

PLANNING REPORT

in support of

**Erection of 5 single storey age restricted dwellings
(60 years) for older people with access, landscaping
and associated infrastructure**

at

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

On behalf of

Blue Cedar Homes Limited

D2 Planning Ref: 142/22

D2 Planning Limited
Suite 3 Westbury Court
Church Road
Westbury on Trym
Bristol BS9 3EF

Tel: 0117 373 1659

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CONTENTS

1. INTRODUCTION
2. SITE DESCRIPTION
3. APPLICATION PROPOSALS
4. PLANNING HISTORY
5. PLANNING POLICY CONTEXT
6. KEY PLANNING ISSUES
 - i. PRINCIPLE OF RESIDENTIAL DEVELOPMENT
 - ii. HERITAGE ISSUES (EXCLUDING ARCHAEOLOGY)
 - iii. LANDSCAPE AND VISUAL IMPACT
 - iv. BIODIVERSITY
 - v. ARCHAEOLOGICAL ISSUES
 - vi. HYDROLOGY (INCLUDING FLOOD RISK & DRAINAGE)
 - vii. TRANSPORT
 - viii. SECTION 106 CONTRIBUTIONS AND CIL
7. BENEFITS
8. CONCLUSIONS

APPENDICES

1. Planning Decision – Land to the south of Clifton Road, Deddington (Application No. 20/03467/F)

1. INTRODUCTION

1.1. On 7th May 2021, detailed planning permission was granted for the erection of 7 one and two storey age restricted dwellings or older people (60+), formation of means of access and associated landscaping and infrastructure on site (i.e. the same application site) (Application No. 20/03467/F) (Appendix 1).

1.2. The Planning Officer's report concluded that: -

“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.

As set out in the report, the proposal would be located outside of the built form of Deddington in open countryside, and conflicts with the policies of the development plan related to housing provision and this weighs against the proposal. However, the Council cannot demonstrate a necessary housing land supply and so para 11(d) NPPF means that the weight to be afforded to this policy conflict is limited.

The proposal would adversely affect the character and appearance of the area through the introduction of additional built development into the countryside. The site presently provides a soft transition between the wider countryside and built limits of Deddington. That said, the proposal's high quality design and locally distinctive form and materiality mitigates this impact.

The proposal would result in harm to the setting of the scheduled ancient monument and the significance of the Conservation Area through change to its setting. This harm is 'less than substantial'. Great weight must be afforded to such harm, albeit it is also the case that the harm in this instance would be on the minor end of less than substantial.

This harm needs to be weighed against the benefits of the proposal in the planning balance.

In this case the public benefits of the scheme include the economic and social benefits associated with the provision of 7 new dwellings, which would be age restricted and would meet a specific housing need that exists not only locally but nationally. The applicant has confirmed that the dwellings would also be built to M4(2) standard, so that the dwellings would be accessible and adaptable. The development would also provide benefits with regards to highway safety, with the improvement of the Earls Lane Junction and the pedestrian links to the village.

Overall, and on fine balance, it is considered that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits that it would provide, in particular that the harm to heritage assets would offset or outweighed by the combination of the proposal's high quality design and that they would be age restricted and would meet a specific housing need. Subject to the conditions set out below the proposal would result in sustainable development. It is therefore recommended that planning permission is approved.

Having regard to the Inspector's decision relating to a proposed development to the east within the 'peripheral development cluster' it would be substantially and demonstrably inappropriate for any further part of the application field parcel to be developed, as this would lead to ribbon development and would undermine the peripheral nature of the development cluster identified by the Inspector in allowing an appeal to the east earlier in 2021."

- 1.3. Planning permission was granted and the applicant has discharged all of the relevant pre-commencement conditions. This extant planning permission represents a material consideration in respect of the determination of the current planning application.
- 1.4. This application seeks to refine the proposals that have been approved by now providing 5 elderly persons dwellings on the same site area.

