

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

21/02417/F

Case Officer: James Kirkham

Recommendation:

Applicant: Blue Cedar Homes

Proposal: Variation of Condition 2 (plans) of 20/03467/F - Erection of 7 one and two storey age restricted dwellings for older people (60+ years), formation of means of access, and associated landscaping and infrastructure

Expiry Date: 8 September 2021

Extension of Time:

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 20/03467/F allowed for the construction of 7 age restricted dwellings on the site (for older people 60+). The current application seeks permission to make a number of changes to the approved scheme. These include:

Layout changes

- Plots 7, 4, 5 and 6 moved approx. 0.8m north
- Plot 4 and 5 no longer attached and Plot 5 has been realigned

Design and appearance of dwellings changes

- Plot 1 and 2 - Change in roof pitch on plots 1 and 2 to extend across the depth of the building with a traditional pitched roof.
- Plot 3 – Gable porch added to the building and some alterations to the fenestration.
- Plot 4 – The materials have been changes to brick. Gable porch added to the building and some alterations to the fenestration.
- Plot 5 – No longer attached to adjoining building. Some changes to the fenestration. Render was originally proposed to the building but this has now been changed back to stone. (though the materials plan 052_E still shows render)

- Plot 6 – Some changes to the fenestration of the building. During the course of the application the wider use of the timber boarding has been amended on this building and it is now predominately stone.
- Plot 7 – Some changes to the fenestration of the building and roof form. During the course of the application this has been amended to be stone, rather than brick and the main roof pitch and roof form have been altered to be more reflective of the original approval and the earlier comments from Historic England.

2.2. During the course of the application a number of alterations have been made to the scheme with a view of improving the quality of the scheme including the removal of a managers store, changes to the design and materials of a number of dwellings (to include more stone and removal of render and some of the timber boarding) and a revised tree report has been submitted to take account of the dwellings moving closer to the trees on Clifton Road..

3. RELEVANT PLANNING HISTORY

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

20/03467/F - 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 – Permitted

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 allowed [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 allowed [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. These were both refused for a number of reasons including:
 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.
- 3.6. 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. No pre-application discussions have taken place with regard to this current amendment.

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 **31 August 2021**, although comments received after this date and before finalising this report have also been taken into account.

5.2. 1 letter of objection has been received. The comments raised by third parties are summarised as follows:

- Works has already commenced
- Damage caused to trees on the northern boundary of the site.
- Noise and disturbance caused at unsociable hours.
- No permission was given to access a private lane.
- Road safety concerns.
- Concerns over the change in materials and consider it should all be stone.

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/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. DEDDINGTON PARISH COUNCIL: **No objections.**

STATUTORY CONSULTEES

6.3. HISTORIC ENGLAND: **No objection.** These are amended plans for the development granted consent under reference 20/03467/F. I gave detailed advice on that application in our letter dated 28/1/21. The proposed amendments to plans would not alter our advice that 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 I assess the harm in this case as being minor. I am generally

content with the proposals shown on the Conservation Area Enhancement Plan and am glad to see that the stone wall will at the edge of the development will be repaired and new walling will be built in one area, following our previous advice. With regard to materials used in the construction of the dwellings I agree with and support the advice given by the Cherwell District Council Conservation Team. I also support the advice of Oxfordshire County Council's archaeological team regarding the condition for a staged programme of archaeological investigation.

6.4. CONSERVATION: Overall it was previously considered that the proposals would result in less than substantial harm to the conservation area, but the benefits may be considered to outweigh this harm. This has not changed as a result of the amendments. The proposal for 7 dwellings in this location has been previously approved and the layout of the site remains largely the same. There have been some small changes to the design of the dwellings but apart from Plot 7 these appear to be relatively minor and won't alter the character notably. The design of Plot 7 has been simplified, and this is regrettable as it now has a more suburban or generic. There are also concerns with regards to the change of materials and how they are used. Stone is the prominent building material in this area, although it is acknowledged that there is also a small amount of red brick locally. However, there are concerns about the increased use of timber and render. These materials are not considered to be in keeping with the area and may appear incongruous. (Officer note: The plans have been amended to increase the amount of stone and reduce the amount of render and timber since these comments)

6.5. OCC HIGHWAYS: **No objections.**

6.6. OCC ARCHEOLOGY: **No objection** subject to conditions on investigation.

NON-STATUTORY CONSULTTEES

6.7. TREE OFFICER: No objection to amended details subject to an AMS.

6.8. LAND DRAINAGE: No comments on flood risk. There are no surface water sewers available to the site and no evidence of any ditches or watercourses to which surface water from the site can be drained. Therefore, the site will depend on soakaways to be designed and constructed in accordance with BRE 365.

