

**Case Officer:** Imogen Hopkin

**Applicant:** Mr Kambiz Khabiri

**Proposal:** New build dwelling

**Ward:** Cropredy, Sibfords And Wroxton

**Councillors:** Councillor Phil Chapman, Councillor George Reynolds, Councillor Douglas Webb

**Reason for Referral:** Referred by Assistant Director For Planning and Development for the following reasons:

- Level of public interest
- Recent appeal decision further down The Pound

**Expiry Date:** 23 February 2024

**Committee Date:** 15 February 2024

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**SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site refers to a rear garden of a Grade II listed building, named Wheelwright Cottage. There is an existing garage with an annex above which is set back from the rear wall by 4.5m. The dwelling as existing benefits from a garden with a length of 33m. The rear of the site is bound by The Pound, a defined Public Right of Way (PRoW) (Footpath 315/18/20), which is informally used by cars for access to properties, some of which that front onto it. There is a rise in levels to the south, as The Pound is at a higher level to Main Street, which Wheelwright Cottage faces.
- 1.2. There are many neighbouring properties that front onto Main Street in the area, and there is Pound Cottage and Hi Wynds that are accessed from The Pound.

**2. CONSTRAINTS**

- 2.1. The application site is within the setting of the Grade II listed Wheelwright Cottage, North Newington Conservation Area, a protected species buffer and an archaeological alert area. There are numerous listed buildings in the wider setting of the site.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The application seeks approval for two-bedroom bungalow within the rear garden of Wheelwright Cottage.

3.2. The dwelling is proposed to be 11.5m in length and 6.5m in width. The eaves height is 2.55m, and the ridge height is 5.1m. The building is perpendicular to The Pound, is sited 1.4m from the boundary created with Wheelwright Cottage, and between 1.1m and 1.6m from the boundary shared with Hi Wynds.

#### 4. RELEVANT PLANNING HISTORY

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

<b>Application: 15/01688/F</b>	Application Withdrawn	6 <sup>th</sup> November 2015
Erection of 1 No three-bedroom detached dwelling and associated hardstanding for parking and turning		

#### 5. PRE-APPLICATION DISCUSSIONS

5.1. The following pre-application discussions have taken place with regard to this proposal:

5.2. 22/03373/PREAPP: Response issued on 8<sup>th</sup> March 2023. The principle of a dwelling would be generally acceptable, subject to details about neighbouring amenity and a response from the Local Highway Authority.

5.3. 19/02672/PREAPP: Response issued on 10<sup>th</sup> January 2020. The principle of a dwelling was generally acceptable, but the level of detail provided with the pre-application enquiry was insufficient enough to provide reassurance it would be supported.

5.4. 15/00067/PREAPP: Response issued on 28<sup>th</sup> July 2015. The principle of a dwelling would be acceptable, subject to other considerations. This advise was given at a time when the Council had a 5 year housing land supply.

#### 6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 30<sup>th</sup> January 2024, although comments received after this date and before finalising this report have also been taken into account.

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

- The dwelling would appear cramped
- Detrimental impact to the listed buildings and conservation area
- Loss of a substantial part of garden would adversely affect the setting and outlook for future occupants of Wheelwright Cottage and current and future occupants of Gledston Cottage and Gardener's Cottage
- Overshadow and obscure the current views of the listed buildings
- Overshadow neighbouring property at Hi Wynds, including side facing kitchen window

- Overbearing impact to properties along Main Street due to the change in levels
- Trees would have to be felled to make way for the proposal
- Vehicular access to the proposal would be difficult, due to The Pound being narrow, steep, and considered an old historic track and footpath
- Increased traffic on The Pound would result in further deterioration of the surface
- Construction may be difficult due to the narrow access, and the damage it could cause to property, the track, banks and hedges on both sides
- The historic and current ownership of The Pound has not been established through recent planning applications
- Driving over The Pound may not be lawful
- Dust and construction debris
- Reference to appeal statement and decision at another application along The Pound (21/01561/F)
- The change in levels shown on the streetscene are not accurate
- Object to the inclusion of The Pound within the red line boundary [*Officer note – all planning applications need to connect to the legal highway, which is Main Street for this application.*]

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

## 7. RESPONSE TO CONSULTATION

7.1. 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

7.2. NORTH NEWINGTON PARISH COUNCIL: 22/08/2023 – **object** based on the access along The Pound, the committee decision (refusal) of the nearby application 21/01561/F, heritage and conservation.

