the site benefits from the absence of landscape designation and does not lie in a local or strategic gap or Green Belt.

The applicant and its team of consultants have identified and been cognisant of the local sensitivities of the area and worked together and with the planning authority and Historic England to prepare a scheme which is

sympathetic to the locale, is an appropriate scale and complements the settlement edge. Furthermore, the proposals deliver a number of landscape enhancement measures.

Whilst there will be some limited landscape and visual effects which should be considered in the determination of the application, in the main these are not ‘significant effects’. The only significant effects relate to the visual changes to be experience to people using the footpath to the south of the pasture and from the edge of Conservation Area.”

7.25. In view of the above, it is concluded that there are no justified reasons to refuse the application based on landscape and visual impact grounds.

iv. Biodiversity

7.26. A Biodiversity Assessment has been carried out by Malford Environmental Consulting Limited. Their report concludes that: -

“There are a few predicted potential adverse impacts associated with the change in use of part of this low quality grassland field. The majority of the boundary habitat, including the mature trees and potential bat roost beech tree, will be retained and any potential predicted adverse impact can be appropriately mitigated through appropriate scheme design and implementation. There are no predicted significant residual adverse impacts associated with the proposed development on protected/notable species, which is in accordance with national and local biodiversity planning policy.

The development can provide alternative and enhanced habitat to target species, particularly bats and birds, which includes more diverse planting and providing bat bricks and bird nesting boxes. These design features would enhance the site so that a variety of species can use it in the long-term.

The proposed scheme will not have adverse impacts on the ability of local wildlife to survive, breed or reproduce, to rear or nurture their young or to hibernate or mitigate, and would actively improve the situation for target species such as bats and birds. The proposed scheme will not adversely affect the local distribution or abundance of local wildlife species.

The long-term ecological effects of the proposed scheme are considered to be neutral.”

7.27. In view of the above, there are no justified reasons to resist these proposals based on ecological grounds.

v. **Archaeological Issues**

7.28. An Archaeological Evaluation of the site has been carried out by Red River Archaeology Limited. It concludes that: -

“Known Heritage Resource

The Site had not been subject to any previous recorded archaeological investigation and the only remains known from Site are two potential post-medieval houses in the northwest corner which were demolished by 1881. No known prehistoric remains were present within the vicinity of Site and Roman remains in the area are discrete finds and a skeleton found within a nearby rubbish pit. The village of Deddington was founded before the Norman Conquest possibly around a manor located west of the Norman Castle, with known medieval burgage plots in the village, medieval wall foundations and pits southwest of Site, and ridge and furrow located near the castle. The village peaked in the 13th-14th centuries and subsequently declined in population and wealth until the 20th century, with the local economy relying on local agriculture.

Potential Archaeological Resource and Significance

The results of the archaeological investigations identified a single pit of medieval date. This broadly corresponds with the known history of the village and with the known archaeological resource in the vicinity of the Site. The single pit is of low local significance as no function or relationship with other features in the surrounding area could be discerned.

Impact of Development

The proposed development will impact on the feature identified during the course of the archaeological investigations. However, as this is of low local

significance and has been recorded in line with the WSI for this project, the predicted impact has been mitigated.”

7.29. In view of the above, there can be no justified reason to refuse the application on archaeological grounds. The applicant is prepared to accept a condition with regards archaeological issues.

vi. Hydrology (including Flood Risk and Drainage)

7.30. A Flood Risk and Drainage Statement has been prepared by Hydrock Consulting Engineers. It concludes that: -

“Although not specifically required due to the size of the development, the entirety of the site is confirmed to be within Flood Zone 1.

On site geotechnical and infiltration assessments has been carried out and identifies that the site is suitable for infiltration-based drainage. Therefore, it is proposed that surface water runoff is discharged either via permeable paving, lined soakaways and underground geocellular crates. Foul flows are proposed to either be drained under gravity or via a pumped solution towards the existing Thames Water foul network located in Clifton Road to the north of the development. This report therefore demonstrates that the proposed development:

- Is suitable in the location proposed.**
- Will not increase flood risk elsewhere as a result of the proposed development through the loss of**
- floodplain storage or impedance of flood flows.**
- Will put in place measures to ensure surface and foul water is appropriately managed.**

As such, the proposal is concluded to meet the flood risk requirements of the NPPF.”

7.31. In view of the above, there is no justified reason to resist the proposals on grounds of flood risk or drainage grounds.

vii. Transportation

7.32. A Transport Statement and Travel Plan have been prepared by Pegasus Group. The report concludes that: -

“It is concluded that the site is located in an accessible location with local services and facilities required on a daily basis located within appropriate walking and cycling distances of the site, with public transport links available for access to nearby settlements.

It is concluded that the access arrangements are appropriate for the scale of the development, with appropriate visibility splays provided in accordance with surveyed speeds undertaken on the B3041 Clifton Road.

Car and cycle parking will be provided in accordance with local highway authority guidance.

It is forecast that the development proposals could generate one two-way vehicle movement during the AM and PM peak hours. It is concluded that the level of traffic associated with the proposed development will not have a material impact on the safety or operation of the local highway network.”

7.33. It is therefore concluded that there are no valid transportation reasons which should prevent the future residential development of the site.

viii. Section 106 Contributions and CIL

7.34. The applicants are prepared to contribute toward necessary financial contributions where they are reasonable and necessary and comply with Regulation 122 of the Community Infrastructure Regulations 2010.

