1. **Application Site and Locality**

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| * 1. The site is located within the village of Sibford Ferris to the south of the main road through the village and forms part of a large residential garden associated with The Small House. The site is located within the Sibford Ferris Conservation Area and there are grade II listed buildings opposite the site to the north. A bridle way runs to the east and south of the site and a footpath runs to the west. The site also contains a TPO tree located on the northern boundary of the site and many substantial trees and groups of trees. The site lies within an area of medium archaeological interest.
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1. **Description of Proposed Development**
	1. This planning application is in full detailed form and seeks permission for a single dwelling on the site to be sited to the south west of the existing dwelling known as The Small House. Access to the new dwelling will be via an existing access from Main Street via Small House Lane; this access will require improvements to the visibility to the west along Main Street. The new access will be to the north of the existing dwelling and includes the removal of existing conifers and a stone wall which is to be re-sited. A new access track is proposed to serve the new dwelling.
2. **Relevant Planning History**

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| --- | --- | --- |
| App Ref | Description | Status |
|  |
| 14/02155/OUT | Proposed new dwelling and access | Approved 30th April 2015  |

1. **Publicity**
	1. The application was publicised by way of a publication in the newspaper, neighbour notification letters and a notice displayed near to the site. 2 letters of objection have been received, 1 letter of comment and 1 letter of support. The comments raised by third parties are summarised as follows:
* We do not object to the dwelling house or the driveway. Concerns have been raised about the health and stability of the trees within the site. The existing trees also block light to the properties on Main Street to the north. The hedge along Main Street causes traffic to drive close to the houses on Main Street. Request to ask for the trees and hedges to be reduced by two thirds.
* Trees and hedge, edging the Main Street need to be maintained with regular trimming to prevent excessive over growth and light depravation for the properties opposite along with visual narrowing of the Main Street which in turn may cause the increase in accidents along this stretch.
Access with open vision to the driveway needs to be considered as the junction into the road leading to this property is used as a turning area for local traffic, therefore extra care is required.
* Concerns raised about the stability of the bank along Main Street. Any works to the trees, hedgerow and banking will need to consider support for the banking and wall. The impact of the badgers living in this area also needs to be a consideration.
* Small House lane is used as a turning area especially due to the location of the shop not too far away. Very little space for the existing houses to turn in this area.
* With regard to the house itself, I can't see any mention of its intended height in the plans; would it be possible to find this out, so we can gauge to what extent it is likely to dominate/block out our skyline, as it's directly opposite, very long and at a higher level than our house?
* The proposed new development would not appear either to preserve or enhance the conservation area. Listed buildings and conservation areas should still be protected from inappropriate development; I'm aware that Cherwell has a new Local Plan, but does it seek to override all previously held views on conservation areas and listed buildings?
* The 'Long House' appears to be a well designed house, and in the right surroundings would be very attractive. However, I can't see that it in any way reflects or re-interprets the local character seen in such abundance in the listed buildings in the village, and through its dominant position on the skyline of the listed buildings opposite it, can only detract from their character and appearance.
* One letter of support for the proposed development - My support is based on the understanding that the Architects engaged by the Thompson’s, design and construct a dwelling that will reflect and re-interpret local detail, proportion and material and that the design will satisfy all relevant Building Regulations, using materials that draw on traditional countryside palette with consideration to location, function and weathering, all as required by Policy ESD 16 of the Cherwell Local Plan Submission.
1. **Response to Consultation**

5.1 Sibford Parish Council: The Parish Council wishes to raise **no objections** to the above planning application but makes the following observation:

* Whilst the parish council supports the concept of an eco-friendly dwelling on this site, it would like to see more reference in the design and materials to other buildings in the conservation area of the village. It is the view of the parish council that the proposed plan for the dwelling contradicts Cherwell District Council’s Policy ESD 15 in the adopted Local Plan 1, which states that development should “Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette.

5.2 Cherwell District Council:

 **Landscape Officer** - Further to conversing with yourself and Patrick I confirm that the Illustrative Masterplan requires clarification through the submission of a detailed hard and soft landscape proposal drawing, under condition, to ensure that all retained trees are accurately indicated, with accurately drawn canopies. At this stage there is concern as to whether a detailed arboricultural method statement is necessary because of the encroachment of hard surfaces on the RPAs on the rather vague Masterplan.  It is therefore important to have an accurate design layout of the hard surfaces in respect of the RPA on the landscape proposals. To clarify, the RPAs are to be accurately represented.

