

**Land Adjoining And West Of Stonecroft House  
Clifton Road Deddington**

**20/03467/F**

**Case Officer:** Matthew Chadwick

**Recommendation:** Approve

**Applicant:** Blue Cedar Homes Limited

**Proposal:** Erection of 7 no one and two storey age restricted dwellings for older people (60+ years), formation of means of access, and associated landscaping and infrastructure

**Expiry Date:** 27 January 2021

**Extension of Time:** 06.05.2021

---

**1. APPLICATION SITE AND LOCALITY**

1.1. The application relates to an agricultural field, on the south side of Clifton Road, to the eastern edge of the village of Deddington. To the east of the field parcel of which the site forms part is a row of detached houses facing onto Clifton Road. To the west of the site are a series of historic barns which have been converted to residential use, of which Castle Barns is curtilage listed, and further to the west of this are Monks Court and Castle End, both Grade II\* listed buildings. To the south of the site is Deddington Castle, which is a Scheduled Ancient Monument. The site is located entirely within the Deddington Conservation Area and is also within an area of archaeological interest. There is also potentially contaminated land in close proximity of the site

**2. DESCRIPTION OF PROPOSED DEVELOPMENT**

2.1. Planning permission is sought for the erection of seven, age-restricted dwellings on the site. The proposed dwellings would be a mix of single and two storey dwellings externally faced in ironstone and timber cladding, with natural slate roofs. Each dwelling would have a separate garden. The development has a courtyard layout, with the proposed dwellings surrounding a central parking and turning area. The development would take access from Clifton Road and each dwelling would have dedicated parking. An area of open space is proposed to the south of the dwellings.

2.2. Extensions of time have been agreed on the application due to ongoing negotiations relating to the highway works and heritage impacts.

**3. RELEVANT PLANNING HISTORY**

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

01/01182/F – Erection of one dwelling with garage – Application Refused

13/01941/OUT - OUTLINE - Erection of 7 Dwellings – Application Refused; Appeal Dismissed [see below]

14/00412/F - Erection of 26 dwellings 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 recreational facilities at Deddington Castle – Application Withdrawn

19/00831/OUT - OUTLINE - Residential development of up to 15 dwellings – Application Refused; Appeal Dismissed [see below]

19/02444/OUT - Outline planning permission for the residential development of up to 14 dwellings - all matters save for the means of access are reserved for subsequent approval - revised scheme of 19/00831/OUT - Application Refused; Appeal Dismissed [see below]

3.2. Application 13/01941/OUT relates to land approximately 260m to the south-west of the application site. This application sought approval for seven dwellings and was refused for two reasons:

1. Notwithstanding the Council's present inability to demonstrate that it has a 5 year supply of housing land required by Paragraph 47 of the NPPF, the development of this site cannot be justified on the basis of the land supply shortfall alone. The proposal represents development beyond the built up limits of Deddington where there is no proven need for agriculture or other existing undertaking and the application has not been made on the basis that it is a rural exceptions site. As the proposal cannot be justified on the basis of an identified need, it represents development in the countryside which erodes an important green buffer gap between the village of Deddington and the Scheduled Ancient Monument, Deddington Castle, which would be harmful to the setting of Deddington Castle and the Deddington Conservation Area as it would fail to preserve or enhance its setting. The proposed development would not respect the well-defined historic settlement pattern in this part of Deddington. The proposal is, therefore, contrary to Policies H18, C7, C25 and C27 of the adopted Cherwell Local Plan, Policies ESD13 and ESD16 of the Submission Cherwell Local Plan (January 2014) and Government guidance contained in the National Planning Policy Framework.

2. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the affordable housing and informal open space directly required as part of this scheme will be provided. This would be contrary to Policies H5 and R12 of the adopted Cherwell Local Plan, Policies BSC10 and INF1 of the Submission Cherwell Local Plan (January 2014) and Government guidance contained within the National Planning Policy Framework.

3.3. This decision was appealed and the Inspector concluded that the proposal would fail to preserve either the setting of Deddington Castle or the character and appearance of the Deddington Conservation Area and that the benefits to the scheme would not outweigh this harm. The appeal was dismissed.

3.4. Application 14/00412/F related to the erection of 26 dwellings across the entire width of the field parcel to which this application relates. From the planning history, it is not clear why this application was withdrawn.

3.5. Applications 19/00831/OUT and 19/02444/OUT relate to land approximately 200m to the east of the site along Clifton Road. Application 19/00831/OUT was refused for the following reasons:

1. By virtue of its poorly integrated relationship with existing built development, its extension beyond the built limits of the village and its scale and location, the proposed development would cause significant and demonstrable harm to the character and appearance of the area and the rural setting of the village and would fail to reinforce local distinctiveness. For the same reasons the proposal would also result in 'less than substantial' harm to the setting of the nearby Scheduled Ancient Monument and Conservation Area and the harm stemming from the proposals are not considered to be outweighed by any public benefits. The proposal is therefore contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, saved Policies C28 and C33 of the

Cherwell Local Plan 1996, Cherwell Residential Design Guide SPD (2018) and Government guidance contained within the National Planning Policy Framework

