

**Site Address: Manor House, South
Green, Kirtlington**

13/00019/F

Ward: Kirtlington

District Councillor: Councillor Holland

Case Officer: Caroline Ford

Recommendation: Approval

Applicant: Mr and Mrs M Roskelly

Application Description: Refurbishment of and extension to existing Manor House and Coach House including internal alterations, general window repairs, loft conversion, dormer windows, new staircase, insertion of flue pipe, insertion of new roof lights and windows, conversion of attached barn to habitable accommodation and ancillary development, including new entrance gates. Installation of a garage and studio building. Installation of swimming pool, pool house/changing room, greenhouse and garden store/shed in garden. Erection of new dry stone walling - resubmission of 12/01363/F

Committee Referral: Member Request

1. Site Description and Proposed Development

- 1.1 The Manor House is a substantial detached grade II listed property constructed from limestone rubble with ashlar dressings and a natural stonessfield and artificial stone slate roof. The attached barn is included within the listing; however the Coach House to the north of the Manor is grade II listed in its own right. The site is within the Conservation area and other listed buildings are within proximity including the grade II* listed Church of St Mary. The site has the potential for ecology to pose a constraint and the area has a medium likelihood of archaeological interest. There are no other site constraints.
- 1.2 The application seeks planning permission for various works, both to the dwelling itself and within its residential curtilage. An overview of the proposals is given above and will be described in detail later in this report along with an assessment of each element of the work. The application is a resubmission of a previously withdrawn application. A listed building consent application accompanies this full planning application (13/00020/LB refers). Amended plans have been received through the period of the processing of the application which make some minor changes to the plans to overcome concerns raised by the Conservation Officer.
- 1.3 The only relevant planning history is applications 12/01363/F and 12/01364/LB which were both withdrawn and sought permission for development of a similar nature. These applications were withdrawn following Officer advice that those proposals were unacceptable due mainly to the development at the bottom of the garden that was proposed. The previous application was controversial with a total of 29 objection letters received as well as the Parish Council objecting to the proposal. The current application has been submitted to overcome the concerns previously raised.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 21st February 2013.

Letters have been received from 8 local residents. The following issues were raised:

Material planning comments:

- The incumbent and PCC of St. Mary's Church note with relief that the outdoor entertainment area has been moved further away from the church and churchyard and that the creation of a new gate into Church Lane is no longer proposed. No objection to the new proposals provided construction vehicles are not permitted to use Church Lane for access to the site – access should be from South Green only. The Lane is used regularly not just for services and car parking occurs for users of the Church and Churchyard, it is also used regularly by pedestrians and construction vehicles would likely cause problems. Funeral processions should not be obstructed or affected by construction vehicles.
- Seems to be a discrepancy between the plans submitted and the accommodation to be provided in each building.
- Building designated as a shed and store will be very obtrusive in a location where at present there are no other buildings. This has the appearance of a bungalow rather than a garden shed and hard to believe space on this scale is required for the stated purpose. To have a timber building would be out of keeping within a conservation area where the normal building material is stone.
- Concern if the entrance on Church Lane would be used for construction vehicles as its use would add to difficulties for residents.
- Good to see the Manor House will be brought to a proper state of repair. The materials to be used will be important as is the way they are finished and appropriate conditions should be used require samples of materials. Sorry to see that some of the original mortar pointing to the Coach House has been raked out and replaced.
- Proposal to use Stonesfield slate on the main house is welcomed. Proposal to use reconstituted stone roof tiles on the Coach House and barn should not be considered acceptable. The barn roof currently has huge character and aesthetic appeal. This is because of the stonesfield slate roof, the simplicity of form, the integrity of a consistent roof finish and an undulation of the roof surfaces. These qualities as well as its historic use make it of notable communal value as well as historic and aesthetic value. Proposal to re-roof with reconstituted stone slates and to introduce roof lights is highly detrimental. The roof straightening out and alterations to windows and introduction of roof lights do not convey a sympathetic approach and will result in the loss of character. The Coach House is prominent overlooking South Green and has a stonesfield slate roof. The loss of the stonesfield slate roof is detrimental to the character of the listed buildings and conservation area. Natural stonesfield slate should be used throughout.
- Insufficient attention to the understanding of the site as a whole and the historic setting in which it sits. All listed buildings around South Green and this area of the village form the setting.
- The open character of the area is of great value to the character of the village. It is identified as a character area in the Conservation Area Appraisal (CAA). The Appraisal identifies that 'the area is composed of mainly undeveloped land with a handful of key buildings...'. 'The open nature of the area is enhanced by views east between the church and village hall and out to the open park landscape beyond....To the north gardens and undeveloped land add to the open landscape with interspersed low level stone boundary walls. This area is vulnerable to infill development which would have an adverse impact on its open character and the setting of the church'. The vista across the development site is identified with the CAA.
- Setting is not only a visual matter but, also encompasses the ambience of an area including factors such as noise and vibration. Whilst this revised submission moves the proposed pool, pool house and garden building a little further from the church, the impact on the setting of the church and ambience of the church yard have not been wholly mitigated. Their proximity is still considered to be detrimental to the amenity of the churchyard to the

