

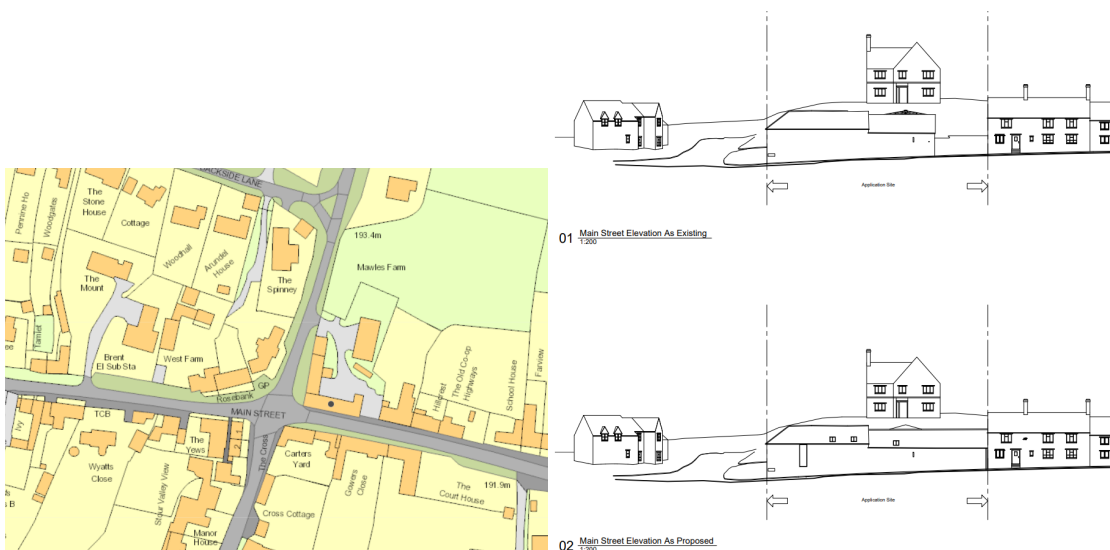
Case Officer: Gavin Forrest

Recommendation: Approve

Applicant: Mr Harry Blackwell

Proposal: Variation of condition 2 (plans) of 20/02545/F - substitute the revised drawings, with minor material amendments to the consented scheme. The changes relate to adapting the internal layout of the main barns. Additionally, the site works and landscape have been altered to take account of a prior approval permission to demolish a small, freestanding brick building under permitted development rights (not actioned yet).

Expiry Date: 5 November 2021



1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a farm located within the village of Sibford Gower on the edge of the historic village core. The site sits on a crossroads within the village with the site bounded by Pound Lane to the west and Main Street to the south. The site benefits from an existing gated access of Pound Lane. The site comprises of a range of stone/brick barns, some smaller outbuildings, a steel pole barn and an area of land associated with the residential curtilage of the farmhouse (including disused swimming pool), now separated off from the farm site. The site sits adjacent residential properties within the village and land levels rise to the north opening out onto open countryside.
- 1.2. In terms of site constraints, the site sits within the Sibford Gower Conservation Area and the stone barns which sit adjacent the highways are identified as non-designated heritage assets. There are several grade II listed buildings within the vicinity of the site, within Carters Yard and Gowers Close sitting opposite the site south of Main Street. There are records of protected and notable species being present with the vicinity of the site, including Swifts nesting at the site. The site is partially within a buffer zone surrounding an area of potentially contaminated land and within an area known to be affected by Radon Gas and naturally occurring elevated levels of Arsenic, as seen across much of the district.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks minor amendments to the previously approved scheme, 20/02545/F - Variation of condition 2 (plans) of 20/02545/F - substitute the revised drawings, with minor material amendments to the consented scheme. The changes relate to adapting the internal layout of the main barns. Additionally, the site works and landscape have been altered to take account of a prior approval permission to demolish a small, freestanding brick building under permitted development rights (not actioned yet).
- 2.2. The original planning permission was for the conversion of existing barns to create 1no. 6-bedroom new dwelling, demolition of existing steel barn and erection of replacement ancillary outbuilding; with associated access from Pound Lane, parking and manoeuvring area and landscaping.

