

Case Officer: Bob Neville

Recommendation: Approve

Applicant: Nigel Morris and Carole Morris

Proposal: Creation of single dwellinghouse through conversion and partial re-building of existing barn with parking, amenity space, landscaping and associated works in replacement of dwellinghouse permitted under 18/01094/Q56

Expiry Date: 2 June 2020

Extension of Time:

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located in an agricultural field some 0.9km to the north of the villages of Sibford Gower and Burdrop. The application site accommodates two agricultural buildings set around what appears to have previously been an enclosed farmyard area with 2no further agricultural portal frame buildings adjacent, and with open countryside surrounding.
- 1.2. The two barns subject of this application are identified within the application as 'Buildings 1 and 2'. Building 1 is a brick-built barn with large full height timber doors again under a fibre cement roof. Building 2 is a single storey stone and concrete blockwork open sided barn under a dual corrugated fibre cement roof. Access to the site is taken directly from the adjacent B4035 via an existing gated access.
- 1.3. In terms of site constraints, the site is not within a conservation area and there are no heritage assets within the vicinity of the site. A Public Right of Way (ref. Footpath 348/12/10) wraps around the southern boundary of the site continuing across land to the west of the site. The site is within an area known to be affected by Radon Gas.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks planning permission for the creation of single dwellinghouse through conversion and partial re-building of existing barns with parking, amenity space, landscaping and associated works.
- 2.2. The application comes following the granting of prior approval 18/01094/Q56 in 2018 for the change of use of agricultural buildings to a dwellinghouse and associated building operations under Schedule 2, Part 3, Classes Q (a) and (b) of The Town and Country Planning (General Permitted Development) (England) Order 2015. The current proposals are put forward as an alternative form of development to the approved Class Q scheme.

3. RELEVANT PLANNING HISTORY

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

Application: 18/01094/Q56	Application	15 August 2018
	Permitted	

Change of Use of agricultural buildings to a dwellinghouse and associated building operations

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site and by advertisement in the local newspaper. The final date for comments was **16 May 2020**.
- 5.2. No comments have been raised by third parties

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. SIBFORD GOWER PARISH COUNCIL: **No objections.**

OTHER CONSULTEES

- 6.3. LOCAL HIGHWAYS AUTHORITY: **No objections subject to conditions**, in relation to visibility, parking and manoeuvring and cycle parking
- 6.4. BUILDING CONTROL: **No objections.** Development would require a separate building regulations application.
- 6.5. ENVIRONMENTAL PROTECTION: **No objections** subject to a condition in relation to potential unsuspected land contamination.
- 6.6. OPEN SPACES SOCIETY: No comments received.
- 6.7. RAMBLERS ASSOCIATION: No comments received.
- 6.8. RIGHTS OF WAY OFFICER (OCC): **No objections.**

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- Villages 1: Village Categorisation
- BSC2: The Effective and Efficient Use of Land
- BSC4: Housing Mix

- ESD1: Mitigating and Adapting to Climate Change
- ESD3: Sustainable Construction
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the built and historic environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- H17: Replacement dwellings
- H18: New dwellings in the countryside
- H19: Conversion of buildings in the countryside

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

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

Principle of development:

- 8.2. The National Planning Policy Framework (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.
- 8.3. The general thrust of the NPPF is one of supporting the achievement of sustainable development through the planning system; recognising the need to secure gains in the overarching objectives (economic, social and environmental). In respect of new residential development there is a requirement for the provision of new housing of the right type in the right location at the right time, and that development should also contribute to protecting and enhancing our natural, built and historic environment, as well as fostering a well-designed and safe built environment (Para. 8).
- 8.4. Policy PSD1 contained within the CLP 2031 echoes the NPPF's requirements for 'sustainable development', and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.

