

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

23/00376/F

Case Officer: Imogen Hopkin

Recommendation: Approve

Applicant: Blue Cedar Homes Limited

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

Expiry Date: 7 April 2023

Extension of Time: 23 October 2023

1. APPLICATION SITE AND LOCALITY

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

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks planning permission for five age restricted bungalows, which would be restricted for people over 60 years. The proposed dwellings are a mix of stone, red brick and black painted timber cladding. The windows are proposed to be heritage aluminium casement, with the roof material as a blue/black natural slate.
- 2.2. Amended plans have been received through the course of the application that alter the layout of the development and the facing materials proposed for the bungalows.

3. RELEVANT PLANNING HISTORY

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

Application: 01/01182/F	Refused	20 July 2001
Erection of 1 No. dwelling with garage		
13/01941/OUT – 7 dwellings	Refused	Appeal dismissed
Application: 14/00412/F	Application Withdrawn	25 April 2014
Erection of 26 dwellings comprising 17 private market sale dwellings and 9 affordable dwellings and the provision of a car parking area for 40 vehicles for users of the recreational facilities at Deddington Castle.		
Application: 14/00016/SO	Screening Opinion	27 March 2014

	not requesting EIA	
Screening Opinion to 14/00412/F - Erection of 26 dwellings and the provision of a car parking area for 40 vehicles for users of the recreational facilities at Deddington Castle.		
Application: 20/03467/F	Permitted	7 May 2021
Erection of 7no one and two storey age restricted dwellings for older people (60+ years), formation of means of access, and associated landscaping and infrastructure		
Application: 21/02417/F	Permitted	19 November 2021
Variation of Condition 2 (plans) of 20/03467/F - Erection of 7 one and two storey age restricted dwellings for older people (60+ years), formation of means of access, and associated landscaping and infrastructure		

3.2. Planning permission (ref. 20/03467/F) was granted on 7th May 2021, and therefore is extant until 6th May 2024.

3.3. There have been discharge of condition applications relating to the previous approvals.

4. PRE-APPLICATION DISCUSSIONS

4.1. No pre-application discussions have taken place with regard 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 **7 March 2023**, by advertisement in the local newspaper expiring **16 March 2023** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The final date for the first round of consultation was **4 April 2023**.

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

- Consultee list does not include Historic England [*Officer note: this was rectified and Historic England commented on the application*]

5.3. The 14 day re-consultation for neighbours expired on **19 October 2023** and the following comments were received:

- The re-positioning is closer to neighbouring property, and would impact privacy, visibility and noise
- Change from previously approved timber cladding to red brick is not supported
- Obscure the view with the roofs of the dwellings
- Ensure the green area adjacent is maintained

- Should be a larger buffer between the site and the Castle grounds
- Position of the access

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

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. Deddington Parish Council: No objections, and no further comments on the amended plans.

OTHER CONSULTTEES

6.3. Building Control: No comments to make.

6.4. CDC Arboricultural Officer: Specific arboricultural information is not provided, such as a schedule detailing sizes/numbers of all proposed trees/plans, and sufficient specification to ensure successful establishment and survival of new planting.

Suggested conditions relating to the Arboricultural Method Statement.

6.5. CDC Environmental Protection: No objections, subject to conditions.

No further comments to make on the re-consultation.

6.6. CDC Conservation: No objections, subject to conditions.

Amendments are welcomed, and no further comments on re-consultation.

6.7. CDC Land Drainage: No comments to make.

No further comments to make on the re-consultation.

6.8. CDC Ecology: Biodiversity enhancements acceptable and should be conditioned.

6.9. OCC Archaeology: No objection, subject to conditions.

No further comments to make on the re-consultation.

6.10. OCC Highways: No objection, subject to conditions.

No objections to the amended plans, conditions should still be considered.

6.11. OCC Public Rights of Way: No objections, recommend condition.

No comments received to re-consultation.