11/01/2024 – **object** and re-iterate the original points provided.

### CONSULTEES

7.3. CDC LAND DRAINAGE: **no comments or objections.**

7.4. CDC BUILDING CONTROL: A Building Regulations application will be required.

7.5. CDC ENVIRONMENTAL HEALTH: **no objections**, recommends conditions to mitigate noise and contaminated land.

- 7.6. CDC CONSERVATION: 06/10/2023 – **object**, to current design and insufficient heritage statement. 29/01/2024 – **no objections** to the principle of development, and suggested conditions.
- 7.7. OCC HIGHWAYS: 29/08/2023 – **object**, based on the use of The Pound. Additional information was supplied, and a subsequent response was received on 28/09/2023 with **no objections**, subject to a CTMP condition.
- 7.8. OCC PUBLIC RIGHTS OF WAY: **holding objection**, as they have queried the legality of use of the right of way. They have suggested conditions in the event of approval.

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. 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 2031 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- BSC1 – District Wide Housing Distribution
- SLE4 – Improved Transport and Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD3 – Sustainable Construction
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation

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

- C23 – Retention of features contributing to character or appearance of a conservation area
- C28 – Layout, design and external appearance of new development
- C30 – Design control
- ENV12 – Development on contaminated land

### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- North Newington Conservation Area Character Appraisal (2014)

## **9. APPRAISAL**

- 9.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character and heritage of the area
- Residential amenity
- Highway safety
- Other matters

### Principle of Development

#### *Policy Context*

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996.
- 9.3. The District's current housing land supply position of 5.5 years supply of housing for the period 2022-27 as reported in the Council's 2023 Annual Monitoring Report ('AMR'). Paragraph 226 of the NPPF requires a minimum of 4 years' worth of housing, instead of a minimum of 5 years outlined in paragraph 77 of the Framework. It states it is applicable to authorities which have an emerging local plan that has reached Regulation 18 or Regulation 19 stage. The Council carried out a Regulation 18 consultation from 22<sup>nd</sup> September 2023 to 3<sup>rd</sup> November 2023. As such, the Council's housing policies are therefore to be considered up to date, and the 'tilted balance' does not need to be applied in assessment of this application.
- 9.4. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns, whilst limiting growth in rural areas and directing it towards more sustainable villages, also aiming to strictly control development in the open countryside.
- 9.5. Paragraph 10 of the NPPF states that at its heart is a presumption in favour of sustainable development. There are three dimensions to sustainable development, as defined by the NPPF, which require the planning system to perform economic, social and environmental roles. These roles are interdependent and need to be pursued in mutually supportive ways.
- 9.6. The principle of residential development is outlined through Policy Villages 1 of the CLP 2015, which categorises villages in the district. North Newington is recognised as a Category C village, which are the least sustainable of rural settlements. In the case of Category C villages, only limited infilling and conversion within the built up limits is permissible.

#### *Assessment*

- 9.7. The position of the site is considered to be within the built up limits of North Newington, as it is within the Conservation Area, and the area to the south of The Pound is open countryside.
- 9.8. The supporting text to Policy Villages 1, paragraph C.264, defines infilling as: '*Infilling refers to the development of a small gap in an otherwise continuous built-up frontage*'. Whilst the proposed site does represent a gap within the village, The Pound does not have a clear frontage, and the proposals could not be said to conform to the strict definition of infilling. However, given the surrounding context, with Hi Wynds adjacent and Pound Cottage opposite the site, both accessed from The Pound, the Council consider the siting of a dwelling in this location compliant with policy.

- 9.9. Overall, given the above, the general principle of accommodating a single dwelling on the site is therefore considered to be acceptable, subject to other considerations outlined below.