- 8.5. Cherwell District Council can demonstrate a 4.6-year supply of deliverable housing sites (i.e. less than the 5-year supply required in the NPPF). Notwithstanding this, the Written Ministerial Statement of 12th September 2018 provides for a 'temporary change to housing land supply policies as they apply in Oxfordshire'. Until the adoption of the Joint Statutory Spatial Plan, the Oxfordshire Authorities are required to demonstrate a 3-year supply of deliverable housing sites (as well as meeting their requirements in respect of the Housing Delivery Test).
- 8.6. As such, policies for determining the application are only to be considered out of date (in accordance with paragraph 11d – footnote 7 of the NPPF) where a 3-year supply of deliverable sites cannot be demonstrated. A 3-year supply can be demonstrated in this case and so the presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.
- 8.7. Policy ESD1 of the CLP 2031 states that measures will be taken to mitigate the impact of development within the District on climate change. This will include: distributing growth to the most sustainable locations as defined by Policy Villages 1 and delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 8.8. The development proposals contain elements of both conversion and new build, and several saved policies of the CLP 1996 are considered relevant in consideration of the proposals (and to which various Planning Inspectors have given full weight).
- 8.9. Saved Policy H19 of the CLP 1996 indicates that proposals for the conversion of a rural building whose form, bulk and general design is in keeping with its surroundings to a dwelling in a location beyond the built-up limits of a settlement will be favourably considered provided:
 - The building can be converted without major rebuilding or extension and without inappropriate alteration to its form and character;
 - The proposal would not cause significant harm to the character of the countryside or the immediate setting of the building;
 - The proposal would not harm the special character and interest of a building of architectural or historic significance;
 - The proposal meets the requirements of the other policies in the plan.
- 8.10. The proposals would comprise of conversion of one existing building (Building 1) without major rebuilding or inappropriate alteration to its form and character; however, the proposals also include the demolition and rebuild of the second building (Building 2). Whilst this building would be rebuilt in a similar form and of a similar scale the fact the development requires the complete demolition and rebuild on a slightly revised footprint demonstrates conflict with the first criterion of saved Policy H19.
- 8.11. Given that a significant proportion of the proposals comprises new build, and the site lies beyond the built limits of the nearest settlement, the proposal also stands to be assessed against Saved Policy H18 of the CLP 1996 (New dwellings in the countryside). This policy sets out that a new dwelling in the open countryside will only be granted planning permission where it is demonstrated to be essential for agriculture or another existing undertaking or where it meets the criteria for the provision of affordable housing and in either case where it does not conflict with any other policy in the development plan.
- 8.12. No case has been made for consideration as a rural exception site for affordable housing or for an essential need and officers consider it extremely unlikely that such a case could be made.

- 8.13. Therefore, the proposals conflict with saved Policies H18 and H19 of the 1996 Local Plan.
- 8.14. However, the applicants put forward a fall-back position of being able to develop the site for a single dwelling under permitted development afforded by Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), with the principle of such previously being considered acceptable with the granting 18/01094/Q56.
- 8.15. Planning case law has established that where there is a realistic prospect of a prior approval scheme being implemented the fallback position is an important material consideration that carries significant weight for the purpose of the decision. The permission for the development as proposed under 18/01094/Q56 is extant and could be implemented and therefore is a significant material consideration in assessing the acceptability of the current proposals.
- 8.16. The current proposal is of very similar scale to the Class Q approval and both schemes would result in single, two-bedroom dwelling, and as such are likely to result in similar environmental impacts, including the potential of vehicular movements to and from the site in what is considered a relatively unsustainable location.
- 8.17. Saved Policy H17 of the CLP 1996 supports the one-for-one replacement of dwellings, subject to certain criteria. Part (ii) of the policy requires that the proposed replacement is “*similar in scale and within the same curtilage*”. While Saved Policy H17 is not strictly relevant to the current proposal, this wording is a useful guide as to the strength of the fallback position. Given there is the extant permission on the site for a dwelling and the development proposed in this application would be similar in scale appearance and siting and within the same site, officers consider that the principle of residential development in this location finds support under saved Policy H17 in general sustainability terms.
- 8.18. In addition, the proposed scheme is considered to offer a better standard of development than that likely to be possible under the Class Q scheme; with greater control over building style and also allowing for appropriate landscaping of the site to the benefit of the amenities of the site and its wider landscape setting.
- 8.19. On balance, considering the above and having regard to the fall-back position of the prior approval consent 18/01094/Q56, the principle of development is considered acceptable in general sustainability terms subject to the further considerations discussed below.