Blue Cedar Homes Operation

- 1.5. Blue Cedar Homes, are focused on providing high quality, private retirement housing. The Company was established in December 2007 and their Head Office is based in Exeter, with a regional office in Bristol.
- 1.6. Blue Cedar Homes recognise the housing and lifestyle needs of the active retired and specialise in selling distinct homes for people who want to get the most out of their retirement and value the quality of their living environment.
- 1.7. All of their properties are offered for sale to the retirement market, and the permanent occupier or at least one spouse must be over the age of 55 (or 65 in some locations).
- 1.8. All of their homes are supported by a range of core services including estate maintenance, gardening, external window cleaning, periodic building redecoration, security services and waste management. The company provides high quality accommodation in desirable towns and large villages in England and Wales, with retirement schemes currently under construction in Wedmore. Completed schemes include Bampton, Willersey, Kingston Bagpuize, Truro and Sidmouth.
- 1.9. Further information on the company can be found at www.blueceardhomes.co.uk and within the Retirement Housing Statement and Blue Cedar Homes Living System leaflet submitted as part of this application.

2. SITE DESCRIPTION

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

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

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

3. APPLICATION PROPOSALS

- 3.1. A Design & Access Statement has been prepared by BBA (Chartered Architects) which describes the extent of the proposals and the form of development now being proposed.
- 3.2. Blue Cedar Homes have previously obtained permission for a 7 unit scheme (Application No. 21/03467/F). Following review, a new application will be made seeking to reduce the development of the site by removing 2 units and moving the new units further away from neighbouring properties. The dwellings are all bungalows, the specification remains the same and the completed project will benefit from larger areas of landscaping. The heritage contributions proposed with the approved scheme have been retained.
- 3.3. Further information can be found in the Design & Access Statement which support his application.

4. PLANNING HISTORY

- 4.1. The relevant planning history for the site has been set out in Section 1. It is suffice to say that planning permission exists for 7 elderly persons dwellings on the application site under Application No. 21/03467/F.

5. PLANNING POLICY CONTEXT

Development Plan

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

Cherwell Local Plan 2011-2031 (Part 1) 2016

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

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

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

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

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

Deddington Neighbourhood Plan

5.13. Deddington Parish Council published their Pre-Submission Neighbourhood Plan on 25th November 2022. The applicant has submitted representations.

5.14. The Neighbourhood Plan also noted on pages 44-45 that given the demographic of the Parish and the known wish of many older residents to downsize, developers should take note that a significant proportion of downsizers will be looking for a high specification alternative to their current housing – fewer bedrooms, with an ensuite bathroom, a reception room spacious enough for family gatherings and a well-equipped and accommodating kitchen. Bungalows would be very much sought after. All of this is being delivered in our development.

5.15. No purpose built retirement dwellings have been built or are currently proposed in Deddington. There is therefore, a demonstrable need for further and alternative older persons housing to address the ageing population of the District This Blue Cedar Homes proposal will provide modern, purpose built accommodation, in keeping with the current needs and aspirations of elderly persons. The proposed development will provide specialist accommodation for older people, thereby helping to diversify

housing options available for older persons within Deddington as well as assisting in addressing the ageing population of the District.

5.16. In addition, the supply of this type of housing stock could mean that family homes are ‘freed up’.

5.17. As such, the report is a material consideration that should be taken into account in determining the application.

National Policy

5.18. The revised framework was published in July 2021 and sets out the Government’s planning policies for England and how they are expected to be applied. Plans and decisions should apply a presumption in favour of sustainable development. For decision taking, this means: -

- Approving development proposals that accord with an up to date development plan without delay.

5.19. Paragraphs 61 and 62 state that development plans should cater for the needs of a variety of sectors of the population as follows: -

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

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

5.20. The NPPF emphasises a need for a deliverable supply of new dwellings to ensure demand is met. Paragraph 69 states that: -

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

5.21. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (paragraph 126).

5.22. Paragraph 150 advises that planning policies and decisions should ensure that developments: -

- “a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;**
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;**
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);**
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;**
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and**
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do**

not undermine the quality of life or community cohesion and resilience.”

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

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

6. KEY PLANNING ISSUES

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

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

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

i. Principle of Residential Development

6.3. The principle of an elderly persons retirement scheme (7 dwellings) has already been established on the site under Application No. 20/03467/F. That permission is still extant and can be implemented. It therefore represents a material consideration in the determination of the current proposals.

ii. Heritage Issues (Excluding Archaeology)

6.4. The previous proposals were considered acceptable by Historic England and the Conservation Officer. The Planning Officer's report stated: -

“The site is within the Conservation Area and also within the setting of the Scheduled Ancient Monument of Deddington Castle. The site is mentioned in the Deddington Conservation Area Appraisal as ‘the field to the north of the monument contains some important trees with views across to the castle bank from the eastern entrance in the conservation area’.