8. BENEFITS

8.1. There are a range of significant benefits that are provided as part of these development proposals. They are as follows: -

- i. A bespoke residential retirement scheme which will meet an acknowledged and identified need for these type of properties in Deddington. Accordingly, the provision of such housing should be attributed significant weight.
- ii. This development would allow potential existing residents in Deddington to ‘downsize’ from their existing properties and to remain in the area. This would free up existing properties in Deddington for people to move into. This benefit would also attract significant weight particularly as no other similar residential scheme has been provided in Deddington.
- iii. Moderate weight should be given to the benefit arising from expenditure on construction and on the supply chain as well as to the economic benefit. The increased spending from residents and the associated construction to viability of the settlement. In providing particular weight to this issue regard is to the Government’s drive to increase housing supply and boost spending as part of the economic recovery from the global pandemic.
- iv. There are a range of heritage benefits which include: -
 - reintroduction of grazing regime within the pasture
 - provision of new agricultural gate to access wider area
 - removal of chain link fencing and old shed which currently detracts from the view out to the base of the castle embankment
 - rear section of ironstone wall repaired on the boundary of the pasture
 - provision of new tree and hedge planting on the perimeter of the retained pasture to complement the vegetative framework.
 - creation of new planters and signage to enhance the village entrance/gateway.

8.2. These benefits go into the balance in favour of allowing the proposals.

9. CONCLUSIONS

- 9.1. This detailed application provides 7 bespoke one and two storey properties for the elderly (60 years plus) together with access, landscaping and associated works.
- 9.2. There is a recognised and accepted need for elderly persons accommodation in Deddington which is not being met by any existing or proposed residential development. This development is bespoke to provide adaptable living accommodation specifically designed for the elderly.
- 9.3. Detailed discussions have taken place with Historic England and they have no objection to the proposals. The scheme has less than substantial harm to the setting of the scheduled ancient monument, Deddington Castle and the Conservation Area.
- 9.4. The site is well related to the settlement form and a proper analysis of the proposal concludes that the development complies with Policy Villages 1 of the adopted Local Plan.
- 9.5. Detailed analysis of the proposals have been undertaken in terms of landscaping, biodiversity, archaeology, transport, drainage etc. All of these issues can be satisfactorily accommodated and would have no adverse impact on the character or appearance of the area.
- 9.6. Finally, there are a range of significant benefits attributed to the scheme which are set out in Section 15. These all weigh in favour of granting planning permission for the development.
- 9.7. In view of the above, it is requested that detailed planning permission be granted.

APPENDIX 1

Appeal Decision

Land to the south of Clifton Road, Deddington



Appeal Decisions

Site visit made on 28 July 2020

by **L Page BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th October 2020

Appeal A Ref: APP/C3105/W/19/3242236

Land South of Clifton Road, Deddington OX15 0TP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Rob Dickson of Harcourt (Deddington) Limited against the decision of Cherwell District Council.
 - The application Ref 19/00831/OUT, dated 3 May 2019, was refused by notice dated 16 August 2019.
 - The development proposed is outline planning permission for the residential development of up to 15 dwellings with all matters save for the means of access reserved for subsequent approval.
-

Appeal B Ref: APP/C3105/W/20/3247698

Land South of Clifton Road, Deddington OX15 0TP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Rob Dickson of Harcourt (Deddington) Limited against the decision of Cherwell District Council.
 - The application Ref 19/02444/OUT, dated 31 October 2019, was refused by notice dated 14 February 2020.
 - The development proposed is outline planning permission for the residential development of up to 14 dwellings with all matters save for the means of access reserved for subsequent approval.
-

Decision

1. Appeal A is allowed and outline planning permission is granted for the residential development of up to 15 dwellings with all matters save for the means of access reserved for subsequent approval at land south of Clifton Road, Deddington OX15 0TP in accordance with the terms of the application, Ref 19/00831/OUT, dated 3 May 2019, and the plans submitted with it, subject to conditions in the attached Schedule.
2. Appeal B is allowed and outline planning permission is granted for the residential development of up to 14 dwellings with all matters save for the means of access reserved for subsequent approval at land south of Clifton Road, Deddington OX15 0TP in accordance with the terms of the application, Ref 19/02444/OUT, dated 31 October 2019, and the plans submitted with it, subject to conditions in the attached Schedule.

Application for Costs

3. In the case of Appeal A, an application for costs was made by Mr Rob Dickson of Harcourt (Deddington) Limited against Cherwell District Council. This application is the subject of a separate Decision.

