

Case Officer: Michael Sackey

Applicant: Ms Clinton

Proposal: Erection of a single dwelling with associated landscaping and a new vehicular entrance onto existing access

Ward: Cropredy, Sibfords And Wroxton.

Councillors: Phil Chapman, George Reynolds and Douglas Webb

Reason for Referral: Called in by Councillor Douglas George Webb for the following reasons: Public Interest, scale of development and the context with the area.

Expiry Date: 21 December 2023

Committee Date: 21.03.2024

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to a parcel of land to the east of The Old Manor, a detached two storey L-shaped dwelling externally of stone with a tiled roof, facing south on to the Green. The site is not within a designated Conservation Area and the host building is not listed. The site is bounded by the host dwelling to the west and by residential properties of Oak Tree Barn to the north, and The Stud House and Scufflers Brook to the east. There are changes in the levels across the site but the changes in levels are not considered to be significant to the extent that affects the application assessment.

2. CONSTRAINTS

2.1. The site is identified as a Habitat for traditional Orchards, there are no other site-specific constraints to affect the application's assessment.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. This application relates to the erection of a proposed four-bedroom, detached dwelling to the northeast of The Old Manor.

3.2. The new dwelling would measure approximately 7.3m depth, 12.m width with an overall roof height of 8.2m sloping down to an eaves height of 5.2m at two storey level and a single storey rear element measuring 3.2m depth, 5.2m width with an overall roof lantern height of 3.3m sloping down to a flat roof height of 2.8m. The external materials proposed would be natural stone for the external walls and natural slate for the roof.

3.3. A letter, revised plans and a tree survey were received on 24.11.2023 from the agent. The letter responds to the comments raised by Planning Officers, Parish council and neighbours. The amended plans reduce the overall scale of the

proposed dwelling, and the tree survey responds to the request of the Arboricultural Officer.

- 3.4. Further revised plans were received on 07.12.2023 which were in response to concerns raised by Officer's in terms of overlooking and loss of privacy to the host dwelling.
- 3.5. A further letter, revised plans and a tree survey were received on 25.01.2024 responding to the comments raised in terms of the highways impact, impact of the development on the street scene, Arboricultural Officer's comments, Ecology Officer's comments and comments of the neighbours.
- 3.6. The agent also confirmed (in response to the Ecology Officer's comments dated 18.01.2024) that the Ecologist's comments were made prior to the submission of the tree survey and that the site has been cleared significantly in recent times and is now just a grassed garden with very limited habitat. The assessment and determination of this application is based on the revised plans and additional documents and information.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal.

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 (amend as appropriate). The final date for comments was **19 March 2024**, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. Seven letters received, including six letters of objection raising the following issues:

- Impact on Oak tree, impact on root protection zones of other trees, loss of privacy, loss of light, quality of life, detrimental effect to local character, unsafe access, excessive tree removal, impact on Great Crested Newts, bats and wildlife. The other reasons for objection are the impact on the street scene, overdevelopment of the site, overshadowing and overlooking of adjacent properties, lack of parking, lack of public transport, impact on The Old Manor House, not supported by policy, access for construction, not affordable housing, out of keeping with the Old Manor House, loss of trees, impact on biodiversity, impact on wildlife habitat, removal of boundary wall, increased risk of accidents, Inadequate tree survey, unsubstantiated drainage issues, imposing, overbearing and impact on existing pond,
- One letter has also been received recommending that at least 2 nesting bricks for Swifts are incorporated into the structure of the building within the southeast elevation.

- 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. **SHUTFORD PARISH COUNCIL:** **Objects** on the grounds of Loss of trees, impact on the character of the village, overshadowing and overlooking neighbours, inaccurate plans, the height of the building is out keeping with surrounding properties, lack of public transport, insufficient allowance for parking provision, access for construction traffic, insufficient access, lack of turning area, size of dwelling is incompatible, lack of demand for new dwelling, lack of sustainable construction or services and impact on the ecology of the site.
- 7.3. **(11.12.2023)** - Whilst the replacement proposal addresses some of the concerns, Shutford Parish Council still feels that there is no need for this type of infill development and concerns about access, overlooking, trees and scale remain.

