

**Site Address: Little Stoney & The
Cottage, Paradise Lane, Milcombe**

12/01580/F

Ward: Bloxham and Bodicote

District Councillor(s): Cllr Chris Heath and Cllr
Lynda Thirzie Smart

Case Officer: Tracey Morrissey

Recommendation: Approve

Applicant: John , Ruth and Jane Hester

Application Description: Demolition of 2 no. dwellings and construction of 4 no. dwellings with garages

Committee Referral: Controversial application that does not strictly accord with policy

1. Site Description and Proposal

- 1.1 This application was deferred from the 31st January meeting to enable Members to visit the site before its determination.
- 1.2 The two properties are located at the end of a no through road on Milcombe's northern rural edge. The property to the west of the application property, Farnell Fields, is grade II listed. The application site is bounded to the north by a disused railway line. Paradise Lane is a narrow, single carriageway with no footpath, accessed off Church Lane and poor visibility for the majority of the length of the lane and its junction with Church Lane and Bloxham Road. A 1m high stone wall runs along the eastern boundary of the lane with breaks for vehicular accesses to properties.
- 1.3 Milcombe does not have a Conservation Area at present, but has been reviewed recently with a view to designation. The site is however in an Area of High Landscape Value and an area of Archaeological interest. There are legally and notable Protected Species in the vicinity with rare to Oxfordshire, Whiskered Bats being found with The Cottage itself.
- 1.4 This application follows the refusal of 12/00118/F which was for the same development now sought, but with a different design and layout. Previous to that there was a long line of permissions stretching back to the 1980s - the original application for the construction of 1 no. additional dwelling (retaining the existing 2 no. properties) being approved in 1986. It should however be noted that although originally approved in 80s, the permission lapsed before it was next approved in 1992, CHN.521/92 and had lapsed again when approved in 1996 (95/01973/OUT). The permission has been renewed (five times) following this approval, the last of which was under 10/01436/OUT.
- 1.5 Planning permission is now sought for the demolition of the existing dwellings and the construction of 4 no. detached dwellings. The Cottage is a traditional stone 18th Century cottage, which previously was thatched and comprised part of a terrace of cottages, whereas Little Stoney is a post war detached dormer, brick and tile bungalow.

1.6 The proposed dwellings comprise:

Plot 1 : link detached, 4 bedroom property, with garage to side attached to

Plot 2: link detached, 3 bedroom property, with garage to side

Plot 3: Detached 4 bedroom property, garage to side. 4th bedroom with ensuite and dressing room located on the ground floor.

Plot 4: Detached 4/5 bedroom property, with garage to side

Two of the properties are for the applicants (Jane and Ruth Hester) to live in so that one sister can care for the other with disabilities; the other two are to be sold on to finance the build for the two sisters. Gardens and parking are to be provided.

2. Application Publicity

2.1 The application has been advertised by way of a press notice, site notice and neighbour letters. The final date for comment on this application was 10th January 2013.

2.2 1 letter in support has been received.

A petition of objection signed by 88 residents has been received along with 21 separate letters of objection and 10 more reaffirming previous concerns and objections. Objections include:

- The revised scheme does not address the previous 6 reasons for refusal and therefore should be rejected once again.
- The revised layout of the development simply does not address the issue of over exploitation of the site by the applicants and continues to represent a conspicuous and incongruous form of development that would be to the detriment of the historic rural context. The design, massing and height of the proposed properties are totally inappropriate – ‘The Cottage’ is currently the tallest property on the eastern side of Paradise Lane and any proposed dwellings should certainly be no higher, and preferably lower, than the height of the roof apex of The Cottage.
- No heritage assessment submitted or even acknowledgement of the site being within the setting of a GII Listed Building ‘Farnell Fields’. Development runs counter to paras 128, 129 and 135 of the NPPF.
- It is noted that the LPA would have regard to the historic street or settlement pattern. Historic photographs of Paradise Lane illustrate a clear view between what is now the ‘The Cottage’ and ‘Farnell Fields’. This space or open aspect still remains and I believe it is important to protect that layout or view. This intervening area is clearly within the setting of the Listed Building and is readily visible from the public domain. In our view the LPA should look to preserve that setting /outlook which is clearly not the case with the application as is, which is highly detrimental to the setting of the heritage assets and their integral historical relationship.
- Paradise Lane has no pathway, single track lane with views obstructed by

blind bend, hazardous to pedestrians and other road users, junction with Church Lane is also bad. Intensification will be dangerous and increases probability of a serious accident. Previous incidents over the years and cause of damage to boundary walls and verges. Significant increase in traffic will cause further harms.

- It is stated that the new layout will assist vehicles turning on the development. We are unclear as to what this means. A concern has been that large vehicles, such as waste disposal, oil deliveries, building and shopping deliveries, etc, cannot presently turn at the bottom of the lane – they have to reverse in or out of the lane. The volume of such traffic will increase significantly if the proposed development goes ahead. Does the proposed layout improve or solve this hazardous situation? This is a particularly important question if we are to have vehicles parked on the verge for passing manoeuvres.
- Whilst the stripping out of the interior fabric by the owner on 11 July 2012 (when aware of the application to list the property) was a key factor in the decision by DCMS not to list The Cottage, the intrinsic group value of The Cottage and its association with Farnell Fields continues to represent a historical unity and functional relationship. This unity and the importance of the space between these two heritage assets in this historical part of Milcombe should be preserved in any development application.
- The submitted bat survey does not go far enough, for the three tests to be properly assessed, emergence surveys would need to be carried out as a minimum. This prevents the LPA from making a decision on the matter with regards to protected species. There is also potential for GCN from pond in Farnell Fields and possibly badgers, given the woodland area beyond.
- The provision of 4 no. dwellings, with a significant impact on the context in terms of height, scale and massing. Considerable footprints and plan depths, pushed to site boundaries resulting in a cramped inappropriate form and layout, more like a hard 'estate' cul-de-sac out of character with historic, rural edge of village location.
- Contrary to Policies C27 and H14 of the adopted Cherwell Local Plan. The proposal will harm the local environment, by introduction of alien housing in this historic part of the village, harming the setting of the listed building and removal of historic cottage.
- No justification to replace a piece of history with town houses which are completely out of keeping with not only this part of the village but other parts.
- Design, finish and layout are inappropriate; the aesthetic value of the area will be diminished by 4 modern large houses. Development contrary to paras. 56, 57, 60 and 64 of the NPPF as the proposal fails to respond to or reinforce local distinctiveness, is of poor overall design and harms to the established character of the locality.
- Loss of amenity to neighbours at Farnell Fields and Hillcroft, from overlooking and over domination given the siting of the development on the

boundaries, contrary to Policy C30 of the adopted Cherwell Local Plan.

