



Appeal Decision

Hearing held on 25 October 2023

Site visit made on 24 October 2023

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2023

Appeal Ref: APP/C3105/W/23/3324251

Land Adj to Wise Crescent, Opposite The Laurels, Fringford OX27 8DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr T Northey (Abbeymill Homes Ltd) against the decision of Cherwell District Council.
 - The application Ref 22/03741/F, dated 9 December 2022, was refused by notice dated 28 April 2023.
 - The development proposed is erection of 6 one and a half and two storey dwellings, with the construction of new access and footpath, together with carports, parking, landscaping and all enabling works.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 6 one and a half and two storey dwellings, with the construction of new access and footpath, together with carports, parking, landscaping and all enabling works at Land Adj to Wise Crescent, Opposite The Laurels, Fringford OX27 8DZ in accordance with the terms of the application, Ref 22/03741/F, dated 9 December 2022, subject to the attached schedule of conditions.

Applications for costs

2. An application for costs has been made by Mr T Northey against Cherwell District Council, which is the subject of a separate Decision.

Procedural Matters

3. I have taken the address for the site from the Decision Notice as this more accurately reflects the location of the site and included the postcode referred to in other correspondence pertaining to the site.
4. The appeal was supported by amended drawings that did not form part of the original application. Having regard to the Wheatcroft principles¹, I am conscious the appeal process should not be used to progress alternatives to a scheme that has been refused. However, the amendments only seek to replace timber cladding in the proposed dwellings with Cotswold Stone. Overall, having regard to the limited scope of the amendments, I am satisfied that interested parties would not be prejudiced if I were to determine the appeal in relation to the amended drawings², as they do not alter the nature of the proposal.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37].

² Drawing References: Fri-PL05 Rev A, Fri-PL06 Rev A, Fri-PL07 Rev A, Fri-PL08 Rev A, Fri-PL09 Rev B, Fri-PL10 Rev A, Fri-PL11 Rev A, Fri-PL12 Rev A, Fri-PL13 Rev A, Fri-PL14 Rev A, and Fri-PL20 Rev A.

5. On 5 September 2023 the Government published a revised National Planning Policy Framework (the Framework). The revised Framework was accompanied by a written ministerial statement and the only substantive revisions to it relate to national policy for onshore wind development in England, so there are no revisions relevant to this appeal and I have considered it on this basis.

Main Issue

6. The main issue is whether the proposal is consistent with policies relating to housing in the district, with regard to the built-up limits of Fringford and the scale of development in relation to its size and service provision, and its effect on the character and appearance and, thereby, rural setting of the village.

Reasons

Site, Surroundings, and Built-up Limits

7. Historic mapping in the appellant's Heritage Statement illustrates the influence of agriculture on the development of Fringford, most notably the presence of farmsteads and the growth of the village between. This includes the buildings formerly behind Laurels Farmhouse. Moreover, the village is semi-dispersed with the historic core situated along Main Street and around the substantial space of The Green, but with no through route north.
8. The semi-detached pairings of properties in Wise Crescent are partly arranged around a crescent but follow Main Street southeast past the public house and feature long narrow gardens. Beyond these, the post-war terraces, and pairs of homes north of Stratton Audley Road are arranged in a coherent linear pattern. However, the village includes numerous examples of clusters or courtyards of homes, including at The Laurels, and instances of modern cul-de-sacs beyond The Green. The architectural detailing of the homes is varied, but they are generally of two storeys with a mixed palette of materials primarily consisting of limestone and slates. Together with the grain of development this creates a mixed character in the village.
9. While the established planting of field boundaries, including those shared with homes, helps to define the countryside edge, Fringford's built form is visible from the surrounding countryside, including Public Rights of Way (PROW).
10. The site's narrow shape was formed after the construction of Wise Crescent and is therefore a biproduct of the post-war expansion of Fringford. While hedgerows to its north, northwest, and southeast provide some physical enclosure, it opens out into a large field to its south. Nevertheless, its nature and proportions mean it is fundamentally different to the extensive pattern of large, undeveloped fields and paddocks that envelope the village. Its open and undeveloped characteristics are also not generally perceptible given enclosure provided by hedges and, although they could be lowered or removed, the site's form would remain, and it would continue to be seen in the context of the houses surrounding it. Hence, it has a closer relationship with the surrounding built form than the varied pattern of fields and paddocks around the village. Not all undeveloped land surrounding Fringford falls within its built-up limits but, given these factors, the appeal site does.
11. Despite modern interventions within Fringford, the field structure surrounding it survives as a strong reminder of the contribution made by agriculture to its historic development. However, for the above reasons the site makes a limited

contribution to the wider rural setting of the village and, thereby, its character and appearance.