OTHER CONSULTEES

- 7.4. **CDC Land Drainage** (16.10.2023), (27.11.2023), (12.12.2023) - No comments or objections.
- 7.5. **Thames Water** (17.10.2023) - Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time. Should the details of the application change, we would welcome the opportunity to be re-consulted.
- 7.6. **CDC Building Control** (27.10.2023) - A Building Regulations application will be required for the proposals. E.V charging to be provided. (12.12.2023) - No additional observations from 27/10/2023
- 7.7. **OCC Highways** (03.11.2023) - No objections subject to conditions on Cycle Parking Provision, a Construction Traffic Management Plan (CTMP), Electric Vehicle Charging, full details of access.
- 7.8. **CDC Environmental Protection** (03.11.2023) - No objections subject to conditions on Noise and contaminated land ; (14.12.2023) - I have reviewed the additional information and have no further comments to make. Please see my previous comments on application 23/02682/F made on 3rd November 2023.
- 7.9. **CDC Housing Standards** (29.11.2023) - No adverse comments.
- 7.10. **CDC Arboriculture** (31.10.2023) - From the plans it is clear that there are a number of trees on site but there is no BS5837 survey, Arboricultural Impact assessment, tree protection plan or Arboricultural method statement. My main concern is how the 1.8m high stone wall is going to be constructed where it passes through the RPAs of some of the trees. We need to see details of its construction and confirmation that it is not going to compromise the trees on site.
- 7.11. **CDC Arboriculture** (30.11.2023) -

Tree Survey Report- The submitted report is purely in reference to the Health Condition of the trees related to the site.

The submitted proposal drawing OMHS/05A details trees within the redline boundary, it references Tree Root Protection zone, however this is not sufficient, the proposal will require a full Arboricultural Impact Assessment to include Arboricultural Method Statement in line with BS5837.

Technical detail.

- A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- Arboricultural supervision and inspection by a suitably qualified tree specialist
- Location and installation of services/ utilities/ drainage.
- Details of construction within the RPA or that may impact on the retained trees.
- Full specification for the installation of boundary treatment works.
- Boundary treatments within the RPA
- Full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification.
- a specification for scaffolding and ground protection within tree protection zones.
- Methods to improve the rooting environment for retained and proposed trees and landscaping for the landscape detail.

A) location, type and materials to be used for hard landscaping including specifications

B) use within tree Root Protection Areas (RPAs);

- 7.12. **CDC Arboriculture** (23.01.2024) - I know that the consultation period has now expired for the above application, but I see that a decision has not yet been made. Having looked at the comments Jon made regarding the application I don't see any additional documentation that addresses the concerns that he raised.
- 7.13. **CDC Arboriculture** (04.03.2024) - The submitted Arboricultural Impact Assessment has highlighted minimal, with a proposal of 3 poor quality trees to be removed, and do not appear to be significant specimens, as such I have no objection providing, they are appropriately mitigated with replanting within the site [and subject to] a condition to require: The proposed development shall be completed in full adherence to the arboricultural details submitted to the LPA – Document Ref 284-OMHS-RPT-AIA inc Plans/drawings. Any variations to the details of the documents and plans must only be undertaken after the proposed variations have been agreed in writing by the LPA.
- 7.14. **OCC Archaeology** (07.12.2023) - The site is in an area of archaeological interest; however, proposals are of a relatively small scale, and therefore, there are no

archaeological constraints to this scheme. (01.03.2024) Thank you for reconconsulting us on this application. There are no archaeological constraints to this scheme.

- 7.15. **CDC Ecology** (18.01.2024) - The planning statement says that there will be no trees removed to facilitate the development. However, the tree report recommends felling/reducing some of the trees. Will any of the trees be felled or cut back?

The plans show that some of the front wall will be removed to provide a wider access gate – from mapping data/images it looks like this area is covered in dense vegetation, including a hedgerow along the wall. Will there be any vegetation clearance due to this proposal?

Although the development is proposed in a garden, the site is well connected to the surrounding area and could support a number of protected species. In addition, there are records of protected species in the area. Any vegetation clearance or ground works (I assume the foundations will require a fair amount of ground works?) has the potential to harm wildlife.

I would recommend that a Preliminary Ecological Appraisal is undertaken to assess any ecological impacts of the development. The assessment should also provide opportunities for enhancement. It's much easier if biodiversity enhancements are factored into the plans at this stage, so I would recommend a plan is produced for the proposed enhancements (bird/bat boxes, native planting, insect hotels, etc). CDC seeks a minimum of 10% biodiversity net gain, however, currently the proposals appear to result in a net loss. The biodiversity enhancement plan should show how net gain will be achieved.

If you have any photographs of the site, they would help provide a better picture of the proposed works and possible impacts.