2. The development proposed, by reason of its relationship and poor pedestrian connections to the centre of the village and service and facilities (including bus stop) and taking into account Cherwell District Council's ability to demonstrate an up-to-date housing land supply, would not provide good access to services and facilities and public transport in the interests of reducing the need to travel and promoting sustainable transport options. Therefore, the proposal is contrary to Policies ESD1, SLE4 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, and Government guidance contained within the National Planning Policy Framework.
3. By reason of the site's location in an area of known archaeological interest with high potential for significant archaeological deposits to survive on site, and in the absence of a detailed and adequate archaeological field evaluation, the Local Planning Authority cannot be satisfied that the proposal would not result in unacceptable and unavoidable harm to archaeological assets. Thus, the proposal conflicts with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.
4. The application submission fails to demonstrate that suitable and safe access to the site can be provided in the interests of highway safety given the lack of information regarding the vehicle speeds near the site. The proposed development therefore conflicts with Policy SLE4 of the Cherwell Local Plan (2011-2031) Part 1 and government guidance contained within the National Planning Policy Framework.
5. The submitted Drainage Strategy is inadequate and does not provide sufficient information to demonstrate that a drainage strategy based on Sustainable Urban Drainage Systems has been explored for the site. The proposal is therefore contrary to Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance in the Written Ministerial Statement on Sustainable Drainage Systems (Dec 2014).
6. In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure (including education, open space, sports facilities, community facilities, highway infrastructure and affordable housing) directly required as a result of this development, in the interests of supporting the sustainability of the village and the development, mix and balanced communities, and in the interests of safeguarding public infrastructure and securing on site future maintenance arrangements, will be provided. This would be contrary to Policies INF1, PSD1, BSC3, BSC10 and BSC11 of the Cherwell Local Plan (2011-2031) Part 1, the Developer Contributions SPD (2018) and Government guidance contained within the National Planning Policy Framework.

3.6. Application 19/02444/OUT was refused for the following reasons:

1. By virtue of its poorly integrated relationship with existing built development, its extension beyond the built limits of the village and its scale and location, the proposed development would cause significant and demonstrable harm to the character and appearance of the area and the rural setting of the village and would fail to reinforce local distinctiveness. For the same reasons the proposal would also result in 'less than substantial' harm to the setting of the nearby Scheduled Ancient Monument and Conservation Area and the harm stemming

from the proposals is considered not to be outweighed by any public benefits. The impact on the character and appearance of the Conservation Area of the works required outside of the site to improve connections from the site to the village also weighs against the development. The proposal is therefore contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, saved Policies C28 and C33 of the Cherwell Local Plan 1996, Cherwell Residential Design Guide SPD (2018) and Government guidance contained within the National Planning Policy Framework.

2. In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure (including education, open space, sports facilities, community facilities, highway infrastructure and affordable housing) directly required as a result of this development, in the interests of supporting the sustainability of the village and the development, mix and balanced communities, and in the interests of safeguarding public infrastructure and securing on site future maintenance arrangements, will be provided. This would be contrary to Policies INF1, PSD1, BSC3, BSC10 and BSC11 of the Cherwell Local Plan (2011-2031) Part 1, the Developer Contributions SPD (2018) and Government guidance contained within the National Planning Policy Framework.

- 3.7. These applications were appealed (APP/C3105/W/19/3242236, APP/C3105/W/20/3247698). In allowing these appeals, the Inspector concluded the following: *‘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’.*

#### **4. PRE-APPLICATION DISCUSSIONS**

- 4.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
19/00110/PREAPP	Development of 9 No dwellings
19/01263/PREAPP	Development of 9no dwellings (follow up to 19/00110/PREAPP)

4.2. The pre-application response for 19/00110/PREAPP concluded that the site lies outside the built limits of the nearest settlement and the scheme had no policy support. As proposed, the scheme was considered to cause harm to the setting of the Scheduled Monument to the south and the Deddington Conservation Area. Therefore any future planning application for this proposal would not be considered favourably. It was stated that any development of this site would need to have specific policy support in the Deddington Neighbourhood Plan as well as be redesigned in order to reduce its impact on heritage assets so as to cause harm or provide clear public benefits that outweigh the harm caused. The impact on neighbours, highway safety, ecology and trees would also need to be considered in any future scheme.

4.3. The pre-application response for 19/01263/PREAPP was consistent with this.

## **5. RESPONSE TO PUBLICITY**

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **29 January 2021**, although comments received after this date and before finalising this report have also been taken into account.

5.2. The comments raised by third parties are summarised as follows:

- The development would cause harm to the setting of Deddington Castle.
- The development would cause harm to the character and appearance of the conservation area.
- The development would erode an important gap between the village and the castle.
- The development would provide retirement units which are needed in the village.
- The development would set a precedent to infill the other remaining gaps on Clifton Road.
- The site would have insufficient links to the village and wider area.
- The dwellings are for 60 year olds and over, which is different to being for retired people.
- The development would cause harm to the safety of the highway network.
- Deddington has contributed enough houses to Cherwell's housing need.
- The development would cause harm to archaeological assets.
- The site is designated open space with the Conservation Area Appraisal.
- Swift bricks should be incorporated into the development.

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## 6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

### PARISH COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. DEDDINGTON PARISH COUNCIL: **No objections**, subject to conditions relating to archaeological studies, local residents being given an option to purchase the properties and the development being for over 60s only. The Parish Council also request that they are consulted on any future planting proposals, that a road safety audit is undertaken and that their S106 list is considered.

### STATUTORY CONSULTEES

- 6.3. HISTORIC ENGLAND: **Objections/comments** - 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 on a simple scale of minor, moderate and major they assess the harm in this case as being minor.
- 6.4. OCC HIGHWAYS: **No objections**, subject to conditions relating to new estate roads, car parking details, cycle parking details, gates, no new accesses to be created, a construction traffic management plan and highway improvement works.