Scale of Development and Fringford's Size and Service Provision

12. Policy Villages 1 (PV1) of Part 1 of the Cherwell Local Plan 2011-2031³ (P1LP) states proposals for minor and infill residential development within the built-up limits of Category A (Service Villages) and Category B (Satellite Villages) will be considered. At the Hearing, the Council confirmed the P1LP does not contain a definition of what would constitute the built-up limits of a settlement. I am also not referred to a specific boundary for Fringford. Built-up limits are therefore determined on a case-by-case basis regarding characteristics of a settlement.
13. That being the case, as the Council explained at the Hearing and in its Officer Report, Policy Villages 2 (PV2) is not relevant to the appeal scheme, as it falls below the threshold of ten dwellings. Similarly, the Council accepted that Policy H18 of the 1996 Local Plan⁴ and Framework Paragraph 80 are not engaged, as the site is not isolated. Accordingly, there is no requirement for an essential need for the proposal, as the argued in the first reason for refusal.
14. Nevertheless, the scheme falls to be considered in relation to the closed list of criteria outlined in Paragraph C.262 of the supporting text to PV1. These are used to assess whether proposals constitute acceptable 'minor development' in built-up limits of Service and Satellite Villages: the size of the village and level of service provision, the site's context within the existing built environment, whether it is in keeping with the character and form of the village, its local landscape setting, and careful consideration of the appropriate scale of development. I return to address the second, third, and fourth criterion in the following section.
15. Unlike the criteria in PV2 and that in Paragraph C.255, used to categorise villages in Cherwell, criteria in C.262 do not refer to consideration of 'whether the site is well located to services and facilities' or 'accessibility (travel time and distance) of the village to an urban area by private car and public transport'. There are clearly very different approaches in Policies PV1 and PV2. This is for important reasons, as a different extent of development may be appropriate in one village to another. Moreover, at the Hearing, the Council explained it considers each settlement on its own merits, and appeal decisions to which I have been referred demonstrate the level of service provision varies greatly across the Service Villages. For example, Ambrosden has been able to accommodate a greater extent of housing based on its provision.
16. Having regard to the above, as I see it, the purpose of the criteria in C.262 cannot be to downgrade Service and Satellite Villages, as they have already been categorised through C.255. This includes Fringford, which would not have been allocated as a Service Village had its service provision not been capable of supporting some growth. Rather, the criteria are intended to establish whether the nature and extent of development would be appropriate in the context of existing provision and other identified characteristics. Moreover, Paragraph C.261 states the appropriate form of development will vary depending on the character of the village and development in the immediate locality. This aligns

³ Adopted 20 July 2015.

⁴ Adopted November 1996.

with the Framework's approach to housing in rural areas being located where it will enhance or maintain the vitality of rural communities.

17. In addition, although the latest review of the P1LP would introduce a new settlement hierarchy and downgrade Fringford to a smaller village, I afford it no material weight in the appeal, as there are likely to be unresolved objections to relevant policies.
18. The level of service provision at Fringford is not comprehensive, consisting of a primary and pre-school, public house, church, and village hall, but also a recreation ground and associated pavilion. However, this has been found to be sufficient to be categorised as a Service Village and is reasonable in the context of the size of the village and community it serves.
19. The scale of the proposal would be relatively modest in comparison to the size of Fringford and smaller than that further north in Main Street, dismissed on appeal in January 2019⁵. Although some of the day-to-day needs of its occupants would likely be met elsewhere, this is likely to be commonplace in numerous other villages in Cherwell. Moreover, for some minor development and infilling to be accommodated within built-up limits of villages such as Fringford, the criteria identified in C.262 appears to acknowledge there would need to be travel to other settlements for services and facilities. This aligns with the approach advocated by the current Framework that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The thrust of this approach has not changed from the 2012 Framework, which the P1LP would have been examined against.
20. Although the Inspector for the above appeal went on to refer to identify harm regarding travel elsewhere in Cherwell, for the above reasons, I do not share the same view that this would be a requirement of PV1. While the Inspector found similar harm in relation to PV2, that is not relevant to this appeal and neither is the availability of public transport in Fringford.
21. The appeal decisions in Service Villages⁶, for more than ten homes, are assessed in relation to PV2 so do not amount to development comparable with the appeal scheme before me. The decisions at Fewcott⁷ and Great Bourton⁸ are also not comparable, as they refer to development beyond built-up limits. Despite this, the former routinely address the effect of further housing provision to the total of 750 homes to be delivered in Service Villages.
22. At the Hearing, the Council stated its 2021 and 2022 Annual Monitoring Reports respectively record 760 and 817 permissions in such settlements, and while it accepts this is not a ceiling, the addition of six more dwellings at Fringford would add to the exceedance of this figure. However, there is no substantive evidence before me that would lead me to arrive at a different conclusion to the Inspectors at Weston-on-the-Green⁹ and Ambrosden¹⁰, that the appeal scheme would not undermine the Council's housing strategy, which seeks to direct development to Bicester and Banbury, or place any undue