Procedural Matters

4. Clerical errors in the drafting of the application forms associated with Appeal B included the company name Harcourt Rugby Limited. The appeal has been made under Harcourt (Deddington) Limited, which has been confirmed as the correct company name. The named person, Mr Rob Dickson was consistent across the application and the appeal and is otherwise correct. These details are reflected in the banner heading and the appeal has proceeded accordingly.
5. The applications under Appeal A and Appeal B were submitted in outline form with only access being assessed at this time. All matters of appearance, landscaping, layout and scale are reserved for future approval(s). From the descriptions of development, it is clear that the quantum of development being sought in each case is up to 15 and 14 dwellings respectively. The appeals are determined on this basis, treating the submitted site plans as illustrative only, in so far as they indicate the point of access and a possible layout up to the maximum stated quantum.
6. The supporting evidence submitted with the application under Appeal B is more recent compared to the supporting evidence submitted with the application under Appeal A. In this context, the Council has made clear that the evidence under Appeal B has now overcome many of the reasons of refusal originally attached to the decision under Appeal A and will not be contested further. Consequently, each appeal now has the same contested reasons for refusal, are on the same site and comprise almost identical forms of development. The potential effects of each development and the main contentious issues are therefore largely the same and although I have considered each appeal on its individual merits, to avoid duplication I have dealt with the evidence together.
7. The appellant questioned the choice of appeal procedure, particularly in their final comments. It was also argued that the Council had failed to take proper account of other appeal decisions nearby and that these matters should be explored at a hearing. I have before me extensive written evidence on these matters including the reports prepared on behalf of the appellant, the Council and other interested party representations. I consider that the written evidence, together with my observations of the site and its surroundings are sufficient to form my own conclusions on these matters. I have therefore concluded that the written procedure remains appropriate for this appeal.

Main Issues

8. The main issues in both appeals are:
 - (a) the effect of development on the character and appearance of the area, including Deddington Castle and the Deddington Conservation Area; and
 - (b) whether a satisfactory and executed planning obligation exists to deliver infrastructure necessary to support the development.

Reasons

Character and Appearance

9. The site comprises field pasture located off Clifton Road to the east of Deddington village. There is a large commercial operation directly opposite the site to the north and a smaller commercial operation neighbouring the site to the east. There are also several residential dwellings in the immediate vicinity of the site. Some are located to the east and are further away from Deddington compared to the site itself.
10. The site's depth is similar to that of its neighbours and its southern boundary does not extend beyond the southern boundaries of the residential dwellings to the west, nor the commercial operation to the east. Together, the uses surrounding the site form a cluster of development peripheral to Deddington's central village core.
11. Clifton Road has substantial mature vegetation along its frontage. When travelling towards Deddington along this road, and at longer distances, the vegetation obscures aforementioned development from view within the landscape. However, when approaching Deddington, and at shorter distances, gaps in the vegetation become apparent and the development comes into view.
12. This signalled to me that the landscape was changing, and that I was moving from open countryside into the village's peripheral development and towards its core. The site is positioned directly amongst and surrounded by other built form. Consequently, I consider the site is well related to its neighbours and firmly within the village's peripheral development cluster and not detached or in an isolated rural context.
13. Deddington Conservation Area delineates most of the village core. Consequently, the site falls outside of the conservation area, but still inform its setting, which is a low density pattern of development peripheral to the high density core, where the built form is compact, traditional and possesses historic identity from the Middle Ages. Deddington Castle is a scheduled monument and is included within the limits of the conservation area and shares the same setting. It is one of around 600 motte and bailey castles nationally and comprises earthwork remains located to the south and south west of the site.
14. On my site visit, these remains were imperceptible when viewed from the site, due to the prevailing mature boundary features to the south and south west that enclose the castle. Accordingly, parties acknowledge that the castle is unlikely to be appreciated from this viewpoint, even in winter. Irrespective of season I accept limited views of the site may be available from the castle itself when looking north or north east, but it seems likely that such views would still be taken in the context of the peripheral cluster of development as a whole, which includes a substantial commercial operation directly to the north.
15. Only when looking south or east from the castle, and away from the site, would views take on the appearance of a truly rural character associated with the open countryside. The site may also be visible from the public right of way of Chapmans Lane, but again it is likely any views would be in the context of the peripheral cluster of development as a whole.

16. The Council contend that the site is outside of the continuous and main built form of Deddington, detached from the core of the village. Whether this is the case or not, it is sufficiently related to the peripheral development cluster, which although lower density and located away from the core of the village is still part of its wider pattern of development and identity, acting as a functional visual cue of a changing landscape. In principle, development in this cluster would therefore avoid harmful effects on the open countryside, that might otherwise occur if development was brought forward in a truly isolated location.
17. Reaffirming this point, Policy Villages 2 of the Cherwell Local Plan Part 1 2015 (CLP1), does not include a limiting spatial dimension and development can be delivered at category A villages (such as Deddington) both within and outside of built-up limits. So long as development has at least some relationship with the village and its pattern of development, it would be permitted in principle subject to the criteria set out within the policy.
18. The Council places emphasis on the existence of undeveloped field parcels within the peripheral cluster. It contends their presence differentiates the village core from this area of Deddington, and that this differentiation is sufficient to determine that the site's location is inappropriate by reason of detachment and remoteness. However, the differentiation merely communicates that this area of Deddington is peripheral to the village core and it does not communicate that it is completely divorced from the village, or that it is within a detached or remote open countryside location.
19. The visual differentiation is important to preserve, and the high density nature of the village core should not be allowed to sprawl outward to lower density locations such as the peripheral cluster. It is my view that in utilising the flexibility afforded by an outline planning application and subsequent reserved matters, a quantum of development up to the maximum amount applied for could be scaled to achieve a layout and landscaping solution that preserves the fundamentally peripheral nature of the site's location. This could be achieved through a layout which preserved gaps and views through the site, and landscaping which balances the built form in the natural environment.
20. I note the Council's concerns over the access design and that access can inform the fundamental configuration of a development. However, even though details of access are sought in this case, layout is still a reserved matter and the means in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development is yet to be determined. Consequently, there will remain flexibility under future reserved matters to pursue an appropriate layout.
21. Offsite access works would deliver a degree of formality to existing highways infrastructure, and even if the extent of works along Earls Lane would be entirely new, the degree of change would be minimal. A paved surface would still remain open and this would not cause any obstruction or loss of the key views over the meadow towards the church. Arguably, a safer route for pedestrians would embolden them in taking in the heritage significance of the conservation area, without the need to worry as much about traffic. In any event, the works would not only serve the site but also neighbouring development in the cluster and clear improvements to highways safety should outweigh any potential concerns.