Conservation Areas and Scheduled Monuments are designated heritage assets, and Paragraph 193 of the NPPF states that: when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. It goes on to state any harm to the significance of a designated heritage assets or its setting should require clear and convincing justification. Where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Paragraph 189 of the NPPF states that where a site has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Policy ESD15 of the CLP 2015 echoes this guidance. Policy Villages 2 requires consideration to be given to whether significant adverse impact on heritage can be avoided.

Saved Policy C25 of the CLP 1996 states that in considering proposals which affect the setting of a Scheduled Ancient Monument the Council will have regard to the desirability of maintaining its overall historic character.

The proposed development is located within the setting of Deddington Castle which is a Scheduled Ancient Monument (SAM). This is a designated heritage asset in the context of the NPPF. This is an earthwork motte-and-bailey castle, with separate baileys either side of a central motte, which dates back to the eleventh or twelfth century. The Castle Grounds represent the west bailey with a central motte. The eastern bailey is roughly equal in area to the main bailey with evidence of late medieval fishponds or quarries. Historic England states it is nationally important and is one of the best-preserved earthworks relating to the period in Oxfordshire. Unlike other

similar castles, it appears to have been located remotely from the original village of Deddington. The isolation from the village may be connected with its status as the location of the lead site of an estate. Whether deliberate or not, the setting of the asset remains largely open countryside to much of its boundaries. The castle has illustrative value in demonstrating how the Normans dominated the surrounding landscape and the existing open setting of the castle contributes to that significance. This assessment was agreed with by a Planning Inspector in dismissing an appeal to the west of the site (13/01941/OUT refers).

Whilst there are instances of more modern development which have encroached onto the open space around the castle, with the result that the natural buffer between the village and castle has been eroded, these are not considered to be positive aspects and are not considered to justify further harm to the setting of the Castle. At present the application site forms part of one of the key views from Clifton Road through to Deddington Castle and therefore the proposal would have an impact on the open setting of the Castle to the north and diminish its sense of isolation from the village by developing part of this field parcel.

Given the proximity and topography of the area, views would be available from the Castle towards the site, which would lead to an urbanisation of the setting. Whilst many views would be filtered through vegetation, the presence of the development would still be visible. The inter-visibility would be higher and more prominent in winter months when the filtering effect of the deciduous vegetation would not be as effective as in summer months. This is also true of any additional planting the applicant proposes to the southern boundary in an attempt to screen the development. The development would also result in the built form of the village moving closer to the castle and the separation between the castle and the village is historically important and adds to its significance.

Historic England and the Council's Conservation Officer have both concluded that the development would cause less than substantial harm to

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

Notwithstanding, the site forms only part of the setting of the castle and the significance of the castle includes factors other than the values associated with its setting. Also, as set out in previous sections of this report, a significant section of the field parcel would remain undeveloped and clear views would still be possible across the site, given that the development is concentrated on the western edge of the field parcel. Therefore, I agree with the advice of the Conservation Officer and Historic England that the overall harm to the significance of the Castle would be ‘less than substantial’ in the context of the NPPF. That is not to say that it would be unimportant. Substantial harm could only likely be caused to the SAM through alteration to/impact on the physical monument. The NPPF advises that any harm to heritage assets requires clear and convincing justification and great weight should be given to the asset’s conservation. Paragraph 134 of the NPPF requires the harm to be balanced against the public benefits of the scheme. This harm will be weighed in the planning balance at the end of this report. The SAM also forms part of the Conservation Area and it is considered that for the same reasons the proposal would harm the significance of the Conservation Area through change to its setting. There is also considered to be further harm to the setting of the Conservation Area in respect of the impact of the development on the rural setting of the village. The site is located at the edge of the village and the existing approach has a strong rural character and appearance which positively contributes to the rural setting of the Conservation Area. The urbanisation of the site and the loss of openness, including some views out to the wider countryside, would erode this rural

approach; however, this harm is moderated by the low density of development, the sensitive design and the concentration of the development in the north-west corner of the site.

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.