### NON-STATUTORY CONSULTEES

- 6.5. CDC ARBORICULTURE: **No objections**, subject to a condition relating to an Arboricultural Method Statement.
- 6.6. OCC ARCHAEOLOGY: **No objections**, subject to conditions relating to a written scheme of investigation and a staged programme of archaeological evaluation and mitigation.
- 6.7. CDC BUILDING CONTROL: Development requires a full plans building control regulation.
- 6.8. CDC CONSERVATION: **Objections/comments** - There are concerns regarding the impact to the setting of the scheduled monument and the resulting harm to the character of this part of the Deddington conservation area. This harm should be weighed against any potential public benefits.
- 6.9. CDC ECOLOGY: No comments received.
- 6.10. CDC ENVIRONMENTAL HEALTH: **No objections**, subject to a noise report, contaminated land conditions, a Construction Environment Management Plan and EV charging infrastructure.
- 6.11. CDC LAND DRAINAGE: There is an unconfirmed report that a land drainage culvert may cross the site flowing south from Earls Lane, although there is no evidence of this on the site. The applicant should be advised it may be present. Whilst it would not compromise the development in principle, if a culvert is found then they should contact the local authority for advice in how it should be diverted or otherwise accommodated.
- 6.12. CDC RIGHTS OF WAY: **No objections**.

6.13. OCC RIGHTS OF WAY: **No objections.**

6.14. CDC WASTE AND RECYCLING: The developer needs to satisfy to the local authority that they have adequate provision for waste and recycling storage, before the application is agreed. Bin storage required for households is 1.8 sqm per dwelling.

## **7. RELEVANT PLANNING POLICY AND GUIDANCE**

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 ('CLP 2015')

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC4 – Housing Mix
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDs)
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Villages 1 – Village Categorisation
- Villages 2 – Distribution Growth Across the Rural Areas
- INF1 – Infrastructure

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

- H18 – New dwellings in the countryside
- C8 – Sporadic development in the open countryside
- C25 – Development affecting the site or setting of a scheduled ancient monument
- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development
- C33 – Local gaps

- ENV1 – Environmental pollution
- ENV12 – Potentially contaminated land

### 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)
- Deddington Conservation Area Appraisal
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Developer Contributions SPD

## 8. APPRAISAL

### 8.1. The key issues for consideration in this case are:

- Principle of development
- Impact on the character and appearance of the area
- Heritage impact
- Residential amenity
- Highway safety
- Flood Risk and drainage
- Archaeology
- Ecology
- Infrastructure
- Other matters

#### Principle of development

- 8.2. The National Planning Policy Framework ('NPPF') explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 8.3. Paragraph 11 of the NPPF states that a presumption of sustainable development should be seen as a golden thread running through decision taking, which means approving development proposals that accord with an up-to-date development plan without delay. The NPPF goes on to say that, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 8.4. The Written Ministerial Statement of 12 September 2018 provided flexibility to the Oxfordshire Local Planning Authorities so that they only had to demonstrate a 3-year land supply whilst the Oxfordshire Plan was being produced. This flexibility expired on 31 March 2021. Cherwell District Council's position on five-year housing land supply is set out in the 2020 Annual Monitoring Report. For the period 2021-2026, the Council has a 4.7-year housing land supply. Paragraph 11(d) of the NPPF sets out that in such instances the Development Plan policies related to housing provision must be considered out-of-date and the tilted balance must be applied.
- 8.5. The principle of residential development at Deddington is assessed against Policy Villages 1 in the CLP 2015, and this policy recognises Deddington as a Category A village. Category A villages are service villages that are considered to be most sustainable rural settlements within the district. Within Category A villages, residential development will be restricted to the conversion of non-residential



buildings, infilling and minor development comprising small groups of dwellings on sites within the built up area of the settlement.

- 8.6. In the pre-application enquiries relating to development proposals at the site, the Council considered that the site was not within the built limits of the village and therefore the development did not comply with Policy Villages 1. The site is located within a field parcel that separates the more historic core of the village from the more modern linear development onto Clifton Road.
- 8.7. It is relevant at this point to consider the two appeals allowed further to the east on Clifton Road (APP/C3105/W/19/3242236, APP/C3105/W/20/3247698). In Paragraph 12 of this appeal the Inspector states that *'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'*.
- 8.8. The Inspector did not conclude that the appeal site was within the built of limits of Deddington, but rather that it was within the 'peripheral development cluster' that lies outside of the village. The appeal site is neither within this cluster or within the built limits of the village, and the Council maintains its view as set out in its response to pre-app enquiries, that is, the site is within the countryside and relatively visible from public vantage points, and therefore may be considered to be in open countryside. Its character is verdant and undeveloped, quite different from the character of the built form of the village.
- 8.9. Notwithstanding the proposal's conflict with Policy Villages 1, it is noted that Deddington is amongst the larger of the Category A villages and has a good level of service provision. The village has a primary school and multiple public houses and shops. The village also has a health centre in close proximity to the application site. The village is on the S4 bus route which links Banbury to Oxford and provides frequent buses for residents to travel between these settlements.
- 8.10. It is noted that the appeal site is located more than 250m further away from the village centre of Deddington than the application site, which is located in close proximity to the Castle Barns development, and therefore more remote from the village than the application site.
- 8.11. Policy BSC4 of the CLP 2015 states that opportunities for the provision of extra care, specialist housing for older and/or disabled people and those with mental health needs and other supported housing for those with specific living needs will be encouraged in suitable locations close to services and facilities. The Oxfordshire Market Position Statement highlights that there is a general need for housing for elderly people across the county. The development would provide age restricted housing (which can be controlled by a condition) and this is considered to be a benefit of the scheme which shall be weighed into the planning balance.
- 8.12. The proposed development would be located outside of the built form of Deddington in open countryside. It therefore conflicts with the policies of the development plan related to housing provision and this weighs against the proposal. If the Council could demonstrate a 5 year housing land supply, this policy conflict would weigh significantly against the proposal. However, as noted above, para 11(d) of the NPPF applies and thus the weight to be afforded this policy conflict is limited. Para 11(d) says that planning permission must be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The remainder of this report will examine the relevant material considerations that apply and consider the impact and conclusions of the recent appeal decision.