 **Arboricultural Officer -** I am generally happy with the proposal to date but to support the tree removals it is important to have a detailed replacement tree planting schedule.

Also as a condition a detailed arboricultural method statement is required.

And finally prior to any building works taking place on site tree protection must be put in place as per plan TPP1 and items 3.8 and 3.9 of Arboricultural Impact Assessment & Tree Protection Plan report by BOSKY trees.

**Conservation Officer –** No detailed comments received on this application. However the previous comments on the outline application are set out below:

* The proposed development lies within the Sibford Ferris Conservation Area, the specific area is not referred to in the Conservation Area Appraisal. The area of the application forms part of the land now associated with Small House, but historic OS maps show the land divided into two portions. The area of land lies between the High Street and a public footpath running to the north side of Sibford School playing fields. Immediately opposite the plot of land along High Street are a number of grade II listed buildings, but the impact on the setting of these will be limited due to the difference in ground levels in the area. There are some non-designated heritage assets along Small House Lane, but the impact on the setting of these is also likely to be minimal. The proposed site has never been built on, but does fall within the enclosed environment of the village and is not considered to be in the surrounding countryside.
* Small House is reported to have been constructed as a gate-lodge to serve a much larger house on the site that was never built, but this has not been verified. The house does not appear on historic OS maps and is therefore assumed to be of mid 20th century date. It has, however, been constructed in a traditional vernacular manner characteristic of the area. The building is set on an odd alignment for the plot and its future relationship with the new development will be critical.
* The proposed development is set to the south end of the plot and will be visual from the public footpath, which runs to the south of the site and the north of the playing fields. The outline layout shows the proposed dwelling set slightly back from the tree line along the boundary of the settlement which is welcomed. Careful consideration will need to be given to the precise design, siting, layout and scale to ensure it complements the existing development of Small House. The Design and Access Statement outlines that the proposed dwelling will be subject to an exacting design process to evaluate site constraints, context and architectural detail. The property should contribute to local distinctiveness and avoid being overly suburban in form. In particular the proposed development should comply with Policy ESD 16 of the Cherwell Local Plan and *‘Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features’, ‘Respect the traditional pattern of routes, spaces, blocks, plots enclosure and the form, scale and massing of buildings’, ‘Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevation detailing, windows and doors, building and surfacing materials, mass, scale and colour palette’* and ‘*Conserve, sustain and enhance designated and non-designated heritage assets including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively site and integrating in accordance with advice in the NPPF.*
* There are concerns with the proposed access way, in order to access the site there will be a need to breach the existing stone wall. ‘*Stone walls, including both ironstone walls and dry stone walls, are identified as a particular feature of the Sibford Ferris Character Area. Prominent ironstone walls are an extremely important and significant feature within the settlement and, together with the buildings that front directly onto the road, define the visual character of the streetscape. The visual significance and strong sense of enclosure due to the terracing effect of the walls and building arises from the steepness of the valley side and the need to retain soil from the higher slopes’*. It would be preferable for the access to be in an alternative location, but if this is not possible due to ground levels in the area the loss of the wall should be minimised. The current proposed access is considered too wide and would involve the demolition of a significant proportion of the dry stone wall. The access should be narrower and much simpler. The access should adopt the characteristics of the existing lane and include a simple low level wall and timber gate (similar to that at Small House). The materials of the access drive will need to be controlled by condition and should be of natural materials reflecting the character of the rural lane.
	1. Oxfordshire County Council:

**Highway Officer -** As discussed the conditions recommended from H.A. are primarily as those advised previously. Looking at the sections I just have a query with one of them. This relates to section 2 and where the measurement is taken for the 1.050 m. In the two other sections the measurement is taken to what I consider to be the correct locations; in section two it is not. This may be an error in the drawing of the section but this ought to be checked and corrected if needs be.

*Officer Note: An amended section drawing has been submitted by the agent which has addressed the error.*

**Rights of Way Officer -** Sibford Ferris Public Bridleway 18 runs along the track that will form part of the access into the property.  Although the proposal will increase vehicular traffic on the bridleway I do not believe that this will have a significant impact.  I therefore have no objections to the proposals.