22. The prevalence of other field parcels that would remain interspersed amongst development along Clifton Road would guard against ribbon development, and even with the loss of the site to the development the proportion of unbuilt vs built form would remain low density. Coupled with potential future landscaping and layout options available at reserved matters, this would maintain the peripheral nature of the development cluster as a whole. Consequently, this area of Clifton Road could maintain its low density and peripheral nature (through a combination of layout and landscaping approaches and the preservation of other field parcels) and still be easily discernible from the relatively high density nature of the village core.
23. The development should not be considered to form a precedent, there are sufficient numbers of remaining field parcels that preserve the peripheral feel of the area and any future development proposals would need to account for the subsequent and cumulative loss of any field parcels and any consequential effects.
24. In preserving this pattern of development, it is also considered that the settings of both Deddington Conservation Area and Deddington Castle would also be preserved. I note that Historic England raised concerns about the loss of the field parcel in and of itself, but in my view the setting of the castle should be taken as a whole, not in isolation, and by this measure it would be preserved. Accordingly, I have not found that there would be less than substantial harm and consequently a finding on overriding public benefits is not required.
25. I note the Council's reference to another appeal¹ nearby, but this relates to a proposal on land described as being open and isolated. This is a different context to what I have found in this case, where the site is very much framed by other development, and not in an open or isolated location. Even though the site was included within the village limits of Deddington Neighbourhood Plan, it has been withdrawn. In the absence of other evidence elaborating on why the site may have been included, such arguments surrounding its inclusion now hold limited weight. However, this does not change my existing assessment of the site's relationship with Deddington village.
26. Overall, the development proposed by each appeal, would preserve the character and appearance of the area, including the setting of Deddington Castle and the Deddington Conservation Area. There would be accordance with Policies ESD13, ESD15 and Villages 2 of the CLP1, and saved Policies C28 and C33 of the Cherwell Local Plan 1996 (CLP), Cherwell Residential Design Guide SPD 2018 and Section 16 of the National Planning Policy Framework (the Framework). Among other things, these seek to secure appropriate residential development in rural areas and villages and conserve the historic environment.

Planning Obligation

27. At the time the Council made their decisions the appellant had not provided planning obligations in relation to the provision of open space and contributions in support of developing the site. However, the appellant has as part of their appeal submitted an obligation pursuant to Section 106 of the Act. All parties have signed it and consequently agree on its content. The executed obligation has been considered accordingly.

¹ APP/C3105/A/14/2228558

28. The provisions of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) and Paragraph 56 of the Framework states that planning obligations must only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. These are considered below.
29. Affordable housing: the provision of affordable housing is a necessary component of the development because it contributes to the social dimension of sustainability, meeting a range of housing needs. On site provision as part of larger developments is the most significant way in which homes can be provided and 35% of all dwellings on the site in this case will be provided as such. This provision is in accordance with Policy PSD1, BSC3 and INF1 of the CLP1 which among other things seek to secure affordable housing where development is for 11 or more dwellings.
30. Local area of play and open space: the introduction of additional residential development in the area will increase the demands on existing open space and local areas of play. It has been demonstrated that the Deddington Ward is experiencing a shortfall in such provision and therefore a contribution to expand these facilities and ensure their maintenance is necessary. This is in accordance with Policy PSD1, BSC10, BSC11 and INF1 of the CLP1 which among other things seek to ensure proposals for new development contribute to open space, sport and recreation provision commensurate to the need generated.
31. Indoor and outdoor sports facilities: Among other things, such facilities help create healthy inclusive communities. Residential development will generate additional demands on Windmill Sports Ground and Spiceball Leisure Centre and accordingly contributions are necessary to ensure they have sufficient capacity and can be suitably maintained. This is in accordance with Policy PSD1, BSC10, BSC11, BSC12 and INF1 of the CLP1 which among other things seek to ensure proposals for new development contribute to open space, sport and recreation provision commensurate to the need generated.
32. Community hall facilities: villages and other smaller communities have a particular reliance on community hall facilities, which play a role in facilitating social interaction and creating health and inclusive communities. The development is expected to create additional demand on Windmill Community Centre and a contribution is necessary to ensure it is appropriately maintained. This is in accordance with Policy PSD1, BSC12 and INF1 of the CLP1 which among other things seeks to encourage the provision of community facilities to enhance the sustainability of communities.
33. Refuse facilities: Each additional dwelling part of the development will need to be served with adequate refuse containers to ensure the adequate storage of waste and recyclable material. Each additional dwelling will also need to be served by refuse collection services, and therefore a contribution to refuse facilities is necessary. This is in accordance with Policy PSD1 and INF1 of the CLP1 which seeks adequate facilities to meet the needs of communities.
34. Education: the introduction of additional residential development in the area will increase the demands on local early years, primary and secondary school education capacity. It has been demonstrated that existing capacity of nearby facilities is nearing saturation.