community as a whole.

- The three new buildings and a green house which are proposed to the south of the main house constitute a significant amount of development on the site. The site plan makes reference to the ha-ha being retained to maintain the hierarchy of elements between the garden and grounds. However the hierarchy is not just a matter of the defining feature of the ha-ha but the character of the garden and grounds either side. As such the proposed development of the pool, pool house and garden store do not preserve or enhance the character of the grounds to the south of the ha-ha.
- The design of the pool house and garden building are not considered acceptable. The roofs to the proposed pool house and garden store are shown at a steep pitch that significantly increases their overall mass and form. They are also noted to have a slate roof finish. The steep pitch of roof with slates is not characteristic of the local area, slates generally being used at a shallower pitch. Further the use of timber boarding in the exterior is not seen as characteristic of the area. As such the design is not considered to be appropriate for the conservation area nor setting of the listed building with regard to preserving or enhancing the character.
- The design of the gates and gate piers is not in character with the site nor appropriate for what is proposed as a drive through to the back of the property. The status of the design does not fit with the status of the entrance.
- Any new drive materials should be free draining to address concerns about surface water run off and surface water feeding into the base of historic walls.
- The proposal to remove the render to the chimney on the west elevation and not reinstate it is a loss to the appearance and character of the building. Whilst the need for repair is acknowledged the use of render is a particular characteristic of the chimney with both evidential and aesthetic value and should not be lost.
- Details of the draught stripping to the windows should be obtained, to ensure that the appearance of the historic building is not compromised by this alteration.
- The combination of roof lights and dormers proposed to the east roof slope of the main house is aesthetically very unsatisfactory. In combination they detract from the character and appearance of this principle roof slope.
- The proposals include the provision of stone sub sills to the west elevation of the main house. Extremely concerned to see that the existing historic stonework has already been cut out for these sub sills without permission for the work having been granted. The removal of the existing stone work has resulted not only in the loss of historic fabric but the evidential value it encapsulates that bears witness to the particular treatment these windows had in the past. Neatening and straightening up will be highly detrimental to the character of the building. This concern applies not only to windows and window cills but also to roofs and other built elements. Regrettably that the proposed development of the barn includes the removal of some of the existing first floor structure.
- The proposal to convert the barn into more family accommodation represents a significant change to the quantity of domestic accommodation on the site and precipitates the need for the significant quantity of additional outbuildings proposed to be developed on the site. This change in balance of type of accommodation and associated additional development does not appear to be either desirable or necessary with regard to maintaining the historic character of the property, its setting or the site as a whole within the context of the conservation area.
- The large double height window proposed to the south elevation of the barn is out of character for the building and should not be considered acceptable
- Given the potential for archaeological deposits referred to in the letter from the Planning Archaeologist it is surprising that this application has been registered without a desk top appraisal having been submitted.

- Development does not fulfil the concept of sustainable development under the NPPF. This calls for development that does not compromise the ability of future generations to enjoy what we enjoy now. The development to the south of the ha-ha would detract greatly from the qualities of the conservation area that are currently enjoyed. Further the changes to the roof finishes and introduction of roof lights combined with an apparent straightening and neatening of the roofs and windows will also detract greatly from the qualities of the conservation area that are currently enjoyed.
- Pleased to see the house will be put into a proper state of repair. Concerned that every effort should be taken to ensure that it is done carefully and sensitively with regard to the buildings historic character and appearance.
- Improvement on the original plans
- Pleased to see the Yew Tree will be retained
- There should be no compromise with regard to the roofing material
- The shed at 15' tall is too tall as historic sightlines will be impaired
- The development proposed in the garden will be directly in front of the Old Vicarage, which has never had such development before and which will affect the setting of the building.
- Concerned that the pool and pool building will not be sunk into the ground. Discrepancy over what the height of the wall to the side of pool will be – should be no less than 2m.
- The Orchard planting is welcomed and this should be completed prior to the garden development works.
- Trees are in place in the position of the pool building, these are not included within a recently submitted TCA and it would not be possible to build the proposal with these in place. Would not be happy for this to include a cover to collect leaf fall or for it to be moved further into the garden