### Impact on the character and appearance of the area

- 8.13. Government guidance contained within the NPPF towards achieving well-designed places states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPG goes on to note that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Further, Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.14. Paragraph 127 of the NPPF states that planning decisions should ensure that developments:
- 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;
  - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;
  - 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;
  - 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;
  - 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.
- 8.15. Policy ESD15 of the CLP 2015 states that: *“New development proposals should:*
- *Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.*
  - *Respect the traditional pattern routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.”*
- 8.16. Policy ESD13 of the CLP 2015 states that: *“Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:*
- *Cause undue visual intrusion into the open countryside;*
  - *Cause undue harm to important natural landscape features and topography;*
  - *Be inconsistent with local character;*
  - *Harm the setting of settlements, buildings, structures or other landmark features;*

- *Harm the historic value of the landscape.”*

8.17. Saved Policy C8 of the CLP 1996 seeks to limit sporadic development beyond the built limits of settlements.

8.18. Saved Policy C33 states the Council will seeks to retain any undeveloped gap with is important in preserving the character of a loose knit settlement structure or maintaining the setting of heritage assets.

8.19. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.

8.20. The application site is located at a key entrance to the village, which has a strong rural approach that positively contributes to the rural setting and character and appearance of the village. The area includes a number of groups of buildings; however, they are set between parcels of open land, such as the application site, which imparts a very loose knit and spacious character and appearance to the area where views are available out into the wider landscape. This provides a soft transition between the wider countryside and main built up area of Deddington and the application site contributes positively to this.

8.21. In the appeal decision for (APP/C3105/W/19/3242236 and APP/C3105/W/20/3247698), the Inspector concluded that *‘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’.*

8.22. The Inspector clearly found that granting permission at the appeal site would lend increased importance to the residual undeveloped land between the village and the development cluster he identified and held that it would not set a precedent for the remaining field parcels. His conclusions reflect the intentions of saved Policy C33.

8.23. The application site forms part of one of the three remaining field parcels referred to by the Inspector in this decision; the other two are on the north side of Clifton Road to the east and west of Castle Farm; the field parcel of which the site forms part being the only one to the south of Clifton Road.

8.24. The proposed development would result in the loss of a section of this field parcel. The Inspector’s conclusions should lead any decision maker to conclude that the application field parcel – the only one on the south side of Clifton Road between the village and the ‘peripheral development cluster’ should not be developed in its entirety, or in any way which would undermine the peripheral nature of the development cluster he identified or which would lead to ribbon development.

8.25. The proposed development would result in the loss of c.41% of the width of the site along the Clifton Road frontage. When looking at the field parcel as a whole (as

defined by the mature vegetation on the north, east, south and west boundaries), the development would result in the loss of 26% of total field parcel. The former measure is more useful in responding to the Inspector's decision, but either way the proposal would result in the loss of some of the gap between the village and the peripheral development cluster.

- 8.26. Critically, however, (1) the development has been concentrated towards the western edge of the site; (2) five of the seven dwellings – including those to the eastern edge of the site – are single storey; and (3) despite a relatively low density of 15 dwellings per hectare, half the density of a modern housing development as expected by Policy BSC2, the proposed development is designed in a way that would give a tight knit character, clustered together and towards the existing built form of the village.
- 8.27. In terms of the form of the development, concerns were raised in the pre-application responses regarding the creation of a modern cul-de-sac that would fail to relate well to the existing built environment but it is considered that the proposal which has been amended significantly from that tabled in the pre-app enquiries, responds well to this advice and relates acceptably in character to the Castle Barn development to the west.
- 8.28. The layout of the proposed development is that of a historic courtyard, with all of the dwellings facing a central area. The dwellings have been designed to appear as an organic form of converted buildings around a central courtyard. The dwellings are proposed to be constructed externally from ironstone, with secondary elements of timber cladding under natural slate roofs. The use of natural stone and slate is locally distinctive, and the design would reinforce local distinctiveness, which is a key criteria of Policy ESD15. The dwellings would also have high quality detailing which contributes to the appearance of converted agricultural buildings, with timber infills, timber lintels, black metal wall ties and full height openings. Further details of the proposed materials and window and door details can be secured by condition.
- 8.29. The development of the agricultural field would significantly change the character of the site and would extending the built form of the village into the countryside, urbanising a verdant, undeveloped and relatively open piece of land important to the setting of the village. The proposal would therefore result in harm to the character and appearance of the area and would conflict to some extent with Policy ESD13 of the CLP 2015, albeit the harm is localised, as well as saved Policies C8, C28 and C33, which weighs against the proposal. However, its high quality and sensitive layout, design and form would mitigate this harm to a significant extent, and weighs in favour of the proposal.

#### Heritage impact

- 8.30. The site is within the Conservation Area and also within the setting of the Scheduled Ancient Monument of Deddington Castle. The site is mentioned in the Deddington Conservation Area Appraisal as *'the field to the north of the monument contains some important trees with views across to the castle bank from the eastern entrance in the conservation area'*.
- 8.31. Conservation Areas and Scheduled Monuments are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* It goes on to state any harm to the significance of a designated heritage assets or its setting should require clear and convincing justification. Where

