

Case Officer: Sarah Greenall**Recommendation:** Approve**Applicant:** Mrs B Biggam**Proposal:** Erection of 2 dwellings**Expiry Date:** 3 January 2022**Extension of Time:** 11 August 2022

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to an undeveloped piece of land located to the east of The Leys within the Village of Adderbury. The area is characterised by large dwellings accessed through lanes that form The Leys. Many of the buildings are finished in stone with some more modern additions also seen. The undeveloped land to the east of The Leys is access via an existing track that runs to the north of the site. The main house itself is not listed; however, there are listed buildings in the vicinity of the site and it is located within the Adderbury Conservation Area. The application site itself, however, lies outside of the conservation, although it does form part of the setting of it. There are a number of mature trees on the site, as well as ponds within close proximity. Public footpath 101/5/10 also runs through the site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. Planning permission is sought for the erection of 2 detached dwellings. The dwellings themselves would be large, 5 bedroom detached stone built houses and would feature slate tiled roofs, with separate detached brick built garages to the side of the dwellings. The dwellings would be accessed separately from the service road to the north and are set back in the plots designed around the existing mature trees.

3. RELEVANT PLANNING HISTORY

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

19/00619/F: Erection of 3 dwellings on land east of The Leys, Adderbury

19/02691/F: Erection of 3 dwellings – (revised scheme of 19/00619/F)

21/00343/F: Erection of 2 dwellings

3.2. The principle of 3 dwellings was considered unacceptable; however it was noted 2 dwellings had the potential to be acceptable to ensure the development would not encroach on too much open land. The most recent 2021 application for 2 dwellings was withdrawn due to outstanding issues around highway safety, the existing Public Right of Way, ecology and trees. This new submission seeks to overcome the issues faced in the previously withdrawn application.

4. PRE-APPLICATION DISCUSSIONS

4.1. No pre-application discussions have taken place with regards to this proposal.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **29 December 2021**, by advertisement in the local newspaper expiring **9 December 2021** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **26 January 2022**.
- 5.2. The comments (objections) raised by third parties are summarised as follows:
- Concerns over the construction phase of the development
 - Concerns over land ownership
 - Ecology and tree concerns
 - Highway safety concerns
 - Development being outside the settlement boundary
 - Concerns regarding the public footpath
 - Concerns about flooding
 - Loss of green spaces and impact on green infrastructure
 - Impact on the conservation area
 - Bin collection and general service supply
 - Loss of privacy
- 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. Adderbury Parish Council: **objection** on the grounds that the development is contrary to policy, concerns the development would not be compliant with Highways Standards, the development would have a detrimental impact on the character of The Leys, concerns about the impact on biodiversity and the removal of trees, and concerns over the impact on the public footpath. The Parish has requested that should the Council be minded to approve the application a S106 towards preservation of the nature reserve and repair of the railway parapet should be sought.

OTHER CONSULTEES

- 6.3. Arboriculture (CDC): a condition requiring an Arboricultural method statement will be necessary.
- 6.4. Ecology (CDC): conditions requiring an LEMP, CEMP, updated GCN survey and licensing to be in place will be required.

- 6.5. Environmental Health (CDC): construction environment management plan and full contaminated land conditions will be required.
- 6.6. Legal Services Rights of Way (CDC): objection - The council's policy with regards to the impact on the public right of way. They have noted that any development affecting Public Rights of Way would always be expected that the developer would design the existing Public Rights of Way within any new development layout.
- 6.7. Archaeology (OCC): no archaeological constraints to the development.
- 6.8. Local Highway Authority (OCC): no objections, construction traffic management plan will be required.
- 6.9. Rights of Way (OCC): a condition would be required outlining that the current Definitive Line of the footpath must remain open and available until the diversion of the footpath has been successful.
- 6.10. Natural England: no comments to make on the application.
- 6.11. Ramblers Association: no comments received at the time of writing this report.