3. RELEVANT PLANNING HISTORY

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

Application: CHN.CA.49/94 Permitted 4 March 1994

Proposed demolition of existing dilapidated building

Application: 96/01093/F Permitted 19 August 1996

Below ground swimming pool in existing garden. Permitted.

Application: 96/00904/F Permitted 4 October 1996

Replace existing outbuildings for housing of livestock and storage. Permitted

Application: 96/01167/CAC Permitted 4 October 1996

Demolish and replace existing outbuildings for housing of livestock and storage.

Application: 19/02700/F Refused 3 April 2020

Conversion of existing stone/brick barns to 1no dwelling and conversion of existing steel pole barn to 1no dwelling. Associated works including landscaping and new access

- 3.2. Application 19/02700/F refused on the following grounds:

1. *By virtue of its siting, scale, design and materials, the proposed development, in particular the proposed new dwelling on the site of the existing pole barn, would fail to sustain or contribute positively to the site's character, or reinforce local distinctiveness by respecting the special architectural or historic interest of the site as a non-designated heritage asset, and would also result in harm to the character and appearance of the Sibford Gower Conservation Area. This harm, which would be less than substantial, significantly and demonstrably outweighs the proposal's benefits.*
2. *The proposal would result in the loss of a significant section of boundary wall feature, which is an important feature within the Sibford Gower Conservation Area and which positively contributes to the setting of adjacent listed buildings, and as such should be retained. The proposal would thereby fail to preserve or enhance the character or appearance of the Sibford Gower Conservation Area, and would result in harm to the significance of the listed buildings of Carters Yard and Gowers Close through change to their setting. The harm to these heritage assets, which would be less than substantial, would not be outweighed by any public benefits.*

3. *By virtue of a lack of appropriate ecological information within the application the applicants have failed to demonstrate that the proposals would not detrimentally impact on protected species and their habitat, to conclude that protected species would not be unacceptably harmed by the proposed development. Further, that it has not been demonstrated that proposals would provide a nett gain in biodiversity at the site.*

Application:20/02545/F

Permitted

24 November 2020

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, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **16 August 2021**.
- 5.2. There have been no letters of representation received regarding this Planning application.

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.
- 6.2. Sibford Gower Parish Council: No objections/No comments
- 6.3. CDC Conservation: Observations, but no objection
- 6.4. CDC Landscape Services: No objections/No comments
- 6.5. CDC Ecology: No objection/No comments

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 2015)

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- Villages 1: Village Categorisation
- ESD 1: Mitigating and Adapting to Climate Change
- ESD 3: Sustainable Construction
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment

- ESD 13: Local Landscape Protection and Enhancement
- ESD 15: The Character of the built and historic environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C23: Retention of features contributing to character or appearance of a conservation area
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- H21: Conversion of buildings within settlements
- ENV1: Development likely to cause detrimental levels of pollution
- ENV12: Development on contaminated land

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Sibford Ferris, Sibford Gower and Burdrop Conservation Area Appraisal 2012 (CAA)
- Cherwell Residential Design Guide (2018) (CRDG)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)

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; including the impact on Heritage Assets
- Residential amenity
- Highway safety
- Ecology and Biodiversity

Principle of development:

- 8.1. The NPPF's key objective is to support 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). These aims are echoed within the policies of the CLP 2015 which looks to support sustainable development.
- 8.2. Policy PSD1 contained within the CLP 2015 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.
- 8.3. Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C). Sibford Gower is recognised as a Category A village, considered to be one of the most sustainable villages within the district given its services and facilities. Within category A villages new residential development will be considered for the conversion of non-residential buildings, infilling and minor development within the built-up area of the settlement.

- 8.4. Saved Policy H21 of the CLP 1996 further indicates policy support for the conversion of suitable buildings to residential use within settlements, subject to the conversion not being detrimental to the special character and interest of a building of architectural and historic significance; and further that in all instances proposals will be subject to the other policies in the Development Plan.
- 8.5. As noted above the site is located within a Category A settlement, where new residential development within the built form of the village will be acceptable in principle.
- 8.6. The existing stone/brick-built barns have previously been considered capable of conversion and in this respect the principle of their conversion is supported by saved Policy H21 of the CLP 1996. The principle of development therefore remains acceptable in general sustainability terms with overall acceptability subject to further considerations discussed below.