development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 8.32. Paragraph 189 of the NPPF states that where a site has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 8.33. Policy ESD15 of the CLP 2015 echoes this guidance. Policy Villages 2 requires consideration to be given to whether significant adverse impact on heritage can be avoided.
- 8.34. Saved Policy C25 of the CLP 1996 states that in considering proposals which affect the setting of a Scheduled Ancient Monument the Council will have regard to the desirability of maintaining its overall historic character.
- 8.35. The proposed development is located within the setting of Deddington Castle which is a Scheduled Ancient Monument (SAM). This is a designated heritage asset in the context of the NPPF. This is an earthwork motte-and-bailey castle, with separate baileys either side of a central motte, which dates back to the eleventh or twelfth century. The Castle Grounds represent the west bailey with a central motte. The eastern bailey is roughly equal in area to the main bailey with evidence of late medieval fishponds or quarries. Historic England states it is nationally important and is one of the best-preserved earthworks relating to the period in Oxfordshire. Unlike other similar castles, it appears to have been located remotely from the original village of Deddington. The isolation from the village may be connected with its status as the location of the lead site of an estate. Whether deliberate or not, the setting of the asset remains largely open countryside to much of its boundaries. The castle has illustrative value in demonstrating how the Normans dominated the surrounding landscape and the existing open setting of the castle contributes to that significance. This assessment was agreed with by a Planning Inspector in dismissing an appeal to the west of the site (13/01941/OUT refers).
- 8.36. Whilst there are instances of more modern development which have encroached onto the open space around the castle, with the result that the natural buffer between the village and castle has been eroded, these are not considered to be positive aspects and are not considered to justify further harm to the setting of the Castle. At present the application site forms part of one of the key views from Clifton Road through to Deddington Castle and therefore the proposal would have an impact on the open setting of the Castle to the north and diminish its sense of isolation from the village by developing part of this field parcel.
- 8.37. Given the proximity and topography of the area, views would be available from the Castle towards the site, which would lead to an urbanisation of the setting. Whilst many views would be filtered through vegetation, the presence of the development would still be visible. The inter-visibility would be higher and more prominent in winter months when the filtering effect of the deciduous vegetation would not be as effective as in summer months. This is also true of any additional planting the applicant proposes to the southern boundary in an attempt to screen the development. The development would also result in the built form of the village moving closer to the castle and the separation between the castle and the village is historically important and adds to its significance.
- 8.38. Historic England and the Council's Conservation Officer have both concluded that the development would cause *less than substantial* harm to the setting of Deddington Castle. Both consultees have said that this harm would be at the minor

end of *less than substantial* harm. In the appeal decision for 13/01941/OUT, Historic England (then English Heritage) considered that the harm caused would be moderate adverse on the scale of *less than substantial* harm. There is no formal scale for *less than substantial* harm but it is considered that moderate adverse is a higher level of harm than minor.

- 8.39. Notwithstanding, the site forms only part of the setting of the castle and the significance of the castle includes factors other than the values associated with its setting. Also, as set out in previous sections of this report, a significant section of the field parcel would remain undeveloped and clear views would still be possible across the site, given that the development is concentrated on the western edge of the field parcel. Therefore, I agree with the advice of the Conservation Officer and Historic England that the overall harm to the significance of the Castle would be '*less than substantial*' in the context of the NPPF. That is not to say that it would be unimportant. Substantial harm could only likely be caused to the SAM through alteration to/impact on the physical monument. The NPPF advises that *any* harm to heritage assets requires clear and convincing justification and great weight should be given to the asset's conservation. Paragraph 134 of the NPPF requires the harm to be balanced against the public benefits of the scheme. This harm will be weighed in the planning balance at the end of this report.
- 8.40. The SAM also forms part of the Conservation Area and it is considered that for the same reasons the proposal would harm the significance of the Conservation Area through change to its setting. There is also considered to be further harm to the setting of the Conservation Area in respect of the impact of the development on the rural setting of the village. The site is located at the edge of the village and the existing approach has a strong rural character and appearance which positively contributes to the rural setting of the Conservation Area. The urbanisation of the site and the loss of openness, including some views out to the wider countryside, would erode this rural approach; however, this harm is moderated by the low density of development, the sensitive design and the concentration of the development in the north-west corner of the site.
- 8.41. The proposed development would be within proximity of Monks Court and Castle End, both Grade II\* listed buildings. Castle Barns is located between these properties and the site and is considered to be curtilage listed due to its historic association with Castle End. At its closest point, the development would be located c.27m from Castle Barns. The proposals would result in the loss of openness directly to the east of Castle Barns and it is considered that the development would cause some harm in this regard. However, its courtyard form and locally distinctive design would limit this harm. Furthermore, at the southern edge of the development is the open space which does retain an open setting to the curtilage listed building to the east and southeast. It is considered that this level of harm would be *less than substantial*.
- 8.42. Overall, therefore, the proposal would result in harm to the setting of the Deddington Castle, Castle End and the Conservation Area. This harm would be '*less than substantial*' in the context of the NPPF but carries great weight in determining the application. In accordance with paragraph 196 of the NPPF this harm needs to be weighed against the public benefits of the proposal which is undertaken in Section 9 of this report in considering the planning balance.

#### Neighbour amenity

- 8.43. Policy ESD 15 of the CLP 2015 requires new development to consider the amenity of both existing and future occupants, including matters of privacy, outlook, natural

lighting, ventilation, and indoor and outdoor space. The New Residential Development Design Guide (SPD) also provides advice in this respect.

- 8.44. The closest relationship would be between Stonewalls and the dwellings proposed in the northwest of the site. The separation distances between the existing and proposed dwellings all exceed the 22m back to back distance set out within the Cherwell Residential Design Guide. It is considered that the development would comply with Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF.