35. In order to fund their expansion, a projection of additional pupils likely to be generated by the development has informed a contribution that is necessary and proportionate to the likely impact of the development. This provision is in accordance with Policy PSD1 and BSC7 of the CLP1 which among other things seeks to ensure the adequate provision of education facilities and seek contributions from new development accordingly.
36. Highways infrastructure: the existing site access is to an agricultural field and therefore this needs improvement in order to be suitable for residential development. The pedestrian links towards the village core are substandard width or length and similarly require improvement to achieve safe linkages with the development. Resultant from this is the increased pedestrian usage of footways along the highway and crossings nearer the village core, which justifies speed limit mitigation at points along the highway. Given the distance to some schools in the catchment, additional bus service provision is also required to improve sustainable transport modes for future residents. This is in accordance with Policy PSD1 and SLE4 of the CLP1, which among other things states new development in the district will be required to provide contributions to mitigate the transport impacts of development.
37. Libraries: the existing village library is deemed to be under-sized in relation to its catchment population and this development will therefore place additional demand on the library service. To meet this additional demand, it is anticipated that capacity at the library will be increased by internal works and a book stock increase of 2 volumes per resident. This is in accordance with Policy PSD1 and BSC7 of the CLP1 which seeks to provide sufficient community learning facilities, such as libraries.
38. In addition to being necessary to meet the identified policy requirements of the CLP1, the planning obligations within the completed Section 106 Agreement conform with the Council's Developer Contributions Supplementary Planning Document (SPD) 2018, which sets out developer contributions that relate fairly and reasonably in scale and kind to the size of development (by using proportionate formulae) in order to mitigate the likely additional demands the development would generate on local community infrastructure. Overall, the planning obligations meet the provisions of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) and Paragraph 56 of the Framework and the tests set out therein.

Other Matters

39. The Council raised matters of whether the site was previously developed land or best and most versatile agricultural land. These matters were raised briefly at the end of its statement of case, did not underpin its reasons for refusal and have not been elaborated on to any extent. Under the wording of Policy Villages 2, although it is encouraged that regard should be given to these matters, there is no absolute requirement to do so. There is no cogent evidence establishing the Council's concerns on these matters are substantive and they have not weighed against my consideration of the main issues.
40. Although the Council is no longer contesting all of its reasons for refusal, other interested parties have maintained their objections on certain matters, and these are dealt with in turn below.

41. The number of vehicles using the development will be proportionate to the final layout, determined at reserved matters. Furthermore, planning obligations securing highway related improvements necessary to support the stated development quantum's and mitigate associated impacts have been submitted and are deemed to meet the statutory tests.
42. With an appropriate design and layout for up to 14 or 15 dwellings, to be assessed at the future reserved matters stage, there is no reason why there would be an unacceptable level of noise and disturbance associated with the proposal. This is particularly against the backdrop of existing commercial operations in the vicinity, which are already likely to generate more activity compared to the residential development at the site.
43. The Arboricultural Impact Assessment 2019 provides sufficient detail on trees and their root protection areas, for the purposes of informing details of layout and landscaping to be determined at reserved matters.
44. The Drainage Strategy 2019 and Infiltration Test Report 2019 demonstrate that the scale of development would have minimal impact on foul drainage and that a suitable pumped connection to the sewerage system is achievable. It also demonstrates a concept of adequate surface water drainage through permeable paving and storage areas (among other things) is possible on site. Consequently, it is reasonable to conclude that there is a technological solution to water management.
45. The Ecological Survey 2019 demonstrates that the site is not subject to any statutory or non-statutory designations. Furthermore, it demonstrates that there are no significant protected species and that mitigation measures can avoid disturbance to mammals, reptiles and birds. It is considered sufficient flexibility inherent in each outline application whereby layout and landscaping details submitted at reserved matters could achieve biodiversity net gains as required by Paragraph 170 of the Framework.
46. The Archaeological Desk Based Assessment 2019 and Archaeological Evaluation Report 2019 demonstrate that limited archaeological remains were found on site and they would not be a significant constraint to development.
47. Requests for extra planning obligations, such as contributions to Holly Tree Club, over and above what has already been secured within the Section 106 Agreement have not been demonstrated as additionally necessary and therefore would fail the statutory tests.

Conditions

48. The Council suggested 22 conditions for both Appeal A and Appeal B. The intention is that the suggested conditions are applicable to both appeals. Given that the appeals are linked and that they relied on the same evidence base (albeit submitted at different moments in time) I find that this is a logical approach. The Council's suggested conditions followed the appellant's suggested conditions submitted under their Draft Statement of Common Ground and are similar in scope and content. The appellant was given an opportunity to comment and did not suggest any revisions. Given the similarities with the appellant's previously suggested conditions, and in the absence of comments relating to revisions, I have principally used the Council's suggested conditions moving forward as they appear comprehensive.