If permission is granted I would suggest that the following conditions are attached;

1. **Temporary obstructions.** 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.
2. **Route alterations.** No changes to the public right of way direction, width, surface, signing  or structures shall be made without prior permission approved by the Countryside Access Team or necessary legal process. Reason: To ensure the public right of way remains available and convenient for public use.
3. **Vehicle access (construction)**: No construction / demolition vehicle access may be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants or their contractors to put right / make good to a standard required by the Countryside Access Team. Reason: To ensure the public right of way remains available and convenient for public use.
4. **Relevant National and Local Planning Policy and Guidance**

**Development Plan Policies**

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

ESD 10 – Protection and Enhancement of Biodiversity and the Natural Environment

ESD 13 – Local Landscape Protection and Enhancement

ESD15 - The Character of the Built and Historic Environment

Policy Villages 1 – Village Categorisation (Sibford Ferris Category A)

Cherwell Local Plan 1996 (Saved Policies)

C28 – Layout, design and external appearance of new development

C30 – Design Control

C33 – Protection of important gaps of undeveloped land

**Other Material Planning Considerations**

National Planning Policy Framework (The Framework)

Planning Practice Guidance (NPPG)

1. **Appraisal**

The key issues for consideration in this case are:

* Principle of a new dwelling on this site
* Visual impact and impact on the conservation area and listed building setting
* Design
* Neighbour amenity
* Highway safety
* Impact on trees
* Other issues

Principle of development

7.1 The site of the application is within a Category A village as allocated in Policy Villages 1 of the adopted Cherwell Local Plan 2011-2031. This policy considers residential development within the built up limits of villages and allocates villages into three categories depending on the level of services within the village. Within Category A villages development is restricted to minor development, infilling and conversions. This proposal for a new dwelling does not comply directly with the definition of infilling which is defined as development of a small gap in an otherwise continuous built up frontage suitable for one or two dwellings. Nevertheless it can be considered minor development within the built up limits of the village, and so acceptable in principle in this location. Whether or not it is appropriate minor development depends on a number of factors, which are assessed in more detail in subsequent sections of this report.

7.2 Furthermore, a previous outline application (including access and layout) for a single dwelling on this site was approved in 2014, therefore the principle of a dwelling on this site has been established.

Visual impact and impact on the conservation area and listed buildings

7.3 The application site is located within the Sibford Ferris Conservationarea, although the area of the application site is not identified within the conservation area appraisal as an important open area within the village. The site sits much higher than the Main Road through the village and therefore views of the site from Main Road and from properties to the north are obstructed by the high banking and vegetation adjacent to the highway. The site is visible from the bridle way to the east and south and from a footpath to the west, however, even from these directions views into the site are obscured due to the high number of trees within the site. Even with the vegetation levels as they were on the 29th January when I first visited the site (winter months), looking at the site from the bridleway to the south there were only minor glimpses of the listed properties on Main Road. As such I would conclude that the site does not constitute an undeveloped gap which is important in preserving the character of a loose-knit settlement structure or in maintaining the proper setting for a listed building and therefore the development on this site would not run contrary to saved Policy C33 of the Cherwell Local Plan 1996.

7.4 The application is a full detailed application and sites the new dwelling to the south western corner of the existing garden of The Small House. The general development pattern of Sibford Ferris is an historic settlement pattern. Near the centre of the village, to the north of the Main Road, the pattern is a much denser form of development and as development moves further away from the centre of the settlement, to the south, it becomes more loose-knit in character. The Small House is situated on a large plot and the proposal to locate a single dwelling within the garden of The Small House would be considered to retain the loose-knit pattern of development and would be considered a form of development in keeping with the form of development within the local area in accordance with Policy ESD15 of the adopted Cherwell Local Plan.

7.5 Concerns have been raised about the visual impact of the development on the surrounding area and its impact on the conservation area and nearby listed buildings. In exercising its planning functions, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council has special regard to the desirability of preserving a listed building or its setting, and Section 72 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

7.6 During my site visit I viewed the site from all public vantage points. When viewed from the Main Road, due to the significant change in levels from the road to the site, views into the site are obscured by the banking and the vegetation adjacent to the highway. Therefore, from the north the new dwelling will not be a prominent feature within the street scene. From the bridleway to the east and south the dwelling will be visible, however, from the south it will be obscured by the existing trees to the south and from the east views will be gained from the existing access to the Small House, however, the new dwelling will be in the distance viewed against the retained trees. From the public footpath to the west the dwelling will be screened by existing trees and any minor glimpses of the dwelling will be distant views and viewed in the context of the existing site features. In conclusion, I am of the opinion that the layout of the proposal would not cause undue harm to the visual amenities of the locality, and would preserve the character of the conservation area and nearby listed buildings. The proposed development is therefore considered to be in accordance with policies ESD13 and ESD15 of the adopted Cherwell Local Plan and saved policy C28 of the Cherwell Local Plan 1996.

