

**Case Officer:** Imogen Hopkin

**Recommendation:** Approve

**Applicant:** Miss Joannafey Mills

**Proposal:** Demolition of existing dwelling and erection of a replacement detached dwelling including the partial removal of existing outbuildings, replacement outbuildings, proposed swimming pool and associated landscaping

**Expiry Date:** 25 August 2023

**Extension of Time:** 25 August 2023

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site relates to a detached dwelling with associated outbuildings to the north and west of the property. The dwelling has a mixed character, due to the previous barn conversion and assorted extensions, which are different in design and materials such as bricks, render and stone. There are outbuildings associated with the dwelling. The site is accessed by an access road with a length around 345m from Colony Road, and is positioned within the open countryside. There are 3 Tree Preservation Orders (TPO) to the south of the site.
- 1.2. To the south-west is Sibford Park, a replacement dwelling approved in 2017 with associated outbuildings. Approximately 150m north of the site is Hayes Barn, a residential dwelling. Approximately 300m west of the site is the Cotswolds Area of Outstanding Natural Beauty (AONB).

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. The application seeks approval for a demolition of the existing dwelling and some of the outbuildings with the replacement with a new dwelling and outbuilding to create a two storey office and studio. There is a swimming pool proposed within the garden area. There would be a re-position of the access road. The existing dwelling has an approximate floor area of 210m<sup>2</sup>, and the proposed dwelling has a floor area of 485m<sup>2</sup>.
- 2.2. Amended plans have been received to alter the design of the dwelling, reduce the height and eaves of the garage outbuilding, and to alter the detached barn would be an entertaining area with associated kitchen, along with pool storage, plant and toilets.

## **3. RELEVANT PLANNING HISTORY**

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

## **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, expiring **21 June 2023** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **21 June 2023**.
- 5.2. 4 letters of support were received from third parties are summarised as follows:
- Well-designed proposals for house and outbuilding in character with local surroundings and village
  - Updated farmhouse style is welcomed
  - Would welcome increased hedging
  - Limit external lighting
- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## **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. CDC Land Drainage: No objections, although a license or consent may be required for the discharge of the swimming pool.
- 6.4. OCC Highway Authority: No objections, and no conditions required.
- 6.5. CDC Building Control: A Building Regulations application will be required for the proposals.
- 6.6. CDC Arboriculture: No objection, subject to condition.
- 6.7. CDC Environmental Health: Suggested a contaminated land condition. No comments on noise, air quality, odour and light.

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

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

- PSD1 - Presumption in Favour of Sustainable Development
- ESD1 - Mitigating and Adapting to Climate Change
- ESD3 - Sustainable Construction
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD12 - Cotswolds Area of Outstanding Natural Beauty (AONB)
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- Villages 1 - Village Categorisation

## 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

### 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
- Ecology
- Other matters

### Principle of Development

8.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996. The District's current housing land supply position of 5.4 years supply of housing for the period 2022-27 as reported in the Council's 2022 Annual Monitoring Report ('AMR'). The Council's housing policies are therefore to be considered up to date, and the 'tilted balance' does not need to be applied in assessment of this application.

8.3. Paragraph 10 of the NPPF states that at its heart is a presumption in favour of sustainable development. There are three dimensions to sustainable development, as defined by the NPPF, which require the planning system to perform economic, social and environmental roles. These roles are interdependent and need to be pursued in mutually supportive ways.

8.4. The CLP 2015 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns,

whilst limiting growth in rural areas and directing it towards more sustainable villages, also aiming to strictly control development in the open countryside.