6.12. Historic England: No objections.

No objections on heritage grounds to re-consultation.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

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

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

- H18 – New dwellings in the countryside
- C8 – Sporadic development in the open countryside
- C25 – Development affecting the site or setting of a scheduled ancient monument
- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development
- C33 – Local gaps
- ENV1 – Environmental pollution
- ENV12 – Potentially contaminated land

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

- Cherwell Residential Design Guide (2018)
- Deddington Conservation Area Appraisal
- The Planning (Listed Buildings and Conservation Areas) Act 1990

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
- Heritage impact
- Residential amenity
- Highway safety
- Flood risk and drainage
- Archaeology
- Ecology
- Other matters

Principle of development

- 8.2. The principle of development has been established through extant permissions – 20/03467/F and 21/02417/F, which expire on 6th May 2024. Both permissions remain intact and could be implemented separate to this application. There has been no significant alteration to policy, and therefore the principle of residential development cited in 20/03467/F remains valid.
- 8.3. Since the previous approvals, the Council can demonstrate a 5.4 year housing land supply, which means paragraph 11d is not engaged and the ‘tilted balance’ is not applied. However, considering that the original applications are extant and have over 6 months to be implemented, there is a strong fall-back position for this application.

Design, and impact on the character of the area

- 8.4. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP 2015 which looks to promote and support development of a high standard which contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness.
- 8.5. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Further, saved Policy C30 of CLP 1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 8.6. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.
- 8.7. The proposal has been reduced from the previous approval from 7 dwellings to 5 bungalows and, as such, the overall bulk has been reduced and the areas around the dwellings are more spacious. This is reflective of the dwellings to the west and north of the site. The layout takes a courtyard approach similar to that which was approved under the previous applications.

- 8.8. The materials from which the dwellings would be constructed are predominantly stone and red brick, with accent features of timber cladding and render. There is a materials plan shown on drawing number 052_Q, which is generally acceptable, but the exact bricks would need to be agreed and the stone would require a sample panel to show how it would be laid to ensure it is characteristic of the area.
- 8.9. As with the previous applications, the proposal would result in a loss of part of an open field (paragraph 8.4 of the previous officer's report remains applicable), although the amended plans are considered to be appropriately designed to minimise impact on this part of the countryside, and relate well to their surroundings.
- 8.10. During the course of the application a number of changes have been sought and made to the design of the dwellings to bring it closer to the previously approved scheme which was considered to achieve a high quality design. This includes the removal of gablets/gable projections, some simplification of roof forms, and changes to the facing materials. Whilst the plan form of these buildings is deep and the roof form is less sympathetic than the original approval, given these are single storey buildings, simple in form and are relatively long, they still retain a more elongated rectangular form (i.e. not too boxy) consistent with an outbuilding. Whilst a shallower plan form would have been more desirable, or a return to the previous variable roof pitch, on balance given the above matters and the fact the Conservation Officer does not raise any objection to this matter this is considered to be acceptable.
- 8.11. The previous scheme introduced porch gable features, located on internally facing elevations, and whilst not ideal they are not considered to be unduly prominent or detract significantly from the overall design philosophy of the scheme as a grouping of former barns. The fact that this is a new build scheme rather than a conversion also reduces the harm caused.
- 8.12. While all dwellings are now detached, Plots 2 and 3 maintain a close relationship which is not considered to be unduly harmful to the courtyard character and appearance of the scheme.
- 8.13. Timber cladding, not a locally distinctive material and not supported in the Cherwell Residential Design Guide, has been kept to a minimum.
- 8.14. The inclusion of a majority of local ironstone is important to the local identity of the scheme and its simple character. Some dwellings are proposed in red brick; a good quality brick building would not appear out of place in a courtyard setting where the predominant material is the local stone. Other than a panel of render on the western elevation of Plot 4, the materials on Plots 1, 4 and 5 have also been amended to be local stone which is now considered to result in a simpler and more appropriate palette of materials for this sensitive site.

