



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Name and Address of Agent/Applicant:

Mr Huw Mellor
Carter Jonas LLP
Mayfield House
256 Banbury Road
Oxford
OX2 7DE

Full Planning Determination

Date Registered: 24th June 2022

Proposal: Alterations and repairs to listed farmhouse and annexe; refurbishment and partial rebuilding of existing outbuildings to provide 2 no. dwellings; erection of 2 no. new dwellings; provision of car parking, bin and cycle stores; and access

Location: Stratfield Farm, 374 Oxford Road, Kidlington, Oxfordshire, OX5 1DL

Parish(es): Kidlington

PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

Cherwell District Council, as Local Planning Authority, hereby **GRANTS** planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information, **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA

David Peckford

Assistant Director – Planning and Development

Date of Decision: 10th October 2023

Checked by: **Caroline Ford**

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

Plans:

219-100 – Site Location Plan
219-100 Rev B – Existing Site Plan
219-101 Rev B – Farmhouse Existing Ground Floor Plan
219-102 Rev B - Farmhouse Existing First Floor Plan
219-103 Rev A - Farmhouse Existing Elevations
219-104 Rev A – Farmhouse Existing Elevations
219-105 Rev A – Existing Elevations A1 Annexe
219-106 Rev A – Existing Plans A1 Annexe
219-108 Rev A – Existing Plans Block B and C
219-109 Rev A – Existing Elevations Block B and C
219-110 Rev A – Existing Plans Block D
219-111 Rev A – Existing Elevations Block D
219-112 Rev A – Existing Plans Block E
219-113 Rev A – Existing Elevations Block E
219-114 Rev A – Existing Plans Block F
219-115 Rev A – Existing Elevations Block F
219-116 Rev A – Existing Plans Block G and H
219-117 Rev A – Existing Elevations and Section Block G
219-118 Rev A – Existing Elevations Block H
219-200 Rev B – Proposed Site Plan
219-201 Rev A – Farmhouse Proposed Ground Floor Plan
219-202 Rev A - Farmhouse Proposed First Floor Plan
219-203 Rev A - Farmhouse Proposed Elevations
219-204 Rev A – Farmhouse Proposed Elevations
219-205 Rev A – Proposed Elevations A1 Annexe
219-206 Rev A – Proposed Plans A1 Annexe
219-207 Rev A – Proposed Plans Block B and C
219-208 Rev A – Proposed Plans Block B and C
219-209 Rev A – Proposed Elevations Block B and C
219-210 Rev A – Proposed Ground Floor Plans Block D
219-211 Rev B – Proposed First Floor Plans Block D
219-212 Rev A – Proposed Elevations Block D
219-213 Rev A – Proposed Plans Block E
219-214 Rev A – Proposed Elevations Block E
219-215 Rev A – Proposed Plans Block F
219-216 Rev A – Proposed Elevations Block F
219-217 Rev A – Proposed Ground Floor Plan Block G
219-218 Rev A – Proposed First Floor Plan Block G
219-219 Rev A – Proposed Elevations Block G
219-220 Rev A – Proposed Sections (Outbuildings)
219-222 – Proposed Site Section
219-224 – Proposed Car Port

Documents:

Statement of Community Involvement produced by Carter Jonas LLP;
Planning Statement by Carter Jonas LLP;
Design & Access Statement produced by RG&P Architects;

Arboricultural Impact Assessment by Aspect;
Archaeological Evaluation by Thames Valley Services;
Heritage Impact Assessment by Asset Heritage Consulting;
Landscape & Visual Impact Assessment by Aspect Landscape Planning;
Flood Risk Assessment by MAC Consulting;
Transport Assessment by MAC Consulting;
Framework Travel Plan by MAC Consulting;
Air Quality Assessment by Redmore Environmental;
Noise Impact Assessment by Professional Consult;
Sustainability and Energy Statement by Manor Oak Homes Limited;
Ecological Appraisal by Aspect.
Stratfield Farmhouse - Method statement for Repairs by James MacKintosh Architects

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. No development shall take place until a Construction and Environmental Management Plan (CEMP) (including a Construction Traffic Management Plan (CTMP)) has been submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include:
- i. Working hours and delivery times
 - ii. Materials storage and details of the construction compound, including any securing fencing or hoarding for the development, as appropriate.
 - iii. Construction access detail
 - iv. Details of site manager and any overseeing professionals (e.g. ecologist)
 - v. Recording and management of the historic fabric

The CEMP shall be implemented in accordance with the submitted details throughout the development process.