7.7 In terms of the visual impact of the access the conservation officer has raised reservations with regard to the proposed access arrangements which involve the removal of a section of dry stone wall running along the edge of the lane. The proposed access involves the removal of part of the existing stone wall and its replacement with a low stone retaining wall of similar dimensions set back slightly from the lane. The proposed wall will be constructed of stone to match the existing. On balance, I do not consider that the proposed alterations to the wall at this point would adversely affect the character of the conservation area to an extent that would warrant a reason for refusal.

Design

7.8 The proposed dwelling is in an L-Shaped footprint. A gable fronted element runs north to south providing 2 and a half storey accommodation, garage, bedroom and utility space to the ground floor, open plan living space and bedroom one to the first floor and a study and en-suite to the second floor. A reduced height section runs east to west providing two storey accommodation; with bedrooms and leisure space to the ground floor and further living space to the first floor. The building is to be constructed from a mixture of local natural stone, render and timber to the external elevations and a metal standing-seam roof. A lean to garden room/pool room is to be constructed from timber and glass. A balcony to the south elevation is to be secured with a glass guarding.

7.9 The proposed design is of a modern design which does take cues from the local vernacular through the incorporation of the high pitched gable front which appears to mimic the traditional design of a thatched cottage. The roof profile along with the use of a grey metal is also considered to respect the appearance of the slate and thatch roofs in the area. The siting of the dwelling set back from the road and the existing higher ground means it is not highly visible within the main street and therefore is not read as a prominent part of the street scene and therefore the modern appearance and design is considered to work in this location. The use of local stone, timber and render to the external elevations is considered acceptable, and in order to ensure the material finish is acceptable a suitable condition will be attached to agree a schedule and samples prior to works commencing on the foundations of the dwelling. The design, siting and external appearance of the proposal is considered to sit comfortably within the locality without undue harm caused on the visual amenities of the area, conservation area or setting of nearby listed buildings.

