1. **APPLICATION SITE AND LOCALITY**
	1. The application relates to a former Methodist chapel within the village of Sibford Gower, which has been vacant for a number of years. The existing detached built building is of brick construction with a grey cladding/render to the front elevation, under a natural grey slate roof and with timber windows and doors. The building sits at a higher level than the adjacent highway, with a grassed area of land with supporting retaining wall to the front of the site. Residential properties flank the site and wrap around to the rear. The site has no vehicular access or associated parking.
	2. In terms site constraints, whilst the site is not a listed building it does sit within the designated Sibford Gower Conservation Area, which is of archaeological interest. There are a number of grade II listed buildings within the vicinity of the site, the closest being the Manor House adjacent to the north, which also wraps around the rear of the application site. There are records of several notable and protected species (Pipistrelle Bats, Swifts, Brown Hairstreak Spotted Flycatcher) within the vicinity of the site, however no evidence of such within the site itself. The geology in the area is known to contain naturally occurring elevated levels of Arsenic, Nickel and Chromium; as seen in many areas across the district, and further is an area of higher probability (10-30%) of natural occurring Radon Gas being above Action Levels. The site is also within a buffer zone surrounding an area of potentially contaminated land.
2. **DESCRIPTION OF PROPOSED DEVELOPMENT**
	1. The application seeks planning permission for the change of use of the building to a single two bedroom residential dwelling, with associated alterations to facilitate the change of use; including the insertion of an internal floor to provide first floor accommodation; renovation of windows and doors and the insertion of new rooflights (two the east elevation (front), one to the south elevation, and four on the west elevation (back)).
	2. Amendments to the proposed scheme have been made during the course of the application, in response to both officer and third party comments; including the removal of a proposed parking area to the front and removal of a proposed door from the rear elevation. Unfortunately the need to undertake further consultations following the submission of revised plans has resulted in the application going beyond its original statutory 8-week determination period. An appropriate extension of time was therefore agreed with the applicant.
3. **RELEVANT PLANNING HISTORY**
4. There is no planning history directly relevant to the proposal.
5. **PRE-APPLICATION DISCUSSIONS**
6. The following pre-application discussions have taken place with regard to this proposal:

|  |  |
| --- | --- |
| Application Ref. | Proposal |
| 15/00029/PREAPP | Pre-App enquiry - Conversion of redundant Methodist Chapel into residential dwelling |

1. Whilst considered acceptable in terms of the general principle of conversion of the existing building, the proposals put forward within the pre-application were not considered acceptable in terms of the proposed design and the potential detrimental visual impacts of such on the visual amenities of the site and surrounding conservation area; and as such the response did not offer full support to the proposals. Response issued 11/03/2015.
2. **RESPONSE TO PUBLICITY**
	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 application was initially publicised in December 2018 however, following the submission of revised plans an additional consultation exercise was undertaken January 2019, with the final date for comments being 10.02.2019, although comments received after this date and before finalising this report have also been taken into account.
	2. Objections have been received from two local residents The comments raised by third parties are summarised as follows:
* Potential loss of privacy through over-looking.
* The excavation works required to create parking space could cause structural issues for neighbouring properties; further there is the potential for graves to be within this area, being a former chapel.
* Rear access door opens onto land not owned by the applicant.
	1. The comments received can be viewed in full on the Council’s website, via the online Planning Register.
1. **RESPONSE TO CONSULTATION**
	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

* 1. SIBFORD GOWER PARISH COUNCIL: **No objections,** but highlights concerns with regards to on-street parking and potential issues during construction phase.

STATUTORY CONSULTEES

* 1. LOCAL HIGHWAYS AUTHORITY (LHA): **No objections subject to conditions,** in relation to the use of the building and cycle storage.

NON-STATUTORY CONSULTEES

* 1. BUILDING CONTROL: **Raises no objections,** but advises of the need for separate building regulations approval.
	2. DESIGN AND CONSERVATION: **No objections subject to conditions,** in relation to windows, doors and materials.
	3. ECOLOGY: No comments received.
	4. ENVIRONMENTAL PROTECTION: **Raises no objections,** but comments on the potential need for further investigation being required to ensure that there are no remains on the site and the land is now suitable for residential usage, given the proposed excavation work for the proposed parking area.
1. **RELEVANT PLANNING POLICY AND GUIDANCE**
2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
3. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031.  The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

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

* Villages 1: Village categorisation
* BSC 12: Indoor Sport, Recreation and Community Facilities
* ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
* ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