Overall, therefore, the proposal would result in harm to the setting of the Deddington Castle, Castle End and the Conservation Area. This harm would be ‘less than substantial’ in the context of the NPPF but carries great weight in determining the application. In accordance with paragraph 196 of the NPPF this harm needs to be weighed against the public benefits of the proposal which is undertaken in Section 9 of this report in considering the planning balance.”

- 6.5. These comments equally apply to the current proposals and there should be no objections from Historic England or the Conservation Officer.
- 6.6. The application proposals still include positive heritage enhancements to the Conservation Area and Deddington castle. The statement notes that these heritage benefits form part of the wider public benefits that will be delivered by the proposals within this application and need to be considered as part of the planning balance required by the NPPF.

iii. Landscape and Visual Impact

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

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

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

The applicant and its team of consultants have identified and been cognisant of the local sensitivities of the area and worked together and with the planning authority and Historic England to prepare a scheme which is sympathetic to the locale, is an appropriate scale and complements the settlement edge. Furthermore, the proposals deliver a number of landscape enhancement measures.

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

- 6.8. A LVIA Addendum has been submitted with the application and concludes that due to the reduction in the number of dwellings:-

“Overall, there are no new or greater landscape effects as a result of the revised proposals.”

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

iv. Biodiversity

6.10. A Biodiversity Assessment was originally carried out by Malford Environmental Consulting Limited. The Planning Officer's report concluded that: -

“Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

An ecological appraisal has been submitted with the application. The Council's Ecology Officer has not provided comments on the application. The development would result in the loss of an area of hedgerow and of a section of an agricultural field.

The ecological appraisal found no significant potential for roosting bats and no further surveys are recommended. A fox track was found in the south of the site and rabbit burrows have been found throughout the site. It is also considered that hedgehogs could potentially be using some of the boundary vegetation. The report concludes that some birds are very likely to be nesting within the boundary vegetation. Reptiles and amphibians are not considered to be a constraint for the development given the lack of suitable habitat in the immediate area.

The report makes several recommendations including integrated roosting and nesting features for bats and birds, new planting, gaps in the garden fencing and mitigation efforts to ensure protection of hedgehogs, birds and bats. Given the high potential for nesting birds, a condition shall be included to ensure that hedgerows shall not be disturbed during the bird nesting season. A lighting scheme would also be conditioned to ensure that foraging/commuting bats are not affected. The recommendations of the report would be conditioned as well, to provide future features for protected species.”

6.11. An addendum assessment has been prepared which concludes that the above conclusions equally apply to the current proposals.

v. **Archaeological Issues**

6.12. An Archaeological Evaluation of the site has been carried out by Red River Archaeology Limited. The Planning Officer's report concluded that: -

“The site is located in an area of archaeological potential immediately north of the scheduled ancient monument of Deddington Castle. The County Council's Archaeologist has commented that although the scheduled area of the castle is outside of the proposed development area it is possible that aspects of the castle could survive within the development area.

The proposal site is also located 80m southwest of a medieval shrunken village which survives as a series of earthworks related to the holloway and crofts. The Holloway is thought to be an original continuation of the line of Clifton Road. As there is evidence of medieval settlement along this possible continuation of the road then it is possible that further medieval settlement existed along the current Clifton Road, on the northern side of the proposed development area.

The Archaeologist has offered no objections to the development but has recommended conditions relating to a Written Scheme of Investigation and a staged programme of archaeological evaluation and mitigation. These conditions are considered to be reasonable and necessary to ensure that the development does not cause harm to archaeological assets in the area.”

6.13. In view of the above, there can be no justified reason to refuse the application on archaeological grounds. The applicant accepted a condition previously with regards archaeological issues.

vi. **Hydrology (including Flood Risk and Drainage)**

6.14. A Flood Risk and Drainage Statement was originally prepared by Hydrock Consulting Engineers. The Planning Officer's report concluded that: -

“Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems (SUDS) to manage surface water drainage. This is all with the aim to manage and reduce flood risk in the District.

The current site is situated wholly within Flood Zone 1 which is land which has a less than 1 in 1,000 annual probability of river flooding.

The applicant has submitted a Drainage Strategy. This states that infiltration testing has been completed on site and found that infiltration would provide a suitable method of surface water drainage. The total roof impermeable area is proposed to drain via a new private network towards the permeable paved private drive adjacent to plot 4. The private permeable paving will drain its own area with the remaining additional impermeable areas draining towards an underground geocellular crate located within the private drive.