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| Neighbour amenity |
| 7.10 The site is raised in height from the Main Street and the proposed dwelling is to be sited to the south west of a spacious plot which will be screened by existing trees. I viewed the site from Main Street to the north during my site visit, standing on the footpath to the north of the road outside the front of the Post office and Sunnybank. From this point a distance of in excess of 50 metres will be maintained between the northern extent of the site (not including the access track) and the frontage of the dwellings on Main Street. It is considered that change in levels from Main Street into the garden of The Small House already causes a reduction on light levels to the frontage of the houses to the north. The set back of the new dwelling within the site will ensure that the dwelling is not overbearing on properties to the north and would not be considered to adversely affect the residential amenity of these properties. 7.11 The dwellings to the east of the site on Small House Lane do not front the Lane and therefore there are limited windows to these elevations. The new dwelling will not be highly visible from these dwellings and will therefore not be considered to cause undue impact on neighbours to the east. 7.12 Shrubbery Cottage to the east faces to the west with its frontage towards the application site however a distance of in excess of 50 metres in maintained between here and the new dwelling and furthermore, the dwelling will be screened by existing trees the majority of which are to be retained. 7.13 The proposal is therefore considered to accord with the provisions of Policy ESD15 of the Cherwell Local Plan 2011 and saved Policies C28 and C30 of the Cherwell Local Plan 1996; the extension is sympathetic to the character of the context of the development and is compatible with the scale of the dwelling and the street-scene and provides standards of amenity and privacy which are considered acceptable to this authority. |
| Highway safety |
| 7.14 The application has been supported by drawings to illustrate vision splays from Small House Lane on to Main Street and these illustrate that adequate vision splays can be achieved from Small House Lane onto Main Street. The works required to achieve this involve the set back of an existing retaining wall and banking. These works are considered acceptable by the Tree Officer and will not adversely affect the existing trees on the site or the character and significance of the Conservation Area. The dwelling can be provided without undue harm to highway safety.  |
| Other issues7.15 The proposals involve the removal of some trees across the site. The application is supported by an Arboricultural Impact Assessment and tree protection plan which is supported by the Tree Officer. The TPO tree to the north of the site is not affected by the access improvements works or the siting of the dwelling. A large number of trees are proposed to be retained which will ensure the visual impact of the area is not adversely affected. However the proposal involves the removal of some trees and in order to justify this removal a detailed replacement tree planting schedule is required as well as a detailed arboricultural method statement which can be secured by condition.  |
| 7.16 The application has been supported by a Badger Survey Report which has identified a possible annex sett located to the north west of the site and commuting is evident around the perimeter of the site. At the time of the survey most badger activity was along the northern, southern and western boundaries with at least 25m outside any of the proposed works. The proposals within closest proximity of the Badger sett are limited to construction of a small access road 25m away. The main excavation and construction work will take place over 45m away from the nearest active hole so it is considered highly unlikely that any tunnels will be affected by the works. The recommendations and mitigation measures set out at 4.3 of the report must be complied with during construction works and a suitable condition shall be attached to ensure this is the case. 7.17 The proposed development is unlikely to negatively impact on birds and bats as the habitat suitable for these species is largely unaffected as part of these works. A suitable condition will be attached to improve nesting opportunities for bats and birds and this can be secured by conditions.7.18 In terms of contaminated land the agent has submitted a sensitive land questionnaire regarding the site. The site is currently used as a residential garden and has been in excess of 100 years and is therefore unlikely to be contaminated from previous uses. The site is affected by naturally occurring arsenic so a planning note will be attached to highlight this to the applicant.  |
| **Engagement** |
| 7.19 With regard to the duty set out in paragraphs 186 and 187 of the Framework and Part 6, paragraph 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the agent and applicant have been contacted during the course of the application to discuss issues around highway visibility and trees and given the opportunity to address these issues. It is considered that the duty to be positive and proactive has been discharged through the determination of the application.  |
| 1. **Conclusion**
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| The proposal is considered to be acceptable in the light of the development plan and all relevant material considerations; the proposal is of a scale, type, design and use which is acceptable given the character of the context of the development, and preserves the character of the conservation area and setting of adjacent listed buildings. In addition, the proposal does not harm highway safety or convenience, does not cause undue harm to the amenity of neighbours, does not have an adverse impact on ecology and does not cause a detrimental impact on trees.  |

1. **Recommendation Approve:**
2. 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.

1. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement dated October 2015, Bosky Trees Arboricultural Impact Assessment and Tree Protection Plan dated 7th September 2015, Badger Survey Report dated September 2015 and drawings numbered: TPP-1 Rev D Tree protection Plan, TR-1 Rev D Tree Removal Plan, Site Location Plan - 14/062 01D, 14/062 07B, 14/062 08C, 14/062 09 and 14/062 10, 14/062 11A and 4870\_001A, 4870\_002\_A.

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

**Access and Highways**

**3.** Prior to the commencement of the development hereby approved, full specification details of the access onto Small House Lane and the drive to the development site including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the approved development the development shall be constructed in accordance with the approved details.

Reason - [In](#RC14aa) 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. Details of the specification of the access to the development is required prior to commencement in order to allow the Local Planning Authority to ensure the details are acceptable without causing undue harm on highway safety.

1. Prior to the construction of the foundations of the dwelling hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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

1. Prior to the construction of the dwelling the vehicular vision splay at the junction of Small House Lane with Main Street is to be improved as is detailed on the drawings submitted with the application (drawing number 14/062 08C ‘Proposals Sketch Site layout dated June 2015 and 14/062 11A ) and thereafter maintained as such in perpetuity.

 Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework. Improvement to the access is required prior to commencement in order to ensure the access will not unduly harm highway safety.

**Materials**

1. Prior to the commencement of any works on the construction of the foundations of the development hereby approved, and notwithstanding the submitted details, a revised schedule of the materials and finishes for the external walls, roof(s), windows and doors of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule of materials.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the adopted Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

1. Prior to the commencement of any works on the construction of the foundations of the development hereby approved, samples of the external materials to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the adopted Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

1. Prior to the commencement of any works on the construction of the foundations of the development hereby approved, a stone sample panel (minimum 1m2 in size) shall be constructed on site in natural ironstone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development which are shown on the approved plans and revised schedule of materials to be constructed from local stone shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the adopted Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**Trees and Landscaping**

1. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
2. details of the proposed tree planting (including replacement tree planting) and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
3. 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,
4. precise details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

 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 adopted Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. A landscaping scheme is required prior to commencement to allow the Local Planning Authority to ensure suitable measures are in place to protect existing trees and hedgerows and ensure proposed planting is considered at the design stage of the proposal.