- Virtually no room on boundaries to cater for landscaping as the development is pushed hard to the western, southern and northern extremes of the site.
- 13 no. car parking spaces to be provided harmful to the character of the rural lane
- The “passing place” identified on the Site Plan is not flat or surfaced. It is in fact part of the grass verge which banks from road level to an approximately height of one metre against the field/verge dividing wall, and is at an angle of approximately 30 degrees. The steep bank falls away into the gateway of the field which is in frequent use for pedestrian, dog walker, and farm vehicle access. In the immediate area there is a surface drain, a manhole cover, and a tree on the verge. The surface drain is a substantial concrete structure that is situated at the margin between the verge and the road – it is approximately 25cm high. There are three more similar drains spaced at intervals in the lane. Vehicles running over these would risk serious damage to wheels and suspension units, and possibly the drain casings themselves would ultimately be smashed.
- The application proposes that the grass verge could be generally used for passing purposes on “odd occasions”. Based on the level of traffic presently using the lane, the statement makes the valid point that the increased volume of traffic would require vehicles to pass each other. However, proposing that the grass verge is used for this purpose seems totally unsuitable and dangerous, particularly for pedestrians. The insurance implications may also be a consideration in the unlikely event that this proposal was officially adopted. It is also obvious that such use would make an awful mess of the verge, particularly during winter months.
- An alternative solution offered is that “one vehicle can reverse to a wider section”. Where are these “wider sections” and what size of vehicles could pass each other?
- It is stated that Paradise Lane is wider at the start and end of the lane. I cannot really understand this comment because excluding the area where Church Lane, Horton Lane, and Paradise Lane merge, the top of the lane (just before the blind bend) is the narrowest point at just over 3 metres wide.
- Sewerage disposal issues
- Great loss to loose 18th Century historic cottage which is part of the village’s heritage and character, it is very regrettable as it is one the last remaining examples of a random / rubble stone constructed houses in Milcombe in its original state. If this building is to be demolished, the stone recovered should be used in the facing walls of any new properties built on the site.
- Full details of the proposed building materials for each plot are not defined in the application but at a high level continue to include the use of inappropriate materials given the proximity to the adjacent listed property. These include, but are not limited to, the proposed use of concrete roof tiles and facing brick. In line with the condition of the outline application (10/01436/OUT), all

external walls of the dwellings, garages, garden partition walls etc should be constructed solely of natural ironstone and all roofs of natural welsh slate. The inclusion of, but not limited to, features such as front door porches, facing brick garden partition walls etc are totally incompatible with the appearance, character, layout and design of rural historical dwellings in this part of the village.

- The application has no reference to the controlled routing of the stream that exists under the proposed development site and how that will be protected. This stream is one of three main watercourses that flow through the parish and it re-emerges to the eastern boundary of Brookside (Fernhill Close) to flow through to the lakes at Milcombe House. From there the stream joins the discharge from the lakes on Fernhill Farm and flows through Bloxham and eventually joins the Sor Brook to the north of Adderbury.

Non-material comments:

- If the council is minded to accept this type of development so as to attract a government Bonus, it would be a pity to think our council may be prepared to destroy our amenity in favour of this bonus scheme.
- Own property and those close by have been renovated at great cost so as to enhance the area. Packing so much in and losing such a valuable bit of history will no doubt create a great deal of unease and promote civil unrest. I do not think the council would like to be associated with such a planning decision.

3. Consultations

3.1 **Milcombe Parish Council** – Does not object but raises the following concerns:

1. This is an over development of the site. Four properties are too many for the size of the area of land. A total of three houses on the site is a far more acceptable.
2. Prefer to see all the houses being built in hand chopped coursed stone – presume Hornton instead of the facing bricks stated on some of the properties. This would look better adjacent to the listed building than the present proposal. Also all the roofs on all the proposed properties should be in slate to better reflect a 'barn' style appearance.
3. Would also like the issue of height on plot 4 to be taken into consideration as it appears to be too high in relation to the other properties surrounding it.
4. Prefer to see timber windows, fascias and soffits instead of the proposed uPVC. We would also prefer that the frames are all one colour instead of the white and brown mixture stated on the Design Statement.
5. Highways concerns:
 - i) The width of the road at the entrance to Paradise Lane, does this meet minimum standards?

- ii) The increase in traffic movement may cause further congestion in Paradise Lane, especially as it is so narrow. There is also a dangerous corner and three way traffic coming from Church Lane and Horton Lane.
 - iii) There are also safety issues for pedestrians due to the width of the road as there are no footpaths in Paradise Lane.
6. No objection to the demolition of Little Stoney as this is possibly the most unattractive property in Paradise Lane having a yellow brick exterior and an extremely large and unattractive chimneystack built of reconstituted stone at the front. The Cottage does not appear to meet English Heritage's criteria for preservation and accord it with any sort of special status, i.e. listing. Whilst it is a 17c building it has been the subject of some modernisation over the years with a mixture of timber and plastic windows being fitted and the old thatched roof being changed to slates approximately 20 or so years ago. It does not appear to have anything by way of architectural merit [except its age] to stop it being demolished.