Design, and impact on the character of the area; including the impact on Heritage Assets:

- 8.7. 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. These aims are also 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.
- 8.8. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Further, saved Policy C30 of CLP 1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 8.9. Policy ESD 13 of the CLP 2015 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. Further that development that causes harm or visual intrusion into the open countryside would not be supported.
- 8.10. Whilst the site does not contain any listed buildings it is within the Sibford Ferris, Sibford Gower and Burdrop Conservation Area, which was designated as such in 1985, and is considered to be of local importance and significance contributing to the edge of village setting and surrounding conservation area. Conservation areas are designated by the Council under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990; with the aim being to manage new development within such areas to ensure that the character or appearance of the Conservation Area, and the special architectural or historic interest which it may possess, is preserved and where possible enhanced.
- 8.11. Further, 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'*. The emphasis being on ensuring that the historic and architectural significance of the Heritage Asset is not harmed. Therefore, significant weight must be given to these matters in the assessment of any such planning application.
- 8.12. The general settlement pattern and character of Sibford Gower is described within the Sibfords and Burdrop Conservation Area Appraisal (CAA). The stone barns within the site, and the contribution they make to the surrounding area, and in particular the street-scene, are noted within the Sibfords and Burdrop Conservation Area Appraisal (CAA); the buildings are considered non-designated heritage assets.

The CAA notes the character of the immediate area of the site particularly referencing the contribution of the barns and boundaries at Mawles Farm, stating: *'The crossroads is very tightly defined with a strong building line to the north west and Mawles Farm/ Carters Yard abutting the highway'*.

- 8.13. The site is in a highly prominent location, sitting on the crossroads of the village and, within the Conservation Area and boundaries of Mawles Farm, contains significant features which positively contribute to the overall character and appearance of the conservation area and street-scene setting. Whilst there has been further development since the original appraisal document was produced, it is considered that the general character of the village has been retained in this location, and this is reflected in the latest CAA document produced in 2012.
- 8.14. The general principle of the conversion of the stone barns has previously been supported on the basis that it would not detrimentally impact on the visual amenities of the site and would potentially provide some visual enhancement through the active re-use of the buildings. There has been no change in policy or site circumstance since the original approval.
- 8.15. The proposals include minimal intervention to the internal fabric of the building. It is not considered that this would have any significant detrimental impacts on the character of the area or setting of Heritage Assets.
- 8.16. The original proposals include the removal of an existing steel frame barn and replacement with a single storey ancillary outbuilding to provide covered parking and ancillary storage space. It is considered, and has previously been considered, that there is no architectural merit to the steel frame barn, and that it is somewhat incongruous in appearance in the context of the rest of the site. It is a more modern, transient building and not part of the more historic context of the working farm, and its removal is not considered to be the detriment of the character or appearance of the site. The replacement building would be externally faced in materials to match those in use within the wider site and is a scale and design that is considered sympathetic to the context in which it sits.
- 8.17. Overall, therefore, it is considered that the development would be sympathetic to its context, would not adversely affect the character and appearance of the area, would preserve the character and appearance of the Conservation Area and the significance of listed buildings in the vicinity. The proposals therefore accord with Policy ESD15 of the CLP 2015 and the relevant paragraphs of the NPPF.

Residential amenity:

- 8.18. Paragraph 127 of the NPPF advises that planning should always seek to secure high quality design *that 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'*. Para. 180 of the NPPF states that 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.
- 8.19. 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 2015 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'*.

8.20. The proposed internal alterations are not considered to have a detrimental impact on the residential amenity currently afforded to the existing properties, or more so than was previously considered at the original application stage.

Highway safety:

8.21. 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.*

8.22. Both Policies ESD15 and SLE4 of the CLP 2015 reflect the provisions and aims of the NPPF. Policy ESD15 of the CLP 2015 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions”*; 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”*.