49. These have been considered in relation to the Framework and Planning Practice Guidance (PPG). The plans condition has been amended to refer to the plans submitted in respect of each appeal in order to differentiate the quantum of development in each case.
50. All conditions attached are deemed necessary to make the development acceptable. The standard conditions setting out the time limits, reserved matters and securing compliance with the approved plans, are necessary to provide certainty. Conditions controlling the finished floor levels are necessary to secure an acceptable standard of development that safeguards the visual amenities of the area and the living conditions of existing and future occupiers. Conditions controlling further activities relating to contamination are necessary to identify harmful contamination and secure the safety of the development. Conditions controlling construction activities are necessary to ensure construction comes forward in an acceptable manner and does not harm the living conditions of neighbouring occupiers or generate a deterioration in highway safety through the uncontrolled movement of heavy vehicles. Conditions controlling drainage are necessary to ensure sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact that might arise from overloading the existing drainage system or from uncontrolled surface water runoff. Conditions securing further details on access visibility and the timing of internal highway arrangements are necessary to ensure highway safety upon beneficial occupation. Conditions requiring travel information is necessary to promote sustainable travel options and reduce private car dependencies. Conditions relating to vehicle charging, energy and water efficiency are necessary pursuant to reducing carbon emissions and protecting the environment from climate change and sustainable use of water resources. Conditions requiring landscape and lighting management are necessary to ensure biodiversity net gain and protect habitats of importance to biodiversity conservation from any loss or damage.
51. The PPG is clear that pre-commencement conditions should only be used where clearly justified, likely meaning requirements of the condition are fundamental to the development permitted and it would otherwise be necessary to refuse permission. The nature of an outline application requires further details before development is commencement and therefore such conditions are considered necessary and reasonable.
52. The procedural requirements set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 (as amended) have been followed and the appellant provided a substantive response, confirming that they were happy with the pre-commencement conditions suggested.

Conclusion

53. For the reasons given both Appeal A and Appeal B are allowed, and planning permission is granted subject to conditions in the attached Schedule and in accordance with planning obligations within the submitted Section 106 Agreement.

Liam Page

INSPECTOR

Schedule of Conditions for Appeal A and Appeal B

- 1) No development shall commence until full details of the layout (including the layout of the internal access roads and footpaths), scale, appearance, and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
- 2) In the case of the reserved matters, the final application for approval shall be made not later than the expiration of three years beginning with the date of this permission.
- 3) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.
- 4) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in accordance with the following plans and documents:
 - a. Appeal A; Application Form, Site Location Plan and drawing number 192-CRD-01 Rev B (access only); and
 - b. Appeal B; Application form, Site Location Plan and drawing numbers HDL 3113 PA 001 Rev D (access only) and OX5018-2PD-003
- 5) 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 carried out strictly in accordance with the approved levels.
- 6) Prior to the commencement of development a desk study and site walk over to identify all potential contaminative uses on site and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall have been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.
- 7) If a potential risk from contamination is identified as a result of the work carried out under Condition 6, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

- 8) If contamination is found by undertaking the work carried out under Condition 7, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.
- 9) If remedial works have been identified in Condition 8, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under Condition 8. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- 10) Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include 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 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.
- 11) No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The Detailed Design to be submitted should be based on the Outline Design as submitted:
 - Clifton Road, Deddington Drainage Strategy December 2019
 - Sketch Layout: hdl 3113 pa 001 d
 - Discharge to ditch to be restricted to 2.7l/s. Headwall detail required.
 - Micro Drainage calculations to be re-run using the previously advised Cv values.
 - Full detailed and numbered pipe network to be submitted to enable technical assessment against Micro Drainage calculation files.
 - Ingress/Egress to be demonstrated in the event of failure of any part of the system.
 - Post development flow paths to be demonstrated on plan.
 - Evidence of temporary sacrificial shallow water ponding on site, to be demonstrated on plan in times of exceedance.
 - Evidence to be demonstrated of design against blockage.
 - List of all SuDS features utilised on site to be provided.
 - Proof of source control to be clearly identified.
 - Evidence of treatment and management train to be demonstrated.
 - Full long and cross sectional drawings of all drainage features employed on site to be provided for assessment.

- 12) No building shall be occupied, or the use commenced until the sustainable drainage scheme for this site has been completed in accordance with the submitted details (approved under Condition 11). The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. A full management and maintenance document is to be submitted in perpetuity for the development, identifying the contractor who will be responsible for management and maintenance of the scheme.
- 13) Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway including position, layout, and vision splays shall be submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in accordance with the approved details prior to the first occupation of any of the development and shall be retained as such thereafter. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.
- 14) Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's Conditions and Specifications for the Construction of Roads" and its subsequent amendments.
- 15) Prior to the first occupation of the development hereby approved, a Travel Information Pack shall be produced, submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Information Pack shall be implemented and operated in accordance with the approved details.
- 16) Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.
- 17) Prior to the commencement of any works associated with the construction of a dwelling, details of the means by which all dwellings will be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations (unless a different standard is agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and no dwelling shall be occupied until it has been constructed in accordance with the approved energy performance measures.
- 18) As part of any reserved matters for layout and landscaping, a method statement and scheme for enhancing biodiversity on site such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, shall be submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

- 19) Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved LEMP and shall be managed in accordance with the approved document.
- 20) Prior to the installation of any external lighting a full lighting strategy to include illustration of proposed light spill shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.
- 21) No dwelling shall 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.
- 22) Each dwelling shall be provided with ducting to allow for the future installation of electrical vehicle charging infrastructure to serve that dwelling prior to its first occupation.