Reason - To manage the development and to ensure that the development is appropriately managed in terms of the access, construction traffic and management of the historic fabric and potential ecology on the site in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

4. No development shall take place until details of foul and surface water drainage have been submitted to and agreed in writing by the Local Planning Authority.

The details shall include a timescale for implementation of all drainage and long term management of any sustainable drainage systems used in the management of surface water including how the proposal aligns with the proposals for the wider PR7b site (under reference 22/01611/OUT). The agreed details shall be implemented in accordance with the approved details prior to the first occupation of the development.

Reason - To ensure satisfactory drainage of the application site and development in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

5. No development shall take place until details of the permanent access including the implementation of visibility splays, surfacing and drainage detail have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented in accordance with the approved details prior to the first occupation of the farmhouse.

Reason - To ensure satisfactory access to the site for future residents and users of the development in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

6. Units B/C, D, F/F1 and G hereby approved shall not be occupied until the access route serving the wider site (under planning permission 22/01611/OUT) or an alternative route which has the benefit

of planning permission, has been provided and has been opened for vehicular traffic.

Reason - To ensure satisfactory access to the site and the provision of parking arrangements can be accessed for future residents and users of the development in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

7. No development above slab level shall take place until details of all external materials, with samples/sample panels where appropriate, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason – To ensure that the development preserves and enhances the character and setting of the Listed Building and the historic fabric of the building in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

8. The Orchard shown on drawing number 219-200 Rev B (Site Plan As Proposed) shall not form part of the residential curtilage of any property hereby approved. Prior to the first occupation of the development, details of boundary treatments, private residential gardens relating to the farmhouse and new dwellings created, all soft landscaping including details of ground preparation, planting species and density and long term management of the Orchard shall be submitted to and approved in writing by the Local Planning Authority. The planting shall be carried out in accordance with the approved details in the first available planting season. Any plant or tree that dies or becomes diseased within the first five years post implementation shall be replaced with a specimen of similar age and species and shall be implemented in the first available planting season.

Reason - To ensure that landscaping within the red line area of the site is carried out in a manner that respects the historic fabric, to ensure this would not harm the character and setting of the designated heritage asset and to ensure that the orchard does not take on a domestic character that would be harmful to the visual amenities of the area in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

9. Prior to first occupation of the development the recommendations of the submitted Ecological Appraisal by Aspect (reference: 5176 EcoAp vf ND/CL) shall be carried out. Details of enhancements detailed within the Report, including the location and detail of bat and bird boxes to achieve biodiversity net gain shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure that the identified mitigation measures and Biodiversity Net Gain are carried out in a manner that minimise the risk of harm to protected species, with compensatory measures proposed, where appropriate and that respects the historic fabric and to ensure this would not harm the character and setting of the designated heritage asset in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

10. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or succeeding and replacement legislation no works or additions under Schedule 2 Part 1 or Part 2 shall be carried out relating to any of the dwellings hereby approved or within their curtilage or relating to the existing orchard area without the prior express consent of the Local Planning Authority.

Reason: To ensure that any future development, extensions or alterations to the listed building or the curtilage is carried out in a manner that respects the historic fabric and to ensure that there is not an inappropriate proliferation of ancillary buildings or features which would harm the character and setting of the designated heritage asset in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

11. All parking and manoeuvring areas identified on the approved plans set out in Condition 2 shall be implemented prior to the first occupation of the approved development. Once implemented all parking, turning areas and garages shall remain for the use of parking and manoeuvring of vehicles and shall not be used for alternative uses.

Reason - To ensure satisfactory functioning of the application site and to ensure that the integrity and appearance of the historic environment is not undermined by unnecessary residential paraphernalia in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

12. No development above slab level shall take place until details of EV charging points have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the relevant dwelling and shall be retained thereafter.

Reason - To ensure satisfactory access to the site for future residents and users of the development in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

13. No development above slab level shall take place until details of all external lighting have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the relevant dwelling and shall be retained thereafter. No further lighting shall be implemented without prior written approval of the Local Planning Authority.