6.9. CDC ENVIRONMENTAL PROTECTION: **No objections**

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
- 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
- Heritage, design, and impact on the character of the area
- Residential amenity

Principle of development

8.2. The principle of development has already been deemed to be acceptable under the earlier planning consent and there has been no alteration in policy or circumstance that would lead to a different conclusion being reached. The earlier permission remains intact and is therefore a valid fall back position. The earlier report

(20/03467/F refers) of the assessment on the principle of residential development on the site remains valid.

Impact on character and appearance of the area and heritage

8.3. The planning policy context for these considerations is set out in the earlier report and remains applicable to this case so is not repeated here.

8.4. In the earlier application it was considered that whilst the scheme would result in a loss of the section of this important gap, the proposed development was concentrated towards the western edge of the site adjacent to the existing development and five of the seven dwellings were single storey. The following was also noted:

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.

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.

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.

8.5. Ultimately it was considered that heritage matters did not amount to a clear reason for refusal and so in undertaking the tilted balance under paragraph 11(d) of the NPPF (given the lack of a 5 year housing land supply) it was considered that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits taking into account the sensitive design of the scheme and other matters in favour of the scheme.

8.6. In the current case the general positioning of the dwellings remains similar to previously approved. Some of them are located slightly closer to Clifton Road but this is not likely to be perceivable at this scale. The courtyard grouping and character of the buildings would therefore be maintained. An amended Tree Report has been received during the course of the application to ensure the changes do not adversely impact on the trees to be retained and the Councils Arborist is satisfied with this subject to a condition for an Arboricultural Method Statement.

8.7. During the course of the application a number of changes have been sought and made to the design of the dwellings to bring it closer to the previously approved scheme which was considered to achieve a high quality design. The roof form of plots 1 and 2 has been made consistent across the width of this block to maintain a more

simple form and appearance. Whilst the plan form of these buildings is deep and the roof form is less sympathetic than the original approval, given these are single storey buildings, simple in form and are relatively long, they still retain a more elongated rectangular form (i.e. not too boxy) consistent with an outbuilding. Whilst a shallower plan form would have been more desirable, or a return to the previous variable roof pitch, on balance given the above matters and the fact the Conservation Officer does not raise any objection to this matter this is considered to be acceptable.

- 8.8. Several changes have been made to the appearance of the other buildings including some changes to the fenestration and the introduction of porch gable features to plots 3 and 4. It was requested these be removed however the applicant was not willing to do this and therefore they need to be assessed on their own merits. The porches are located on the properties within the inner courtyard area and whilst not ideal they are not considered to be unduly prominent or detract significantly from the overall design philosophy of the scheme as a grouping of former barns. The fact that this is a new build scheme rather than a conversion also reduces the harm caused.
- 8.9. Whilst plots 4 and 5 are no longer physically adjoining the roof form of plot 5 has been amended to relate more strongly with plot 4 and they maintain an intimate and close relationship which is not considered to be unduly harmful to the courtyard character and appearance of the scheme.
- 8.10. Amendments have been made to plot 6 which were considered to include too much timber cladding and had a rather confused identity and appearance given the fenestration and arrangement of materials. The amended scheme now has a simpler appearance of a former barn with the wider use of ironstone. Timber cladding is used in the off-centre location at full height on the front elevation to mimic a former large door. The northern elevation also includes timber cladding which is not ideal however this was approved as part of the earlier scheme. The roof form and materials of plot 7 have also been amended to be more contextually appropriate as this would be one of the more visible buildings from Clifton Road.
- 8.11. In terms of the overall mix of materials this has been further negotiated during the course of the application and now includes more local stone. This is important to the local identity of the scheme and the simple character of the scheme. Plot 4 is proposed to be finished in a red brick and there is no objection to this as it is one of less prominent plots and a good quality brick building would not appear out of place in a courtyard setting where the predominant material is the local stone. The materials on Plots 5, 6 and 7 have also been amended to be predominately local stone which is now considered to result in a simpler and more appropriate palette of materials for this sensitive site.
- 8.12. It is also noted that in the earlier application several enhancements were proposed including the repair and provision of a stone wall between the Deddington Castle and the application site. These do not appear to have been captured by conditions and are specifically referenced by Historic England's comments which state: *I am generally content with the proposals shown on the Conservation Area Enhancement Plan and am glad to see that the stone wall will at the edge of the development will be repaired and new walling will be built in one area, following our previous advice.* The current application provides an opportunity to capture this benefit and this enhancement is proposed to be captured by a condition to ensure the benefit is achieved and can be weighed in the heritage balance in favour of the development.
- 8.13. The proposal would also lead to some harm to the setting of the listed buildings to the west of the site; however, this level of harm would be minor and would remain very similar to the earlier scheme where it was stated:

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.*

- 8.14. The Conservation Officer has advised that the proposal would lead to less than substantial harm to the Conservation Area and Historic England have also stated that the proposal would lead to minor less than substantial harm to the setting of Deddington Castle the SAM. The concerns regarding many of the design changes to Plot 7 and also many of the concerns regarding the materials have been addressed in the amended plans albeit some reservations remain. The changes would result in a material diminution in the quality of the approved development (NPPF para 130) but on balance not to an extent that warrants refusal, this conclusion being reached on the basis of the amendments achieved in respect of materials, which are particularly referenced in NPPF para 130.
- 8.15. Whilst there is no formal scale of 'less than substantial harm' it is considered that the scheme would lead to minor harm in this respect as did the earlier approved scheme. In such instances great weight is required to be attached to any harm to heritage assets and the harm needs to be balanced against the public benefits arising from the scheme.

Highways

- 8.16. As part of the earlier application it was agreed that the junction with Earls Lane and Clifton Road would be modified to form a new priority junction. This was considered to be acceptable in terms of highway safety and was secured by condition 5 of the earlier permission. The current application does not seek to vary that condition. The highway engineer has raised no objection to the minor changes to the layout and adequate parking and turning space is considered to be provided within the scheme.
- 8.17. Concerns have also been raised by a neighbour regarding the potential use of the private drive to the west of the site. However, this is not proposed as a vehicle access to the site and any trespass over this land is a private civil matter and the granting of planning permission would not grant such rights. Construction traffic would be managed through the Construction Traffic Management Plan which is controlled through a condition.

Residential amenity

- 8.18. The impact on the neighbouring residential amenity remains very similar to the approved scheme and is not considered to result in significant harm in this respect.

Other matters

- 8.19. Matters regarding flood risk, drainage, archaeology, ecology and provision of open space alongside other matters are covered in the original report and are not considered to be significantly impacted upon by the proposed changes to the scheme through this Section 73 application. Therefore, the conclusions in these respects remain valid to the current application and are discussed in the earlier delegated report.

- 8.20. Given that the application is a S73 application, if approved all the conditions on the earlier consent would need to be repeated as the current application would form a new standalone planning consent.
- 8.21. Concerns have been raised by a local resident that some works have commenced on the site. From the site visit this appear to be the clearance of vegetation which would not require planning permission. They also state that permission is not given to use the private drive adjacent to the site; however, this is a private civil matter and the granting of planning permission would not grant such rights.

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. The principle of developing the site for 7 age restricted properties has been agreed under the earlier application. Given the Council cannot currently demonstrate a 5 year land supply and heritage is not considered to be a clear reason for refusing the application in this case, the current application has to be assessed in the context of the presumption in favour of sustainable development at 11(d) of the NPPF. This means applying the tilted balance of granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits of the scheme. In this case the proposal would lead to the provision of 7 new dwellings in a relatively sustainable location with access to a range of services and facilities at one of the larger villages in the district. It would also have the benefit of providing housing for older people as supported by BSC4 and outlined in the report on the original application. These matters attract significant weight in the planning balance given the lack of a 5 year land supply. There would also be some modest economic and social benefits arising from the scheme through construction and additional spending in the locality. In the earlier application it was also noted that 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. These matters attract modest weight in my view given the small scale of the scheme.
- 9.3. In terms of the harm arising from the scheme there would be harm to the general character and appearance of the area by urbanising part of the site; however, this was deemed to be acceptable and outweighed by other matters in the earlier scheme. There would also be *less than substantial* harm to the setting of the SAM and also the character and appearance of the Conservation Area. Historic England and the Conservation Officer advise this would be at the lower end of the spectrum of harm and whilst it is considered to be more harmful than the approved scheme the amendments have gone some way to addressing the outstanding concerns and in my view result in a more sensitive scheme than was originally proposed. Furthermore the application provides the opportunity to capture the heritage benefits from the new wall with the SAM which Historic England specifically reference. However, any harm to designated heritage assets requires great weight to be given to it in the planning balance and in accordance with the statutory provisions protecting Conservation Areas and listed buildings.
- 9.4. Overall, it is considered that when viewed as a whole the harm arising from the development does not significantly and demonstrably outweigh the benefits of the scheme and therefore in accordance with paragraph 11(d)(ii) it is recommended that planning permission be granted.