1. 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 adopted Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

1. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

 b)If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a “retained tree” is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the this decision notice.

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 adopted Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

1. Prior to the commencement of the development hereby approved, an up-to-date Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions to address the alteration of the bank alongside Main Street  and the proposed works to trees within the site, shall be 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 adopted Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

1. The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the Arboricultural Impact Assessment and Tree Protection Plan prepared by Bosky Trees on 7th September 2015. In addition, tree protection identified on drawing TPP1 and at 3.8 and 3.9 of Arboricultural Impact Assessment & Tree Protection Plan report by BOSKY trees shall be installed prior to any building works taking place.

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 adopted Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

1. Prior to the construction of the development hereby approved full details of the enclosures along all boundaries of the site, including cross-section and elevation details of the proposed low stone wall either side of the entrance to the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of the dwelling.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy ESD15 of the adopted Local Plan 2011-2031 and saved Policy C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

1. The stone in the section of existing boundary wall to be demolished along Small House Lane shall be retained on site and shall be used in the construction of the proposed walls to be erected to the north and south of the new access track. If any new stone is required in the construction of the proposed walls then prior to its use a sample of the new stone shall be submitted to and approved in writing by the Local Planning Authority.

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

**Ecology**

1. Prior to the commencement of the development hereby approved details of the types and locations of nesting boxes for bats and birds to be provided on site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of the dwelling, the approved nesting boxes shall be installed and retained on the site in accordance with the approved details.

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

# Prior to the occupation of the development hereby approved an external lighting scheme for the site, to include full details and technical specification and the siting of all proposed external lighting on the site, shall be submitted and approved in writing by the Local Planning Authority. Thereafter no external lighting shall be installed on the site except in accordance with the approved lighting scheme

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings and in the interests of biodiversity in accordance with Policy ESD10 and ESD15 of the adopted Cherwell Local Plan and saved Policies ENV1, C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**Permitted Development**

1. 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 on the site without the prior express planning consent of the Local Planning Authority.

Reason – To retain the open character of the site and the area and to preserve the character and appearance of the conservation area in accordance with Policy ESD15 of the adopted Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

1. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwelling shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling, without the prior express planning consent of the Local Planning Authority.

Reason – To ensure and retain the satisfactory appearance of the completed development and to preserve the character and appearance of the conservation area to comply with Policy ESD15 of the adopted Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**Planning Notes**

1. **Note to condition 14**: It should be noted by the applicant/developer that the boundary/enclosure between the new access track and the existing dwelling known as The Small House should be made up of a native hedge and timber post and rail fencing.
2. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
3. Badgers are highly mobile species and protected by law under the Protection of Badgers Act 1992. It is a criminal offence to intentionally or recklessly interfere with an active sett, including disturbance related to development. For example using heavy machinery within 30 metres or hand scrub clearance within 10m can constitute unacceptable disturbance and may require a licence from Natural England. Should setts be present anywhere on site they should be assessed by a qualified person to see if they are active and appropriate mitigation drawn up including gaining a licence where necessary.
4. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.
5. It is known that in some areas of the northern part of Cherwell District elevated concentrations of naturally occurring arsenic, chromium and nickel and in Souldern, Somerton, Upper Heyford, Lower Heyford and Kirtlington elevated levels of naturally occurring arsenic exist above soil guideline values produced by DEFRA. While these elements are not considered a risk to residents occupying the completed development, there exists a potential risk to residents using the garden for home grown produce or where regular contact with the soil occurs due to ingestion and dermal contact. A risk may also occur to building site workers during construction, due to dermal contact and inhalation of potentially contaminated soil and dust. The applicant is therefore requested to ensure contact with the soil is minimised, especially where young children are present and not to grow home grown produce until such a potential risk has been shown to be negligible. In addition, to ensure that all site workers are informed of this potential risk and that appropriate health and safety requirements are used to protect the site workers. For further information please contact the Council’s Environmental Protection Officer.

Case Officer: Emily Shaw DATED: 9th December 2015

DM Team Leader: Alex Keen DATED: 21st December 2015