- 7.16. **CDC Ecology** (27.02.2024) - All habitat features to be lost (including trees and hedgerows removed to facilitate the development) will need to be proportionately replaced in relation to what will be lost, at a minimum ratio of 2:1. Looking at the photographs in the arboriculture impact assessment, the trees to be removed do not appear suitable for roosting bats. However, if plans change and any additional trees (other than the 3 in the arb report) are to be removed, ecology should be re-consulted. As long as the rest of the boundary habitats will be retained and protected (as per methodology in the arb report), I don't think ecology surveys will be necessary.

The plans show that a hedgerow will be installed along the site boundaries and the agent has confirmed that the plans include extensive tree planting to enhance the site. I can't find any details about these hedgerows and trees. They should be comprised of a minimum of 5 native species, such as hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and/or spindle. We should condition a landscape plan which includes planting and management details. The plan should also include details of species-specific enhancements, such as integrated bat and bird bricks.

All removal of vegetation (including trees) should be undertaken outside of nesting bird season (March-August inclusive) unless the site is first checked by an ecologist immediately prior to vegetation removal. This should be conditioned.

Since no ecology surveys have been done, we have to assume that bats are using the boundary features to forage and commute. As such, if any external lighting is to be installed, it should be in line with BCT guidance note 8/23. This should be conditioned.

We should also attach an informative for badgers/terrestrial mammals to ensure any commuting species are protected during the works.

The developers are reminded of the legal protection afforded to badgers under the (Protection of Badgers Act 1992). During construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission, works must stop and advice must be sought from a suitably qualified and experienced ecologist.

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 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- BSC 1: District Wide Housing Distribution
- BSC 2: The Effective and Efficient Use of Land
- ESD1: Mitigating and Adapting to Climate Change
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 15: The Character of the built and historic environment
- Policy Villages 1: Village Categorisation
- PSD 1: Presumption in Favour of Sustainable Development

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

- C28 – Layout, design and external appearance of new development
- C30 - Design control
- ENV1: Environmental pollution

- 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area,

- Heritage impact
- Arboriculture
- Residential amenity
- Ecology impact
- Highway safety

Principle of Development

Policy

- 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 CLP 2015 and the saved policies of the CLP 1996.
- 9.3. In determining the acceptability of the principle of new dwellings regard is paid to Government guidance contained within the National Planning Policy Framework (NPPF). The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.4. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 9.5. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states: ‘The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car’.
- 9.6. Policy Villages 1 provides a categorisation of the district’s villages based on their relative sustainability, and the amount and the type of development that could be appropriate in sustainability terms within the built-up limits of a village depends on its categorisation under Policy Villages 1.
- 9.7. Policy ESD1 of the CLP 2015 states measures will be taken to mitigate the impact of development on climate change and deliver the goals of sustainable development. This includes distributing housing growth to the most sustainable locations as defined in the Local Plan and delivering development which reduces the need to travel.

Housing Land Supply Position Statement (Update) January 2024

- 9.8. The former NPPF (September 2023) contained a requirement include a buffer in the assessment of the supply of specific deliverable housing sites of at least 5%. A revised National Planning Policy Framework (NPPF) was published on 20 December 2023 and no longer contains this requirement.
- 9.9. This changes the calculation of the five year land supply as shown in the Council’s 2023 Annual Monitoring Report (AMR) at paragraph 41. The calculation is now as follows:

<i>Table 1 Step</i>	Description	Five Year Period
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		2023-2028
a	Requirement (2023 – 2031) (standard method)	5,680 (710x8)
b	Annual Requirement (latest standard method)	710
c	5 year requirement (b x years)	3,550
d	Deliverable supply over next 5 years	4,121 (from 2023 AMR)
e	Total years supply over next 5 years (d/b)	5.8
f	Surplus (d-c)	571

9.10. Additionally, it is advised at paragraph 226 of the revised NPPF:

“From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years’ worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.”

9.11. The Council has an emerging local plan that has reached Regulation 18 stage and therefore the Council only need to demonstrate a four year housing land supply. Table 1 above demonstrates that the updated AMR 2023 position is that the district has in excess of a ‘four years’ worth of housing’ measured against a five year housing requirement.

Recent appeal decision at Heyford

9.12. At a recent appeal an Inspector concluded that the Council had under a 4 year supply of housing when combining the district housing land supply figure with the housing land supply for Oxford’s unmet housing need in the separate Partial Review Local Plan. That appeal was reference APP/C3105/W/23/3326761 at OS Parcel 1570 Adjoining And West Of Chilgrove Drive And Adjoining And North Of Camp Road, Heyford Park (known as the Heyford Inquiry).