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 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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: Effective and efficient use of land
- ESD3: Sustainable construction
- 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
- PV1 Village categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- TR1: Transportation
- C28: Layout, design and external appearance of new development
- C23: Features in conservation areas
- C30: Design of new residential development

ADDERBURY NEIGHBOURHOOD PLAN

- AD1 – Adderbury Settlement Boundary
- AD2 – Green Infrastructure
- AD9 – Managing Design in the Conservation Area: The Streets

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)

8. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway Safety
- Ecology & Trees
- Other Matters

Principle of Development

- 8.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 (“CLP 2015”) and the saved policies of the Cherwell Local Plan 1996 (CLP 1996). The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan and the site sits outside the built-up limits of the village given its physical and visual relationship to the existing built form.
- 8.3. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. This is outlined in Policy BSC1 of the CLP 2015. With regards to villages, the plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does, however, advise that there is a need within the rural areas to meet local and Cherwell-wide needs and therefore allows for an appropriate and proportionate amount of growth in the rural areas.
- 8.4. Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C), with Category A villages being considered the most sustainable settlements in the District’s rural areas. However, these villages range considerably in terms of size and service provision. Adderbury is a ‘Category A’ village and considered to be a more sustainable settlement.
- 8.5. Notwithstanding the above, the Council’s housing land supply position means that under paragraph 11d of the NPPF the policies in the development plan relating to housing provision are to be considered out of date. This includes Policies BSC1, Policies Villages 1 and 2 of CLP 2015, and saved Policy H18 of CLP 1996, and the weight to be afforded these policies is therefore reduced. The decision maker needs to apply the presumption in favour of sustainable development. Where policies are

out-of-date, there is a presumption within the NPPF of granting permission for sustainable forms of development unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.6. Additionally, the Adderbury Neighbourhood Plan (ANP) was made in July 2018 and therefore paragraph 14 of the NPPF conditions is not met, given this would be beyond two years ago and so policies within the ANP relating to housing provision are considered out of date too.
- 8.7. The NPPF places great importance on boosting the supply of homes and notes it is important that a sufficient amount and variety of land can come forward where it is needed. It further states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.
- 8.8. As outlined in the Council's 2021 Annual Monitoring Report (AMR) the District can demonstrate a 3.5 year supply for the current five year period (2022-2027) commencing on 1 April 2022. The calculations highlight that there is a shortfall of housing supply equal to 2,255 for the period 2022-2027. The development of this site for an additional dwelling would make a contribution towards the provision of dwellings in the District albeit a minor one.
- 8.9. Given the current housing land supply position, at the current time less weight is to be given to these Development Plan policies for the supply of housing and instead the presumption in favour of sustainable development applies (the 'tilted balance').
- 8.10. The NPPF requires that development is directed to sustainable locations that reduce car dependency and Section 9 of the NPPF which promotes opportunities to maximise sustainable transport solutions available through decision-making and provide a genuine choice of transport modes and that the planning system is genuinely plan led. With this particular site there are a good number of services provided within the village with access to sustainable transport options within close proximity. The site is therefore considered to be an environmentally sustainable location.
- 8.11. While the site is technically outside the built-up limits of the Village, given the District's current housing supply position, and that the village benefits from a number of services and sustainable transport options, it is considered that the benefits of the additional housing would, on balance, at this time, not be outweighed by the site's location and conflict of policies within the Development Plan. The principle of the development is therefore, on balance, considered to be acceptable.