3. Consultations

3.1 **Kirtlington Parish Council:** Comments made to various aspects of the proposal:

The Manor House, Coach House and Barn – The PC are pleased the Manor House is to be refurbished and restored. These buildings are historically and aesthetically the most important in this part of the village and at the heart of the Conservation area. Great importance that appropriate materials are used in the refurbishment so that the fabric and status of the group of buildings are enhanced. Natural Stonesfield slate tiles should be used throughout for the re-roofing of the house, the coach house and barn and for the new build sections. The PC feels strongly that the use of artificial slates is not acceptable. Lack of clarity in the submitted drawings and information about the intended roofing materials. The Kirtlington Conservation Area appraisal encourages owners of historic properties to replace inappropriate modern with appropriate traditional materials. Object to the proposed dormer windows on the east and north facing roof pitches of the main house as being incompatible with the character and appearance of a listed building of this date.

Barn – The barn contributes significantly to the overall character of the house and conservation area. Any repairs to the roof should preserve the undulations in the roof. Object strongly to the proposed installation of roof lights in the Barn as being wholly inappropriate to the historic structure and detrimental to the appearance of this prominent part of the site. The proposed glazed opening the Barn's southern gable is reduced from that previously proposed but the PC considers the height and size to still be unacceptable and recommends they are reduced. It is considered the use of metal for the casement is inappropriate.

Garage – Concerned about the overall height of the garage; that it is out of scale. Over large in relation to the nearby main house and the PC would prefer a single storey structure. Traditional materials, including natural Stonesfield slate roof tiles

should be used due to the proximity to the Manor House.

Swimming pool, pool house, garden store/ pump house – Notwithstanding the new location south of the ha-ha the PC objects to the construction of these facilities as detrimental to the setting of the Manor House itself and the Church Character area (as identified in the Conservation area appraisal) and the setting of the adjacent listed buildings in this part of the conservation area. These proposals will form a visual intrusion and will still give rise to noise disturbance affecting those using the Church, the Churchyard and Church Lane in what should be the most tranquil heart of the village. They are inconsistent with local character and will harm the setting of the adjacent listed buildings (including the Manor House itself) and harm the historic value of the landscape and the character and appearance of the conservation area will not be preserved nor enhanced. The Conservation area appraisal emphasises the importance of the open space in this part of the village and of the vistas in several directions across the grounds of the Manor House – the grounds are visible from the Churchyard and the sports field and the roofs of the pool house and garden store would be very prominent from those positions. English Heritage guidance on ‘The Setting of Heritage Assets’ defines the setting as ‘the surroundings in which the asset is experienced’. CDC should have regard to the requirements of clause 129 of the NPPF.

Garden store/ pump house – The ridge height of the garden store at approximately 5m is unnecessarily high for a building of this purpose and timber cladding and blue slates are felt to be inappropriate choices of materials for this part of the conservation area and are out of keeping. PC also objects strongly to the swimming pool facilities on the basis of noise and disturbance (use of a pool and the activity associated with it is inappropriate in the proximity of the Church and Churchyard and will affect neighbours adversely), loss of important open space, impact on surroundings, scale (all elements of the pool facilities are on too large a scale).

Ha-ha – The PC hopes no alteration will be made to the fabric of this historic feature.

Cherwell District Council Consultees

3.2 Conservation Officer: Recommendation: Approve with conditions

Heritage assets are an irreplaceable resource but in order to conserve and preserve them, we do have to have a pro-active approach to the long term protection of the building and the setting.

Significance

The Manor House is a main focus of the village, located on the village green and is of substantial size. The house is a 17th century house which is typical of the surrounding area. It has few of the details you would expect of manor houses that were being constructed in this period, such as early signs of ‘classical’ architecture and the introduction of polite architecture with its symmetrical buildings and balanced rhythm. This building retains its more earthy vernacular construction and details. This is also followed through with the close proximity of the barn, coach house and haha – traditionally used to allow a formal garden, then a working area of the garden without a fence interrupting the views.