* C23: Retention of features contributing to the character and appearance of a conservation area
* C28: Layout, design and external appearance of new development
* C30: Design control
* S29: Loss of existing village services
* H21: Conversion of buildings within settlements
1. Other Material Planning Considerations
* National Planning Policy Framework (NPPF)
* Planning Practice Guidance (PPG)
* Cherwell Residential Design Guide (2018)
* Cherwell Council Home Extensions and Alterations Design Guide (2007)
* Sibford Ferris, Sibford Gower and Burdrop Conservation Area Appraisal 2012
1. **APPRAISAL**
2. The key issues for consideration in this case are:
* Principle of development
* Design, and impact on the character of the area
* Residential amenity
* Highway safety

Principle of development:

1. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
2. Paragraph 6 of the NPPF sets out the Government’s view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time; and in the context of this application considerations of sustainability would include preserving and enhancing the historic built environment.
3. Policy PSD1 contained within the CLP 2031 echoes the NPPF’s requirements for ‘sustainable development’ and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
4. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise (Para. 12). Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015 and can demonstrate a 5 year housing land supply.
5. The site is a former Methodist chapel which served the local community. It is considered that the principle of development is therefore dependent on two distinct elements: the principle of residential development on the site and the loss of the building as a community facility. The principle of residential development on the site will be dealt with first.
6. The principle of residential development in Sibford Gower is assessed against Policy Villages 1 in the CLP 2031. Sibford Gower is recognised as a Category A village in the Cherwell Local Plan 2011 – 2031 Part 1, by virtue of its close association Sibford Ferris and Burdrop. Within Category A villages residential development is restricted to minor development, infilling and conversions.
7. Saved Policy H21 of the CLP 1996 states that within settlements the conversion of suitable buildings to dwellings will be favourably considered unless conversion to a residential use would be detrimental to the special character and interest of a building of architectural and historic significance. In all instances proposals will be subject to the other policies in this plan.
8. The proposals are for the conversion of an existing building within the settlement. The alterations proposed to the external appearance of the building are limited in their nature and are considered not to result in any significant change to the general scale or form of the building (discussed further below); and as such would not be to the detriment to the special character and interest of the building or its setting within the historic environment. It is therefore considered that the proposals find support in the provisions of saved Policy H21.
9. With regards to the loss of the community use as a chapel, the use of the building as a Methodist Church has ceased a number of years ago with the last service being held in June, 2014; and it would appear that the chapel has since remained largely vacant and is now in private ownership.
10. Policy BSC12 of the CLP 2031, whilst not specifically referring to community, chapels does cover the provision of community facilities and seeks to protect and enhance existing facilities. Further, saved Policy S29 of the CLP 1996 seeks to protect against the loss of existing village services which serve the basic needs of the local community.
11. In this instance the building would have provided facilities as a place of worship for those practicing the Methodist faith and associated uses with the church. As noted above the Methodist Church has withdrawn from the building with the needs of the Methodist Community likely being met in Methodist Churches in other villages; the nearest being in Wigginton some 4 miles to the southwest of Sibford Gower.
12. No objections have been raised by either the local community or Parish Council in respect of the loss of the building as a community facility and such a use has not existed for a number of years, which would suggest that the community’s basic needs in this respect are being met elsewhere. As such it is considered that any potential loss of the building as a community facility, as a result of the change of use of the building, would not be such that it would warrant a reason to refuse the application on these grounds alone.
13. In addition to the above, the building being last used as a place of worship, a class D1 use, would also benefit from permitted development rights under the GPDO, allowing for a change of use to a temporary use in classes A1 (Shops), A2 (Financial Institutions), A3 (Restaurant and Cafes) and B1 (Office), which would again result in the loss of any such community use and could be undertaken without the need for planning permission.
14. Given the above it is considered that the principle of the proposed development is acceptable in general sustainability terms, subject to the further considerations discussed below.

Design, and impact on the character of the area:

1. The purpose of the planning system is to contribute to the achievement of sustainable development and the Framework defines this as having 3 dimensions: economic, social and environmental. Also at the heart of the NPPF is a presumption in favour of sustainable development and in the context of this application would also include conserving and enhancing the historic environment.
2. 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 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.
3. The site is within the Sibford Ferris, Sibford Gower and Burdrop Conservation Area, which was designated as such in 1985. 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.
4. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
5. As previously discussed the changes to the external appearance of the building are limited in their nature, with there being no significant change to the scale or form of the building; the main appreciable difference in the front elevation being the insertion of new conservation style roof-lights; with the rear of the building not being generally visible from the public domain. It is proposed to retain and repair windows and doors where possible and also to retain the existing finish to the front elevation. The changes to the external appearance of the building are not considered to be of any significant detriment to the visual amenities of the site or its wider setting
6. A retaining wall at the front of the site has partially collapsed, but is to be repaired as part of the proposals following the removal of the proposed parking space from the scheme. This feature is considered to contribute to the character and appearance of the street-scene and surrounding Conservation Area and its repair is welcomed.
7. It is considered that the windows on the front elevation are a key element of the building’s character and a feature associated with its historical use, which also contribute to the character and appearance of the street-scene and wider conservation area and should be retained to ensure that this character is sustained. Going forward, as a residential dwelling, the windows on the front elevation could be changed under permitted development (whereas they could not under the current lawful use). It is therefore considered appropriate to restrict permitted development rights with regards to new windows, to ensure that the Authority retains control over the site and can look to ensure that the character and appearance of the building and wider street-scene is sustained.
8. A timber structure has been included in the revised plans, received during the application, in response to comments of the LHA with regards to requiring cycle storage. Being at the front of the site the proposed structure would be prominent in views within the street-scene. Whilst details are somewhat limited in respect of this structure at this stage, it considered that appropriate details could be secured by way of condition, should the proposed storage facilities be considered necessary.
9. The Council’s Conservation Officer raises no objections to the proposals subject to control over fenestration, materials and repair of the front boundary wall (which could be ensure through appropriate conditions attached to any such permission), and welcomes the prospect of the building being brought back into an active reuse.
10. Subject to matters identified above being satisfactorily addressed by way of appropriate details being secured through conditions attached to any such permission it is considered that, whilst the character of the site would change as a result of being in residential use, such a change of use, and the associated alterations of the building, would not be to the detriment of the visual amenities of site or the wider street-scene; and further would not detract from the architectural character and significance of the surrounding conservation area and are therefore acceptable in this regard.

Residential amenity:

1. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: ‘new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space’.
2. Being predominantly a conversion of the existing building the scale and form of the building would not significantly change or result in any impact on neighbour amenity in terms of any loss of light or being overly dominant. The use of the building for residential purposes would be consistent with surrounding uses and unlikely to give rise to any significant detrimental impacts on residential amenity above those currently experienced.
3. Concerns are raised in third party comments with regard to the potential for loss of privacy through overlooking from new roof-lights. The proposed new roof-lights whilst in elevations facing neighbouring residential properties would be set at a height in excess of 1.7m above floor level and as such would not result in any direct views of neighbouring properties.
4. The proposals would provide residential accommodation, that whilst compact in its layout would provide sufficient internal amenity space and storage to provide an acceptable standard of living.
5. External amenity space would be limited to space to the front of the property. Whilst not ideal in respect of size and appropriateness in terms of providing any private outdoor amenity space, this is a similar situation as that which exists at the cottages adjacent to the north, and as such is not considered to constitute a reason to refuse the application in this instance; further given that the Council does not have any adopted standards for external amenity areas or gardens.
6. Given the context of the site, the nature of the proposed development and the site’s relationship with surrounding residential properties it is considered that the proposed use of the building as a residential dwelling would not likely result in any significant impacts on residential amenity, whilst providing an acceptable standard of living for potential future occupants. The proposals are therefore considered acceptable in this regard.

Highway safety:

1. The LHA has assessed the proposals and raises no objections subject to the use of the building being and remaining as specified within the application and details of cycle storage being secured.
2. Comment is made by the LHA with regard to the lack of parking provision within the proposed scheme, with two spaces usually required for the level of accommodation proposed. However, it is noted that due regard has to be given to the Chapel’s current use, and that it has not formal parking arrangements and were it to remain in the same use class D1 (non-residential institutions including, medical, crèche, museum, library, hall, place of worship, court), it could/would attracted cars to it, which would require on-street parking.
3. It is considered likely that a dwelling (as proposed here) would produce far fewer movements than other potential uses, within the existing class of use of the site. The proposals would likely result in an increase in demand for on-street parking however, this would be similar to the existing situation in respect of the Chapel’s requirements and a number of existing residential properties within the immediate area, as such it would be unreasonable to withhold the granting of planning permission on these grounds.
4. It is therefore considered that the proposals would not have any significant adverse impact upon the local highway network from a traffic and safety point of view and therefore could be considered acceptable in this regard.
5. The LHA suggests conditions in relation to the use of the building being secured going forward. Should permission be granted for change of use to a residential use permission would be required for any subsequent future change of use away from residential, and as such a condition controlling the site in this respect is not considered necessary
6. The LHA has suggested a further condition in relation to secure cycle storage being provided on site. The site is constrained in terms of outdoor amenity space and requiring the applicant to provide cycle storage would further impact on this outdoor space. Cycle storage is not considered necessary to make the proposals acceptable in terms of highway safety and as such in officers opinion it would be unreasonable to apply such a condition.
7. Concerns have been raised by the Parish Council with regards to potential impacts on highway safety of works vehicles associated with the proposed development and on-street parking requirements. Given the nature of the proposed development (conversion) it is unlikely that there would be significant vehicle movements to and from the site as a result of the proposed development, and during the daytime officers noted there were adequate areas for safe on-street parking. It would be for the applicant/developer to manage the site during the construction phase and ensure that the work is carried out in a manner that would minimise nuisance and disruption; and the applicant could be reminded of this through a suitably worded informative attached to any such permission.