Commented [NS1]: amend

Heritage impacts

- 8.15. The site is within the Conservation Area and also within the setting of the Scheduled Ancient Monument of Deddington Castle. The site is mentioned in the Deddington Conservation Area Appraisal as *'the field to the north of the monument contains some important trees with views across to the castle bank from the eastern entrance in the conservation area'*.
- 8.16. 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 onto state any harm to the significance of a designated heritage assets or its setting should require clear and convincing justification. Where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 8.17. Paragraph 189 of the NPPF states that where a site has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 8.18. Policy ESD15 of the CLP 2015 echoes this guidance.
- 8.19. Saved Policy C25 of the CLP 1996 states that in considering proposals which affect the setting of a Scheduled Ancient Monument the Council will have regard to the desirability of maintaining its overall historic character.
- 8.20. Neither Historic England or the Council's Conservation Officer has any objections to the proposed scheme. The increased use of stone beyond the plans originally submitted is a benefit in its favour and returns the design ethos more to that of the approved scheme, though a stone sample panel would need to be agreed. Neither of these consultees raises any concerns to the setting of the Conservation Area, nor the Deddington Castle Scheduled Ancient Monument.
- 8.21. It is noted that in the earlier application several enhancements were proposed including the repair and provision of a stone wall between the Deddington Castle and the application site. These do not appear to have been captured by conditions and are specifically referenced by Historic England's comments which state: I am generally content with the proposals shown on the Conservation Area Enhancement Plan and am glad to see that the stone wall will at the edge of the development will be repaired and new walling will be built in one area, following our previous advice. The current application provides an opportunity to capture this benefit and this enhancement is proposed to be captured by a condition to ensure the benefit is achieved and can be weighed in the heritage balance in favour of the development.
- 8.22. The proposal would also lead to some harm to the setting of the listed buildings to the west of the site; however, this level of harm would be minor and would remain very similar to the earlier scheme where it was stated:

The proposed development would be within proximity of Monks Court and Castle End, both Grade II listed buildings. Castle Barns is located between these properties and the site and is considered to be curtilage listed due to its historic association with Castle End. At its closest point, the development would be located c.27m from Castle Barns. The proposals would result in the loss of openness directly to the east of Castle Barns and it is considered that the development would cause some harm in this regard. However, its courtyard form and locally distinctive design would limit this harm. Furthermore, at the southern edge of the development is the open space which does retain an open setting to the curtilage listed building to the east and southeast. It is considered that this level of harm would be less than substantial.*

- 8.23. The Conservation Officer has advised that the proposal would lead to less than substantial harm to the Conservation Area and Historic England have also stated that the proposal would lead to minor less than substantial harm to the setting of Deddington Castle the SAM. The Conservation Officer considered that the

reduction in numbers from 7 dwellings to 5 dwellings is an improvement that would help to mitigate this harm.

- 8.24. The changes would result in a material diminution in the quality of the approved development (NPPF para 130) but on balance not to an extent that warrants refusal, this conclusion being reached on the basis of the amendments achieved in respect of materials, which are particularly referenced in NPPF para 130.
- 8.25. Whilst there is no formal scale of 'less than substantial harm' it is considered that the scheme would lead to minor harm in this respect as did the earlier approved scheme. In such instances great weight is required to be attached to any harm to heritage assets and the harm needs to be balanced against the public benefits arising from the scheme.

Residential amenity

- 8.26. Policy ESD 15 of the CLP 2015 requires new development to consider the amenity of both existing and future occupants, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. The New Residential Development Design Guide (SPD) also provides advice in this respect.
- 8.27. Plot 3 of the proposal is sited east of Castle Barns, in a closer position than the previous approval. The side wall of plot 3 is 7m from the common boundary, and the closest part of Castle Barns to the boundary is 3m away. As such, there is a distance of 10m wall-to-wall. Considering the proposal is a bungalow with no upstairs accommodation, this proposed dwelling would not result in any overlooking or loss of privacy to Castle Barns. Further, the position of plot 3 is slightly north to Castle Barns, so there would not be any loss of light or overshadowing due to the position and height of this dwelling.
- 8.28. Plot 4 of the proposal is sited 4m away from the eastern boundary, which abuts the access road to Castle Barns. The rear wall of Plot 4 is sited approximately 19.5m from the side wall of the property Stonewalls. This property is in a similar position to the previous approved scheme, although is an improvement on that scheme which saw 3 separate properties along that boundary. Due to the height and position of the proposal, there would be no loss of light or privacy to Stonewalls as a result of this proposal.
- 8.29. One of the objections raises concerns with the loss of the view due to the proposal. It is highlighted that there is no protection of views of existing dwellings through the planning process. Nonetheless, the roof heights of the bungalows range from 5.3m to 5.8m. The proposed dwellings are therefore at a low level, and would not appear unduly obvious in the streetscene.
- 8.30. The proposal is considered acceptable in line with Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF.