End of Schedule

APPENDIX 2

Pre-app Correspondence from Historic England

Dated 1st October 2020



Historic England

Mr Stephen Bond

Direct Dial: 0207 973 3644

Heritage Places

19 Eastbourne Terrace

Our ref: PA01005908

London

W2 6LG

1 October 2020

Dear Mr Bond,

Pre-application Advice

EXTENDED EAS - LAND TO THE SOUTH OF CLIFTON ROAD, DEDDINGTON, OX15 0TH

Summary

The revised proposal would cause less harm to the designated heritage assets than the previous schemes on which we advised. The proposal would cause less than substantial harm to the scheduled monument Deddington Castle and to the Deddington Conservation Area. There is no formal scale for less than substantial harm, but I would place the harm in this case as minor, in the case of the Castle, meaning that while the harm is still significant, it lies at the lower end of the spectrum. In the case of the conservation area I would describe the harm as minor to moderate.

Advice

Thank you for requesting further advice on this proposed housing development. The advice given below is based on the information you provided by WeTransfer on 6-8-20, your email to me dated 6-8-20, and the LDVIA appendices provided by email on 24/9/20.

Where information from our previous advice is relevant I have repeated it here for ease of reference.



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The development site borders (on its south side) the scheduled monument known as Deddington Castle, List no. 1014749. The site is also within the Deddington Conservation Area, and is part of the character area named as 'Setting' (Para. 8.3.8. Deddington Conservation Area Appraisal, Cherwell District Council, April 2012). The Setting character area includes the scheduled monument.

Significance

Significance of a heritage asset is normally considered as being the sum of its heritage values - evidential, historic (illustrative and associative), aesthetic and communal (See *Conservation Principles*, Historic England, 2008). Consideration of significance concerns not just the heritage asset itself, but also any contribution made to significance by the setting of the asset, where setting means the environs in which the asset is experienced. (Historic England, *The Setting of Heritage Assets*, Historic Environment Good Practice Advice in Planning Note 3, 2015).

The earthworks of Deddington Castle, and the results from excavations, indicate that it is an 11th-century Norman motte and bailey castle, and that a 12th-century enclosure castle was constructed within the earlier fortification. The western bailey survives as an extensive raised area surrounded by high outer banks and an external ditch. The high mound of the motte is in the north-east corner of the western bailey and survives partially, having been cut through for the creation of the enclosure castle. A second bailey to the east of the motte is mainly known from aerial photographs but some earthworks survive. The castle is one of the best preserved earthwork monuments relating to the period in Oxfordshire. Unlike other similar castles, it appears to have been located remotely from the original village of Deddington and this separation has been perpetuated over time. The isolation may be connected with its status as the location of the 'caput' (principal site) of an 'honour' or estate, possibly of Odo, Bishop of Bayeux and the brother of William I.

The scheduled castle has very high evidential value - archaeological remains relating to construction and use of the castle, including waterlogged remains within the ditches. The development will not impact on these.

The castle also has high historic (illustrative) value in demonstrating how the Normans deliberately dominated the surrounding landscape militarily and physically by choosing an elevated site, and how the castle stands separate from the village - the existing mainly open setting contributes to that significance. Although there is tree cover around the edges of the castle, there are still places where its dominant position can be appreciated, and the views are improved during the winter when the trees are not in leaf.

The communal value of the castle is clear; as a valued asset, the site is much used for



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walking and is well-visited. Views out from the castle across the open countryside are clearly part of what is valued and enjoyed by visitors. The central motte area is in the care of the Secretary of State and is managed by English Heritage.

As regards the conservation area, the site is within the character area named as 'Setting' (Para. 8.3.8. Deddington Conservation Area Appraisal, Cherwell District Council, April 2012). (The Setting character area includes the scheduled monument.) The setting character area is defined thus: *These are areas of predominantly open space which are considered to contribute to the setting of the historic core of the village. They are tranquil areas and comprise rough grassland areas which are often bounded by ironstone walls like along Earl's Lane and Castle Street which contribute to the rural character of the area. Also included is the main recreational area located to the east - which is a Scheduled Ancient Monument and an archaeological site, consisting of extensive earthworks which are remnants of a former motte and bailey castle.*

Impact

There will be no impact on the evidential value of the scheduled monument.

I advise that there will be some negative impact on the historic (illustrative) value of the monument caused by the construction of the development in what is currently an open field, causing a change to the setting.

There are views of the currently open site from the edge (bailey ditch) of the scheduled monument, as shown in the annotated photographs provided with each of the construction options. The choice of viewpoint is important, as it is possible to approach the stone wall at the edge of the monument and obtain unobstructed views (available winter or summer) into the open field.

There are also glimpsed views into the open site from the top of the castle rampart. Views from here are important as the visitor is experiencing some sense of the view a medieval defender within the castle would have experienced. These views are clearer in winter (the trees are mainly deciduous) and Historic England guidance on setting (referenced above) is that seasonality and impermanence of screening should be taken into account. The current management of the monument has led to quite dense tree growth, but future good management would require some shrub clearance and thinning of trees (tree roots, and possible windthrow, are damaging to archaeological deposits and earthworks) including some of the many trees currently being choked by ivy growth. It is therefore likely that more open views will be available in the future.

Tree screening is proposed for the new development as mitigation, as it was for the previous schemes I advised on. While this will provide some screening, I advise that



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this is a long-term measure, and that existing buildings show it is only partly effective as the upper parts of buildings are still visible, particularly when seen from the raised viewpoints on the motte and west bailey. The new development would still read as housing when viewed, and not as rural space. This would be true whether the development is being viewed from the castle, or from Clifton Road.