Other matters:

1. Concerns were raised during the application with regards to the potential for graves being present within the land to the front of the site, given the historic use of the site and the previous existence of a memorial stone at the front of the property. Following the removal of the proposed parking space from the proposed scheme no significant disruption of the land is proposed. It is considered that, notwithstanding the previously removed memorial stone, the likelihood of any buried remains being present within the site is low, and not a consideration that would materially affect the acceptability of the proposed development or would preclude the granting of planning permission in this instance; but, more that it might be a matter in the applicant’s interest to further investigate with the Methodist Church.
2. **PLANNING BALANCE AND CONCLUSION**
3. 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.
4. It is considered that the proposal assessed within this application is an acceptable form of development, which would provide additional residential accommodation within the built up limits of the village, bringing an existing vacant building back into active reuse, in accordance with the housing policies and strategy of the district.
5. The development causes no significant harm to neighbour amenity or highway safety. The design of the proposals would not significantly alter the general form or appearance of the building and would be sympathetic to the context of the site; sustaining the character and appearance of the site and its setting within the Conservation Area, whilst providing standards of amenity which are considered to result in an acceptable living environment.
6. The proposals are considered to be in broad compliance with the above mentioned policies of the Development Plan and are therefore recommended for approval as set out below.

|  |
| --- |
| 1. **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 2004.1. 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: Application drawing pack received 12/02/2019.

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.1. Notwithstanding the information submitted, prior to the installation of any new or replacement windows, doors or rooflights, full details of any new or replacement windows, doors or rooflights at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the windows, doors and rooflights and their surrounds shall be installed within the building 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 ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Policy ESD 15 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.1. Notwithstanding the information submitted, prior to the construction/installation of the timber storage shed within the front garden full details of the timber storage shed, at a scale of 1:50, also including materials and colour finished, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the timber storage shed constructed/installed 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 ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Policy ESD 15 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.1. Any remedial brickwork necessary for the repair or making good of the external walls of the building shall be carried out in brick of the same type, texture, colour and appearance as the brick on the existing building and shall be laid, dressed, coursed and pointed to match that of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

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 surrounding Conservation Area, to comply with Saved Policy ESD 15 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.1. Any remedial work necessary for the repair or making good of the roof of the building shall be carried out in natural grey slate of the same type, texture, colour and appearance as the slate on the existing building, unless otherwise agreed in writing by the Local Planning Authority.

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 surrounding Conservation Area, to comply with Policy ESD 15 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.1. Prior to the first occupation of the development hereby approved, remedial stonework necessary for the repair or making good of the front boundary wall shall be carried out in natural stone of the same type, texture, colour and appearance as the stone on the existing remaining section of front boundary wall and shall be laid, dressed, coursed and pointed to match that of the existing boundary wall.

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 surrounding Conservation Area, to comply with Policy ESD 15 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.1. No rainwater goods shall be used other than those comprising entirely of either traditional cast iron or metal painted black and shall be permanently retained as such thereafter..

Reason: To ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Policy ESD 15 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.1. 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.1. 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 (as amended), no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the dwelling without the grant of further specific planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the character of the area and the amenities of the occupants of the adjoining dwellings in accordance with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 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. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.
4. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
5. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
6. It is known that in some areas of the northern part of Cherwell District elevated concentrations of naturally occurring arsenic, chromium and nickel and in Souldern, Somerton, Upper Heyford, Lower Heyford and Kirtlington elevated levels of naturally occurring arsenic exist above soil guideline values produced by DEFRA. While these elements are not considered a risk to residents occupying the completed development, there exists a potential risk to residents using the garden for home grown produce or where regular contact with the soil occurs due to ingestion and dermal contact. A risk may also occur to building site workers during construction, due to dermal contact and inhalation of potentially contaminated soil and dust. The applicant is therefore requested to ensure contact with the soil is minimised, especially where young children are present and not to grow home grown produce until such a potential risk has been shown to be negligible. In addition, to ensure that all site workers are informed of this potential risk and that appropriate health and safety requirements are used to protect the site workers. For further information please contact the Council’s Environmental Protection Officer.
 |

|  |  |  |
| --- | --- | --- |
| Case Officer:  | Bob Neville | DATE: 15/02/2019 |
| Checked By:  |  | DATE:  |