#### Highway safety

- 8.45. Policy ESD15 of the CLP 2015 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.”* Policy SLE4 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.”* The NPPF advises that development should provide safe and suitable access for all and development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe.
- 8.46. The development would include a new access from Clifton Road to serve the new housing. Significant negotiations between the County Council and the applicant’s transport consultants took place during the course of the application.
- 8.47. The proposed site access is located in close proximity to the existing Earls Lane junction with Clifton Road. Due to the relationship of the proposed access and the existing Earls Lane junction, the applicant proposes to remodel the existing historic Earls Lane junction, and create a simple priority junction, similar in design to that of the proposed site access. The two junctions would then be offset from the centreline of each other by approximately 16 meters.
- 8.48. This stagger distance would be significantly below the 50m minimum separation distance as set out at paragraph 2.23 of Design Manual for Roads and Bridges (DMRB). However, the local highway authority (LHA) has noted that DMRB standards are intended primarily for trunk roads, while Clifton Road is within a 30mph limit in a village setting and where the B4031 is a relatively lightly trafficked road.
- 8.49. During the course of the application, the applicant submitted access drawings which included the proposed remodelled Earls Lane junction for a Stage 1 Road Safety Audit (RSA). Two options were submitted (option 1 and option 2 had alternative pedestrian crossing provision) and, as a result of the RSA, the applicant’s transport consultant sought to address the items flagged, of which neither assessment flagged up the remodelled Earls Lane junction as an area of concern.
- 8.50. The remodelling of the Earls Lane junction would allow vehicles on Earls Lane approaching the give way line to better assess approaching eastbound traffic on the B4031, and also reduce the speed at which this turn is made, which should result in a wider benefit to the safety of the local highway network.
- 8.51. Pedestrian access is proposed via two two-metre footways either side of the five-metre access. The western footway tapers off a short distance into the site, whereas the eastern footway continues south into the site.

- 8.52. An informal pedestrian crossing has been proposed to the west of the site's access, so that a north-south pedestrian crossing can be provided that links up with the existing footway provision found on the northern side of the B4031. This informal pedestrian crossing would ensure that a safe and continuous pedestrian link is provided for occupiers of the site into the village centre. The pedestrian links have been designed to tie in with those approved under 19/00831/OUT and 19/02444/OUT and would provide footway links to Deddington Health Centre and the primary school along Earls Lane.
- 8.53. The site layout shows that each dwelling would have parking for at least two vehicles and this is considered to be sufficient parking provision for the development.
- 8.54. The LHA has offered no objections subject to several conditions and initially requested a Section 106 agreement to control the highway works, but subsequently accepted a Grampian condition in this regard. The recommended conditions relate to the construction of the estate roads, car and cycle parking details, the site to not be gated, no new access to be created and for a Construction Traffic Management Plan to be submitted. These conditions are considered to be reasonable and necessary.
- 8.55. Subject to the conditions set out above, it is considered that the proposed development would not cause harm to the safety of the local highway network and would provide appropriate pedestrian links to the village. The proposal thus complies with Policies SLE4 and ESD15 of the CLP 2015 and Government guidance contained within the NPPF in this regard.

#### Flooding Risk and Drainage

- 8.56. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems (SUDS) to manage surface water drainage. This is all with the aim to manage and reduce flood risk in the District.
- 8.57. The current site is situated wholly within Flood Zone 1 which is land which has a less than 1 in 1,000 annual probability of river flooding.
- 8.58. The applicant has submitted a Drainage Strategy. This states that infiltration testing has been completed on site and found that infiltration would provide a suitable method of surface water drainage. The total roof impermeable area is proposed to drain via a new private network towards the permeable paved private drive adjacent to plot 4. The private permeable paving will drain its own area with the remaining additional impermeable areas draining towards an underground geocellular crate located within the private drive.
- 8.59. With regard to foul water drainage, due to a level difference between the existing level of the Thames Water foul sewer and the development site, a private package pumping station is proposed to be used to pump flows produced from plots 1, 2, 3, 4 & 5 via private rising main towards a gravity fed system in the highway adjacent to plot 6. The private pumping station would be located south of plot 4. Drainage within the highway adjacent to plot 6 would remain private but be designed and constructed to adoptable standards.



- 8.60. The proposed drainage strategy is considered to be acceptable and would ensure that the site is drained in accordance with Policy ESD7 of CLP 2015 and in accordance with Government guidance contained within the NPPF. Implementation of the submitted drainage strategy would be required by condition.

### Archaeology

- 8.61. The site is located in an area of archaeological potential immediately north of the scheduled ancient monument of Deddington Castle. The County Council's Archaeologist has commented that although the scheduled area of the castle is outside of the proposed development area it is possible that aspects of the castle could survive within the development area.
- 8.62. The proposal site is also located 80m southwest of a medieval shrunken village which survives as a series of earthworks related to the holloway and crofts. The Holloway is thought to be an original continuation of the line of Clifton Road. As there is evidence of medieval settlement along this possible continuation of the road then it is possible that further medieval settlement existed along the current Clifton Road, on the northern side of the proposed development area.
- 8.63. The Archaeologist has offered no objections to the development but has recommended conditions relating to a Written Scheme of Investigation and a staged programme of archaeological evaluation and mitigation. These conditions are considered to be reasonable and necessary to ensure that the development does not cause harm to archaeological assets in the area.

### Ecology

- 8.64. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 8.65. An ecological appraisal has been submitted with the application. The Council's Ecology Officer has not provided comments on the application. The development would result in the loss of an area of hedgerow and of a section of an agricultural field.
- 8.66. The ecological appraisal found no significant potential for roosting bats and no further surveys are recommended. A fox track was found in the south of the site and rabbit burrows have been found throughout the site. It is also considered that hedgehogs could potentially be using some of the boundary vegetation. The report concludes that some birds are very likely to be nesting within the boundary vegetation. Reptiles and amphibians are not considered to be a constraint for the development given the lack of suitable habitat in the immediate area.
- 8.67. The report makes several recommendations including integrated roosting and nesting features for bats and birds, new planting, gaps in the garden fencing and mitigation efforts to ensure protection of hedgehogs, birds and bats. Given the high potential for nesting birds, a condition shall be included to ensure that hedgerows shall not be disturbed during the bird nesting season. A lighting scheme would also be conditioned to ensure that foraging/commuting bats are not affected. The recommendations of the report would be conditioned as well, to provide future features for protected species.