8.23. The LHA had assessed the proposals and raises no objections previously, subject to conditions ensuring that the parking layout shown on the submitted plans is implemented and maintained going forward. The proposed amendments will not have any impact on the highway safety of the area.

8.24. The proposals would utilise an existing access off Pound Lane previously used when the farm was in active use. The use as a single dwelling unit is unlikely to result in any significant increase vehicular movements above that which may have been experienced when the farm was in active use; a use that could potentially be reinstated without further planning permission being required.

8.25. The proposals are considered to provide an appropriate level of on-site parking provision for the level of accommodation proposed (one large dwelling) and would provide for sufficient manoeuvring space that would allow vehicles to enter and leave the site in a forward manner.

8.26. 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 2015, which seek 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 should be secured through an appropriate condition as per the original application 20/02545/F; to ensure that potential future needs could be met and to comply with both local and national policy requirements.

8.27. Subject to the LHA's requirements being secured by way of appropriate conditions it is considered that the proposals would not detrimentally affect the safety and convenience of highway users or result in any significant impacts of the highway network. The proposals are therefore considered acceptable in highway safety terms and thus compliant with the local plan policies named above.

Ecology and Biodiversity:

- 8.28. The NPPF (Conserving and enhancing the natural environment) requires that planning decisions should protect and enhance valued landscapes, recognising the intrinsic character and beauty of the countryside and further minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; contributing to the Government's commitment to halt the overall decline in biodiversity (Para 170); these aims are echoed in Policy ESD10 of the CLP 2015.
- 8.29. In respect to the application site, there is some ecological potential given the rural location and the historic farm buildings on the site. However, it is, and was previously considered that given its scale and nature the proposed development would not result in any significant impacts on any noteworthy features of ecological or biodiversity value outside of the site.
- 8.30. The original application was supported by a Preliminary Ecological Appraisal (PEA) and Phase 2 Bat Survey by Ridgeway Ecology. The Council's Ecologist (CE) has reviewed the submitted details and considers to be acceptable in terms of its assessment and covers all the ecological issues with regards to the buildings and protected species.
- 8.31. The proposals would include additional landscaping and the PEA and Bat Survey reports also make a number of other suggestions including bat and bird nest opportunities, which could benefit biodiversity at the site. It is considered that suitable details should be secured by way of appropriate conditions attached to any such permission, and that subject to said conditions the proposed development would provide a net gain in biodiversity, in accordance with the provisions of Policy ESD10 of the CLP 2015 and Government guidance within the NPPF, regarding the importance of conserving and enhancing the natural environment.

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. The proposal would not adversely affect residential amenity and, subject to conditions, would not adversely affect local highway safety or ecological interests. Having regard to its architectural detailing and subject to conditions regarding materials and construction the proposal would not adversely affect the character of the site, its wider setting, the character or appearance of the conservation area or the significance of listed buildings.
- 9.3. Although no harm has been identified that cannot be addressed through conditions, it is necessary to consider the proposal's benefits: The amended proposals would yield social and economic benefits through provision of additional residential accommodation in a sustainable location within the village and would bring a currently unused site back into active reuse just as was the case under 20/02545/F (significant weight to be attached, albeit as a proposal for one dwelling this benefit is only minor); with further opportunities for construction employment and trade within the local area supporting the district's economy (temporary, and therefore minor to moderate weight).
- 9.4. Given the above assessment and in the light of current guiding national and local policy context, it is considered that the proposals represent an appropriate form of development at the site which would be consistent district's rural village housing strategy and associated Development Plan policies which look to promote new forms of sustainable development. The revised proposal is therefore 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 23 November 2023.