It is likely that the original section of the house was built as the main manor house of the village, until the new Kirtlington Park was constructed (18th century), and this manor house became either the main Manor Farm House or a dowager property.

The manor house has altered and developed over time, but still retains most of the features. One of these is the important relationship between the main living accommodation and the out houses. Internally, features such as a rear staircase and the larder (cold storage) still exist. Within the barn, the former closet (toilet) is still in-situ. The links between the house, barn and coach house still retain the scale of a link

(ie, provide a cover access) to the adjoining building retaining the relationship of the status & function of the buildings. This relationship has been key to ensure that this is retained. The change of use of the barn is part of the development of the property and will ensure that the barn is brought back into a good state of repair. English Heritage and the NPPF support sustainable uses of buildings as long as the character or significance is retained. It is felt that for this property, the proposed change of use of the barn is not deemed to cause substantial harm to the significance of the barn. However, the insertion of windows, creation of dormers, etc has to be managed to ensure that the significance is not harmed. The insertion of the window to the gable end can be read as a modern alteration as part of the development of the property but it still retains the relationship with the surrounding properties and with the main house. There is evidence of existing windows, which have created the starting point for the design. The proposed design can be read as a modern interpretation, whilst allowing light into the structure. The retention of the existing window frames will retain the external appearance of the barn. The internal space retains the main features. The retention of the closet is important to retain the historical features. The D&A statement does not provide sufficient justification for the loss of this. Roof lights to both elevations of the barn would not be acceptable as this is deemed as too much intervention.

The proposed plan looks to re-open some existing windows in the main house which will radically change the appearance of the building. As there is clear evidence that these windows were formed, this is deemed to reinstate the original intended plan. However, the joinery and glazing details need to be confirmed to ensure that they are suitable for the property. It is felt however that the existing window sizes should not be altered.

The relationship of the house with the auxiliary buildings provides the social status of this building. The original house was enlarged in the 17th century with a new wing, creating the appearance of the courtyard house. The insertion of a flat lead roof between the main house and the barn allows this space to be used, yet retain the external appearance.

Conservation Principles

English Heritage guidance outlines the main principles of conservation of our historic environment. The guiding principles are to understand the assets and understand the significance of the asset. With this knowledge we are then able to manage the assets to sustain their value whilst enabling the assets to have a long term future. All decisions can therefore be made in a reasonable transparent and consistent approach. The use of materials and the details are important to the long term protection of the property.

The barn retains its current form and function. It has over the years suffered from lack of maintenance, though this is not a consideration for the decision of the application, it does allow for some understanding and flexibility in the approach to move forward. The important aspect is to retain the form of the structure and the relationship it has with the remaining buildings. The application does not provide sufficient guidance to the details proposed to the listed building.

Coach house has been altered and amended within the last 100 years, some of which has been less than sensitive. These works have domesticated the property from the original use. The proposed insertion of the roof lights is not deemed to cause harm to the significance of the building. However, details of the proposed roof lights should be provided.

Out Building:

The main house would have had associated out buildings, such as stores, stables, etc. These have been lost over time as the house has changed and developed.

The applicant proposes to create out buildings for various modern day living requirements. Under both the NPPF and the latest English Heritage guidance, we are encouraged to allow development.

The original garden design has been lost over the years, and later additions and

changes have occurred. This included the formation of a tennis court (grass) and the creation of an orchard beyond the haha.

The design of the garage, and the other outbuildings, reflect the simpler, vernacular style of buildings that would have been constructed. The Pool house reflects a simple stone built open cart shed and is faced away from the main house. Setting the building at the lower level, beyond the haha reflects this. The setting of the building away from the views of the main house retains the original use of the haha, as well as the more recently acknowledged open views from the public realm.

The haha is a significant feature of the garden and relates to the status of the house. The use of a haha indicates that the garden would not have had walls that were visible from the house, apart from boundary walls. The proposed application indicates the use of walls with paving leading to the garage.

The proposed **garage** with studio above is smaller than the previous proposal. The location of the garage has been set to the side of the plot, and in a location that allows the house to retain unimpeded views across the garden. The plans however do not qualify the hardstanding and the walls. If these walls are to be low level planters indicating the path, this would with the more formal setting of the garden.