Cherwell DC consultees

- 3.2 **Ecologist** – The bat survey found whiskered bats to be roosting in 'The Cottage' and pipistrelle bats in 'Little Stoney'. Since the roosts would be lost if the buildings are demolished as currently intended, a Habitats Regulations licence will be required from Natural England before any demolition can start. The emergence survey reports are not acceptable as they were not undertaken in line with the Bat Survey Guidelines 2012 and therefore the mitigation measures may not be sufficient. Without further surveys being undertaken it is unclear whether Natural England will issue a licence. The removal of the internal structure of the building has improved it for bats in terms of hibernation, but has lessened the likelihood of it being used as a maternity roost (where warm temperatures are needed) due to the removal of the floor.

The Council's Ecologist has also further advised that as the bat mitigation strategy submitted so far is very basic, recommends that a further condition is attached to any permission. Also whilst the nearest records of GCN are nearly 1km away, it is possible that they can travel this distance, but there would need to be a waterbody to be travelling to. The neighbour has advised that GCN are present in the ponds 170m to the north east of the site behind Milcombe House and Fern Hill Farm with the intervening land is meadowland and copses of trees. In order to address this aspect which has not been covered in any survey so far submitted, it is considered that a further condition requiring a construction method statement should be added to any approval.

- 3.3 **Conservation Officer** – The proposal is to demolish 2 properties – a traditional stone cottage and a modern bungalow – and to construct 4 houses on the site. The Cottage can be seen on the 1875 OS map of Milcombe as the penultimate cottage in a row of 4 dwellings. It is representative of the humble status of dwellings that existed within Milcombe at that time, particularly in the North West corner of the settlement.

The Cottage is an example of a C18/C19 hovel common throughout villages in the C19 but now mostly replaced by modern housing. The Cottage has been unlivable in for the last 30 years (communication from applicants) and did retain many original

features such as inglenook fireplace with newel post winder stair adjacent rising 2 floors to the attic; however the majority of the fabric was removed and destroyed by the applicant in the summer.

Objection was originally raised in respect to the design and scale of the development and whilst amended still some concern over the scale of the dwellings proposed.

In respect to the revised Design and Heritage Statement the following comments have also been received: "The text is excessively negative about The Cottage, too much so. Granted the building had not been well maintained, was in a tolerably poor state of repair and had been the subject of unsympathetic alterations but it also had merit. A better balanced report would have set out the arguments for both side of the debate; instead there is an exaggerated account of all the buildings failings actual and supposed in an effort to conclusively justify demolition".

- 3.4 **Environmental Protection Officer** – The database shows that the railway embankment and former farm in vicinity of this site, are potential sources of contamination that could impact on the development site. In these circumstances, this makes the site sensitive for future residents. I would therefore recommend that full contamination land conditions be imposed.

The closest potential contamination identified relates to a shallow surface water feature approximately 50 metres to the west of this development boundary which may have been unfilled. This is unlikely to affect this development.

I don't have information which indicates contamination is present on this site, but also do not have information which indicates it is not. As the proposal is residential, it's introducing people that would be vulnerable if contamination is present on the site. As such, I recommend the full contaminated land conditions are applied to assess the risk from contamination.

Oxfordshire County Council Consultees

- 3.5 **Highways** – Initially objected to the scheme as the proposal did not address the previous reason for refusal in respect to adequately detailed passing place and provision of adequate turning facility. Further details were sought and based on the revisions in respect to turning facility and passing place the Highways Authority withdraw their objection. The following comments are however made which can be addressed via condition should Members be minded to approve the application - "Whilst lacking in specific detail as regards construction, levels and drainage details the revised plans do show the provision of a local widening and improvements to the end of the lane such that a very much improved turning facility is to be provided. The turning head will be a significant improvement which is expected to accommodate the majority of vehicles accessing the lane. The passing place may need to be amended possibly by narrowing the width and/or increasing the length but only slightly just to make it appear less of a lay-by".
- 3.6 **Archaeologist** – The site is located within an area of archaeological potential related to the early post medieval development of the settlement. The existing cottage on the site is thought to date from the C17th (PRN 27969). Another C17th house which is grade II listed is located 50m SW of the site (PRN 17564). The remains of a shrunken medieval village are located 300m to the SW (PRN 27453).

The cottage itself is thought to have been built as a workers cottage for the village. The area around the cottage is likely to contain numerous rubbish pits from this period which would be disturbed during this development. We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition.

3.7 Drainage - No drainage layout provided. More detailed drainage design required.

- Must be SUDS compliant.
- Car parking and hard standings to be constructed of a porous material.
- No surface water to enter on to the highway or into the highway drainage system.
- Undertake geotechnical survey to establish best drainage technique.

Please note that OCC drainage team recently jettted and cleaned a culvert that runs through the vicinity of the site.

Other consultees

3.8 Natural England – it is noted that works have been undertaken to The Cottage since the original inspection surveys in January 2012 which involved the removal of most of the internal structures of the building. Given that these first surveys found evidence of bat usage of the building, Natural England is concerned that these works potentially resulted in the destruction of a bat roost.

The survey information provided with the application indicates that the two buildings at the site support roosting bat species. The survey reports state that The Cottage has been found to support a small number of brown long-eared bats and a small number of whiskered bats. Little Stoney has been identified as supporting a common pipistrelle roost. Mitigation for the loss of these roosts is provided in the supplementary mitigation prescriptions report, and is based on the assumptions of low level usage by these three species. For long-eared bats, it is likely that this assumption is appropriate, given that they are a void dwelling species and therefore more visible during an inspection. Natural England is therefore satisfied with this conclusion.

However, for crevice dwelling species such as pipistrelles and whiskered bats, it is harder to be certain of a small population based on the observation of low numbers of droppings, as much evidence left by these species may not be visible. Activity surveys are therefore necessary to provide further details of the use of the buildings by bats. In this case, activity surveys were carried out late in the survey season, and there is the potential that a larger, potentially maternity roost of these species has been missed. Therefore the timing of the surveys makes it difficult to be confident in the conclusion of a small population of common pipistrelle and whiskered bats.