⁵ Appeal Reference: APP/C3105/W/18/3204920.

⁶ Appeal References: APP/C3105/W/15/3130576, APP/C3105/W/17/3169168, APP/C3105/W/17/3188671, APP/C3105/W/17/3189420, APP/C3105/W/19/3228169, APP/C3105/W/19/3233293, APP/C3105/W/20/3255419 and APP/C3105/W/21/3278536.

⁷ Appeal Reference: APP/C3105/W/18/3209415.

⁸ Appeal Decision: APP/C3105/W/23/3314220.

⁹ Appeal Reference: APP/C3105/W/19/3233293.

¹⁰ Appeal Reference: APP/C3105/W/19/3228169.

constraint on other villages to meet any specific or identified housing needs during the relevant plan period, as these are catered for in PV1, PV2 and Policy Villages 3 of the P1LP.

Character and Appearance

23. There is agreement in the Statement of Common Ground (SoCG) that the layout of the proposal would acceptably relate to the form and pattern of development of the part of Fringford within which it is situated. To my mind, this would include The Laurels and consideration of plot sizes. In accordance with the amended drawings, the SoCG also outlines the scale, appearance, and palette of materials of the dwellings would be acceptable, as these omit the use of timber cladding within the scheme. The cladding conflicted with the Cherwell Residential Design Guide¹¹, but the proposed houses would be constructed of natural stone appropriate to local character. Furthermore, at the Hearing, the Council indicated the inclusion of hedgerow planting, interspersed with trees, would assimilate with established planting including that enclosing the site. Site landscaping could therefore be secured by planning condition.
24. I consider the Landscape & Visual Technical Note, supporting the application, to be reasonable and proportionate to the proposal and note the Council neither found issue with it, nor produced its own note to dispute its findings. The introduction of additional built form at the edge of Fringford would result in change to its character and appearance, and rural setting. However, this is an inevitable consequence of any scheme associated with undeveloped land. Furthermore, the quality of the design of the proposed development would ensure the presence of built form within the site would not be harmful in this context and it would likely be experienced from nearby PROW in a similar manner to the established grain of development in the village, particularly at The Laurels, Wise Crescent, and Stratton Audley Road. Its similarities to The Laurels are perhaps more pertinent given it would be built of similar materials and arranged in a cluster, with houses addressing the streets. The appeal scheme would therefore appear as a sympathetic expansion of the village within its built-up limits, which would also set it apart from the appeal site further north off Main Street.

Conclusions on the Main Issue

25. For the above reasons, I conclude that the proposal is consistent with policies relating to housing in the district. Moreover, it would be sited in the built-up limits of Fringford, and the scale of development would be appropriate in relation to the size of the village and the level of service provision therein. It would therefore amount to a suitable form of minor development in compliance with PV1 of the P1LP. It would also not have a harmful effect on the character and appearance of Fringford or its rural setting, and so would accord with the design aims of Saved Policies C28 and C30 of the 1996 Local Plan, the Cherwell Residential Design Guide, and P1LP Policy ESD15 and the criteria outlined in Paragraph C.262 supporting PV1. There would also not be conflict regarding any such matters with the Framework.
26. I address whether the proposal amounts to sustainable development in the context of P1LP Policy PSD1 in the overall conclusion below.

¹¹ Supplementary Planning Document, adopted on 16 July 2018.