9.13. The decision issued by the Inspectorate in the above Heyford Park case is a potential material consideration to applications for housing in the district.

9.14. However, the LPA is currently reviewing its position in relation to a potential legal challenge to the conclusions reached by the Inspector in that case (and the basis for the decision making) and has six weeks to consider this. The LPA has sent legal instructions to consider mounting a challenge. This is because officers have

significant concerns that the Heyford Park decision does not sufficiently consider all material considerations and therefore could be unsound.

- 9.15. On that basis, officers consider that placing reliance on that decision and upon the housing land supply considerations and conclusions could place subsequent and dependent decisions also at risk. As such, officers consider that greater weight should be placed on the published AMR figures

Assessment

- 9.16. The site is located in Shutford a category C village, which Policy Villages 1 allows for infilling and conversions of buildings within its built-up limits. The proposal would be within the built-up limits of the village of Shutford and would be bounded by the host dwelling to the west and existing neighbours to the north and east. Infilling is defined by Policy Villages 1 as:

“Infilling refers to the development of a small gap in an otherwise continuous built-up frontage. Not all infill gaps will be suitable for development. Many spaces in villages’ streets are important and cannot be filled without detriment to their character. Such gaps may afford views out to the landscape or help to impart a spacious rural atmosphere to the village. This is particularly important in a loose knit village pattern where the spaces may be as important as the buildings.”

- 9.17. The proposed development constitutes an infilling within the built-up limits of the village of Shutford, the frontage is continuously built up either side of the proposal. The proposed site, although partly cleared during the Officer site visit, appears to have been overgrown in the recent past; it does not afford views out to the landscape and does not impart a spacious rural atmosphere in this part of the village.

Conclusion

- 9.18. Given the above, and that the development would be set within the confines of the existing residential curtilage and would not extend development into the open countryside, the amended proposal is considered to be acceptable in principle and complies with Policies BSC 1, BSC2 and Villages 1 of the CLP 2015.
- 9.19. The acceptability of the proposed dwelling in this case is also clearly dependent on it not causing demonstrable harm to the character and appearance of the area, highway safety and residential amenities. These issues are discussed below.

Design, and impact on the character of the area,

Policy

- 9.20. Paragraph 124 of the NPPF states the creation of high-quality building and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 9.21. Policy ESD15 of the CLP 2015 states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.”*

- 9.22. Saved Policy C28 of the CLP 1996 reflects Government guidance in relation to the design of new development by seeking to ensure that such development is in harmony with the general character of its surroundings and is sympathetic to the environmental context of the site and its surroundings, and the nature, size and prominence of the development proposed.

Assessment

- 8.5. The proposal would be orientated to front on to the Green. There is no uniform character to the built form along The Green and its immediate locality. The area is characterised by residential development of a variety of shapes, sizes and styles. The majority of which are semi-detached, but there are some detached and terraced dwellings in the vicinity of the site.
- 9.23. The proposed two storey detached dwelling with a single storey element to the rear would have six, glazed openings to both the front and rear elevations, four openings in the south-eastern side elevation and two openings within the north-west elevation, with a gabled roof, introducing gables to the east and west elevations. The amended proposed dwelling at an overall height of (8.2m) would be shorter in comparison to the existing host dwelling and Scuffler Brook, the other adjacent dwelling to the site.
- 9.24. The proposed development would be set well off the shared boundary with the neighbour to the east at Scuffler Brook but would abut the proposed shared boundary with the host dwelling of The Old Manor. The proposed development would be set back from the front elevation of the host dwelling by approximately 19m and set forward of the front elevation of Scuffler Brook by approximately 5.2m. Given the existing building lines to the north of The Green, the proposal would be well set back from The Green in comparison to The Old Manor and Scuffler Brook.
- 9.25. The site benefits from a relatively large plot and, although filling a significant amount of the existing plot, the proposed dwelling is considered to sit comfortably within the site – it would not appear unduly cramped in the street scene – and would have adequate amenity space.
- 9.26. The proposed dwelling would be constructed of natural stone and slate roof tiles. The proposal retains most of the site's existing natural stone walls with a small element of the wall proposed to be removed to provide access into the site. Two trees to the front and one centrally within the site are proposed to be removed. New hedge planting is proposed to the west of the site which would act as a separation between the proposed dwelling and the host dwelling.
- 9.27. Parking provision is proposed for two vehicles set to the front of the proposed dwelling and which is considered to be acceptable. There is no refuse storage proposed within the site, but it is considered this could be secured by a condition.