- 8.5. 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, where new residential development can occur for minor development, infilling and conversions, subject to an assessment of the context, character and form of the village. However, the application site is located outside the built area of Sibford Gower, and therefore in the countryside. Policy Villages 1 is permissive of proposals of this scale, only where they are “within the built-up limits of the village”.
- 8.6. Saved Policy H17 relates to proposed replacement dwellings. It notes that in cases where the existing building lies outside the limits of an existing settlement, the use of the building as a dwelling should not have been abandoned or extinguished and its proposed replacement should be within the same curtilage and similar in scale in terms of overall size, massing and spatial relationships. Proposals for substantially larger and more conspicuous dwellings in the landscape will be resisted as this would have a detrimental impact upon the rural character of the landscape.
- 8.7. Saved Policy H18 of the CLP 1996 covers the issue over new dwellings in the countryside. Under this policy it is stated that *planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements other than those identified under policy H1 when:*
  - (i) *it is essential for agriculture or other existing undertakings, or*
  - (ii) *the proposal meets the criteria set out in policy H6; and*
  - (iii) *the proposal would not conflict with other policies in this plan.*
- 8.8. The principle of a replacement dwelling in the countryside is established through Policy H17 of the CLP 1996. The proposed dwelling is more than double the size of the original dwelling and the policy states a replacement should be a similar size and substantially larger would not be accepted. In this instance, the proposed dwelling provides a coherent design compared to the piecemeal design of the existing dwelling, and regard is had to what may be carried out to the existing dwelling under the property’s permitted development rights. As such, while the replacement is large, it is considered acceptable, on balance, due to the high quality design that would improve the appearance of the dwelling within the landscape.
- 8.9. Due to the size of the replacement dwelling, the Council considers it reasonable and necessary to impose a condition restricting permitted development rights to the proposed dwelling. The replacement is a significant increase beyond the existing dwelling, which would alter the character within the landscape, so removal of permitted development rights would protect the character and appearance of the rural area. Without this condition the proposals would not accord with saved Policy H17 and would not be acceptable. A similar approach was taken in the case of Sibford Park – appeal reference APP/C3105/W/17/3173098. The Council is satisfied that exceptional circumstances exist to impose this condition.
- 8.10. For the reasons above, the proposals are considered to accord with saved Policy H17 of the CLP 1996 and the relevant paragraphs of the NPPF.

#### Design, and impact on the character of the area

- 8.11. 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 2015 which looks to promote and support development of a high standard which contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.
- 8.12. 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.
- 8.13. Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially, where it fails to reflect local design policies and government guidance on design considering any local design guidance and supplementary planning documents such as design guides and codes. Weight should be given to development which reflects local design policies and guidance and supplementary planning documents such as design guides and codes; and/or outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area so long as they fit in with the overall form and layout of their surroundings.
- 8.14. Paragraph 130 of the NPPF states that planning permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.15. The existing dwelling has a piecemeal appearance due to extensions and a mix of materials. The proposal results in a coherent design which is multi-aspect due to its highly visible position within the countryside. The proposed dwelling has north and east facing principal elevations, which have the appearance of a traditional farmhouse. The dwelling has been re-positioned to be detached from the existing barn which is acceptable, on balance, the proposed single storey element having been re-positioned to provide a 'cleaner' front elevation and provide more of a physical link towards the existing buildings to be retained as part of the proposals.
- 8.16. The accommodation provided within the barn building is an entertaining area with kitchen and toilets, pool equipment room and pool plant room. The accommodation is considered to be ancillary to the use of the main dwelling, and would therefore be acceptable to be approved, subject to a condition ensuring the building could not be converted, sold or sub-let.
- 8.17. The proposed detached outbuilding to provide office space ancillary to the dwelling is an acceptable bulk and massing, as the proposed building has been reduced in height. The outbuilding is proposed to have a mix of stone and timber cladding. While timber cladding is not usually acceptable, there are existing elements of timber cladding within the site, so the principle of a small portion on this outbuilding would be acceptable, subject to details. The position of this building is 31m from the main dwelling. While there is a separate-ness to the building, there are no toilet facilities within this outbuilding, so there is a reliance on the main dwelling. This building is therefore acceptable, on balance, subject to a condition to require it to remain ancillary to the main dwelling and ensure it would not be converted, sold or sub-let.
- 8.18. The plans annotate the proposed materials, although no examples have been provided for the Council to appraise. To ensure the material palette is acceptable,

due to the prominent position within the open countryside, a materials schedule providing examples of all external materials is necessary to be submitted via condition.