From Clifton Road, Deddington Castle is visible across the open field which the site will partially occupy. It is easier to appreciate the presence of the castle in winter when the trees are not in leaf. This is a useful, illustrative view which can be seen from public rights of way. I note that the intention is to maintain a view from Clifton Road but the nature of this view is not entirely clear. The development will obscure approximately half of the view that is currently available. In your email to me dated 6-8-20 you mentioned that a new gateway to the pasture will be provided from Clifton Road providing a clear opening from which views towards the castle can be obtained; and also that new hedgerow planting/infilling will take place along Clifton Road. I think it would be useful if we discuss this so that the extent of remaining view is clear, bearing in mind that the current view is kinetic and is different to a view through a gateway.

Taken overall, the impact of the new development on visitors to the castle will be that the open agricultural setting of the castle will be reduced by a small amount.. Also, the effect will be to bring the built-up area of the village closer to the castle than is currently the case. This is important, as the isolation of the castle from the village is a key element of its significance (see discussion above). The site in its current state serves to illustrate this - its contribution to the castle's significance will therefore be lessened by the development. At a previous planning appeal for another development between the village and the castle, the Inspector dismissed the appeal, emphasising the importance of the castle's isolation. (Appeal Ref: APP/C3105/A/14/2228558 Land to the rear of Valley View and Orchard View, St Thomas Street, Deddington, Oxfordshire OX15 0SY, Application reference 13/01941/OUT).

The impact on the scheduled monument will cause less than substantial harm for the reasons given above. The concept of less than substantial harm is covered in the National Planning Policy Framework (NPPF) 2019, paragraphs 193, 196. There is no formal scale for less than substantial harm. On a simple scale of minor, moderate and major (severe) I consider the harm to the significance of the scheduled monument would be minor

With regard to the conservation area the definition of the significance of the Setting character area is quite clear in the Conservation Area Assessment. Construction of buildings here, and reduction of the open space, will cause some harm to the conservation area. The harm will be less than substantial. There is no formal scale for less than substantial harm but on a simple scale of minor, moderate and major (severe) I advise that it would be minor to moderate, depending on the final details of



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the scheme and the success or otherwise of proposed screening. As shown on current drawings (see site plan 4192/3/110) the east side of the development is unscreened giving a stronger impression of the housing being close to the castle. This will also mean that the design and materials of the new housing will need to be very carefully chosen if the impression is to be retained of this area being the entrance into a historic conservation area.

The local authority would need to balance this harm against any public benefit from the development, as required by the NPPF, paragraph 196. Paragraphs 193 and 194 of the NPPF require that great weight should be given to the conservation of a designated asset, irrespective of the level of harm, and that any harm should be fully justified. Justification of the harm would require the local authority to consider whether any public benefit can be delivered without causing the harm, or, if that is not feasible, with a lower level of harm.

The Deddington Neighbourhood Plan appears to have reached the stage of an Inspector's report but has not been finalised. The Inspector has advised that the relevant policy should read as follows:

New residential development within the Deddington Conservation Area should be of a scale and design which would preserve or enhance the character or appearance of the designated conservation area. Development proposals for conversions, infilling or the redevelopment of previously developed land or buildings which preserve or enhance the character or appearance of the conservation area will be supported.

As discussed above, the design and materials of the new buildings will be very important if the development is to preserve the character of the conservation area, particularly as this part of the conservation area is important or its setting character.

The neighbourhood plan also contains a policy for the historic environment (ENV1). That policy, if the Inspector's recommended changes are incorporated, is in accord with the policies of the NPPF which I have discussed above.

The Cherwell Local Plan (Policy Villages 2) requires developments to take account of: 'Whether significant adverse impact on heritage or wildlife assets could be avoided.' Policy ESD15 requires developments to follow the NPPF and NPPG in relation to designated and non-designated assets.

I welcome the emphasis in the report on providing enhancements as part of the development, particularly the repair of ironstone walls and reinstatement of pasture.

A planning application for this development would require a full, detailed heritage statement.

Other comments



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The Preliminary Heritage Overview describes Deddington Castle as ‘a designated heritage asset of medium to high significance.’ As a nationally important scheduled monument, the castle is of high significance.

The LDVIA reaches the conclusion (6.4) that the changes from the development will be ‘not significant effects’. While I acknowledge that the LDVIA may take a different approach to the analysis, I would disagree with its conclusion for the reasons given in my advice above. In particular I note that the LDVIA does not consider the issue of setting, or views from the castle ramparts. The ‘Setting’ character area of the Conservation Area is not given any weight. I also have the following detailed comments.

1.2.1 The interior of the bailey does not contain formal sports pitches nor does it have a ‘more contemporary ... appearance’.

2.3.1 Some key features are designated in their own right - the ramparts forming part of the scheduled monument.

2.3.2 This section appears to prejudge the conclusions of the report before the impact of the development has been considered.

2.3.8 Given their heritage significance, there seems to be no analytical value in describing the castle ramparts as ‘visual barriers’.

I hope that the above advice will prove useful and look forward to hearing from you should you wish to discuss anything further,

Yours sincerely

David Wilkinson

Inspector of Ancient Monuments

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