Reason - To ensure lighting of the development is appropriate for future residents and users of the development, appropriate in terms of the setting and character of the designated heritage asset and respects protected species (e.g. bats) which may be affected by lighting in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework

DEVELOPMENT MONITORING

The Council has identified the development hereby approved as one that it considers appropriate to monitor during construction. We would therefore be grateful if you could let us know of your intention to start the development at least 14 days prior to the commencement of work on site. You can do this by emailing the Council on: monitoring@cherwell-dc.gov.uk and providing us with the following information: application number; application address; and the date you intend to start the development. During the monitoring period, we will be assessing the development against the approved plans, and compliance with any conditions imposed on the permission. It is in your interest to comply with this request as it will help to avoid any unnecessary, and possibly expensive, corrective works.

PLANNING NOTES

1. **Conditions** – the applicant's attention is drawn to the need to comply with all conditions imposed on this permission. Failure to do so could result in the council serving a breach of condition notice against which there is no right of appeal.

Under the Town and Country Planning (Fees for Applications, Deemed Application, Requests and Site Visits) (England) Regulation 2012 there is a fee payable each time you make a request to discharge any of the conditions attached to this permission. You can apply to discharge more than one condition at the same time. At the time of this decision the fee is £34 per request for householder development and £116 per request in all other cases. The fee may be more when you come to apply for the discharge of condition if the Regulations have been amended. The fee is payable when you submit the details to discharge the condition(s). The Council has '1app' forms for such applications, but their use is not mandatory.

There is no fee for the discharge of conditions on listed building consents.

The Council has eight weeks to respond to applications to discharge conditions, so you will need to make your application in good time before commencing development.

2. **Material Samples** – please note that where any of the above conditions require the approval of materials, material samples are no longer accepted at the Council offices and should in the first instance be left on the application site for the relevant case officer to view and assess in context

with its surroundings. Material samples and sample panels should be placed/erected on the site before an application to discharge that condition(s) is submitted.

Should leaving samples on site be impractical then arrangements should be made with the relevant case officer to view samples on site.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraph 38 of the National Planning Policy Framework, the Council has worked positively, creatively and proactively to determine this application within the agreed timescales, having worked with the applicant/agent where necessary and possible within the scope of the application (as set on in the case officer's report) to resolve any concerns that have arisen, in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

The case officer's report and recommendation in respect of this application is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>. The agenda, minutes and webcast recording of the Planning Committee meeting at which this application was determined are also available to view online at: <http://modgov.cherwell.gov.uk/ieListMeetings.aspx?CId=117&Year=0>



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NOTES TO THE APPLICANT

TIME LIMITS FOR APPLICATIONS

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits will apply:

Where planning permission is given in outline subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Where the planning permission is complete and is not in outline, the development must be begun not later than the expiration of 3 years from the date on which permission was granted.

OTHER NECESSARY CONSENTS

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 (as amended), or other legislation.

In particular you are reminded of the following matters:

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before starting work on site - Telephone: 01295 227006. Email: Building.Control@Cherwell-dc.gov.uk**
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath.
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 01295 227006 or E-mail at building.control@cherwell-dc.gov.uk
- The need to obtain a separate "Listed Building Consent" for the demolition, alteration or extension of any listed building of architectural or historic interest from the Local Planning Authority.
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE.
- It is the responsibility of the applicant to ascertain whether their development affects any public right of way, highway or listed building.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to refuse to grant planning permission or grant planning permission subject to conditions, you can appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal, then;

- For **Householder** applications you must do so within **12 weeks** of the date of the decision
- For **Minor Commercial** applications you must do so within **12 weeks** of the date of the decision
- For **all other types** of planning applications, you must do so within **6 Months** of the date of the decision

Unless;

- The decision on the application relates to the same or substantially the same land and the development is already the **subject of an enforcement notice** then you must appeal within **28 days** of the date of the Local Planning Authority's decision on the planning application.
- If an **enforcement notice is served** relating to the same or substantially the same land and development as in your application and if you want to appeal the decision, then you must do so within **28 days** of the service of the enforcement notice, or 6 months (12 weeks for householder and minor commercial) of the date of this decision whichever is the sooner

Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel (0303 444 5000) Or online at www.planningportal.gov.uk/pcs**. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to them that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by them.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State grants permission or approval for the development of land subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the District Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to them.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.