Conclusion

- 9.28. It is also considered that the visual impacts of the development would to an extent be mitigated by the significant set-back of the proposed dwelling from The Green. Although having a visual impact, the proposal would not be inappropriate development in the context of the pattern, layout and form of the adjacent neighbours. It is therefore considered that the proposed dwelling would not be out of keeping with the existing pattern of built form. Given the nature of the site, and the materials proposed, the design and appearance of the proposed dwelling, it is considered to be sufficiently in keeping with the character and appearance of the area.

- 9.29. For the reasons above, the proposed dwelling would not cause harm to the character and appearance of the area and therefore accords with to Policy ESD15 of the CLP 2015 and retained Policy C28 of the CLP 1996.

Heritage Impact

Legislative and policy context

- 9.30. The site is not within or does it affect the setting of a Conservation Area but it is close in proximity to a number of listed building to the east of the proposed site.
- 9.31. 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.*
- 9.32. 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.
- 9.33. Conservation Areas and Listed Buildings 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.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

Assessment

- 9.34. The proposed development would be approximately 20m to the east of its nearest listed building at Grooms Cottage, given the spatial relationship with the listed buildings and in the context of the existing built form, and the proposal's traditional design, it is considered that the proposal would not have any significant impacts and would preserve the significance of the nearby Grade II listed buildings.

Conclusion

- 9.35. It is thus considered that the proposed development complies with Policy ESD15 of the CLP 2015 in this regard along with Government guidance in the NPPF.

Arboriculture

Policy

- 9.36. *Policy ESD10 of the Cherwell Local Plan on the protection and enhancement of Biodiversity and the Natural Environment amongst other things states: In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources and by creating new resources and the protection of tress will be encouraged, with an aim to increase the number of trees in the District*

Assessment

- 9.37. The Arboricultural officer (AO) initially raised concerns with the lack of details in relation to a BS5837 survey, Arboricultural Impact Assessment, Tree Protection Plan or Arboricultural Method Statement to establish the impact of the proposed development on the trees at the existing site. One of the main concerns raised was how the 1.8m high stone wall was going to be constructed where it passes through the RPAs of some of the trees.
- 9.38. A tree survey was received on the (24.11.2023) which the AO responded advising that the submitted Tree Survey Report is purely in reference to the Health Condition of the trees related to the site. The AO further advised that the submitted drawing ref: (OMHS/05A) detailed trees within the redline boundary, referencing Tree Root Protection Zone, which was not sufficient, and that the proposal will require a full Arboricultural Impact Assessment to include Arboricultural Method Statement in line with BS5837, in addition to the recommended list of other technical details required.
- 9.39. Arboricultural documents were received on the (25.01.2024) ref: (Arboricultural Implications Plan (284-OMHS-DRW-AIP) – 01, Tree Constraints Plan (284-OMHS-DRW-TCP) – 01, Tree Protection Plan (284-OMHS-DRW-TPP) – 01, BS5837: 2012 Tree Survey and ARBORICULTURAL IMPACT ASSESSMENT – 284-OMHS-RPT-AIA (Revision No 1 – 18th January 2024)). The AO responded to the additional Arboricultural details advising that the submitted Arboricultural Impact Assessment has highlighted minimal, with a proposal of 3 poor quality trees to be removed, and do not appear to be significant specimens, as such the officer had no objection providing they are appropriately mitigated with replanting within the site and would support a performance condition for the proposed development to be completed in full adherence to the Arboricultural details submitted to the Local Authority.

Conclusion

- 9.40. Having regards to the submitted additional Arboricultural information and the comments of the AO, and subject to the recommended condition, the proposal is considered acceptable in this regard and thus complies with Policies ESD10 and ESD15 of the CLP 2015.