#### Design, and impact on the character and heritage of the area

##### *Policy Context*

- 9.10. 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. Paragraph 135 of the NPPF states that planning permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 9.11. 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.
- 9.12. 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.
- 9.13. The Council's Residential Design Guide SPD (2018) seeks to ensure that new development responds to the traditional settlement pattern, character and context of a village. This includes the use of traditional building materials and detailing responding to the local vernacular.
- 9.14. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.15. Likewise Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore significant weight must be given to these matters in the assessment of this planning application.
- 9.16. The application site is located within North Newington Conservation Area and within the setting of numerous listed buildings. These are defined as heritage assets by the NPPF. The NPPF states assets should be conserved in a manner proportionate to their significance and that great weight should be given to their conservation.

##### *Assessment*

- 9.17. The proposed dwelling is sited perpendicular to The Pound, which is not the preferred layout, as a frontage would normally face the highway. However, if the proposal had a 90 degree turn to front The Pound, there would be limited space for parking. While the layout is not traditional, there is not a standardised layout throughout the village, so this alternative form is considered acceptable, on balance.

- 9.18. The scale of the proposal is modest, as it is a 2-bedroom bungalow, with an eaves height of 2.55m and a ridge height of 5.1m. The design of the bungalow has been amended through the course of the application to simplify the fenestrations.
- 9.19. The Conservation Officer raises no objections to the proposal, requesting conditions relating to the details of the development to be submitted prior to the commencement of each element. Following the submission of a heritage statement that assessed the impact on the setting of the listed buildings and Conservation Area, there have been no concerns raised to the impact on surrounding heritage assets.
- 9.20. While the siting would be better in a south facing position, the proposal is considered acceptable, on balance, and subject to conditions to ensure a high specification can be achieved. The amended proposal would not result in harm to the designated Conservation Area, or the significance of the adjacent listed building through change to its setting.

### Residential amenity

#### *Policy Context*

- 9.21. Government guidance contained within the NPPF requires development to create places that are safe, inclusive and accessible, promoting health and well-being, and with a high standard of amenity for existing and future users. Policy ESD15 of the CLP 2015 requires all development to consider the amenity of both existing and future development. Saved Policy C30 of the CLP 1996 seeks standards of amenity and privacy acceptable to the Local Planning Authority. Saved Policy ENV1 of the CLP 1996 seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation.
- 9.22. The Cherwell Residential Design Guide (2018) states that a minimum distance of 22m back to back between properties must be maintained and a minimum of 14m distance is required from rear elevation to two storey side gable.

#### *Assessment*

- 9.23. The proposal is a two-bedroom bungalow, which could have a maximum occupancy of four persons. The proposed floor area is 62m<sup>2</sup> and the requirement within the Nationally Described Space Standards is 70m<sup>2</sup> plus 2m<sup>2</sup> built-in storage. While this is below the requirement, the Nationally Described Space Standards are not adopted by the Council, but provide a good benchmark. While the Council aim to support development that achieves the Nationally Described Space Standards, they do not consider this in isolation to be a reason to refuse the application.
- 9.24. The position of the proposed dwelling is 1.5m from the boundary with Wheelwright Cottage. The rear wall of Wheelwright Cottage is sited 19.2m from the side wall of the proposed dwelling. The Residential Design Guide usually requires a minimum of 14m distance between rear elevations and a two-storey side gable. This is applicable, due to the level change, and the proposal is in excess of this. There would be some overshadowing to the southern part of Wheelwright Cottage's garden, although this would be limited due to the orientation of the dwelling.
- 9.25. The position of the dwelling is approximately 13.6m from the rear extension of Gledston Cottage. Gledston Cottage is sited to the east of the proposed dwelling, so at a slightly different angle whereby it would not be detrimentally impacted from the wall to wall distance. Similarly to Wheelwright Cottage, there would be a slight

overshadowing to the southern part of the garden, but this is not considered to be harmful enough to refuse the application.