With regard to foul water drainage, due to a level difference between the existing level of the Thames Water foul sewer and the development site, a private package pumping station is proposed to be used to pump flows produced from plots 1, 2, 3, 4 & 5 via private rising main towards a gravity fed system in the highway adjacent to plot 6. The private pumping station would be located south of plot 4. Drainage within the highway adjacent to plot 6 would remain private but be designed and constructed to adoptable standards.”

- 6.15. An updated drainage Technical Note prepared by Pegasus has been prepared. It concludes that: -

“Water quality improvements will be maintained through the use of permeable surfacing as well as a gravel / fine stone surround to the soakaway.

It can be considered that the changes to the site layout have no impact on flood risk both within the development as well as to surrounding sites.”

6.16. There are no objections to the proposals based on flood risk or drainage.

vii. Transportation

6.17. The Highway Authority previously had no objections to the proposals on traffic or highway safety grounds. The current proposals are for a smaller development than that previously permitted. The Planning Officer stated in his report that: -

“Policy ESD15 of the CLP 2015 states that: “New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.” Policy SLE4 states that: “All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.” The NPPF advises that development should provide safe and suitable access for all and development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe.

The development would include a new access from Clifton Road to serve the new housing. Significant negotiations between the County Council and the applicant’s transport consultants took place during the course of the application.

The proposed site access is located in close proximity to the existing Earls Lane junction with Clifton Road. Due to the relationship of the proposed access and the existing Earls Lane junction, the applicant proposes to remodel the existing historic Earls Lane junction, and create a simple priority junction, similar in design to that of the proposed site access. The two junctions would then be offset from the centreline of each other by approximately 16 meters.

This stagger distance would be significantly below the 50m minimum separation distance as set out at paragraph 2.23 of Design Manual for Roads and Bridges (DMRB). However, the local highway authority (LHA) has noted that DMRB standards are intended primarily for trunk roads, while Clifton Road is within a 30mph limit in a village setting and where the B4031 is a relatively lightly trafficked road.

During the course of the application, the applicant submitted access drawings which included the proposed remodelled Earls Lane junction for a Stage 1 Road Safety Audit (RSA). Two options were submitted (option 1 and option 2 had alternative pedestrian crossing provision) and, as a result of the RSA, the applicant's transport consultant sought to address the items flagged, of which neither assessment flagged up the remodelled Earls Lane junction as an area of concern.

The remodelling of the Earls Lane junction would allow vehicles on Earls Lane approaching the give way line to better assess approaching eastbound traffic on the B4031, and also reduce the speed at which this turn is made, which should result in a wider benefit to the safety of the local highway network.

Pedestrian access is proposed via two two-metre footways either side of the five metre access. The western footway tapers off a short distance into the site, whereas the eastern footway continues south into the site.

An informal pedestrian crossing has been proposed to the west of the site's access, so that a north-south pedestrian crossing can be provided that links up with the existing footway provision found on the northern side of the B4031. This informal pedestrian crossing would ensure that a safe and continuous pedestrian link is provided for occupiers of the site into the village centre. The pedestrian links have been designed to tie in with those approved under 19/00831/OUT and 19/02444/OUT and would provide footway links to Deddington Health Centre and the primary school along Earls Lane.

The site layout shows that each dwelling would have parking for at least two vehicles and this is considered to be sufficient parking provision for the development.

The LHA has offered no objections subject to several conditions and initially requested a Section 106 agreement to control the highway works, but subsequently accepted a Grampian condition in this regard. The recommended conditions relate to the construction of the estate roads, car and cycle parking details, the site to not be gated, no new access to be created and for a Construction Traffic Management Plan to be submitted. These conditions are considered to be reasonable and necessary.

Subject to the conditions set out above, it is considered that the proposed development would not cause harm to the safety of the local highway network and would provide appropriate pedestrian links to the village. The proposal thus complies with Policies SLE4 and ESD15 of the CLP 2015 and Government guidance contained within the NPPF in this regard.”