In order to overcome the limitations of sub-optimal surveys, it would be necessary to adopt a 'worst case scenario' approach to the likely impacts of the development, and then to mitigate accordingly. In this case, a worst case scenario would constitute a maternity roost of common pipistrelles and whiskered bats, as neither

of these can be ruled out based on the current survey results. Based on this assumption, the mitigation proposals would need to allow for replacement roosting facilities to be available for use by bats in time for the start of the summer season following demolition. If this was not possible, then temporary roosting facilities would need to be provided until the permanent roost was completed. These temporary roosts would need to be of sufficient size to accommodate the worst case scenario populations.

The important thing is that the timings are secured so that the new roost would be in place before start of the following season, by April ideally. This is so that the new roost is accessible when the bats start looking for summer/maternity roosts. It is therefore important for the mitigation proposals to outline when (ie in which month) the roost will be completed, as well as in what order.

For example, if the applicant wanted to demolish the existing buildings this year, the new roost would need to be completed before the start of the 2013 summer season, which would make the schedule quite tight. If the new roost were completed after this, then they would need to wait till the end of the season next year to demolish the two existing buildings to ensure that any bats which were roosting in the existing buildings had moved on.

The other option is that a temporary roost could be constructed to accommodate the bats between the old being demolished and the new constructed if this timetable was not possible.

Natural England therefore recommends that to avoid adverse impacts upon populations of bats using the site, the following are secured by appropriately worded conditions of any planning permission granted:

- Replacement bat roost for worst case scenario maternity population of common pipistrelle and whiskered bats, and small population of brown long-eared bats to be provided on site in advance of the start of the first summer activity season following demolition. The summer activity season is deemed to begin in April.
- Replacement roost should be of suitable size for long-eared bat species (5m x 5m x 2.8m) and also incorporate facilities for crevice dwelling species. Ideally such replacement roosting facilities should be provided at more than one location within the site.

Bats are European protected species and as such a licence is required in order to carry out any works that involve certain activities such as capturing the animals or destroying their resting places. The later decision on a licence application is a more detailed assessment and may require additional survey information, population assessment and specific details relating to the effectiveness and workability of the mitigation proposals before works can proceed.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. Failure to do so may result in fines and potentially, a custodial sentence.

3.9 **Thames Water** – raises no objection to the proposal and makes the following

comments:

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Advise that with regard to sewerage and water infrastructure there is no objection.

Recommend informative regarding water pressure

4. Relevant National and Local Policy and Guidance Policy Considerations

4.1 Adopted Cherwell Local Plan (Saved Policies) :

C2: Protected species

C4: Creation of habitats

C28: Layout, design and external appearance of new development

C30: Design of new residential development

H14: Category 2 Settlement

ENV12: Contaminated land

South East Plan 2009

CC1: Sustainable development

CC2: Climate change

CC6: Sustainable communities and character of the environment

H4: Type and size of new housing

H5: Housing design and density

T4: Parking

NRM5: Conservation and improvement of biodiversity

BE1: Management for an urban renaissance

BE6: Management of the historic environment

Other Material Policy and Guidance

National Planning Policy Framework

Cherwell Local Plan – Proposed Submission Draft (August 2012)

The draft Local Plan went out for public consultation and 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:

BSC1: District wide housing distribution

BSC2: The effective and efficient use of land

ESD1: Mitigating and adapting to climate change

ESD3: Sustainable construction

ESD7: Sustainable Drainage Systems (SuDs)

ESD10: Protection and enhancement of biodiversity and the natural environment

ESD13: Local landscape protection and enhancement

ESD16: Character of the Built Environment

Policy Villages 2 : Distribution of growth across the rural area – Group 3

INF1: Infrastructure

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.

5. Appraisal

5.1 The issues raised by this development are:

- History
- Principle of development
- Design
- Impact on heritage assets
- Impact on neighbours
- Ecology
- Highway safety and parking.

History

5.2 Outline consent (with all matters reserved) for the erection of a dwelling on this site has been granted since it was first granted in 1986 under application CHN.741/86. Permission has been renewed continually since this time.

1986 – **CHN.741/86** - Erection of dwelling, garage and access

1992 – **CHN.521/92** - Erection of dwelling

1995 – **95/01973/OUT** - Erection of dwelling

1998 – **98/02021/OUT** - Erection of dwelling renewal of 95/01973/OUT

2001 – **01/02334/OUT** - Erection of dwelling, access and garaging, renewal of 98/02021/OUT

2004 – **04/02403/OUT** - Erection of dwelling, access and garaging, renewal of 01/02334/OUT

2007 – **07/01745/OUT** - Erection of dwelling, access and garaging, renewal of

04/02403/OUT

2010 – **10/01436/OUT** - Extension of time of 07/01745/OUT - Erection of dwelling, access and garaging

2012 – **12/00118/F** - Demolition of 2 no. dwellings and construction of 4 no. dwellings with garages – Refused for the following reasons:

1. The information supplied, is insufficient for further consideration on the likely impact, on the European Protected Species found to be present at the site or other protected species elsewhere on the site and therefore it has not been demonstrated that the proposed development would not cause potentially irreversible and significant harm and disturbance to vulnerable protected species. The development is therefore considered contrary to the provisions of Policy NRM5 of the South East Plan 2009, adopted Cherwell Local Plan Policy C2 and Non-Statutory Cherwell Local Plan 2011 Policies EN1, EN23, EN24 and EN25 and Government guidance contained within the National Planning Policy Framework – Conserving and enhancing the natural environment.
2. The proposed development is not 'infill' development but constitutes a cramped form of residential development conflicting with the general character of the locality. The dwellings proposed by virtue of their design, layout, height, scale and massing are out of keeping with the local traditional vernacular and would form a conspicuous and incongruous form of development to the detriment of the historic, rural context. The proposed development is therefore contrary to Policies BE1, BE5, BE6, CC1, CC6, H4, H5 of the South East Plan 2009 and Policies H14, C13, C28 and C30 of the adopted Cherwell Local Plan and Policies H16, EN39, EN44, D1, D3 and D6 of the Non-Statutory Cherwell Local Plan 2011 and contrary to Government guidance contained within the National Planning Policy Framework - Requiring good design, Delivering a wide choice of high quality homes and Conserving and enhancing the historic environment.
3. The submitted design and access statement is not adequate as it does not explain or justify the proposed site layout, or appearance of the buildings, or describe the significance of the Grade II, listed heritage asset affected, including the contribution made by its setting, sufficient to enable this Authority to make an informed decision on the matter. The development is therefore contrary to Policy C28 of the adopted Cherwell Local Plan, Policies BE1, BE5, BE6, CC1, CC6, H4 and H5 of the South East Plan 2009 and Policies D1, D2, D3 and D6 of the Non-Statutory Cherwell Local Plan 2011 and contrary to Government guidance contained within the National Planning Policy Framework - Requiring good design and Conserving and enhancing the historic environment
4. The loss of The Cottage is lamentable given its historic significance as a heritage asset and the proposed development by reason of its siting and design, adjacent to a Grade II Listed Building, would be detrimental to heritage assets' settings as it fails to preserve those elements of the settings that make a positive contribution to or better reveal the significance of the heritage asset and contrary to Policy BE6 of the South East Plan 2009 and Government guidance contained within the National Planning Policy