Other Matters

Heritage

27. I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving the setting of listed buildings. I have therefore considered the effect of the proposal on the setting of the listed buildings referred to in the appellant's Heritage Statement.
28. Laurels Farmhouse¹² is a Grade II listed former farmhouse, likely of late-17th or early-18th Century origin, with 20th Century alterations. It is a fine building with traditional proportions and detailing, and constructed of vernacular materials. The property is prominent in the locality, being sited at the junction of Main Street and Fringford Road, and draws significance from its setting, including visibility in its immediate surroundings of The Green and views northwest and south along Main Street.
29. The building is immediately northwest of the appeal site, which is visible in the background of the views south along Main Street, but makes a limited contribution to its setting, which has changed significantly as the village has grown. Moreover, gradual development of housing in its context has not detrimentally affected the setting of the listed building, including at The Laurels. The proposal would therefore likely have a similar relationship to that of The Laurels and the building's setting would be preserved, which would not affect its understanding and significance.
30. The appeal property is also near to Green Farmhouse¹³, Barn Approximately 25 metres west of Green Farmhouse¹⁴, Hall Farmhouse¹⁵, and Barn Abutting to East of Hall Farmhouse¹⁶, all of which are designated as Grade II listed buildings. Due to the proximity and physical relationship of the proposal with these designated assets, their settings would be preserved, and the proposal would not detract from them.
31. The proposal would therefore not conflict with the Act, and the heritage aims of P1LP Policy ESD15 and Policy C28 of the 1996 Local Plan. As such, it would not be necessary for me to consider the heritage balance or the concept of less than substantial harm referred to in the Framework.

Living Conditions

32. Due to the proposal's layout, intervening distances achieved to neighbouring properties, and the extent of the depth of the gardens to Wise Crescent, windows in the proposed dwellings would not result in unacceptable loss of privacy to neighbouring properties or their gardens. The proposed houses would also be sufficiently distant to not appear oppressive or overbearing when viewed from within these or result in a harmful degree of overshadowing. Accordingly, there would not be an unacceptable level of harm caused to the living conditions of the occupants of neighbouring houses.

¹² List Entry Number: 1369784.

¹³ List Entry Number: 1046447.

¹⁴ List Entry Number: 1192754.

¹⁵ List Entry Number: 1192736.

¹⁶ List Entry Number: 1046446.

33. The number of houses is also unlikely to lead to harmful effects to the local community from traffic or other noise, and air pollution associated with occupation of the site. There is also no substantive evidence before me to demonstrate lighting within the site, or air source heat pumps proposed to serve the properties, would be likely to disturb neighbouring occupiers or be any more harmful than others that may already be in situ or could separately be introduced at nearby dwellings.
34. For these reasons, I conclude that the proposal would not conflict with P1LP Policy ESD15 or Policy C30 of the 1996 Local Plan regarding such matters.

Ecology

35. Interested parties have raised concerns regarding the ecological potential of the site and its surroundings, but there is no substantive evidence before me that would lead me to doubt the conclusions or the suitability of the mitigation and enhancement strategy contained within the appellant's Ecological Impact Assessment, including for bats and birds. However, the use of a Construction Environmental Management Plan would be necessary to ensure construction works do not harm ecology and biodiversity of the site. The proposal would therefore accord with the aims of P1LP Policy ESD10 and the requirements of the Framework regarding their protection.

Highway Safety

36. I acknowledge concerns raised by interested parties regarding the access and possible parking associated with the proposal, including the relationship with the bend in the road at the site's northern corner and the proximity to the school. Subject to conditions the Council nor Highway Authority object on such grounds and there is no firm evidence before me to justify a different conclusion, as there would be sufficient space for vehicles to park within the site, clear of the highway. Nonetheless, in the interests of the living conditions of the occupiers of existing residents, it would be reasonable to minimise the proposal's effect through a Construction Environment and Traffic Management Plan, including to contractors parking and restricting deliveries.

Flood Risk and Drainage

37. The site is at low risk of flooding and surface and foul drainage are addressed in the appellant's Drainage Strategy. Subject to its recommendations, there is no convincing evidence before me to demonstrate the proposal would add to any problems identified with surface water flooding, highway drainage, or foul sewerage infrastructure in the village. In particular, surface water would be attenuated to be as close to the existing greenfield runoff rate as possible and the strategy can be controlled by a suitably worded planning condition.