Residential amenity

Policy

- 9.41. Paragraph 127 of the NPPF includes, as a core planning principle, a requirement that planning should have *a high standard of amenity for all existing and future users*. This is reflected in Policy ESD15 of the CLP 2015, which states that new development proposals should: *consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*. These considerations are also reflected in Saved Policy C30 of the CLP 1996

Assessment

- 9.42. The proposed development would be set well off the common shared boundary with the neighbour to the east at Scuffler Brook but would abut the proposed shared boundary with the host dwelling. The proposed development would be set back from the front elevation of the host dwelling by 19m and set to the front of the front or south elevation of Scuffler Brook by approximately 5.2m.
- 9.43. Given the scale, orientation and the separation distance between the proposal and its neighbour to the east at Scuffler brook, it would not have any significant impact on the neighbour. Openings are proposed at both the first floor and ground floor

level within the proposed south-east elevation; however, given the positioning of the proposed dwelling and that of the openings within the proposed southeast elevation, it is likely to gain views of the front garden of the Scuffler brook but the existing tree and the existing dwelling would restrict any views of the private amenity area to the rear of Scuffler brook. The proposal would also comply with the 45-degree rule in respect of Scuffler brook and would not have any significant impact in terms of privacy, outlook and light on the neighbour.

- 9.44. The proposed development would be closer to the host dwelling The Old Manor House and given its scale and positioning would have an impact on the host dwelling. However, the proposal would generally comply with 45-degree rule with regards to all the habitable rooms due to the lack of windows within the rear elevation of the existing host dwelling. The proposal would also comply with the minimum (14m) distance from the rear elevation to the proposed two storey side gable and no first-floor window would be within (7m) of the host dwelling.
- 9.45. Following amended plans the proposed room uses serving the first-floor side facing window within the north-west elevation and south-west elevation closest to the host dwelling would serve non-habitable rooms of an en suite and bath, and the proposal would not result in the overlooking of the host dwelling. The proposal positioned to the north-east of the host dwelling with a separation distance of no less than 13m would have a spatial relationship with the host dwelling similar to that of the dwellings in its locality and the resulting impact of the amended proposal on the host dwelling's amenity is not considered to be harmful.
- 9.46. The proposal would result in the reduction of the amenity space of the existing dwelling. However, the proposed arrangement is not considered to be so significant or harmful so as to warrant refusal of the application.

Conclusion

- 9.47. Overall, the proposed dwelling would not cause demonstrable harm to the living conditions of neighbouring residents in terms of loss of light, overlooking or loss of privacy, or the creation of an overbearing affect. The proposal is considered to result in an acceptable standard of amenity for the future occupiers of the development.
- 9.48. The proposal thus accords with retained Policy C30 of the CLP 1996 and Policy ESD15 of the CLP 2015.

Ecology Impact

Legislative context

- 9.49. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.50. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.

Policy Context

- 9.51. Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.52. Paragraph 175 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.53. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.54. 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.

Assessment

- 9.55. The site is identified by Section 41 of the Natural Environment and Rural Communities as Traditional Orchards. However, upon the officer site visit on the (20.10.2023) it was observed that a majority of the site had been cleared prior to the submission of the application.
- 9.56. The Council's Ecology Officer (CE) initially responded to the application querying the trees and vegetation that are proposed to be removed to facilitate the development and raised concerns with regards to the protected species in the area and the impact of the development on the Ecology of the site. The CE recommended that a Preliminary Ecological Appraisal is undertaken to assess any ecological impacts of the development including opportunities for biodiversity enhancements should be factored into the plans at this stage with a plan for the proposed enhancements including bird/bat boxes, native planting, insect hotels, and CDC seeks a minimum of 10% biodiversity net gain. The CE also advised that the proposals appear to result in a net loss, the biodiversity enhancement plan should show how net gain will be achieved and the officer also requested photographs of the site to provide a better picture of the proposed works and its possible impacts.
- 9.57. The applicant's agent responded in an email dated (14.02.2024) accompanied by a photograph of the existing site advising that the CE comments were made prior to the submission of the tree survey and that the site has been cleared significantly in recent times and is now just a grassed garden with very limited habitat. The applicant's agent's response also advised that they are proposing extensive tree

planting and new bat and bird box provision to significantly enhance habitats on the site and requested that the ecologist has a look through the tree information as the site is very different to how it appears on aerial photography.

