

Land to the Rear of The Old Coach House, Queens Avenue, Bicester

12/01301/F

Ward: Bicester Town

District Councillor: Cllr D M Pickford,
Cllr Edwards

Case Officer: Rebecca Horley

Recommendation: Approval

Applicant: Mr & Mrs T Clarkson, The Old Coach House, Queens Avenue, Bicester

Application Description: New dwelling with integral garage. New garden shed for solar panels and cycle parking.

Committee Referral: Member request

1. Site Description and Proposed Development

- 1.1 This 0.18 hectare site occupies a corner plot at the junction of Queen's Avenue with King's End. It is a walled garden to the south of The Coach House (a curtilage listed property) and was originally part of the garden to Bicester House, the grade II listed building situated to the west. It remains as garden land under the same ownership as the applicant who lives at The Coach House.
- 1.2 The site is within the Bicester Conservation Area and is part of the setting of a listed building and a curtilage listed property. The site is further constrained by the presence of several TPO'd trees and is a site of archaeological interest.
- 1.3 The proposal seeks consent for a new dwelling to a height of 6.5m (2.5m to eaves) allowing for a first floor for 4 No. bedrooms. It is linear in form with a gable width of 9m and includes undercover parking for 2 cars accessed from the front (north) elevation. The roof features a chimney and several rooflights. The application also introduces a new garden shed of domestic proportions to be located at the rear of any existing garage, part of Bicester House Cottage. This is proposed to be used as a cycle store and features the solar panels on its roof.
- 1.4 The dwelling is proposed to be built of limestone (Cotswold) with a grey slate roof and timber windows. A close boarded fence will mark the boundary on the east side of the garden and a new 1.8m stone wall is proposed between the 2 properties. Access to the site is proposed to be shared from the existing point from the Queens Avenue. The established stone wall, at 2.6m in height will remain untouched along the south and west boundaries to the site.
- 1.5 Members may recall a previous similar application 10/01856/F which was approved, following a site visit and committee consideration on 24 March 2011. This application includes amendments to that scheme as detailed in paras 5.6 and 5.7 below.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice placed by the entrance to the site on 28 September. A press notice was also published on 4 October. The final date for comment on this application was 25 October 2012.
- 2.2 To date three letters of objection have been received, one of which is from the Bicester House Estate Residents Association (BHERA) representing 51 people. Whilst full details of the objections raised are available to view on public access, a summary of the issues that are material considerations relevant to the case is provided below:
1. The height reduction from the previous withdrawn scheme (12/00544/F) amounts to 50 cm but the house would still be visible from the grounds of Bicester House Estate and the first floor window on the side elevation would give a clear view into our grounds. This 'modern' dwelling would be unsuitable in an area of such historical importance.
 2. A full archaeological survey is still required.
 3. An up to date arboricultural report is required
 4. Increase in height from 6.3m to 7m in order to increase the loft capacity to provide extra bedrooms. This is creeping development.
 5. The arboricultural method statement has already been breached as the applicant has not protected the ground within the site.
 6. The proposed building will be longer and taller and we support the comments made by the BHERA. There will be a consequential impact on the Conservation Area and the setting of the listed building.
 7. The revised height will impact on the outlook both for our neighbours at the Bicester House and also from our property at Bicester House Cottage.
 8. Loss of trees and consequential impact on bats
 9. The cycle shed will damage tree routes and will be visible from Bicester House having a further negative impact on their outlook.

3. Consultations

- 3.1 Bicester Town Council: Comments awaited

Cherwell District Council Consultees

- 3.2 **Head of Safer Communities, Urban & Rural Services (Arboriculture):** No objections subject to conditions.

The revised footprint of the previously approved design requires the removal of two trees in addition to the previously agreed nine. Of these two additional trees, T20 and 23, only the lime tree T20 has any merit primarily due to its reasonable condition and its contribution within the overall group of trees present and in particular those adjacent to the west and south-west boundary. The loss of this tree, as with the removal of the other ten, is considered an acceptable loss to facilitate the proposal providing suitable replacement planting is undertaken within the boundary to ensure that the amenity of the site and surrounding area is not compromised.