Framework - Conserving and enhancing the historic environment.

5. Paradise Lane is narrow and of tortuous alignment with neither separate footway provision nor adequate turning facility. Movements generated as a product of the proposed development will result in increased conflict adversely affecting both the safety and convenience of other road users to an unacceptable degree contrary to Policy TR5 of the Non-Statutory Cherwell Local Plan 2011 and Government guidance contained within the National Planning Policy Framework – Promoting sustainable transport.
6. The proposed development, by reason of its design, siting, size, massing, dominance and overbearing impact would be likely to have a seriously detrimental effect upon the amenities of the occupiers of adjacent residential properties by restricting the amount of daylight and outlook at present enjoyed by the occupiers thereof and will result in overlooking and loss of privacy. The proposal is therefore contrary to the provisions of Policies C28 and C30 of the adopted Cherwell Local Plan and Policy D6 of the Non-Statutory Cherwell Local Plan 2011.

Policy Context and principle of development

- 5.3 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 requiring good design, delivering a wide choice of high quality homes, conserving and enhancing the natural environment and the conservation and enhancement of the historic environment.
- 5.4 Paragraph 35 of the NPPF states that developments should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. This aspect will be further expanded later on in the report.
- 5.5 Paragraph 50 of the NPPF requires that local authorities plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).
- 5.6 Further Paragraph 53 advises that where harm is caused to the local area, the inappropriate development of residential gardens should be resisted.
- 5.7 The general thrust of national policy contained within the NPPF is continued in regional policy, with one of the sustainable development priorities being to ensure the physical and natural environment of the South East is conserved and enhanced. Policy CC6 of the South East Plan 2009 requires decisions associated with the development and use of land to respect, and where appropriate enhance, the character and distinctiveness of settlements throughout the region.
- 5.8 The proposal will be considered against Policy H14 of the adopted Cherwell Local Plan, which as a Cat 2 village allows for conversions, infilling or other small scale

development that can be shown to secure significant environmental improvement within the settlement.

- 5.9 Paragraph 2.69 of the adopted Cherwell Local Plan states that “Policy H14 will permit the construction of houses in small gaps in a village street. When environmentally acceptable such gaps may be filled by the construction of a single house or by the construction of two smaller units.” Paragraph 2.70 goes on to add that “many spaces in village streets are important to their character and cannot be filled without detriment to their environmental quality. Such gaps may afford views out into the landscape or help to impart a spacious rural atmosphere to the settlement. This is particularly important in a loose-knit settlement pattern where the spaces may be as important as the buildings. The character of such settlements can be rapidly eroded by infilling”.
- 5.10 During the consideration of the original and subsequent applications for an additional house, it was noted that the case officer stated that the proposal did not strictly comply with the Housing Policies of the Cherwell Local Plan in respect to infill, however based on the fact that a single dwelling of similar scale and massing adjacent to the existing cottage was proposed there was no significant harm. The adjacent listed building, Farnell Fields was listed in 1955 and the setting of this building was taken into consideration in the determination of the original consent in terms of positioning, design and scale. Whilst the position of the new dwelling was indicatively illustrated, its actual positioning would have been subject to the reserved matters application; however it is considered that it would be likely to remain in a similar position. With regards to the impact on the character and appearance of the area, the mature trees within the site and the impact on the wildlife in the woodland, again this would have been taken into consideration in the determination of the previous consent only three years ago. At that time the development was not considered to have adversely affected the visual amenities or nature conservation interests in the area.
- 5.11 Taking into account the extant consent and the existing two properties on the site, the development now proposed would actually involve only the creation of one additional property. However, the point raised by the objectors about the fact that it is not just about only one more property; the scheme involves the creation of much larger properties than those currently on site, as the proposed development involves the demolition of the existing properties is noted. Notwithstanding that, the existing properties could be extended to create the same amount of accommodation currently proposed.
- 5.12 The previous scheme involved the immediate demolition of the existing properties and the four new houses built out thereafter. No phased development was to take place, however the applicant now proposes to build out the development in phases due to the presence of bats in the existing properties, (this will be expanded on later in the report) but essentially the existing properties are not going to be demolished until at least plots 2 and 3 are in place to provide the necessary bat mitigation measures.
- 5.13 The revised layout of the scheme, involves the construction of plot 4 on a similar position to Little Stoney and plot 1 just a little further forward of the approved 3rd property subject to the extant consent. Plots 2 and 3 then create a courtyard of 4 properties resembling a traditional barn conversion form of development.
- 5.14 Whilst the previous scheme was considered to be unacceptable on a number of

issues, it failed to comply with Policy H14, because not only did it not strictly accord with infill, its whole form, layout, scale and design was considered to be an incongruous form of development, detrimental to its historic rural context.

- 5.15 The proposed scheme has been renegotiated taking into account the previous concerns. Design and scale will be discussed further later in the report, however in respect to the principle, it is considered that, like the extant consent, the revised development does not strictly accord with Policy H14, but the layout and general design in the form of a traditional barn conversion complex overcomes the previous reasons for refusal. It is further considered that a reason to refuse the application on principle grounds could not reasonably be sustained at appeal.