8.68. Subject to the conditions set out above, it is considered that the proposed development would provide a net gain to biodiversity and would not cause harm to protected species and that the proposal complies with Policy ESD10 of the CLP2015 and Government guidance contained within the NPPF.

#### Impact on Local Infrastructure

8.69. Policy INF1 of the CLP 2015 states that: *“Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.”*

8.70. Policy BSC11 of the CLP 2015 states that: *“Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in ‘Local Standards of Provision – Outdoor Recreation’. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement.”*

8.71. The Developer Contributions Supplementary Planning Document (SPD) sets out the position in respect of requiring financial and on-site contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

8.72. Where on and off-site infrastructure/measures need to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development;
- c) Fairly and reasonably related in scale and kind to the development.

8.73. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.

8.74. Policy BSC11 requires general green space to be provided for 6 rural dwellings and that the minimum size of this provision should be 200sqm. Over 800sqm of green space is provided at the south of the development. Paragraph B.165 of the CLP2015 states that provision should be made on site unless this is not possible or appropriate and if on-site provision is not achievable then a financial contribution will be required. The size of the proposed green space would be significantly greater than that specified in Policy BSC11 and a financial contribution is therefore not considered to meet the tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). The development is therefore considered to be acceptable in this regard.

### Other matters

- 8.75. The Environmental Protection Officer has offered no objections, subject to four different sets of conditions. These relate to the following matters: noise report, a Construction Environment Management Plan, contaminated land and EV charging infrastructure.
- 8.76. The noise report is requested due to the proximity of a number of dwellings to Clifton Road. This condition is therefore considered to be reasonable and necessary to ensure a good standard of amenity for future occupiers.
- 8.77. It is considered that the CEMP could be combined with the CTMP requested by the Highways Officer to form one condition to ensure that the amenities of neighbours are not affected during the construction phase of development.
- 8.78. The land has been historically used for agricultural purposes and therefore this is potential for the land to be contaminated. The full contaminated land conditions are therefore considered to be reasonable and necessary in this regard.
- 8.79. Paragraph 110 (e) of the NPPF states that new development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. In this policy context, a condition requiring the provision of EV charging infrastructure is considered to be reasonable and necessary.
- 8.80. The Arboricultural Officer has offered no objections, subject to a condition requiring an Arboricultural Method Statement. This shall be included.
- 8.81. The application would result in the loss of some agricultural land. The site is defined as Level 5 agricultural land, which is the lowest quality of land and therefore this does not weigh against the proposal.
- 8.82. The applicant has agreed to a condition that requires the dwellings to be built to M4(2) standard, which is a level where a new dwelling makes reasonable provision for most people to access the dwelling and incorporates features that make it suitable for a wide range of occupants.

## **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. As set out in the report, the proposal would be located outside of the built form of Deddington in open countryside, and conflicts with the policies of the development plan related to housing provision and this weighs against the proposal. However, the Council cannot demonstrate a necessary housing land supply and so para 11(d) NPPF means that the weight to be afforded to this policy conflict is limited.
- 9.3. The proposal would adversely affect the character and appearance of the area through the introduction of additional built development into the countryside. The site presently provides a soft transition between the wider countryside and built limits of Deddington. That said, the proposal's high quality design and locally distinctive form and materiality mitigates this impact.
- 9.4. The proposal would result in harm to the setting of the scheduled ancient monument and the significance of the Conservation Area through change to its setting. This

harm is *'less than substantial'*. Great weight must be afforded to such harm, albeit it is also the case that the harm in this instance would be on the minor end of less than substantial.

- 9.5. This harm needs to be weighed against the benefits of the proposal in the planning balance.
- 9.6. In this case the public benefits of the scheme include the economic and social benefits associated with the provision of 7 new dwellings, which would be age restricted and would meet a specific housing need that exists not only locally but nationally. The applicant has confirmed that the dwellings would also be built to M4(2) standard, so that the dwellings would be accessible and adaptable. The development would also provide benefits with regards to highway safety, with the improvement of the Earls Lane Junction and the pedestrian links to the village.
- 9.7. Overall, and on fine balance, it is considered that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits that it would provide, in particular that the harm to heritage assets would offset or outweighed by the combination of the proposal's high quality design and that they would be age restricted and would meet a specific housing need. Subject to the conditions set out below the proposal would result in sustainable development. It is therefore recommended that planning permission is approved.
- 9.8. Having regard to the Inspector's decision relating to a proposed development to the east within the 'peripheral development cluster' it would be substantially and demonstrably inappropriate for any further part of the application field parcel to be developed, as this would lead to ribbon development and would undermine the peripheral nature of the development cluster identified by the Inspector in allowing an appeal to the east earlier in 2021.

## **10. RECOMMENDATION**

That permission is granted, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents: Site Location Plan (4192 3 002 Rev D); Site Plan (4192 3 049 Rev B); Plot 1 and 2 Floor Plans (4192 3 200 Rev B); Plot 3 Floor Plans (4192 3 203 Rev C); Plot 4 and 5 Floor Plans (4192 3 205 Rev C); Plot 6 Floor Plans (4192 3 208 Rev C); Plot 7 Floor Plans (4192 3 210 Rev D); Plot 1 and 2 Elevations (4192 3 220 Rev A); Plot 3 Elevations (4192 3 221 Rev A); Plot 4 and 5 Elevations (4192 3 222 Rev A); Plot 6 Elevations (4192 3 223 Rev A); Plot 7 Elevations (4192 3 224 Rev C); Materials Plan (4192 3 052 Rev B); Conservation Enhancement Plan (4192 3 051 Rev C); Entrance wall and planter (4192 3 300 Rev A); Proposed hard surfaces (4192 3 053 Rev C); Site Access and Highway works (P19-1601 Figure 2 Rev D); Refuse and Recycling Plan (4192 3 057); Cycle Storage Plan (4192 3 056) and Drainage and Flood Risk Assessment prepared by Hydrock dated 26 November 2020.