The application is accompanied with a planting plan consisting of 9 No trees of which only two, the holm oak and the pendulous silver lime offer any significant replacement value in terms of amenity. Apart for the proposed *Betula pendula*

'*Tristis*', I would consider the remaining seven trees to be small to medium sized garden ornamental specimens of comparatively limited longevity and reduced amenity potential. Also the proposed *Robinia pseudoacacia* '*Frisia*' is a species currently experiencing an increased number of losses due to an, as yet, unidentified cause. As a result, it may be an inappropriate species to select as a replacement in such a particular scheme.

In order to promote an acceptable level of tree coverage and to maintain amenity values, it is important to mitigate necessary tree losses with species of trees capable of achieving similar benefits. As a result, I would like to see the following amendments to the submitted planting proposals:

N1 – holm oak to be kept as proposed but increased in planting size (12-14cm) and accompanied in a 5.0m triangulated planting scheme with 1 No *Carpinus betulus* (12-14cm) and 1 No *Pinus sylvestris* (12-14cm)

N2 – silver lime to be kept but increased in planting size (12-14cm) and accompanied again in a triangulated planting scheme with 1 No *Carpinus betulus* (12-14cm) and 1 No *Pinus sylvestris* (12-14cm)

N3, 4, 5, 6, 7 & 8 may still be kept as proposed due to their considered locations, potential heights and influences adjacent to the solar panels and the access drive.

N9 – as discussed, it is my opinion that the *Robinia* should be substituted with another species of tree considered to have a greater chance of survival and establishment such as *Acer campestre* (field maple), *Acer platanoides* (Norway maple) or *Tilia platyphyllos* '*rubra*'. With regards to location, I would consider it more appropriate for N9 to be positioned in a central location between the existing trees T9, 10 & 11.

It should also be noted that although the AIA submitted with the application refers to the consideration of lighting levels within the property and grounds there is no direct reference to the impact of existing trees or replacement trees upon the proposed solar panels.

3.3 Head of Safer Communities, Urban & Rural Services (Ecology): No objection.

The comments made on the previous application remain relevant and are as follows: There is no need for any ecological surveys to be carried out. Despite records of great crested newts (GCN) within 500m of the site, the habitat is not particularly suitable for them and there are no ponds nearby (they wouldn't use the stream). Research has shown that most GCN are found within 100m of their breeding ponds. There is little potential for other protected species on the site as it consists of hardstanding and thin overgrown grassland. The wooden fencing around the site prevents any impacts on the adjacent stream resulting from the proposals.

3.4 Head of Strategic Planning & the Economy (Conservation):

The fundamental question that needs to be asked in relation to this application is, does the proposed dwelling cause harm to the setting of the listed building or curtilage listed building adjacent or the appearance and character of the conservation area? The conclusion that must be drawn is that although the application is not without its detracting aspects only very limited harm can be claimed and therefore on balance should be recommended for approval. In its favour the siting of the house is improved over previous submissions although moving the new dwelling nearer to Kings Road may result in the roof being

seen above the tall garden wall. It is recommended that the conditions from 10/01856/F to be carried over (in particular condition 3-9)

- 3.5 **Head of Public Protection and Development Management** (Environmental Protection Officer – Contaminated land): No objections were received on the previous application/s subject to the full contaminated land conditions.

Oxfordshire County Council Consultees

- 3.6 **OCC Highways:** No objection, subject to access specification and no conversion of the garage space.
- 3.7 **OCC Drainage:** No objection.
- 3.8 **OCC Archaeology:** No objection subject to conditions to ensure the implementation of a staged programme of archaeology work.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C10 – Historic Landscapes, Parks & Gardens and Historic Battlefields
C23 – Conservation Areas
C27 – Design Considerations re: Historic Settlement Pattern
C28 - Design, layout etc standards
C30 – Housing standards
C33 – Undeveloped gaps of historic value
ENV12: Contaminated Land

South East Plan 2009 Policies

CC1: Sustainable Development
CC2: Climate Change
CC4: Sustainable Design and Construction
CC6: Sustainable Communities & Character of the Environment
H5: Housing Design and Density
T1: Manage and Invest
T4: Parking
NRM5: Conservation and Improvement of Biodiversity
NRM11: Development Design for Energy Efficiency and Renewable Energy
C4: Landscape and Countryside Management
BE1: Management for an Urban Renaissance
BE6: Management of the Historic Environment
CO1: Core Strategy