Design

- 5.16 Policy BE1 of the South East Plan 2009 sets out the Plan's approach to promoting and supporting imaginative and efficient design solutions in new development, and aims to increase public acceptance of new housing by making sure that its is of a high quality design that respects local context and confers a sense of place.
- 5.17 Policies C28 and C30 of the adopted Cherwell Local Plan relate to all new development and seeks to ensure that it is sympathetic to its context, and the nature, size and prominence of the development proposed, and are compatible with the appearance, character, layout and scale of existing dwellings in the locality and street scene in general.
- 5.18 The site is part of a larger area recognised as having High Landscape Value therefore policy C13 of the adopted Cherwell Local Plan applies. The wider area is recognised as being of particular environmental quality but the actual site has no more specific landscape designations. The policy seeks to conserve and enhance such areas and as such a high design standard will be required.
- 5.19 Policy D1 of the Non-Statutory Cherwell Local Plan 2011 sets out the Council's urban design objectives which seek to ensure that development is compatible with the site's context in terms of its scale, density, massing, height and layout. Whilst Policy D3 seeks to ensure that development reflects or interprets the local distinctive character of the site and its context, by respecting traditional patterns of arrangement, plots and their buildings and spaces and retention and enhancement of existing open spaces and undeveloped gaps of local importance that contribute positively in visual terms to the public realm. The scale, proportion, massing and height of proposed development should be considered in relations to that of adjoining buildings.
- 5.20 Furthermore Policy D6 refers to the consideration of development in design terms which should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity and also that it provides standards of amenity and privacy acceptable to the Council.
- 5.21 The Cottage and Farnell Fields are the remaining historic buildings located at the end of Paradise Lane, the other few properties within the lane are untraditional modern bungalow. The proposal seeks to demolish the two existing dwellings and construct 4 no. dwellings in their place. The renegotiated scheme resembles a former barn conversion form of development laid out around a central courtyard, with plot 4 being the larger property.
- 5.22 Further amended drawings have been received dealing specifically with plot 4,

which was of greatest concern. This dwelling closest to the neighbouring property Hillcroft, has had its ridge height reduced from 9.4m to 7.6m and the attic bedroom removed from the scheme, thereby making this a 4 bedroom property. Therefore the ridge heights of the properties are proposed to be 7.6m - 7.9m gable widths 6m, each unit it to have single storey projections. This makes plot 4 specifically similar to the ridge height of Little Stoney and actually lower than The Cottage. The streetscene drawing illustrates this point. Materials to be used are natural stone and facing brick, with natural slate and plain tiles, windows to be timber. The construction of plot 1 should be from the stone of The Cottage, so that the building's historic fabric is not lost forever.

- 5.23 The previously refused scheme was very suburban in design and completely out of keeping with its historic context. The whole scale, form, character and layout of the previous scheme essentially created an overdevelopment of the site with untraditional garages pushed to the front of the site and consequently unacceptable.
- 5.24 Government guidance contained in the new NPPF attaches great importance to the design of the built environment. Para 61 states "Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment." The NPPF requires good design when determining application and that poor design should be refused that fails to take the opportunity to improve the character of the area.
- 5.25 It is considered that the proposed design of dwellings is more sympathetic to its context and resembling a former traditional barn conversion type of development is more in keeping with and addresses the historic context of the site and subject to the submission of further amendments which address concerns about scale and design, the proposal is acceptable.

Impact on heritage assets

- 5.26 Whilst not designated a listed building, The Cottage clearly has some significance as it formed part of the original terrace of C18th cottages and is therefore recognised as a heritage asset, defined in the NPPF as a building identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.
- 5.27 Adjacent to the site however is a GII listed building, Farnell Fields, and therefore the proposed development is within the setting of this heritage asset. The NPPF states that heritage assets are an irreplaceable resource, which should be preserved in a manner appropriate to their significance. It also states that the more important the asset, the greater the weight that should be given to its conservation and that any harm or loss should require clear and convincing justification. Substantial harm should be wholly exceptional and if the harm to the significance is less than substantial then that harm must be weighed against the public benefit of the proposal.
- 5.28 Policy BE6 of the SEP (although an older policy than the NPPF) largely reflects this approach and Policy EN44 of the Non-Statutory Cherwell Local Plan 2011 seeks to ensure that development which is situated within the setting of a listed building respects the architectural and historic character of the building and its setting. The

Council will have regard to the desirability of preserving the setting of listed buildings and will resist development that would adversely affect it.

- 5.29 It is considered that together with the statutory GII listed 'Farnell Fields', the unlisted property to be demolished, 'The Cottage' are clearly recognised as important historic features. The Cottage therefore has a degree of significance, however it must be noted that it is not of the highest significance akin to listed buildings, scheduled monuments and world heritage sites for example.
- 5.30 NPPF – Conserving and enhancing the historic environment, para 128 states that "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary." The design and access/heritage statement and further justification statement has been revised, and whilst it has its shortcomings, it does address the Grade II listed heritage asset affected and the contribution made by its setting and the loss of The Cottage.
- 5.31 The comments made by the objectors and the Conservation officer are duly noted, however, ultimately the Council will be unable to resist the demolition of The Cottage. Following the determination of the previous application, English Heritage were approached with a view to spot listing The Cottage, however as the majority of the historic fabric of the building was removed, English Heritage found that it did not meet the requirements for being listed. It is therefore considered that whilst the loss of The Cottage is lamentable given its historic significance as a heritage asset, reference to the loss of The Cottage in the previous reason for refusal could not reasonably be pursued further. One compensation measure is that plot 1 would be constructed using the stone from The Cottage, thereby retaining the historic fabric on site.
- 5.32 In respect to the setting of the neighbouring listed building, the revised scheme has been designed to reflect that of a traditional converted barn housing development. When viewing the site and the wider setting of the listed building, Plot 1 is the closest property, which is in a similar position to the extant consent, and whilst that was only in outline with the exact siting to be considered at the reserved matters stage, it is likely that the position of the property would logically be similar to that now proposed as Plot 1. The revised design is considered to be acceptable in principle and consequently will not harm the significance of the setting of the heritage asset and overcomes the previous reasoning for refusal.
- 5.33 Further in respect to heritage assets, the site is within an area of archaeological interest (early post medieval) and as such comments from Oxfordshire County Council's Archaeologist has recommended at the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction.