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: Planning Statement by JPPC, Design and Access Statement and Heritage Statements by Ian O'Brien Studio, Preliminary Ecological Appraisal and Phase 2 Bat Survey by Ridgeway Ecology, Preliminary Investigation Report prepared by Ian Farmer Associates Intrusive investigation; Ground Investigation Report prepared by Ian Farmers Associates dated February 2021; Contamination remediation strategy in accordance with the Remediation Method Statement prepared by Ian Farmers Associates dated 5th April 2021 and Drawings numbered: "2105-A-105-02","2105-A-103-02","2105-A-106-01","2105-A-108-03", "2105-A-109-03", "2105-A-110-03", "2105-A-111-03", "2105-A-112-03", "2105-A-113-03","2105-A-114-02", "2105-A-115-01", "2105-A-116-01","2105-A-117-02" , "2105-A-119-03" and "2105-A-02-03"

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. Notwithstanding the details submitted, prior to the installation of any new doors, windows or rooflights within the development full details of the doors, windows and rooflights hereby approved, at a scale of 1:5 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 to ensure that the completed development is in keeping with and conserves the special character of the historic environment, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. Notwithstanding the details submitted, prior to the construction of the roof of the development adjacent Main Street hereby approved samples of the corrugated cladding to be used in the construction of the roof 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 samples so approved and shall be retained as such thereafter.

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to ensure that the completed development is in keeping with and conserves the special character of the historic environment 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. Notwithstanding the details submitted, prior to the construction of the roof of the ancillary outbuilding hereby approved samples of the natural slate to be used externally in the construction of the roof 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 samples so approved and shall be retained as such thereafter.

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to ensure that the completed development is in keeping with and conserves the special character of the historic environment 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. The natural stone to be used on the external facing walls of the ancillary outbuilding shall be of the same type, texture, colour and appearance as the stone on the existing stone barns and shall be laid dressed, coursed and pointed to match that of the existing stone barns.

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to ensure that the completed development is in keeping with and conserves the special character of the historic environment 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. Any remedial stonework necessary for the repair or making good of the external walls of the existing stone barns shall be carried out in natural stone of the same type, texture, colour and appearance as the stone on the existing buildings and shall be laid, dressed, coursed using lime mortar.

Reason: To ensure the satisfactory appearance of the completed development and to ensure that the completed development is in keeping with and conserves the special character of the historic environment, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

8. The timber cladding shall be in accordance with that discharge in respect of 21/00938/DISC and shall be retained as such thereafter.

Reason: To ensure that the completed development is in keeping with and conserves the special character of the historic environment 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.

9. All rainwater goods shall be traditional cast iron or metal painted black and shall be permanently so retained thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to ensure that the completed development is in keeping with and conserves the special character of the historic environment, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

10. Prior to the first occupation of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with the relevant plan approved and shall be constructed from porous materials or provision shall be

made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. The parking and manoeuvring area shall be retained as such thereafter and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason: In the interests of highway safety, to ensure a proper standard of development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. The system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the dwelling shall be in accordance with that discharge in respect of 21/00938/DISC. 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.

12. The development hereby approved shall not be carried out other than in accordance with the recommendations and mitigation measures set out in section 5.3.2 of the Preliminary Ecological Appraisal (September 2020, Ridgeway Ecology Ltd), Section 5 of the Phase 2 Bat Survey (July 2020, Ridgeway Ecology Ltd) and as detailed on the Site Plan 'Ecological Mitigation and Enhancement' (Drawing number: 1901-PA-103).

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.

13. 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 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.

14. The scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be undertaken in accordance with the Remediation Method Statement prepared by Ian Farmers Associates dated 5th April 2021.

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.

15. The development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 14. A verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority

prior to the occupation of the development.

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.

16. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no new windows or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the western and southern elevations of the dwelling hereby approved without the grant of further specific planning permission from the Local Planning Authority.

Reason: To ensure that the completed development is in keeping with and conserves the special character of the historic environment and to comply with Policy C28 of the Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

17. 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 (or any Order revoking or re-enacting or amending that Order with or without modification), the approved dwelling shall not be extended, 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 safeguard the character and appearance of the area ensure that the completed development is in keeping with and conserves the special character of the historic environment and to comply with Policy C28 of the Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 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. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Environmental Protection Team Leader for further advice on this matter.

3. In respect of condition 5 the applicant is advised that the rooflights to be used in the development should be of a design which, when installed, do not project forward of the plane of the roof surface in which they are installed.

Case Officer: Gavin Forrest

DATE: 04/11/21

Checked By: Paul Ihringer

DATE: 4/11/21