Design and Impact on the Character of the Area

- 8.12. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

- 8.13. 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. It goes on to state that proposals will not be permitted if they would result in undue visual intrusion into the open countryside or would harm the setting of settlements. Policy ESD15 of the CLP 2015 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. This includes a requirement for new development to respect the traditional pattern of routes, spaces and plots and the form scale and massing of buildings. It also states development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features.
- 8.14. Saved Policy C23 of the CLP 1996 states that there will be a presumption in favour of retaining walls, trees and other features which make a positive contribution to the character and appearance of a conservation area and Policies C28 and C30 seeks to ensure the layout, scale and design of development is of a high standard.
- 8.15. Policy AD9 of the ANP states that Development proposals in The Streets Character Area will be supported, provided they have full regard to the following design principles: i. Proposals maintain the existing plot ratio, the strong building line to the frontage and building height and form; ii. The facing or cladding materials include the use of squared and ashlar ironstone or coursed (rubble) ironstone iii. Roofing materials include slate, tile or thatched roofs; iv. Proposals retain or re-provide as necessary boundary walls, hedges and front gardens to match the existing arrangement on the same alignment; and v. Proposals retain or re-provide as necessary stone walls or where possible natural verges to the highway to match the existing arrangement.
- 8.16. The proposed development would be located on an undeveloped piece of land that has a number of mature trees on the site. While it is an area of green space, the site is well screened and not particularly visible from the open countryside. The proposals would be visible from the location of the proposed public footpath; however, the designs have ensured the retention of mature trees and it is considered with appropriate landscaping the impact in this regard would be acceptable. Reducing the development to 2 dwellings helps to ensure it does not encroach further into the greenspace, and allows for sufficient tree retention, and it is therefore considered the impact on this regard would be acceptable, and in accord with Policy ESD13 of the CLP 2015 in this regard.
- 8.17. Some concern has been raised with regards to the design of the development being out of character with the surrounding area and its impact on the conservation area. It is noted that while the site itself is not within the conservation area, it is on the boundary of the conservation area and therefore development of the site would have an impact on its setting.
- 8.18. There is some variation in the overall street pattern in the vicinity of the site; however, it is mostly characterised by dwellings facing onto the road. The proposed dwellings would face onto the access road already located to the north of the site and, while the wider area is characterised by a mixture of different dwelling types and sizes, the overall scale of the buildings would be similar to a number of close by dwellings that appear to be large, detached buildings.
- 8.19. The proposed dwellings would be finished in natural stone under a slate tiled roof, which is considered to be in keeping with the surrounding area. Given the site's close proximity to the public footpath, it is considered that a stone sample panel and slate sample would be necessary to ensure that the materials used are appropriate

for the development. With these conditions in place, it is considered the development would be in character with the surrounding area and would not result in any negative impacts on the setting of the conservation area.

- 8.20. The proposals are therefore considered acceptable in terms of their design and impact on the character of the area, thus compliant with Policies ESD13 and ESD15 of the CLP 2015, Saved Policies C23, C28 and C30 of the CLP 1996, Policy AD9 of the ANP 2018 and Government guidance contained within the NPPF.

Residential Amenity

- 8.21. Government guidance contained within the NPPF requires development to create places that are safe, inclusive and accessible, promoting health and well-being, and with a high standard of amenity for existing and future users.
- 8.22. Policy ESD15 of the CLP 2015 requires all development to consider the amenity of both existing and future development. Saved Policy C30 of the CLP 1996 seeks standards of amenity and privacy acceptable to the Local Planning Authority. Saved Policy ENV1 of the CLP 1996 seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation.
- 8.23. The proposed dwellings would benefit from large plots that allow them to be situated away from any neighbouring buildings. As such, it is not considered that there would be any detrimental impacts on the light or outlook amenity of any surrounding neighbours or the future occupiers of the proposed dwellings.
- 8.24. It is noted that there are windows on the first-floor side elevation of both of the proposed dwellings, however these windows are located a significant distance from neighbouring properties and given their location and orientation it is not considered they would not result in any unacceptable overlooking in this regard.
- 8.25. The Environmental Health Officer has suggested that a condition requiring a construction environment management plan is attached to the permission to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site, and therefore a relevant condition is recommended.
- 8.26. The proposals are therefore considered to be acceptable in terms of their impact on residential amenity, in accord with Policy ESD15 of the CLP 2015, Saved Policy ENV1 of the CLP 1996 and Government guidance contained within the NPPF.