- 9.26. The proposal is sited a minimum of 1.1m from the common boundary with Hi Wynds, to the east. There would be some overshadowing to the western garden of this dwelling, although the lower eaves of 2.55m help to minimise any overshadowing, and the width of the garden at Hi Wynds is 19.7m, and extends further north beyond the western part of the garden that the site is adjacent to. As such, it is considered that any impact to the private outdoor amenity of Hi Wynds would not be significantly harmful. Further, they have a side facing kitchen window, although the kitchen is also served by large windows to the rear (north), and therefore the side window is not the sole window to the habitable room.
- 9.27. The proposed dwellings has no north facing windows, and would therefore not have overlooking from the dwelling to Wheelwright Cottage or Gledston Cottage. There is a bathroom window on the eastern elevation, which would face towards Hi Wynds. This window is shown to be top hung, and a condition will be imposed to ensure the window will be obscure glazed, and for no additional windows on the north and east elevations.
- 9.28. The proposed dwelling is considered to cause harm to the amenities of neighbouring dwellings, although that harm is not considered to be significant to warrant refusal of the application. The proposed development therefore complies with Policy ESD15 of the CLP 2015, Saved Policy C30 of the CLP 1996 and Government guidance contained within the NPPF.

#### Highway safety

##### *Policy context*

- 9.29. Paragraph 114 of the NPPF advises that in assessing specific applications for development, it should be ensured that:
- *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
  - *safe and suitable access to the site can be achieved for all users; and*
  - *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
- 9.30. Both Policies ESD15 of the CLP 2015 reflect the provisions and aims of the NPPF. 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”.
- 9.31. Driving a vehicle across a public Right of Way is an offence under the Road Traffic Act 1988 if the person does not have a private vehicular right to use the route or doesn't have lawful authority to do so. If this is the case, the police could choose to prosecute an individual therefore preventing them from using the access and in turn, preventing the required parking and manoeuvring areas to be provided for a dwelling. This is a material planning consideration in that planning permission could be granted for a dwelling without the benefit of adequate vehicular access and associated off street parking may result in highway safety issues due to displaced parking.



- 9.32. Rights of vehicular access are commonly shown on deeds or can be gained through what is referred to as a prescriptive use. A prescriptive use is where lawful access is gained via long term use of the access. In the case of an access across a public Right of Way a period of 20 years or more would constitute a long-term use.

#### *Assessment*

- 9.33. The red line of the application site includes the land where the dwelling is proposed to be situated, along with the access to The Pound which adjoins the highway at Main Street. The ownership of The Pound is unknown and therefore the applicant has served the relevant ownership certificate within the application form, including placing an advert in the press.
- 9.34. Objectors have highlighted the use of The Pound to provide vehicular access to the application site would not be lawful, and therefore The Pound would not be able to be used for a dwelling or construction. It is not the role of the planning system to determine whether the applicant has vehicular rights of access over The Pound, and this falls outside of the planning system in other legislation. Should planning permission be granted, this would not override other legal issues that may arise from the development, such as unlawful use of the access or any restrictive covenants, and these are enforceable by other parties outside of the planning permission and could prevent the development from proceeding.
- 9.35. The Local Highway Authority (LHA) initially objected to the application, although additional information was provided from the applicant to show the construction company would have the right size vehicles to carry out the works. They have advised this resolved the main objection, but a Construction Traffic Management Plan condition would be required to be submitted before commencement.
- 9.36. The LHA considered the appeal decision at the nearby site (appeal reference: APP/C3105/W/23/3314296), and noted the Inspector did not raise the access to be an issue, and this carries weight for this proposal. As such, the LHA suggested conditions for the development.
- 9.37. Whether or not the applicant has vehicular rights over The Pound is uncertain, and the LHA or Council do not confirm any rights of access. Both the LHA and Council acknowledge the situation is not ideal, but do not consider there is enough evidence to refuse the application for highway safety.

#### *Other matters*

- 9.38. Objectors have raised concerns about the accuracy of the levels shown on the streetscene. A drawing of the land levels as existing and for the proposal will be conditioned to ensure the level change is not as steep as the objectors suggest.
- 9.39. The Council's Environmental Protection Officer has requested an appropriate condition for contaminated land, and for a condition for Construction Environment Management Plan (CEMP) to control noise of the development. Officers consider these conditions to be reasonable. The CEMP condition can be combined with the Construction Traffic Management Plan condition requested by the LHA, to ensure there is no undue repetition of conditions.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. 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.