Infrastructure and Utilities

38. Concerns have been raised that the local school would be unable to cope with additional development. However, there is no compelling argument that the relatively small-scale nature of the proposed development would directly affect the capacity of the school. Similarly, although reference has been made to the frequency of power cuts and water pressure issues, there is no substantive evidence before me that adequate electricity and water supplies could not be provided. There is also no firm evidence that the proposal would detrimentally effect internet or electricity provision to existing residents of Fringford or

whether there are plans for alternative or upgraded provision to be made. Consideration of obligations of the appellant or operators and providers is therefore not a matter for my consideration and resisting the development on such grounds would not be justified.

Housing Mix

39. I understand there may be properties unsold in the village and concerns are raised regarding existing provision of large homes and the lack of smaller ones. Despite this, the SoCG confirms the proposal would contribute to addressing a great need for three-bedroom homes in Cherwell. I therefore have no reason to doubt it would accord with P1LP Policy BSC4.

Agricultural Land

40. The proposal would result in the development of agricultural land. However, the appellant's Agricultural Land Classification Map confirms the site to be Grade 4 agricultural land. As this does not comprise best and most versatile (BMV) land, the development would not conflict with local or national policies regarding the loss of BMV land.

Precedent

41. I have considered the argument that granting planning permission would set a precedent for other similar developments in Fringford, but I have not been referred to any directly comparable sites to which this might apply, and each proposal must be determined on its individual merits. A generalised concern of this nature does not, therefore, justify withholding permission in this instance.

Conditions

42. I have considered the agreed list of conditions provided by the main parties and, where appropriate, amended the order and wording for clarity.
43. In the interests of the character and appearance of the area, the development shall be carried out in accordance with the approved plans, and details of the materials of construction and hard and soft landscaping are necessary before any work above slab level is completed.
44. In the interests of highway safety and effects to the network and environment, pre-commencement conditions are required to secure details of the highway specification for access, driveways and turning areas, and separate transport and environmental management plans for the construction phase of development. For similar reasons, a separate condition is also necessary to ensure details of any public footpaths are provided before their first use.
45. Further such conditions are also necessary to secure the submission of an archaeological written scheme of investigation and the subsequent evaluation and recording to safeguard the identification, recording, analysis and archiving of archaeological deposits.
46. The planning condition relevant to the removal of the appellant's permitted development rights is relevant to planning and to the development permitted, as the site is situated within a sensitive edge of village location close to Laurels Farmhouse. In the interests of human health, a condition for unsuspected contamination is necessary to ensure it is appropriately mitigated.

47. Additional conditions are also necessary, in the interests of preventing flooding and securing mitigation and enhancement of biodiversity, to ensure development proceeds in accordance with submitted Drainage Strategy and Ecological Impact Assessment.

Conclusion

48. The appeal scheme would accord with the development plan, when considered as a whole, and there are no other material considerations, including the provisions of the Framework, that indicate it should be determined other than in accordance with the development plan. Accordingly, the Council's Housing Land Supply position would not be determinative to this appeal, and it would not be necessary for me to decide regarding the evidence before me from either of the main parties. Furthermore, given my findings on the main issue and other matters, the proposal would also amount to sustainable development in the context of P1LP Policy PSD1. For the reasons given, I conclude that the appeal should be allowed.

Paul Thompson

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Tim Northey	BA Hons MRTPI, Planning Expert
Ben Pycroft	BA Hons Dip TP MRTPI – Housing Land Supply Expert
Chris Jenkinson	BA (Hons) Dip LA CMLI – Landscape Expert

FOR THE LOCAL PLANNING AUTHORITY

Imogen Hopkin	MRTPI, Senior Planning Officer
Nathanael Stock	MRTPI, Development Management Team Leader
Jon Goodall	MRTPI, Director at DLP Planning Limited

OTHER INTERESTED PARTIES

Ginny Hope	Chair, Fringford Parish Council
Nikki Powell	
Geoff Vernon	

DOCUMENTS HANDED UP AT THE HEARING

- Hard copies of P1LP Policies BSC1, BSC2, BSC10, BSC11, BSC12, ESD1, ESD7, ESD10, ESD13 and INF1 referred to in the Council's Evidence.

DOCUMENTS RECEIVED FOLLOWING THE CLOSE OF THE HEARING

- A list of updated planning conditions
- 'Proof of Evidence on Five Year Supply of Housing' and 'Rebuttal Proof of Evidence on the Five-Year Supply of Housing (Disputed Supply)' by Jon Goodall for Appeal Reference: APP/C3105/W/23/3315849, as referred to by the Council at the Hearing.
- Copies of the appeal decisions referred to in the evidence of both parties and summaries of their relevance to the appeal.