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Cherwell Local Plan - Proposed Submission Draft (August 2012)

The draft Local Plan is out for public consultation. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

ESD1: Mitigating and Adapting to Climate Change
ESD3: Sustainable Construction
ESD10: Protection and Enhancement of Biodiversity & the Natural Environment
ESD13: Local Landscape Protection & Enhancement
ESD16: The Character of the Built Environment

Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it can be considered as a material planning consideration. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

TR2: Transport and Development
TR5: Road Safety
TR11: Parking
EN17: Contaminated Land
EN21: Energy Efficiency
EN39: Conservation Areas & Listed Buildings: General Principles
EN40: Conservation Areas: Preservation & Enhancement
EN44: Listed Buildings: Setting
EN47: Archaeology and the Built Heritage
EN48: Historic Landscapes: Parks, Gardens & Battlefields
D1: Urban Design Objectives
D5: The Design of the Public Realm
D6: House Extensions & Alterations
D9: Energy Efficient Design

5. Appraisal

5.1 The key issues for consideration in this application are:

- Policy Context
- History
- Effect on the heritage assets
- Effect on the trees
- Siting and design
- Neighbour impact
- Highway Safety
- Other matters

Policy Context

- 5.2 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF 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 include promoting sustainable transport, delivery of a wide choice of high quality homes, the promotion of healthy communities, meeting the challenge of flooding and the conservation and enhancement of the natural and historic environment.
- 5.3 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out of date, in order to reflect the thrust of the guidance for a *presumption in favour of sustainable development*, planning permission should be granted unless harm can be identified.
- 5.4 Notwithstanding that the principle of allowing a separate dwelling at this site has already been established, it is worthy to note that the site falls within the town of Bicester so is appropriately located in policy terms as development is sought close to urban centres to ensure the promotion of sustainable development. Good design is fundamental to the development of high quality new housing which should also seek to contribute to the creation of sustainable mixed communities.
- 5.5 Being constrained by its siting within the Conservation Area, in the setting of a listed building and an area of archaeological interest, the development needs to be assessed against the aim of conserving heritage assets. The NPPF advises that if a proposal would be harmful to such interests then it should be weighed against any wider public interest and that the proposal should be fully justified. It is equally clear that there is no intention that areas should be 'frozen in time' and only where there is harm that cannot be outweighed should consent be refused.

History

- 5.6 There is an extant permission for a dwelling to be erected at this site (10/01856/F). The principle dimension differences between the approved dwelling and this proposal are as follows:

<u>Approved</u>	<u>Proposed</u>
Ridge Height – 6.26m	6.5m
Eaves Height – 2.4m	2.5m
Gable width – 8.6m	9m
Length – 22.2m	24m

- 5.7 It is noted that there is an overall height difference is 240mm from the previous approval. The applicant states that in order to achieve the code 4 values imposed by the previous committee approval, the increase is necessary unless the site is dug out further into the ground but this may impact on the tree roots. The width change is a result of now taking in the canopy and seeking to keep the roof pitch low. The overall length has changed to allow cars to be parked front ways thereby reducing the amount of hardstanding required for the manoeuvring. This has also had a bearing on the orientation of the building

which has now moved to one which is more parallel to the Coach House and also other buildings in proximity including Bicester House Cottage and Middlewall House.

- 5.8 With there being an extant permission for a similar property here it is relevant to only consider the additional impacts of the revised dimensions and the orientation against the identified key issues for consideration.

Effect on the heritage assets

- 5.9 The boundary of the Conservation Area passes to the north of the subject property and includes the site and the listed building and shares a small section of the boundary to the site on the west side along Queens Avenue. It is considered that the site is within the curtilage of and important to the setting of the host listed building (Bicester House) despite the physical separation of the fence. The site is densely tree'd surrounded by a high wall that is clearly has an association with that building.

- 5.10 Given the clear sensitive nature of the site in heritage terms consideration is given to any additional impacts that the revised changes will cause to those heritage assets. With regard to the listed building setting, the principle of development has already been conceded and also the archaeological aspects can be dealt with by condition. The remaining concern relates to the effect on the Conservation Area.