The proposed **pool house** should have a plain elevation facing the house which would require the formal wall to have openings that reflect more of a walled garden appearance. The low, single storey construction ensures that the relationship is retained between the more formal, grander house and associated buildings (barn and coach house). The boundary wall needs to be clarified in height, construction detail, finishing treatment

The **garden store** has windows to the elevation which looks out to the neighbouring garden and existing boundary wall. These would not have been constructed in the early buildings. It is recommended that these be removed or reduced in size.

Locating the out buildings to the side of the garden, and one at 90 degrees to the boundary line, it retains the open views that have been identified within the conservation area appraisal.

The NPPF looks to conservation of the significance (para 126) and understands that we protect listed buildings is for public benefit, for now and in the future. However we have to assess the long term sustainability of the building. By having a function this makes the building have a long term sustainable use.

The works overall are deemed to either be major repair works were long term maintenance has not been undertaken or works to allow the property to have a long term sustainable use.

The proposed scheme looks to undertake works that retain the character and the appearance of the property. The proposed roof works have had to compromise between traditional roof construction and the requirements of bats. The reinstatement of stone slates throughout the property will improve the appearance of the property. The proposed replacement weather details (such as the stone work) is required to ensure that the building remains water tight for the next 100+ years.

The insertion of the new window to the barn and the dormers to the main house reflect the developing needs and requirements of the house. This is deemed as managed change and progresses the development of this very piecemeal property.

The insertion of the out buildings is not deemed to cause harm or effect of the listed building, or surrounding buildings. Most houses of this size and age would have had out buildings to allow the function of the house to be fully undertaken. The use of the outbuildings may have changed, but the reason is the same.

Conditions should include full details (joinery, etc) and samples. Confirmation of wall height, etc.

3.3 **Arboricultural Officer:** No Arboricultural objections subject to conditions.

3.4 **Ecologist:** The reports identify a sufficient level of mitigation and such that a European Protected Species (EPS) licence is likely to be granted (expanded upon in the appraisal).

Oxfordshire County Council Consultees

3.5 **Highways Liaison Officer:** No objections subject to conditions

3.6 **Archaeologist:** The site has the potential for archaeological interest and therefore the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction, which should be secured by condition.

Other Consultees

3.7 **English Heritage:** No response received to current application – response to the previous submission was ‘The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C28: Layout, design and external appearance of new development
C30: Design of new residential development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Cherwell Local Plan – Proposed Submission Draft (August 2012)

The draft Local Plan has been through 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.

Kirtlington Conservation Area Appraisal (September 2011)

5. Appraisal

5.1 The key issues for consideration in this application are:

- Visual amenity
- Conservation area and listed buildings
- Residential amenity of neighbouring properties

- Highway safety
- Ecology
- Trees
- Archaeology

Visual amenity

5.2 In terms of the development proposed to the house, the works are largely refurbishment to bring the property up to a modern standard. A number of these alterations are proposed, which will affect the external appearance of the building, some of which only require listed building consent. Amended plans have been received, which show various changes to the plans which reflect some comments from the Conservation Officer and also some of the comments made by third parties. Firstly, the plans confirm that natural stone slates are to be used throughout on the house, barn and coach house, which is an appropriate roof covering for these sensitive and prominent buildings in the centre of the village. A number of new windows are proposed, including roof lights, the re-opening of previously blocked up window openings and dormer windows. The roof lights and dormer windows are contained on the internal facing roof slopes so would not be widely prominent and it is considered that these are sympathetic to the character of the building, the dormer windows in particular are traditionally proportioned and these are considered to be acceptable. The Heritage statement argues that *'there is clear evidence... that the attic was occupied and therefore it would be appropriate to insert traditionally designed dormers and roof lights'*. The proposed slight extension to the link between the house and barn is considered to be an acceptable alteration to the property, representing an imaginative design solution, which also secures the removal of the existing en-suite within the main bedroom thereby restoring this room. The front porch will be altered to include additional windows but this is a modern feature therefore causing limited harm. The Coach House works are largely refurbishment. Again the roof lights are contained on the courtyard facing roof slope and overall the works will bring the building up to a higher standard without harming visual amenity. The works to the barn involve its refurbishment and conversion to habitable accommodation. The roof lights are now contained on the courtyard facing roof slope, which is considered to be appropriate and acceptable. A large glazed window is proposed in the southern gable end of the barn, this window would fit within where there is evidence of two existing openings. Visually, this glazing would form a modern feature to the rear of the barn, which would be a statement and reflect the modern refurbishment works that are taking place. English Heritage guidance advises that *new openings can be expressed as modern interventions without resorting to make them appear 'historic'*. Views of this could be possible from the church yard, however it is not considered that this would cause serious visual harm and is considered acceptable. The proposed entrance gates are considered to be acceptable. Overall Officers consider that the works proposed are unlikely to harm the visual amenity of the area and are acceptable. In general it appears that local residents are largely supportive of the works to the house and outbuildings, subject to the detailed comments made and are pleased to see investment being made to this significantly important and prominent building in a very sensitive area of the village.