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 7th May 2024, that is, the expiration of three years from the date of the original consent.

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:

Submitted as part of 20/03467/F

Site Location Plan (4192 3 002 Rev D);

Site Access and Highway works (P19-1601 Figure 2 Rev D);

Drainage and Flood Risk Assessment prepared by Hydrock dated 26 November 2020.

Arboricultural Impact Assessment (AIA) report (Ref. 11867/R01a dated 27th November 2021).

Submitted as part of 21/02417/F

Site Plan (4192 3 049 Rev E);

Plot 1 and 2 Floor Plans (4192 3 200 Rev N)

Plot 3 Floor Plans (4192 3 203 Rev R)

Plot 4 Floor Plans (4192 3 212 Rev B)

Plot 5 Floor Plans (4192 3 214 Rev B);

Plot 6 Floor Plans (4192 3 208 Rev M);

Plot 7 Floor Plans (4192 3 210 Rev I);

Plot 1 and 2 Elevations (4192 3 220 Rev E);

Plot 3 Elevations (4192 3 221 Rev C);

Plot 4 Elevations (4192 3 222.1 Rev B);

Plot 5 Elevations (4192 3 222.2 Rev D);

Plot 6 Elevations (4192 3 223 Rev E);

Plot 7 Elevations (4192 3 224 Rev G);

Materials Plan (4192 3 052 Rev E) except in the case of Plot 5, which shall be faced entirely in natural ironstone in accordance with the details shown on drawing number 4192 3 222.2 Rev D);

Conservation Enhancement Plan (4192 3 051 Rev F);

Entrance wall and planter (4192 3 300 Rev C);

Proposed hard surfaces (4192 3 053 Rev G);

Refuse and Recycling Plan (4192 3 057 Rev B);

Cycle Storage Plan (4192 3 056 Rev B)

Tyler Grange – The Poplars, Land South of Clifton Road, Deddington: Arboricultural Addendum Note 11867_R02_12th October 2021_JP_CW 9

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 first 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 1m² in size) has been constructed on site in natural ironstone, which shall be inspected and approved in writing by the Local Planning Authority. The external walls of the development shall not be laid, dressed, coursed and pointed other than in strict accordance with the approved stone sample panel and shall be retained as such thereafter.

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

9. No development shall commence above slab level on the dwelling constructed of brick unless and until a brick sample panel (minimum 1m² in size) demonstrating the type, colour, texture, face bond and pointing has been constructed on site and approved in writing by the Local Planning Authority. The brickwork shall thereafter be carried out in strict accordance with the approved sample panel and shall be retained as such thereafter.

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

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

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

11. 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.

12. 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.

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 and exact extent of the means of enclosure and other boundary treatments as indicatively set out in drawing "4192 3 054_E"

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. The works shall be carried out in strict accordance with the Archaeological Written Scheme of Investigation approved under 21/02967/DISC unless otherwise agreed in writing under a separate discharge of planning condition. The 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.

23. 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.

24. 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.

25. 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 they serve and shall be 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.

26. No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 056 Rev B (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.

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

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

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

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

29. 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, and/or (b) living as part of a single household with such a person or persons; and/or (c) who were living as part of a single household with such a person or persons at the property who have since died.

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

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

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

31. 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.

32. 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.

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

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.

34. No dwelling hereby permitted shall be occupied until full details and a method

statement for the repair works to the existing wall and the provision of a new length of wall to the Scheduled Ancient Monument to the south of the site (as indicated on the Conservation Enhancement Plan (4192 3 051 Rev F and Boundary Treatment Plan (419 3 054 Rev E); have been submitted to and approved in writing. The details shall include the nature and extent of the repair work; and, the extent and appearance of the new wall. The works shall be undertaken in accordance with the approved details prior to the first occupation of any dwelling hereby permitted and shall thereafter be retained.

Reason: In order to secure the heritage benefits being forwarded as part of the scheme and weighed in the planning balance.

Case Officer: James Kirkham

DATE: 18th Nov 2021

Checked By: Nathanael Stock

DATE: 19.11.2021