Highway safety

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

development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe.

- 8.32. The proposed development would include a new access from Clifton Road to serve the new housing. The proposed site access is located in close proximity to the existing Earls Lane junction with Clifton Road. Due to the relationship of the proposed access and the existing Earls Lane junction, the applicant proposes to remodel the existing historic Earls Lane junction, and create a simple priority junction, similar in design to that of the proposed site access. The two junctions would then be offset from the centreline of each other by approximately 16 meters.
- 8.33. The Local Highway Authority has appraised the application, and advises it to be acceptable, subject to conditions requiring a Construction Traffic Management Plan and Electric Vehicle Charging Points. The proposal is therefore considered acceptable in highway safety terms.

Flood risk and drainage

- 8.34. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems (SUDS) to manage surface water drainage. This is all with the aim to manage and reduce flood risk in the District.
- 8.35. The site is situated wholly within Flood Zone 1, which is land which has a less than 1 in 1,000 annual probability of river flooding.
- 8.36. The applicant has submitted a Drainage Strategy, which has been reviewed by the Council's Land Drainage Officer. The Officer has raised no comments on the proposal, and therefore the submitted Drainage Strategy is acceptable.

Archaeology

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

Ecology

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

8.41. A Biodiversity Enhancement Scheme has been provided with the proposal. The Council's Ecology Officer has appraised this document, and considers sufficient ecological information has been provided to support the scheme. The Officer has recommended this document to be conditioned, to ensure the ecological enhancements can be implemented. As such, the proposal is acceptable in relation to the biodiversity enhancements.

Other matters

8.42. The Council's Environmental Protection Officer has not objected to the scheme, as there has been a noise survey and contaminated land surveys provided. These documents can be approved within the conditions.

8.43. The application would result in the loss of some agricultural land. The site is defined as Level 5 agricultural land, which is the lowest quality of land and therefore this does not weigh against the proposal.

9. PLANNING BALANCE AND CONCLUSION

9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.

9.2. The principle of residential development at the site has been established through the previous applications, which are an extant permission and is material to the consideration of this application. The proposal would result in less than substantial harm to the significance of heritage assets, but at the minor end of that level of harm and the identified harm does not outweigh the public benefit of new dwellings, which has been established through the previous permissions. There are modest social and economic benefits to the scheme.

9.3. Overall, it is considered that when viewed as a whole the harm arising from the development does not significantly and demonstrably outweigh the benefits of the scheme and therefore in accordance with paragraph 11(d)(ii) it is recommended that planning permission be granted.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than 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 forms and the following plans and documents:

- Site Location Plan (4192 3 002 Rev D)
- Site Plan (4192 3 049 Rev N)
- Plot 1 Ground Floor Plan (4192 3 200 Rev T)
- Plot 1 Elevations (4192 3 220 Rev N)
- Plot 2 Floor Plans (4192 3 217 Rev D)
- Plot 2 Elevations (4192 3 225 Rev E)
- Plot 3 Floor Plans (4192 3 203 Rev W)
- Plot 3 Elevations (4192 3 221 Rev H)
- Plot 4 Ground Floor Plan (4192 3 212 Rev H)
- Plot 4 Elevations (4192 3 222.1 Rev M)
- Plot 5 Floor Plans (4192 3 214 Rev F)
- Plot 5 Elevations (4192 3 226 Rev E)
- Materials Plan (4192 3 052 Rev Q)
- Proposed hard surfaces (4192 3 053 Rev J)
- Refuse and Recycling Plan (4192 3 057 Rev J)
- Cycle Storage Plan (4192 3 056 Rev H)
- Boundary Treatments Plan (4192 3 056 Rev P)
- Landscape Layout Plan (JWL 011 01 Rev F)
- Hard Surface Treatment Plan (4192 3 053 Rev J)
- Ecology Plan (4192 3 059 Rev B)
- Post and Rail Fence (4192 3 301)
- Tree Retention and Removal Plan (11867 P02 Rev C)
- Ecology Addendum – Malford Environmental Consulting Ltd
- Tyler Grange – The Poplars, Land South of Clifton Road, Deddington: Arboricultural Addendum Note 11867_R05_1st February_JP_CW
- LVIA Addendum 30th January 2023
- Flood Risk Technical Note – P19-1601
- Biodiversity Enhancement Statement – Malford Environmental Consulting, 9th October 2023
- Environmental Noise Assessment, ref: 9263/LN – Acoustics Consultants Limited, November 2021
- Geotechnical and Geo-Environmental Assessment, ref: 13436 Version 1 – South West Geotechnical Limited, October 2021

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

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

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

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

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

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

4. No development shall commence above slab level unless and until samples of the timber to be used externally 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.

5. No development shall commence above slab level unless and until samples of the slates to be used externally 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.

6. No development shall commence above slab level unless and until a stone sample panel (minimum 1m² in size) has been constructed on site in natural ironstone, which shall be inspected and approved in writing by the Local Planning Authority. The external walls of the development shall not be laid, dressed, coursed and pointed other than in strict accordance with the approved stone sample panel and shall be retained as such thereafter.

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

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

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

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

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

9. The recommendations of the Biodiversity Enhancement Statement prepared by Malford Environmental Consulting, dated 9th October 2023, must be implemented prior to the occupation of the dwellings hereby approved. The development shall be carried out in accordance with these 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.

10. The Arboricultural Method Statement (ref: 11867_R03_1st March 2022_JP_CW) submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in section Arboricultural Method Statement of the report, by a suitably qualified tree specialist.

Reason – To safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 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.

11. The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 10 shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Reason - In order to ensure compliance with the tree protection and arboricultural supervision details submitted under condition 11 pursuant to section 197 of the Town and Country Planning Act 1990 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.

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

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

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

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

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

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

Reason - In the interests of the visual amenities of the area, to ensure the

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

13. 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.

14. 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.

15. The development shall be carried out in accordance with the mitigation measures outlined in the submitted Environmental Noise Assessment (ref: 9263/LN), dated November 2021, prepared by Acoustics Consultants Limited. 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.

16. 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 NPPF.

17. Following the approval of the Written Scheme of Investigation referred to in condition 16, 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 NPPF.

18. Prior to the first occupation of the development, a scheme for the provision of a 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 unit they serve, and retained as such thereafter.

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

19. 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.

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

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

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

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

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

23. The 5 dwellings hereby permitted that form part of the retirement element of the

scheme shall only be occupied by persons (a) aged 60 or over, and/or (b) living as part of a single household with such a person or persons; and/or (c) who were living as part of a single household with such a person or persons at the property who have since died.

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

24. 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.

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

Reason – To ensure and retain the satisfactory appearance of the completed development and to enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the character and appearance of the area, the significance of heritage assets and the amenities of the occupants of the adjoining dwellings and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

27. No dwelling hereby permitted shall be occupied until full details and a method statement for the repair works to the existing wall and the provision of a new length of wall to the Scheduled Ancient Monument to the south of the site, as indicated on Boundary Treatment Plan (419 3 054 Rev E); has been submitted

to and approved in writing. The details shall include the nature and extent of the repair work; and, the extent and appearance of the new wall. The works shall be undertaken in accordance with the approved details prior to the first occupation of any dwelling hereby permitted and shall thereafter be retained.

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

28. 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.

Case Officer: Imogen Hopkin

DATE: 23rd October 2023

Checked By: Nathanael Stock

DATE: 23.10.2023