10.2. The broad principle of development in this location is acceptable, as the site is considered to be within the built-up limits of the village. Given its design and siting, the proposal is considered acceptable in relation to the visual impact and neighbour amenity. The proposal is acceptable in highway safety terms, subject to conditions.

10.3. The proposal would include modest benefits, including a new dwelling, which would make a contribution to the housing supply and create short-term construction roles. Any harm identified within the report is not considered to be significant enough to refuse the application, or outweigh these benefits identified.

## **11. RECOMMENDATION**

### **DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

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 following plans and documents:

- 001 Rev A
- 003 Rev B
- 004 Rev B
- 005 Rev C

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. Prior to the commencement of the development hereby approved, a Construction, Environment and Traffic Management Plan (CETMP) shall be submitted to and approved in writing by the Local Planning Authority. The CETMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods. Thereafter, the approved CETMP shall be implemented and operated in accordance with the approved details;

- The CETMP 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.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- 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.
- Storage of plant and materials used in constructing the development.
- Measures to control the emission of dust and dirt during construction.
- A scheme for recycling/ disposing of waste resulting from demolition and construction works.

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.

4. Notwithstanding the details on the approved plans and prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels and ridge height for the dwelling and finished levels of the site in relation to existing ground levels at the site and surrounding land and the eaves and ridge height of the surrounding properties shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in strict accordance with the approved levels plan.

Reason – To ensure that the development is constructed in harmony with the surrounding buildings and heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

*Planning note: The levels shall be expressed as above ordnance datum.*

5. Prior to any construction of the dwelling above slab level, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in natural stone, which shall

be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the dwelling shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

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 comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

6. Prior to any construction of the dwelling above slab level, samples of the proposed roof slate for the dwelling 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 details.

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 comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

7. Prior to the installation of windows, doors and rooflights hereby approved, full details of all windows, doors and rooflights at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the windows, doors and rooflights shall be installed within the building in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

*Planning Note – The rooflights shall be conservation grade rooflights that fit flush with the plane of the roof.*

8. Prior to the commencement of the development above slab work, a landscaping scheme shall be 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.

Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme.

Reason – To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with

Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason – In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

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

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

11. Notwithstanding the details on the approved plan, prior to the occupation of the dwelling hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate there will be no pedestrian access to Banbury Road from the frontage of the site. Thereafter, the approved means of enclosure shall be erected in accordance with the approved details, prior to the first occupation of the dwelling and thereafter retained and not altered from the approved specification.

Reason – To ensure the satisfactory appearance of the completed development and to discourage parking on the frontage of the site on Banbury Road and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

13. 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(s) shall not be extended or altered without the prior express planning consent of the Local Planning Authority.

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 neighbouring properties and heritage assets in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. Notwithstanding the provisions of Classes A to B (inc.) of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no gates, wall or fences shall be altered or erected and no new means of access shall be created without the prior express planning consent of the Local Planning Authority.

Reason – To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard highway safety and heritage assets in accordance with Policies SLE4 and ESD15 of the Cherwell Local Plan Part 1 (2015), Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

15. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the north and east elevations of the proposed dwelling without the prior express planning consent of the Local Planning Authority.

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 in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. Prior to the first occupation of the dwelling hereby approved, the ground floor window in the east elevation of the dwelling shall be fixed shut, other than the top hung opening element, and shall be fully glazed with obscured glass that complies with the current British Standard, and retained as such thereafter.

Reason – To safeguard the privacy and amenities of the occupants of the neighbouring property and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. 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.

18. 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.

19. 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.

20. No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior permission and appropriate safety and surfacing 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, their contractors, or the occupier 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.

21. Any gates provided shall be set back from the public right of way or shall not open outwards from the site across the public right of way.

Reason – To ensure that gates are opened or closed in the interests of public right of way user safety.

22. Public rights of way through the site should be integrated with the development and improved to meet the pressures caused by the development whilst retaining their character where appropriate.. No improvements may be implemented without prior approval of the Countryside Access Team.

Reason – To ensure the public right of way through the development retains character and use as a linear corridor and is able to integrate with the development.