6.18. These conclusions equally apply to the current proposals.

7. BENEFITS

7.1. Whilst planning permission already exists for 7 retirement properties on the site, the current application still provides a range of benefits: -

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

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

8. CONCLUSIONS

- 8.1. This detailed application provides 5 bespoke single storey properties for the elderly (60 years plus) together with access, landscaping and associated works. Planning permission already exists for 7 elderly persons properties on the site.
- 8.2. There is a recognised and accepted need for elderly persons accommodation in Deddington which is not being met by any existing or proposed residential development. This development is bespoke to provide adaptable living accommodation specifically designed for the elderly.
- 8.3. Previous discussions have taken place with Historic England and they had no objection to the 7 unit scheme. This scheme has less than substantial harm to the setting of the scheduled ancient monument, Deddington Castle and the Conservation Area.
- 8.4. The site is well related to the settlement form and a proper analysis of the proposal concludes that the development complies with Policy Villages 1 of the adopted Local Plan.
- 8.5. Detailed analysis of the proposals have been undertaken in terms of landscaping, biodiversity, archaeology, transport, drainage etc. All of these issues can be satisfactorily accommodated and would have no adverse impact on the character or appearance of the area.
- 8.6. Finally, there are a range of significant benefits attributed to the scheme which are set out in Section 15. These all weigh in favour of granting planning permission for the development.
- 8.7. In view of the above, it is requested that detailed planning permission be granted.

APPENDIX 1

Decision Notice

Land to the south of Clifton Road, Deddington

(Application No. 20/03467/F)



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Name and Address of Agent/Applicant:

Mr Des Dunlop
Suite 3 Westbury Court
Church Road
Westbury on Trym
Bristol
BS9 3EF

Full Planning Determination

Date Registered: 2nd December 2020

Proposal: 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

Location: Land Adjoining And West Of Stonecroft House, Clifton Road, Deddington

Parish(es): Deddington

PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

Cherwell District Council, as Local Planning Authority, hereby **GRANTS** planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information, **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA

David Peckford

Assistant Director – Planning and Development

Date of Decision: 7th May 2021

Checked by: **Nathanael Stock**

SCHEDULE OF CONDITIONS

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents: Site Location Plan (4192 3 002 Rev D); Site Plan (4192 3 049 Rev D); Plot 1 and 2 Floor Plans (4192 3 200 Rev B); Plot 3 Floor Plans (4192 3 203 Rev C); Plot 4 and 5 Floor Plans (4192 3 205 Rev C); Plot 6 Floor Plans (4192 3 208 Rev C); Plot 7 Floor Plans (4192 3 210 Rev D); Plot 1 and 2 Elevations (4192 3 220 Rev A); Plot 3 Elevations (4192 3 221 Rev A); Plot 4 and 5 Elevations (4192 3 222 Rev A); Plot 6 Elevations (4192 3 223 Rev A); Plot 7 Elevations (4192 3 224 Rev C); Conservation Enhancement Plan (4192 3 051 Rev C); Materials Plan (4192 3 052_B); Entrance wall and planter (4192 3 300 Rev A); Proposed hard surfaces (4192 3 053 Rev C); Boundary Treatments Plan (4192 3 054_B), Site Access and Highway works (P19-1601 Figure 2 Rev D); Refuse and Recycling Plan (4192 3 057); Cycle Storage Plan (4192 3 056) and Drainage and Flood Risk Assessment prepared by Hydrock dated 26 November 2020.

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

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

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

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

provided.

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

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

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

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

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

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

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

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

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

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

8. No development shall commence above slab level unless and until a stone sample panel (minimum 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, and the means of enclosure as set out in the drawings listed in Condition 2 of this permission, shall not be laid, dressed, coursed and pointed other than in strict accordance with the approved stone sample panel and shall be retained as such thereafter.

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

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

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

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

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

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

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

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

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

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

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
- (d) elevational details of the means of enclosure and other boundary treatments set out in drawing "4192 3 054_B"

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

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

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

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

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

Reason - In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space and to comply with Policy BSC11 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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

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

17. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

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

18. If a potential risk from contamination is identified as a result of the work carried out under condition 17, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

19. If contamination is found by undertaking the work carried out under condition 18, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

20. If remedial works have been identified in condition 19, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 19. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

23. Following the approval of the Written Scheme of Investigation referred to in condition 22, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

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

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

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

25. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's Conditions and Specifications for the Construction of Roads and its subsequent amendments.