- 8.19. The proposal is within proximity of the Cotswolds AONB, and is therefore required to be appropriately designed to not impact the AONB, its setting and views out of the AONB. The Council considers the proposal is well designed, and would not result in a detrimental impact to the AONB or the wider landscape.
- 8.20. The design of the dwelling and outbuildings are considered to be acceptable and would not cause undue harm to the visual amenities of the locality. The development would comply with Policy ESD15 of the CLP 2015, Saved Policies C28 and C30 of the CLP 1996 and Government guidance contained within the NPPF.

#### Residential amenity

- 8.21. Government guidance contained within the NPPF requires development to create places that are safe, inclusive and accessible, promoting health and well-being, and with a high standard of amenity for existing and future users. Policy ESD 15 of the CLP 2015 requires all development to consider the amenity of both existing and future development. Saved Policy C30 of the CLP 1996 seeks standards of amenity and privacy acceptable to the Local Planning Authority. Saved Policy ENV1 of the CLP 1996 seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation.
- 8.22. The position of the replacement dwelling would not result in a detrimental impact to neighbouring properties, with no loss of privacy or overshadowing. The proposed office and studio outbuilding has an eaves height of 3.3m and a ridge height of 5.3m. The outbuilding abuts the boundary between the neighbouring outbuilding, which is adjacent to a parking area. As such, while this would have a visual impact to the neighbouring property, it would not result in any overshadowing or loss of outlook from Sibford Park.
- 8.23. The proposal includes an appropriate level of amenity for future occupiers, by way of internal space, external private amenity space and provision of windows to every habitable room.
- 8.24. The proposal provides an appropriate level of amenity for future occupiers of the site, and is not considered to result in any significant adverse impact on neighbouring properties by virtue of overdominance, loss of privacy or loss of light, and complies with the Council's informal space standards. Therefore, the proposed development complies with Policy ESD15 of the CLP 2015 and saved Policy C30 of the CLP 1996 and relevant paragraphs of the NPPF.

#### Highway safety

- 8.25. Paragraph 111 of the NPPF 2021 states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
- 8.26. Policy SLE4 of the CLP 2015 also requires development to facilitate the use of sustainable transport and confirms that new development must mitigate offsite transport impacts. Policy ESD15 of the CLP 2015 states, amongst other matters,

that new development proposals should: be designed to deliver high quality safe...places to live and work in.

- 8.27. The proposal includes a revised access point and provides ample parking to the area. The Local Highways Authority have been consulted on the application and have raised no objection or conditions to the proposal.

### Ecology and Trees

- 8.28. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making.
- 8.29. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
- 8.30. Paragraph 174 of the NPPF states (inter alia) that: "The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity, including by establishing coherent networks that are more resilient to current or future pressures". This requirement is also echoed by Policy ESD10 of the CLP 2015, which states that "a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources".
- 8.31. The Council's Ecology Officer has assessed the proposal and noted there are ecological issues on site which should be dealt with through conditions. This includes the requirement of a bat license, mitigation scheme for Great Crested Newts, an action plan for Crassula Helmsii (an invasive species), and a CEMP for biodiversity.
- 8.32. The Council's Arboricultural Officer has assessed the proposal and considers that the reports provided an appropriate level of information for the existing trees, minor tree removals, and protection measures for retained trees. The Officer suggested a condition to ensure tree protection measures are implemented.

### Other matters

- 8.33. A neighbour's comment on the proposal requests additional hedging and restricted lighting to the proposal. Hedging can be reviewed through the landscaping scheme, although the Council cannot require the site to have higher hedging.