- 5.11 It was noted from the previous permission that the top of the roof of the proposed property will be visible from the public domain. Views north from Kings End into the site are restricted by the narrowness of the road and the wall but wider views are enjoyed from Queens Avenue but only from its corner with Kings End as views to the site from the north are restricted by other buildings. The top of the building would also be visible from the southern part of the site from Kings End.

- 5.12 The question is whether or not an additional 240mm height difference is going to be so harmful to this one aspect of the Conservation Area as to warrant refusal. There is also an overall footprint increase but that will go almost wholly unnoticed as will, it is considered, the height increase. One will still not be able to view the additional rooflights and the most sensitive elevation (south) has far fewer than those proposed on the north elevation.

Effect on the trees

- 5.13 The revised siting has been considered by the arboriculturalist who has considered the scheme and concluded that on balance the loss of the trees are considered acceptable in order to accommodate the development providing suitable replacement planting is undertaken within the boundary to ensure that the amenity of the site and the surrounding area is not compromised. In order to achieve this various conditions are recommended. These are important because there is no doubt that the trees at this site make a significant contribution to the character and appearance of this part of the Conservation Area as they are mature and enjoyed from the public domain at some distance.

Siting and Design

- 5.14 The application is for a revised siting and design to that already approved under 10/01856/F. Policies C28 and C30 of the adopted Cherwell Local Plan seek to ensure that all developments (especially those in sensitive areas such as Conservation Areas) are of a high standard and that housing development should be compatible with existing dwellings in the vicinity.
- 5.15 Keeping the property at bungalow height of a not dissimilar footprint, size, gable widths, in materials that match and in a linear form and layout represents a sound design which is appropriate in this area. The revised positioning of the dwelling reflects more closely the footprint layouts of the adjacent properties and there will be no noticeable difference from that already approved.
- 5.16 The design introduces rooflights in order to boost the Code 4 target and solar panels are also proposed on the new cycle shed. Such features are considered appropriate in design terms subject to detail which can be conditioned.

Neighbour Impact

- 5.17 Given the distances from the neighbours there will be no additional impacts caused as a result of the changes proposed. The new garden shed is appropriately sited not to cause any harm to neighbours in accordance with policy.

Access and highway safety

- 5.18 The position regarding the access remains unchanged and the revised parking layout within the proposed dwelling is acceptable subject to conditions restricting its use for parking only to prevent further pressure for garage parking elsewhere on the site.

Conclusion

- 5.19 Planning permission already exists for a similar property. This application would mean that the height will increase by 240mm which is not considered significant and will likely go unnoticed from the public domain of the street particularly when compared to the approved scheme. Similarly the revised dimensions of the length and width will not be noticeable. The effect on the trees is acceptable which goes some way to ensuring that the public amenity is protected with the Conservation Area. The scheme will produce a property which can claim code 4 eco-credentials which remain the aspiration for developments particularly in Bicester.

6. Recommendation

Approval, subject to the following conditions:

1. SC1.4 (RC2) – Duration Limit.
2. Except where otherwise stipulated by conditions attached to this permission,

the development shall be carried out strictly in accordance with the following information: dwg numbers WG13-001, 024(A), 030(A), 031(C), 032(B) 033(A) and 034(A) and the Design & Access Statement received with the application.

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

3. That the development shall be built in accordance with the limestone sample panel as constructed and seen on site unless otherwise approved in writing by the Local Planning Authority (RC5AA)
4. That the roof shall be covered with the natural slate as seen on site, unless otherwise approved in writing by the Local Planning Authority (RC5B)
5. SC3.7BB (RC12AA)
6. SC4.13CD (RC13BB)
7. SC5.5Atimber windows.....(RC4A)
8. SC5.14Adoors.....(RC4A)
9. SC5.19A (RC4A)
10. SC6.2AA

Reason – To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the interests of the heritage assets and the amenities of occupants of adjoining dwellings in accordance with Government advice contained in the National Planning Policy Framework, Policies BE1 and BE6 of the South East Plan and Policies C28 and C30 of the adopted Cherwell Local Plan.

11. SC6.3 (RC4A)
12. SC6.6AB

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the interests of the heritage assets and to ensure that satisfactory provision is made for the parking of vehicles on site and clear of the highway in accordance with Government advice contained in the National Planning Policy Framework, Policies BE1, BE6 and T4 of the South East Plan 2009 and policy C28 of the adopted Cherwell Local Plan.