- 9.58. The CE responded to the email advising that, looking at the photographs in the arboriculture impact assessment, the trees to be removed do not appear suitable for roosting bats, but that, if plans change and any additional trees other than the three in the Arboricultural report are to be removed, the CE would need to be re-consulted. The CE confirmed that, as long as the boundary habitats are retained and protected (as per methodology in the Arboricultural report), ecology surveys would not likely be necessary, advising that all habitat features to be lost including trees and hedgerows removed to facilitate the development would need to be proportionately replaced in relation to what is lost, at a minimum ratio of two to one.
- 9.59. The CE further advised that the plans show that a hedgerow would be installed along the site boundaries; the agent has confirmed that the plans include extensive tree planting to enhance the site and they should be comprised of a minimum of 5 native species, such as hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and/or spindle. The CE recommends a condition for a landscape scheme which should include planting and management details, and should also include details of species-specific enhancements, such as integrated bat and bird bricks. The CE further recommends that a condition for all removal of vegetation (including trees) should be undertaken outside of nesting bird season (March-August inclusive) unless the site is first checked by an ecologist immediately prior to vegetation removal. The CE concluded that since no ecology surveys have been done, we have to assume that bats are using the boundary features to forage and commute and recommends a condition that if any external lighting is to be installed, it should be in line with BCT guidance note 8/23 and also for an informative for badgers/terrestrial mammals to ensure any commuting species are protected during the works.

Conclusion

- 9.60. Having regards to the CE's comments, it is considered that subject to the recommended conditions for a landscape scheme, Biodiversity Enhancement Scheme to include restricted exterior lighting, hedgehog highways through any boundary fencing/walls, bat and bird provisions integrated into the fabric of the new dwellings walls as well as wildlife friendly planting and an informative for badgers/terrestrial mammals to ensure any commuting species are protected during the work, the proposal would be acceptable in terms of the ecology of the site and would comply with Policies ESD10 and ESD15 of the CLP 2015 and Government guidance in the NPPF.

Highway Safety

Policy Context

- 9.61. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should: *be designed to deliver high quality safe...places to live and work in*. This is consistent with Paragraph 35 of the NPPF which states that: *developments should be located and designed where practical to...create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians*.
- 9.62. The Local Highway Authority (LHA) has raised no objections to the scheme, advising that the proposed access alterations will improve visibility from the existing access, any alterations to the public highway is subject to an informative for the requirement of legal agreement between the applicant and Oxfordshire County

Council, the plans indicate that there is available space within the red line boundary to park vehicles, a Construction Traffic Management Plan (CTMP) should be required by condition to ensure the construction phase of the development poses a minimal risk to the safety and convenience of the adjacent highway network and that it is a requirement for all new dwellings to have both cycle parking and electric vehicle charging infrastructure. The LHA advised that the applicant must show the means of enclosure of 5 cycle parking spaces and that Cycle parking spaces must be covered, secure and have direct access to the highway and along with requirement for the applicant to indicate that EV charging is available on site.

- 9.63. Officers agree with this assessment and apart from the condition relating to electric charging infrastructure, which would be covered by and is a requirement of a building regulations application, subject to the other conditions and informative the proposal is considered acceptable in relation to highway safety and parking provision, and therefore the proposal accords with Policy ESD15 of the CLP 2015 and Government guidance in the NPPF.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. It is considered that the proposed dwelling would not result in any significant detriment to the character or visual amenities of the area, the historic environment, or trees, nor on the living amenities of the neighbouring properties. In addition, it is considered that the proposed development would not result in any significant detriment to highway safety and would be acceptable in terms of flood risk. The proposal therefore complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

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):

CONDITIONS

Time Limit

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.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall not be carried out otherwise than in complete accordance with the approved plans: OMHS/01B, OMHS/02B, OMHS/03B, OMHS/04B, OMHS/05B, OMHS/07, Arboricultural Implications Plan (284-OMHS-DRW-AIP) – 01”, “Tree Constraints Plan (284-OMHS-DRW-TCP) – 01, Tree Protection Plan (284-OMHS-DRW-TPP) – 01, “BS5837: 2012 Tree Survey and “ARBORICULTURAL IMPACT ASSESSMENT – 284-OMHS-RPT-AIA (Revision No 1 – 18th January 2024)”.

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.

Construction Environment Management Plan (CEMP)

3. No development shall commence unless and until a Construction Environmental Management Plan (CEMP), which shall include 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 the details of the consultation and communication to be carried out with local residents, has 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 CEMP.

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Stone sample

4. No development shall commence above slab level until a stone sample panel (minimum 1 sq m in size, and using lime based mortar with brushed or rubbed joints) has been constructed on site and inspected and approved in writing by the Local Planning Authority. Thereafter, where indicated on the approved drawings the external walls of the dwelling (where applicable) shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and shall be retained as such thereafter. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

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 and 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.

Samples of external materials

5. No development shall commence above slab level unless and until samples of the materials to be used externally in the construction of the walls and roof of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict 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 ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Biodiversity Enhancement

6. No development shall commence above slab level unless and until a method statement for enhancing biodiversity on site to include wildlife friendly planting, bird and bat provisions, hedgehog highways through any boundary fencing/walls and restricted exterior lighting has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to the first occupation of the development in accordance with the approved details and shall be retained as such thereafter.