## **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. It is considered that the proposed replacement dwelling would not result in any significant detriment to the character or visual amenities of the landscape, trees, nor on the living amenities of the neighbouring properties. In addition, it is considered that the development does not result in any significant detriment to highway safety

and would be acceptable in terms of flood risk. The application is therefore acceptable, subject to conditions.

## **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:

- 001 Rev A – Location Plan
- 002 Rev A – Proposed Block Plan
- 003 Rev A – Proposed Site Plan
- 004 Rev B – Proposed Ground Floor Plan
- 005 Rev A – Proposed First Floor Plan
- 006 Rev A – Proposed Context Elevations
- 007 Rev B – Proposed East Elevation
- 008 Rev A – Proposed North Elevation
- 009 Rev A – Proposed West Elevation I
- 010 Rev A – Proposed West Elevation II
- 011 Rev A – Proposed South Elevation
- 012 Rev B – The Barn & Byre Proposed Floor Plan
- 013 Rev A – The Barn & Byre Proposed Elevations I
- 014 – The Barn & Byre Proposed Elevations II
- 015 Rev A – Proposed Home Studio

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 commence above slab level unless and until samples of the slate to be used externally in the construction of the roof of the new buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the sample approved and shall be retained as such thereafter.

Reason – To ensure the satisfactory appearance of the completed development and to preserve the character and appearance of the area and designated heritage asset, 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. No development shall commence above slab level unless and until a schedule of all external materials including architectural detailing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the sample approved and shall be retained as such thereafter.

Reason – To ensure the satisfactory appearance of the completed development



and to preserve the character and appearance of the area and designated heritage asset, 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 their installation in the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to an approved in writing by the Local Planning Authority. The doors and windows shall not be installed within the building other than in accordance with the approved details and shall be retained as such thereafter.

Reason – To ensure the satisfactory appearance of the completed development and to preserve the character and appearance of the area, 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 first occupation of the development hereby approved, 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, reduced-dig areas, crossing points and steps,

- (d) details of boundary treatments.

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 visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason – In the interests of the visual amenities of the area, to ensure the

creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. The development shall not be carried out other than in accordance with the Arboricultural Method Statement by Apical Arbor New Barn Farm AA AMS 01 (Dated December 2022). The tree protection measures and other recommendations set out in the said Arboricultural Statement shall be adhered to at all times. No development shall commence on site until the said tree protection measures have been put in place and this has been checked on site by the local planning authority. Suitably qualified arborists shall (i) monitor the development at regular intervals and (ii) submit monitoring reports to the local planning authority, the frequency of which (in the case of both (i) and (ii)) shall be agreed in writing by the local planning authority.

Reason – To ensure the protection of the trees and their root systems and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

9. 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.

10. The detached ‘Barn and Byre’ (drawing number 012 Rev B) and ancillary office and studio building (drawing number 015 Rev A) shown on the approved plans or any amendment to those plans shall be used solely for purposes ancillary to the enjoyment of the main dwelling and shall not be sold or leased separately from the main dwelling and at no time shall form a separate planning unit.

Reason – In the interests of sustainable development and because a new dwelling in this location would conflict with the Council’s housing strategy and to comply with Policies BSC1, ESD1 and 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. 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 – In the interests of the character and appearance of the area and in the interests of sustainable 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. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 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.

13. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for great crested newts, which shall include timing of works, exclusion fencing, the location and design of alternative ponds/habitats together with the timing of their provision, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out in accordance with the approved details.

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. Prior to any vegetation clearance, an action plan to demonstrate how to deal with *Crassula helmsii* should be provided to outline the level of removal, how this will be done and mitigation against harming protected species. Thereafter, any removal and mitigation works shall be carried out in accordance with the approved details.

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

15. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
- a) Risk assessment of potentially damaging construction activities;
  - b) Identification of 'Biodiversity Protection Zones';
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

Case Officer: Imogen Hopkin

DATE: 22<sup>nd</sup> August 2023

Checked By:

DATE:

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