13. SC9.13A4.....(RC93AA)
14. Except where otherwise stipulated by conditions attached to this permission the development shall be carried out strictly in accordance with the Arboricultural Impact Assessment & Method Statement by Trevor Clarkson of Crown Consultants Ltd dated 30 August 2012 submitted with the application,

unless otherwise agreed in writing by the Local Planning Authority. (RC72A)

15. Notwithstanding the details submitted in the Tree Planting Scheme, a revised Tree Planting Scheme shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. Thereafter the development shall be carried out in accordance with the approved Tree Planting Scheme.

Reason – In the interests of the visual amenity of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan

16. Prior to the commencement of any works on site or the carrying out of any operation relating to the provision of services, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Submitted in a drawing format, the details must include the identification and location of all existing and proposed trees, load bearing planting pits for hard-surface areas, as well as shrubs and hedgerows within influencing distance of such services. The development shall be carried out in accordance with the details so approved.

Reason – To ensure that the tree/trees is/are retained in a safe and healthy condition and is/are not adversely affected by construction works, in the interests of visual amenity and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

17. All agreed service trenches, pipe runs, drains or any other excavation to be constructed within the agreed Root Protection Area (RPA) of the tree/trees on the site shall be undertaken in accordance with National Joint Utility Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees – Volume 4 and all subsequent revisions and amendments of.

Reason – To ensure that the tree/trees is/are retained in a safe and healthy condition and is/are not adversely affected by construction works, in the interests of visual amenity and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

18. No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and shall include details of:
 - (a) the project arboriculturalist employed to undertake supervisory role of relevant arboricultural issues. Applicant/agent to provide written confirmation and contact details of chose individual or company.
 - (b) the relevant persons / contractors to be briefed by project arboriculturalist on all on-site tree related matters.
 - (c) the timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.

(d) the procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to agreed tree works and arboricultural incidents.

(e) appropriate supervision for the installation of load-bearing 'structural cell' planting pits and / or associated features such as irrigation systems, root barriers and surface requirements (e.g. arboresin, tree grills, areas of reduced dig or cellular confinement systems).

The Local Planning Authority will require the scheme of supervision to be administered by a qualified arboriculturist approved by the Local Planning Authority but instructed by the applicant.

Reason - To ensure that no proposed operations impair the health of any retained trees in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

19. That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which 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, 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. (RC10A)
20. That 13 No. 14-18cm tree(s) shall be planted in the first planting season (mid November to end of March) following removal of the tree(s) for which permission has been granted.

Reason – To ensure the continuity of tree cover in the interest of visual amenity of the area and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

21. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation relating to the application site area which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government advice contained in the National Planning Policy Framework and Policy BE6 of the South East Plan 2009.

22. Prior to any demolition on the site and the commencement of the development and following approval of the Written Scheme of Investigation referred to in condition 21, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in

accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government advice contained in the National Planning Policy Framework and Policy BE6 of the South East Plan 2009.

23. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

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 Policy ENV12 of the adopted Cherwell Local Plan and Government Guidance contained in the National Planning Policy Framework.

24. If a potential risk from contamination is identified as a result of the work carried out under condition 23, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason – as condition 23 above.

25. If contamination is found by undertaking the work carried out under condition 24, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation

and/or monitoring required by this condition.

Reason – as condition 23 above.

26. If remedial works have been identified in condition 25, the remedial works shall be carried out in accordance with the scheme approved under condition 25. The development shall not be occupied until a verification/validation report that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.

Reason – as condition 23 above.

Planning Note

1. With regard to condition 15, the revised Tree Planting Scheme should be guided by the advice offered in the Council's arboricultural Officer's Comments dated 23 October 2012.

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as it conserves the interests of the heritage assets (Conservation Area, listed buildings and their settings, trees and archaeology), is compatible with the scale and character of the surrounding area, not harmful to the public or private amenity, provides adequate amenity space without adversely affecting that of surrounding properties, and is not considered to be detrimental to highway safety. As such the proposal is in accordance with government guidance contained in the National Planning Policy Framework, Policies BE1, BE6 and T4 of the South East Plan 2009 and Policies ENV12, C23, C27, C28 and C30 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.