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

Sustainability and Energy Statement

7. No development shall commence until a Sustainability and Energy Statement, outlining the measures to reduce carbon emissions and energy use during both the construction and operational phase of development, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in strict accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure sustainable construction and reduce carbon emissions and to comply with Policies ESD1, ESD2 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Scheme for the provision and implementation of foul and surface water drainage

8. No development shall commence above slab level unless and until a scheme for the provision and implementation of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of the dwelling hereby approved.

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

Construction Traffic Management Plan (CTMP)

9. No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods. The development shall not be carried out other than in full 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

Access: Full Details

10. No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

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

A scheme for landscaping

11. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:-

(a) details of the proposed tree and shrub planting (comprised of a minimum of 5 native species, such as hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and/or spindle) including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),

(b) details of the hard landscaping including hard surface areas, driveway, parking, pedestrian areas and steps.

(c) boundary treatments

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority.

The development shall be carried out in strict accordance with the approved landscaping scheme. The hard landscape elements of the scheme shall be carried out prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of 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.

Removal of vegetation (including trees)

12. Notwithstanding the details submitted, all removal of vegetation (including trees) should be undertaken outside of nesting bird season (March-August inclusive) unless the site is first checked by an ecologist immediately prior to vegetation removal.

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.

All planting, seeding or turfing

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.

Desk study and site walk over to identify all potential contaminative

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

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Potential risk from contamination

15. If a potential risk from contamination is identified as a result of the work carried out under condition (14), prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

If contamination is found by undertaking the work carried out under condition (14)

16. If contamination is found by undertaking the work carried out under condition (14), prior to the commencement of the development hereby permitted a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

If remedial works have been identified in condition (14)

17. If remedial works have been identified in condition (16), the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition (16). A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

Contamination not previously identified.

18. If, during development, contamination not previously identified is found to be present at the site, no further development shall be 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 Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Joinery details

19. Prior to their installation, full details of the doors, windows and roof lantern to the dwelling hereby approved, 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. The doors and windows and their surrounds shall be installed within the buildings in strict 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 ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Arboricultural details

20. The proposed development shall be completed in full adherence to the Arboricultural details submitted to the LPA – Document Ref 284-OMHS-RPT-AIA inc Plans/drawings. Any variations to the details of the documents and plans must only be undertaken after the proposed variations have been agreed in writing by the LPA.

Reason: In order to ensure compliance with the tree protection and arboricultural supervision details submitted under condition (insert condition(s)) pursuant to section 197 of the Town and Country Planning Act 1990, to ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Cycle Parking Provision

21. 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.

Full details of the arrangements for the storage and collection of refuse and recycling

22. Prior to the first occupation of the development hereby approved full details of the arrangements for the storage and collection of refuse and recycling from the site, including the location of storage areas, shall be submitted to and approved in writing by the Local Planning Authority. The refuse bin storage area(s) shall be provided in accordance with the approved details prior to the first occupation of the development and shall thereafter remain unobstructed except for the storage of refuse bins and shall be retained as such thereafter.

Reason – To ensure the satisfactory appearance of the completed development and to ensure a satisfactory living environment for the occupiers of the development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Regulation 43 of the Habitat and Species Regulations 2017 (as amended)

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

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

PD Restrictions (extensions)

24. 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 or enlarged, nor shall any structures be erected within the curtilage of the said dwelling, 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 and the significance of heritage assets and residential amenity and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

PD Restrictions (windows or openings)

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), no additional windows, doors or any other openings shall be inserted in the dwelling without the grant of further specific planning permission from the Local Planning Authority

Reason - To safeguard the living conditions of neighbouring residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example, there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid, and you are therefore advised that you

should seek legal advice before carrying out the planning permission where any other person's rights are involved.

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. 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 0300 060 3900.
4. Ecology Great Crested Newt (GCN) - The amenity grass surrounding the build zones of the site shall be kept short in the interim and measures should be incorporated to limit storage of materials on site which may become attractive for hibernation and become a disturbance risk.
5. **Ecology** - The developers are reminded of the legal protection afforded to badgers under the (Protection of Badgers Act 1992). During construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission, works must stop and advice must be sought from a suitably qualified and experienced ecologist.
6. **Highways** - Please note If works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council. This is separate from any planning permission that may be granted.
7. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.