SCHEDULE OF CONDITIONS

- 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the drawings numbered: Fri-PL01, Fri-PL02 Rev F, Fri-PL03, Fri-PL04, Fri-PL05 Rev A, Fri-PL06 Rev A, Fri-PL07 Rev A, Fri-PL08 Rev A, Fri-PL09 Rev B, Fri-PL10 Rev A, Fri-PL11 Rev A, Fri-PL12 Rev A, Fri-PL13 Rev A, Fri-PL14 Rev A, and Fri-PL20 Rev A.
- 3) No development shall take place (including demolition, ground works, vegetation clearance) unless and until, a Construction Environment and Traffic Management Plan (CETMP) has been submitted to and approved in writing by the local planning authority. The CETMP shall be appropriately titled, include the site and planning permission number, and include the following:
 - a) a commitment to construction traffic and deliveries only arriving at or leaving the site outside local network peak and school peak traffic periods.
 - b) Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards or requirements. This includes means of access into the site.
 - c) Details of and approval of any road closures needed during construction.
 - d) Details of and approval of any traffic management needed during construction.
 - e) Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
 - f) Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
 - g) The erection and maintenance of security hoarding / scaffolding if required.

- h) A regime to inspect and maintain all signing, barriers etc.
- i) Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- j) The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- k) 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.
- l) Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- m) 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.
- n) Details of how local residents are 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.
- o) Any temporary access arrangements to be agreed with and approved by Highways Depot.
- p) Details of the measures to be taken to ensure construction works do not adversely affect residential properties adjacent or surrounding the site.

Thereafter, the approved CETMP shall be implemented and operated in accordance with the approved details.

- 4) No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include as a minimum:
 - a) Risk assessment of potentially damaging construction activities;
 - b) Identification of 'Biodiversity Protection Zones';
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 5) No development shall take place (including demolition, ground works, vegetation clearance) unless and until a professional archaeological organisation, acceptable to the local planning authority, shall have prepared an Archaeological Written Scheme of Investigation (WSI), relating to the

application site area, which shall be submitted to and approved in writing by the local planning authority.

- 6) Following the approval of the WSI referred to in condition 5, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed WSI), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved WSI. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the local planning authority within two years of the completion of the archaeological fieldwork.
- 7) No development shall commence unless and until full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing, lighting and drainage, have been submitted to and approved in writing by the local planning authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.
- 8) Notwithstanding the details provided on drawing number FRI-PL21 Rev A, no development shall commence above slab level unless and until a stone sample panel (minimum 1m² in size and using lime based mortar with brushed or rubbed joints) has been constructed on site in natural stone; and a slate sample or full specification of the natural slate to be used, and full details of doors and windows at a scale of 1:20, including a cross section, cill, lintel, recess, colour and finish, have been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details and the external walls of the development shall not be laid, dressed, coursed and pointed other than in accordance with the approved stone sample panel and the development shall be retained as such thereafter.
- 9) No development shall commence above slab level unless and until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme for landscaping the site shall include:
 - a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded / turfed areas;
 - b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation;
 - c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

The development shall not be carried out other than in accordance with the approved scheme. The hard landscape elements shall be implemented in

accordance with the approved details prior to first occupation of development and shall be retained as such thereafter.

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.

- 10) Prior to the first use of any new public footpath, the new footpath shall be formed, constructed, surfaced, laid, marked out, drained and completed in accordance with specification details which shall be firstly submitted to and approved in writing by the local planning authority.
- 11) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the mitigation and enhancement strategy contained in Section 6.2 of the Ecological Impact Assessment (dated November 2022).
- 12) Except where otherwise stipulated by conditions attached to this permission, the foul and surface water drainage for the development hereby permitted shall be carried out strictly in accordance with the details contained in the Drainage Strategy (dated 1 December 2022).
- 13) Any contamination that is found during construction of the approved development, not previously identified, shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 14) 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 labelled as Plot 6 shall not be extended under Classes A, B, C or D, nor shall the approved dwellings labelled as Plots 2, 4 and 5 be extended under Class A, nor shall any structures be erected within the curtilage of any of the dwellings under Class E, without the grant of further specific planning permission from the local planning authority.

END OF SCHEDULE