Design, and impact on the character of the area:

- 8.20. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.21. These aims are echoed within Policy ESD15 of the CLP 2031 which looks to promote and support development of a high standard which contributes positively to an area’s character and identity by creating or reinforcing local distinctiveness.
- 8.22. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development.
- 8.23. Policy ESD13 of the CLP 2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be

inconsistent with local character, or impact on areas judged to have a high level of tranquillity.

- 8.24. The site is located in open countryside and is visible from both the adjacent highway and PRoW which run along the boundary of the site. The existing group of 4no agricultural buildings includes both more modern portal framed buildings and the brick and blockwork building subject of this application.
- 8.25. The conversion of Building 1 is proposed to be achieved with minimal intervention to existing wall structures for new openings, with the main source of light into the building through the glazing of the existing main openings in the building. The existing fibre cement roof would be replaced by a profiled sheet metal roof (slate blue).
- 8.26. Building 2 (a blockwork structure) would be totally demolished and rebuilt to a similar scale and form albeit re-sited to provide a more linear alignment to building 1; and utilising natural stone for the external road facing wall and again replacing the existing fibre cement roof by a profiled sheet metal roof (slate blue). The internal facing elevation of the proposed building would be largely glazed, reflecting the open-front character of the existing barn.
- 8.27. A proposed 1.5m high boundary wall is proposed along the southern boundary of the site in place of existing gate and stone wall. This again is to be externally faced in natural stone, sympathetic to the rural context in which it sits, and subject to appropriate construction (details secured by condition) would not appear out of place in the rural context.
- 8.28. Overall the proposed conversion and rebuild of the existing buildings is considered to be of an appropriate design that would not harm the special character and interest of the site. The proposals would not extend the built form into the open country side to any greater extent than the existing built form, or that which could be achieved through the implementation of permission 18/01094/Q56. The proposals are also considered to be of a more sympathetic design than that which could be implemented through the extant permission.
- 8.29. The proposed site layout plan indicates additional landscaping, which would to some extents serve to soften the appearance of the building to views from the adjacent highway. Whilst details are limited at this stage it is considered that further specific landscaping details could (and should) be secured by way of an appropriate condition, to ensure the satisfactory appearance of the development in this rural location.
- 8.30. On balance, subject to approval of an appropriate palette of external construction and finish materials, including windows and doors, it is considered that the proposal would respect the rural context and would not have a detrimental impact on the character and appearance of the buildings and their immediate setting and in some respects would visually enhance the site through the removal of the blockwork structure adjacent the highway with additional landscaping. The proposals are therefore considered acceptable in terms of visual amenity.

Residential amenity:

- 8.31. Para. 180 of the NPPF advises of the need Planning policies and 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.
- 8.32. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: 'new development proposals should consider amenity of both existing and future development,

including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space’.

- 8.33. The site is in a relatively remote location, with no neighbours in close proximity, and would not result in any significant impacts on the amenity of any residential properties.
- 8.34. The proposed dwelling allows for appropriate levels of internal and outdoor amenity space that would offer a good standard of living to potential occupants of the proposed development; and therefore, is considered acceptable in this regard.

Highway safety:

- 8.35. The NPPF (Para. 108) advises that in assessing specific applications for development, it should be ensured that:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users; and
 - any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.36. Both Policies ESD15 and SLE4 of the CLP 2031 reflect the provisions and aims of the NPPF. Policy ESD15 of the CLP 2031 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions”*; whilst Policy SLE4 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported”*.
- 8.37. The LHA has assessed the proposal and raises no objections subject to conditions in relation to visibility, parking and manoeuvring and cycle storage.
- 8.38. Officers consider that appropriate parking and manoeuvring and cycle storage could be achieved within site and it would be reasonable and appropriate to secure such details by way of conditions; in the interests of an acceptable form of development and in promoting more sustainable forms of transport.
- 8.39. With regards to the visibility at the access to the site the LHA officer, whilst not objecting, has advised the visibility splays of 215m should be demonstrated to the north and south at the access to the site. Given the geometry of the adjacent road network it is unlikely that such visibility could physically be achieved.
- 8.40. The proposals utilise an existing access serving the four agricultural buildings and surrounding land. It is considered that the introduction of a single residential dwelling (removing the agricultural use of two of the buildings at the site) would not result in significant increase in vehicle movements to and from site.
- 8.41. The proposals assessed within this application raise no further highway safety issues that those that were considered during the assessment of 18/01094/Q56, during which no concerns were raised in respect highway safety by the LHA; and this permission could be implemented without a further consent being required.
- 8.42. Given the above it is considered that it would be unreasonable and unnecessary to apply such a condition (in relation to visibility splays), that potentially could not be complied with, given that a similar development with the same impacts on the local road network could be achieved through the implementation of the development permitted under 18/01094/Q56.