Reason – For the avoidance of doubt, to ensure that the development is carried

out only as approved by the Local Planning Authority and to safeguard the character and appearance of the area, the significance of heritage assets, the living conditions of neighbouring residents and local highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

3. Notwithstanding the details submitted, no development shall commence until and unless a plan detailing the proposed parking turning, loading, and unloading provision for vehicles to be accommodated within the site including details of the proposed surfacing and drainage of the provision, has been submitted to and approved in writing by the Local Planning Authority. The approved parking turning, loading, and unloading facilities shall be laid out and completed in accordance with the approved details before the first occupation of the dwellings. The car parking turning, loading, and unloading spaces shall be retained for the parking turning, loading, and unloading of vehicles at all times thereafter.

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

4. No development shall commence unless and until a Construction Traffic and Environment Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority.
  - The CTMP must be appropriately titled, include the site and planning permission number.
  - Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
  - Details of and approval of any road closures needed during construction.
  - Details of and approval of any traffic management needed during construction.
  - Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
  - Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
  - The erection and maintenance of security hoarding / scaffolding if required.
  - A regime to inspect and maintain all signing, barriers etc.
  - Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
  - The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
  - No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
  - Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
  - Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
  - Any temporary access arrangements to be agreed with and approved by Highways Depot.
  - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

- Details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents

The development shall not be carried out other than in strict accordance with the approved CTMP.

Reason - In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times and to ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Note to Applicant: The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods and that no construction related parking (temporary or otherwise) shall occur within the adopted public highway.

5. No development shall commence until a scheme for the highway improvement works on Clifton Road and Earls Lane as indicatively shown on Drawing P19-1601 Figure 2 Rev D has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the development.

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

6. No development shall commence above slab level unless and until samples of the timber to be used in the construction of the walls of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the samples so approved and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. No development shall commence above slab level unless and until samples of the slates to be used in the construction of the roof of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the samples so approved and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. No development shall commence above slab level unless and until a stone sample panel (minimum 1m<sup>2</sup> in size) has been constructed on site in natural ironstone, which shall be inspected and approved in writing by the Local

Planning Authority. The external walls of the development shall not be laid, dressed, coursed and pointed other than in strict accordance with the approved stone sample panel and shall be retained as such thereafter.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to safeguard the character and appearance of the area and the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. No development shall commence unless and until full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. No development shall commence, including any demolition, and any works of site clearance, unless and until a method statement for enhancing the biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. No development shall commence unless and until an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. No development shall commence above slab level unless and until full details of the refuse bin storage for the site, including location and compound enclosure details, have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1,

Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. No development shall commence above slab level unless and until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

(d) elevational details of the means of enclosure and other boundary treatments set out in drawing "4192 3 054\_B"

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

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

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

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

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

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



with Policy BSC11 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

16. No development shall commence unless and until a report has been submitted to and approved in writing by the local planning authority that shows that all habitable rooms within the dwelling will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) for indoor and external noise levels (if required then the methods for rating the noise in BS4142:2014 should be used, such as for noise from industrial sources). Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. Prior to the commencement of the development hereby permitted 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 be 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.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

18. If a potential risk from contamination is identified as a result of the work carried out under condition 17, 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.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

19. If contamination is found by undertaking the work carried out under condition 18, 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.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

20. If remedial works have been identified in condition 19, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 19. 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.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

21. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

Reason - To safeguard the recording of archaeological matters within the site in accordance with the Government guidance contained within the National Planning Policy Framework.

23. Following the approval of the Written Scheme of Investigation referred to in condition 21, and prior to any demolition on the site and the commencement of

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

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the Government guidance contained within the National Planning Policy Framework.

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

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

25. 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.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

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

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

27. No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 056 (Cycle Storage Plan) for 2 bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.

Reason: In the interests of promoting sustainable transport modes in accordance with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

28. The access hereby approved shall not be gated and access to the dwellings shall remain unfettered in perpetuity.

Reason - In the interests of highway safety, and to facilitate access by refuse

and emergency vehicles, and to comply with Government guidance contained within the National Planning Policy Framework.

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

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

30. The 7 dwellings hereby permitted that form part of the retirement element of the scheme shall only be occupied by persons:

- a) Aged 60 or over;
- b) Living as part of a single household with such a person or persons;
- c) Who were living as part of a single household with such a person or persons at the property who have since died.

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

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

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

32. Prior to the first occupation of the development hereby approved the drainage strategy for the development shall be carried out and completed in strict accordance with the Drainage and Flood Risk Assessment prepared by Hydrock dated 26 November 2020 accompanying the application and shall be retained as such thereafter.

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

Reason – To ensure and retain the satisfactory appearance of the completed development and to enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the character and appearance of the area, the significance of heritage assets and the amenities of

the occupants of the adjoining dwellings and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

34. Notwithstanding the provisions of Classes A to C (inc.) of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed, no means of access formed and no exterior painting carried out without the grant of further specific planning permission from the Local Planning Authority.

Reason – To ensure and retain the satisfactory appearance of the completed development and to safeguard the character and appearance of the area, the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Matthew Chadwick

DATE: 05.05.2021

Checked By: Nathanael Stock

DATE: 06.05.2021

---