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

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

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

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

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

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

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

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

30. The 7 dwellings hereby permitted 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.

31. 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.

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

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

33. Notwithstanding the provisions of Classes A to F (inc.) of Part 1, 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 within the curtilage of the said dwellings, without the grant of further specific planning permission from the Local Planning Authority.

Reason – To ensure and retain the satisfactory appearance of the completed development and to enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the character and appearance of the area, the significance of heritage assets and the amenities of the occupants of the adjoining dwellings and to comply with Policy ESD15 of

the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

DEVELOPMENT MONITORING

The Council has identified the development hereby approved as one that it considers appropriate to monitor during construction. We would therefore be grateful if you could let us know of your intention to start the development at least 14 days prior to the commencement of work on site. You can do this by emailing the Council on: monitoring@cherwell-dc.gov.uk and providing us with the following information: application number; application address; and the date you intend to start the development. During the monitoring period, we will be assessing the development against the approved plans, and compliance with any conditions imposed on the permission. It is in your interest to comply with this request as it will help to avoid any unnecessary, and possibly expensive, corrective works.

INFORMATIVE NOTES TO APPLICANT

1. **Conditions** – the applicant’s attention is drawn to the need to comply with all conditions imposed on this permission. Failure to do so could result in the council serving a breach of condition notice against which there is no right of appeal.

Under the Town and Country Planning (Fees for Applications, Deemed Application, Requests and Site Visits) (England) Regulation 2012 there is a fee payable each time you make a request to discharge any of the conditions attached to this permission. You can apply to discharge more than one condition at the same time. At the time of this decision the fee is £116 per request. The fee may be more when you come to apply for the discharge of condition if the Regulations have been amended. The fee is payable when you submit the details to discharge the condition(s). The Council has ‘1app’ forms for such applications, but their use is not mandatory.

The Council has eight weeks to respond to applications to discharge conditions, so you will need to make your application in good time before commencing development.

2. **Material Samples** – please note that where any of the above conditions require the approval of materials, material samples are no longer accepted at the Council offices and should in the first instance be left on the application site for the relevant case officer to view and assess in context with its surroundings. Material samples and sample panels should be placed/erected on the site before an application to discharge that condition(s) is submitted.

Should leaving samples on site be impractical then arrangements should be made with the relevant case officer to view samples on site.



NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

NOTES TO THE APPLICANT

TIME LIMITS FOR APPLICATIONS

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, the development must be begun not later than the expiration of 3 years from the date on which permission was granted.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraph 38 of the National Planning Policy Framework, the Council has worked positively, creatively and proactively to determine this application within the agreed timescales, having worked with the applicant/agent where necessary and possible within the scope of the application (as set on in the case officer's report) to resolve any concerns that have arisen, in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

The case officer's report and recommendation in respect of this application provides a detailed assessment of the merits of the application when considered against current planning policy and guidance, including consideration of the issues raised by the comments received from consultees and members of the public. This report is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>.

OTHER NECESSARY CONSENTS

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 (as amended), or other legislation.

In particular you are reminded of the following matters:

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before starting work on site - Telephone: 01295 227006. Email: Building.Control@Cherwell-dc.gov.uk**
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath.
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 01295 227006 or E-mail at building.control@cherwell-dc.gov.uk

- The need to obtain a separate “Listed Building Consent” for the demolition, alteration or extension of any listed building of architectural or historic interest from the Local Planning Authority.
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE.
- It is the responsibility of the applicant to ascertain whether their development affects any public right of way, highway or listed building.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to refuse to grant planning permission or grant planning permission subject to conditions, you can appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal, then you must do so within **6 Months** of the date of the decision **Unless**;

- The decision on the application relates to the same or substantially the same land and the development is already the **subject of an enforcement notice** then you must appeal within **28 days** of the date of the Local Planning Authority’s decision on the planning application.
- If an **enforcement notice is served** relating to the same or substantially the same land and development as in your application and if you want to appeal the decision, then you must do so within **28 days** of the service of the enforcement notice, or 6 months (12 weeks for householder and minor commercial) of the date of this decision whichever is the sooner

Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel (0303 444 5000) Or online at www.planningportal.gov.uk/pcs**. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to them that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by them.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State grants permission or approval for the development of land subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the District Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to them. These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.