- 8.43. Paragraph 110(e) of the NPPF states that development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. These aims are echoed within Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the CLP 2031, which look to maximise opportunities for sustainable transport modes. Whilst no consideration appears to have been given with regards to the future need for Electrical Vehicle (EV) charging at the site, it is considered that appropriate infrastructure details could be secured through an appropriate condition; to ensure that potential future needs could be met and to comply with both local and national policy requirements.
- 8.44. Given the above officers consider that the proposals are unlikely to result in any significant impacts on the safety and convenience of highway users above the current situation or that if permission 18/01094/Q56 were to be implemented, and that the proposals are therefore considered acceptable in terms of highway safety.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. While the proposals would conflict with saved Policies H18 and H19, the broad principle of development is considered acceptable on the basis that the dwelling would result in the same quantum of development that could be achieved through the implementation of permission 18/01094/Q56 and be on a similar footprint as the prior approval scheme.
- 9.3. The proposals would not impact on the amenity of any neighbouring properties and are acceptable in terms of highway safety. It is considered that the proposals would not detrimentally impact on the visual amenities of the site, sustaining its setting within the immediate area and not significantly intrude into the open countryside.
- 9.4. The proposals are therefore considered to result in sustainable development and the application is recommended for approval as set out below.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents: JPPC Planning Statement dated 26th March 2020 and drawings labelled: Site Location Plan 19_015_002; Proposed Block Plan 19_015_102A; Proposed Floor Plan 19_015_103B and Proposed Elevations 19_015_104B.

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

3. Prior to the commencement of the development hereby approved above slab level, a detailed schedule of materials and finishes for the external walls and roof

of the development hereby approved shall be 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 schedule and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and in the interests of the character of the area 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.

4. Prior to the construction of Building 2 hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural ironstone and shall be inspected and approved in writing by the Local Planning Authority. The external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and the development shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and in the interests of the character of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the construction of southern boundary wall hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural ironstone and shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the southern boundary wall shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and the development shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and in the interests of the character of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the installation of any new doors, windows or rooflights within the development hereby approved, full details of the doors, windows and rooflights 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 shall be installed within the building in full accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and in the interests of the character of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Notwithstanding the details submitted, prior to the commencement of the development hereby approved above slab level full specification details (including construction, layout, surface finish and drainage) of the turning area which shall be provided within the curtilage of the site so that motor vehicles may enter, turn around and leave in a forward direction, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the turning area shall be constructed in accordance with the approved details and shall be retained for the manoeuvring of motor vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking [and turning/loading/unloading] 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.

8. 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.

9. No development shall commence above slab level until a scheme for a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the dwelling has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling.

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

10. Prior to the commencement of the development hereby approved above slab level, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

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

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

- (c) details of the hard surface areas, including pavements, pedestrian areas,

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

Reason: In the interests of the character and appearance 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.

11. 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 character and appearance 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.

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

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

Planning Notes:

1. 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.
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. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore, all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
4. 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.
5. No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes

place. Reason: To ensure the public right of way remains available and convenient for public use.

6. No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team or necessary legal process. Reason: To ensure the public right of way remains available and convenient for public use.
7. No construction / demolition vehicle access may be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants or their contractors to put right / make good to a standard required by the Countryside Access Team. Reason: To ensure the public right of way remains available and convenient for public use.
8. No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior permission and appropriate safety and surfacing measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants, their contractors, or the occupier to put right / make good to a standard required by the Countryside Access Team. Reason: To ensure the public right of way remains available and convenient for public use

Case Officer: Bob Neville

DATE: 02/06/2020

Checked By: Nathanael Stock

DATE: 02.06.2020