Highway Safety

- 8.27. Government guidance contained within the NPPF seeks to achieve safe and suitable access to sites for all users and requires development to be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.28. ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe...places to live and work in. Policy SLE4 of the CLP 2015 echoes this, with all development where it is reasonable to do so, being required to facilitate the fullest possible use of sustainable modes of transport including walking and cycling.
- 8.29. The Local Highway Authority (LHA) has raised no objections to the proposals, advising that there would be no highway safety issues that would warrant a reason

for refusal of the application. Changed to the scheme since the originally withdrawn applications include the widening of the concrete track where it meets The Leys so to allow two vehicles to pass which is considered a sufficient amount by the LHA. Further widening along the track seen in passing places allow two vehicles to pass elsewhere, and the inside of the tight bend will be flattened out and opened up to improve manoeuvrability and visibility.

- 8.30. The LHA has, however, noted that a condition would need to be attached to the permission requiring a construction traffic management plan is submitted to and approved by the Council prior to the commencement of the development.
- 8.31. An objection has been raised by the rights of way legal team who have highlighted that any development affecting a Public Right of Way (PRoW) would always be expected to design the existing PRoW within the new development. While this is the case, given the PRoW would run through the middle of the site it is noted that on this occasion, a diversion would be required. The applicant should, however, be advised that the granting of planning consent that requires a Public Path Order (PPO) does not guarantee that a PPO will be made or confirmed. PPO and planning consent are two separate processes.
- 8.32. The applicant has had further contact with the OCC Public Rights of Way team who have suggested the amended footpath, which is now proposed to be curved at the corners, would be acceptable. However, it is still noted that if a diversion cannot be secured that the public footpath would need to remain as existing. An appropriate condition requiring the footpath to be legally stopped up or diverted prior to the commencement of the development is therefore included, and the development is considered acceptable in this regard.
- 8.33. Given the above, it is therefore considered the proposals would be acceptable in terms of their impact on highway safety, thus compliant with Policies ESD15 and SLE4 of the CLP 2015 and Government guidance contained within the NPPF.

Ecology and Trees

- 8.34. Policy ESD10 of the CLP 2015 aims to protect and enhance biodiversity of the natural environment, through the protection of habitats, aiming to create a net biodiversity gain and encouraging the protection of trees.
- 8.35. A tree report has been submitted with the application which outlines a tree schedule, tree location plan, and a tree protection plan with regards to the protected trees on the site. The Arboricultural Officer has highlighted that given this information the impact on the protected trees is therefore considered acceptable. Further detail is, however, required with regards to the utilities and services to be provided and therefore it is recommended that a condition for a full Arboricultural Method Statement be attached to any permission. This, along with a condition requiring further landscape detailing on the site have been attached to the permission and the development is considered acceptable in this regard.
- 8.36. Initial concerns were raised by the Council's Ecology Officer with regards to the proposals impact on Great Crested Newts (GCN), the bat mitigation proposed and the lack of information with regards to a net biodiversity gain on the site. Since then, additional information has been submitted which highlights a 3.9% net gain in biodiversity on the site can be achieved. While it is noted that this does rely on planting within the gardens, given there would be good gain in hedgerow, while the gain is generally lower than usual it is acceptable in policy terms and on balance can be considered acceptable in this regard.

- 8.37. Conditions requiring a construction environment management plan and biodiversity enhancement schemes are required, which should include integrated bat and bird boxes to help ensure they are retained whilst also ensuring the construction of the development would not result in any harm to biodiversity.
- 8.38. There were some concerns about the impact on GCN on the site; however it was agreed that with appropriate conditions requiring further surveys on the site and a condition ensuring a licence is obtained prior to the commencement of any works on the site that the proposals would be acceptable in this regard.