Impact on neighbours

- 5.34 It was previously considered under 12/00118/F that by virtue of its layout and siting of the proposed properties would have an unacceptable impact on the amenities of the neighbouring properties. Notwithstanding the awaited further amendments it is considered that the revised scheme overcomes the previous concerns.

- 5.35 In respect to Plot 1, the boundary between the site and listed Farnell Fields to the west is rather 'hit and miss', but the hedge line could be reinforced as part of a robust landscaping scheme to help screen the two sites, in the interests of amenity of existing and proposed occupiers. The siting of this proposed property is in a similar position to the extant consent, and whilst that was only in outline with the exact siting to be considered at the reserved matters stage, it is likely that the position of the property would logically be similar to that now proposed as Plot 1. Therefore, whilst the concerns of the neighbour are noted, it is considered that given the layout of the proposed property, there would be no more overlooking that would occur from this development than that, which could be constructed under the extant consent.
- 5.36 In respect to Plot 4, this has been reduced in height from 9.4m to 7.6m and the 5th attic bedroom removed from the scheme, this has followed concerns that the relationship with this plot and the other neighbour at the bungalow Hillcroft, would give rise to over domination. With regards to overlooking, it is considered that the proposed dwelling would not give rise to any further overlooking than currently exists from the existing property Little Stoney to either neighbour.
- 5.37 The other two plots 2 and 3 will not give rise to any impact on the amenities of any neighbouring property.
- 5.38 Given that further amendments have been received reducing the height and scale of Plot 4, it is considered that the proposed development overcomes the previous concerns and reasoning for refusal and provides standards of amenity that comply with the relevant development plan policies.

Ecology

- 5.39 NPPF – Conserving and enhancing the natural environment requires 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 where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” (para 109)
- 5.40 Paragraphs 192 and 193 further add that “The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question”. One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to 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. This is a requirement under Policy EN23 of the Non-Statutory Cherwell Local Plan 2011.
- 5.41 Paragraph 18 states that “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the

following principles:- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.

- 5.42 Paragraph. 98 of Circular 06/05: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system states that, “local planning authorities should consult Natural England before granting planning permission” and paragraph 99 goes onto advise 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.”
- 5.43 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that “every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity” and;
- 5.44 Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.
- 5.45 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 5.46 Under Regulation 41 of Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict legal derogation tests are met.
- 5.47 In respect to the application site, a Bat Survey Assessment was undertaken by Ecolocation dated 19th January 2012, which found that there was evidence of Whiskered bats in The Cottage and Pipestrelle bats in Little Stoney. Notwithstanding a further emergence survey being undertaken in September 2012 by a different company Ace Consulting, the extent of the occupation has not been fully established, although it did find the presence of another bat, the Long Eared bat. Basically, the emergence survey was undertaken at a time when Whiskered bats are likely to be already hibernating, therefore whilst the survey indicated that Pipestrelle and Long Eared bats are present at the site, the absence of Whiskered bats during September does not evidence their absence.
- 5.48 This site has been the subject of investigation by the Council’s Ecologist and Natural England, with the Police being involved in the summer, just before English Heritage’s visit, as the applicant was found to be stripping out the building and burning the material. Whilst it was alleged that the habitat was being disturbed or

destroyed, no further action was deemed necessary by the Police.

- 5.49 Since then the site has been closely monitored and discussed at length by at least six Ecologists, however based on the information submitted with the current application, it was not established until very recently, whether or not the proposed mitigation and compensation measures were considered to be acceptable. A phased demolition and construction programme was necessary, and based on the following, Natural England are now content that based on a worst case scenario, the phasing and mitigation measures will be acceptable and subject to a further emergence survey in the summer a licence would be likely to be issued:
1. Build plots 2 and 3 (for the sisters) with bat habitat being created in the roof spaces and bat boxes installed in the garden
 2. Demolish Little Stoney and its garage
 3. Build plot 4
 4. Demolish The Cottage
 5. Build plot 1 and garage for plot 2
 6. Install turning head
 7. Complete access, parking and landscaping
- 5.50 In respect to the potential for GCN, which may or may not be in the adjacent field, the applicant is commissioning a survey to establish their presence or not. If the survey finds GCN to be present suitable mitigation measures can be drawn up and submitted as part of a condition, prior to the commencement of the development on the site. Essentially there are no GCN on the site itself, so measures to ensure that the development does not cause harm will be sufficient.
- 5.51 Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. The proposal therefore accords with the National Planning Policy Framework -Conserving and enhancing the natural environment and Policy C2 and C4 of the adopted Cherwell Local Plan.
- Access and highway safety**
- 5.52 Concern has been raised by local residents in respect to the narrowness of the road, the loss of turning facility and increase traffic in respect to highway safety. Paradise Lane is narrow and of tortuous alignment with neither separate footway provision or adequate turning facility, previously OCC as local highway authority objected to the 12/00118/F scheme and required the proposal to include a passing place further up the lane and also the provision of turning facility within the site. Such alterations would, to a degree, ameliorate the concern expressed with regard to the increased movements, having a beneficial effect for all who use the lane.
- 5.53 Further amendments were sought as part of the current application as the detail shown (as required above) did not actually demonstrate that the turning facility or passing place could be provided.