Other Matters

- 8.39. The Environmental Health Officer has highlighted that given the sites close proximity to the old railway line, full contaminated land conditions will need to be attached to any permission. With appropriate conditions the development is considered acceptable in this regard.
- 8.40. It is noted some concerns raised, such as land ownership and the construction of the development, are not material planning considerations and as such have not been considered as part of the appraisal of this application.

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. Notwithstanding the site is outside the built limits of the village, given the Council's position in terms of the 5 year housing land supply and that the dwelling would be located in a sustainable category A village the principle of development is considered on balance to be acceptable. The proposal is considered not to have a negative impact on the visual amenities of the area, and it is considered that the proposal would not result in demonstrable harm either in terms of residential amenities of neighbours or the safety of the local highway network.

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. The development shall not be carried out otherwise than in complete accordance with the approved plans 101, 5392.014, Pf9614.03, 5392.02 E, 5392.03 A, 5392.04 A, 5392.06 A, 5392.07 A, 5392.08 A, 5392.09 B, 5392.12 A and 5392.13 A and other details unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reason : To clarify the permission and for the avoidance of doubt.

3. No development shall commence above slab level unless and until a sample panel of the stone to be used in the construction of the external surfaces has been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond and pointing technique. The sample panel shall be constructed in a position that is readily accessible for viewing in good natural daylight. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development, and shall be retained as such thereafter.

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

4. No development shall commence above slab level until samples of the bricks to be used in the construction of the walls of the garages have been submitted to and approved in writing by the Local Planning Authority. The development shall not be constructed other than in accordance with the approved samples and shall be retained as such thereafter.

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

5. Samples of the natural slates to be used in the covering of the roof of the dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. 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 that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in strict accordance with the CTMP approved under this condition.

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.

7. The parking provision shown on the plans hereby approved shall be constructed and made available for use before the development is brought into use and other than in the case of garages shall be retained and maintained for the purposes of car parking at all times.

Reason: To safeguard the character and appearance of the area and the amenities of occupiers of the development and in the interests of highway safety and to accord 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 in respect of the development hereby approved unless and until a scheme for landscaping the site has been submitted to and approved in writing by the Local Planning Authority which shall include:

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

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

(c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps,

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

The approved hard landscaping and boundary treatments shall be completed prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of visual amenity of the area and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. 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

10. 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 built environment and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. Each dwelling shall be provided with ducting to allow for the future installation of electrical vehicle charging infrastructure to serve that dwelling prior to its first occupation.

Reason - To maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework.

12. No development shall take place across any public footpath/right of way unless and until it has been legally stopped up or diverted.

Reason - To ensure the public right of way remains available and convenient for public use.

13. No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place.

Reason - To ensure the public right of way remains available and convenient for public use.

14. Prior to the first occupation of the development hereby permitted, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

15. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'Biodiversity Protection Zones';
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved

details.

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

16. Prior to first occupation of the development hereby approved a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved LEMP and the mitigation measures therein shall be implemented in full prior to the first occupation of the development unless an alternative timescale is set out within the LEMP.

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.

17. No development shall commence, including any demolition and any works of site clearance, and notwithstanding the submitted the Great Crested Newt Assessment (January 2019) unless until a full updated great crested newt survey by a qualified Ecologist has been submitted, to include a Method Statement outlining the measures to be taken to avoid harm to Great Crested Newts, details of any Licence to be sought and a full Mitigation scheme for habitat lost shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out strictly in accordance with the approved details.

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.

18. Where an offence under Regulation 43 of the Habitat and Species Regulations 2017 (as amended) is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on Great Crested newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

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.

19. A method statement for enhancing the biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. The approved biodiversity enhancement measures shall be carried out prior to the first occupation of the development and shall be retained thereafter in accordance with the approved details.

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

Case Officer: Sarah Greenall

DATE: 10.08.2022

Checked By: Nathanael Stock

DATE: 12.08.22