- 5.54 Oxfordshire County Council, as Local Highway Authority has now, based on the further amendment, accepted that the proposal in respect to access, parking and highway safety is acceptable in principle, subject to conditions.
- 5.55 What has been negotiated will be a significant improvement to the turning facility and the provision of a passing place which will offer the opportunity for vehicles to pass each other where there is none at present. The level of traffic passing the junction is quite low and speeds are very much moderated by the alignment of the approach roads. When emerging vision is available in both directions as it is for right turn movements.
- 5.56 OCC's records with regard to any accident details, reveal that there have been none involving personal injury in the vicinity. In this regard it is common practice to look back 5 years but in view of comments received with respect to the junction, further clarification was sought and went back a further five years, which showed the same i.e. no accidents.
- 5.57 With regard to the issue of pedestrian movements there will remain the opportunity to utilise the verge and indeed the passing place. The level of vehicular movement which is likely as a product of the additional unit will be in the order of 8 -12 trips a day.
- 5.58 It is therefore considered that the proposal is now acceptable in terms of parking and highway safety and that the previous reason for refusal could not reasonably be sustained on appeal.

Engagement

- 5.59 With regard to the duty set out in paragraphs 186 and 187 of the Framework, following the refusal of the previous application, further negotiation has taken place prior to the submission of this current application and during. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.60 In conclusion therefore taking into account the above appraisal it is considered that the current application that has renegotiated addresses the previous reasons for refusal and given the revised layout and design, is now acceptable and complies with the Government guidance contained in the NPPF and the other relevant development plan policies listed above.

6. Recommendation

Approval 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 documents submitted with the application and the following drawings: Site location plan (indicating passing place), 11:3544:5A, 6B, 7C, 8D, 10, 11A and MT/JH 211 12-2.

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. Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural stone which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy BE1 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, samples of the brick, tile and slate to be used in the construction of the walls and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy BE1 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of 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 and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

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 comply with Policy BE1 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6. Development shall not commence until a surface water and foul sewage drainage scheme and strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and

constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community in accordance with the guidance contained within the National Planning Policy Framework and Policy NRM4 of the South East Plan 2009 and Policy ENV1 of the adopted Cherwell Local Plan.

7. Given the presence of bat roosts in the existing properties and where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, the works of demolition or above ground construction shall not take place until Summer emergence surveys have been carried out, a detailed mitigation strategy for bats has been drawn up together with timing of works and the location and design of alternate roosts to be provided, and a licence to affect such species has been granted in accordance with the aforementioned Regulations, details of which and a copy of the licence thereof shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be carried out in accordance with the approved details and the bat roosts thereafter provided within the roofspace of the dwellings identified shall remain as such in perpetuity and shall not be converted to provide additional accommodation at anytime.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy NRM5 of the South east Plan 2009, Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. That full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure, in respect of those dwellings which it is intended shall be screened, shall be erected prior to the first occupation of those dwellings.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan.

9. Prior to any demolition on the site, the commencement of the development hereby approved and any archaeological investigation, 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 Policy BE6 of the South East Plan 2009 and Government guidance contained within the National Planning Policy Framework.

10. Prior to any demolition on the site and the commencement of the development hereby approved, and following the approval of the Written Scheme of Investigation referred to in condition 9, 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.

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 Policy BE6 of the South East Plan 2009 and Government guidance contained within the National Planning Policy Framework.

11. That prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Great Crested Newt survey shall be carried out, and the findings, including a mitigation strategy and method statement of construction, if required, 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 NRM5 of the South east Plan 2009, Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for swifts and house sparrows, which shall include details of the location and design of alternative nest sites to be provided, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the commencement of the development, the alternative nesting sites shall be provided in accordance with the approved document.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy NRM5 of the South east Plan 2009, Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. That, before any of the dwellings are first occupied, the proposed vehicular accesses, driveways and turning areas that serve those dwellings shall be constructed, laid out, surfaced and drained in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with government guidance contained within the National Planning Policy Framework

14. That no surface water from the development shall be discharged onto the adjoining highway and a scheme to prevent this occurrence shall be submitted to and approved in writing by the Local Planning Authority and constructed prior to the commencement of building operations.

Reason - In the interests of highway safety and to comply with government guidance contained within the National Planning Policy Framework

15. 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.

16. If a potential risk from contamination is identified as a result of the work carried out under condition 15, 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: 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.

17. If contamination is found by undertaking the work carried out under condition 16, 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: 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.

18. If remedial works have been identified in condition 17, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 17. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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.

19. That The Cottage shall be demolished by hand and the stone shall not be disposed of but shall be conserved and re-used in the construction of Plot 1 hereby approved.

Reason - To safeguard the preservation and retention of the stone of the existing historic building and to comply with Policy BE6 of the South East Plan 2009, and Government guidance contained within the National Planning Policy Framework.

20. That, notwithstanding the provisions of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, the garage(s) shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.

Reason - To ensure that satisfactory provision is made for the parking of vehicles on site and clear of the highway in accordance with Policy T4 of the South East Plan 2009.

21. That, notwithstanding the provisions of Classes A to E (inc.) of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, the approved Plots 1 and 4 shall not be extended without the prior express planning consent of 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 amenities of the occupants of the adjoining dwellings in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan.

Planning Notes

1. Thames Water informatives
2. Construction sites
3. The applicant is advised that if further advice is required in relation to conditions 9 and 10, contact should be made with the County Archaeologist on 01865 328944 or by writing to Richard.Oram@oxfordshire.gov.uk or Historic and Natural Environment Team, Infrastructure Planning, Speedwell House, Speedwell Street, Oxford, OX1 1NE, who can provide advice in terms of the procedures involved, provide a brief upon which a costed specification can be based, and provide a list of archaeological contractors working in the area.
4. Works within the Highway
5. That pursuant of condition no. 7, the mitigation and compensatory measures are to be based on a maternity population of common pipistrelle and whiskered bats and a small population of brown long-eared bats.

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

The Council, as local planning authority, has determined this application with primary regard to the development plan and other material considerations. The development is considered to be acceptable on its planning merits as it would not cause serious harm to the character and appearance of the locality, significance of heritage assets, residential amenity, ecological matters or highway safety. As such, the proposal is in accordance with government advice contained in the National Planning Policy Framework, Policies CC1,CC2, CC6, H4, H5, T4, NRM5, BE1 and BE6 of the South East Plan 2009 and Policies C2, C4, C28, C30, H14 and, ENV12of 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.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.