5.3 The works to the garden are more contentious. The original proposal under the withdrawn scheme proposed the majority of the development to be at the very bottom of the garden adjacent to the church boundary and proposed two large buildings, the pool and green house. The proposed development within the garden area has now been significantly scaled down and repositioned to attempt to overcome the previous concerns raised. The position of the development falls within an area of land, which does not appear to have historically formed the residential curtilage of the property – the position of it south of the ha-ha suggests that this is the case, given the historical purpose of a ha-ha to separate a formal garden from the agricultural land. However, it would appear that over time, the use of the land has changed to have been used as residential curtilage. Notwithstanding the use of the land, essentially the development

has been designed to respond to the historic use of the land and its status, with the leisure use further towards the house, and the storage outbuildings that are to be designed as if they could be for agricultural purposes located in the bottom of the land closest to the church. The pool house is to the north and is relatively unimposing in its nature despite its overall height of 4.8m and will be built from stone and is considered to be appropriate for its context. The Conservation Officer considers the doors facing north are unacceptable preferring to see the elevation blank, these are necessary for access to the pool area and Officer's are content that these are acceptable. The pool itself will be positioned to the south of this and will be contained by a wall, 2.07m high, which will screen views of this feature and give a 'walled garden' effect. To the south of the pool is the garden store/ shed building. This is to be tucked against the existing boundary wall and again is relatively unobtrusive in its nature again despite its height being 5.5m. The material for this building is mostly timber cladding, which has been criticised within the third party comments received. The Conservation Officer advises, that the Manor would have had associated functional outbuildings and that these would have been a lower status than the main house. The proposed store building will be clearly for its purpose and would be functional. As such, it is not considered appropriate for stone to be used as this would elevate the importance of this outbuilding and serve to potentially detract from the main listed building. The use of artificial slate has also been criticised, with third parties considering that natural stone slate should be used on these buildings. Whilst this would be desirable, these are to be new buildings and therefore it is considered unreasonable to insist on this material for these outbuildings as this matter does not make the scheme unacceptable. The proposed glass house is again functional and would be associated with the use of the end of the garden as a vegetable garden and is simple in nature and considered to be acceptable. The garage building has been reduced in scale over that previously proposed and whilst this does provide a room in the roof, it is designed to be a suitable addition in this area.

- 5.4 Clearly the development proposed in the garden would change the area to an extent and would increase the intensity of the use of this area of the garden. However the land is associated with a dwelling, within the village and it is not unusual to see development such as that proposed within the curtilage of a property, particularly such a grand building. The proximity of the church and the use of this sensitive building will be discussed below, however essentially Officer's are content that the amendments made to the scheme in terms of reducing the overall impact upon the area, containing the development to the side and leaving the majority of the garden opens, represents an acceptable scheme that would not cause such serious harm to the character and appearance of the wider area that the proposal could be refused on these grounds. The proposal is considered to respond to its context and complies with policy C28 of the adopted Cherwell Local Plan.

Conservation Area and Listed Buildings

- 5.5 The property is situated within a sensitive area within the middle of the village and its conservation area, therefore any development must not cause harm to the significance of this heritage asset and preserve and enhance the area. The Conservation Area Appraisal considers the area in detail. The views along Church Lane towards the Church and the green setting of the church are identified as key characteristics and it identifies positive views and vistas in the area surrounding the Manor House and the Church. Threats to this area are identified and which include the infilling of large plots near the church disturbing its open setting. The use of traditional materials is encouraged. The proposal does not result in infilling (for example with pressure for a new dwelling here), it seeks consent for ancillary development to a dwelling that is not unreasonable or unusual to see within the garden of a property. Furthermore, as the Conservation Officer advises, there may well have been buildings at the end of the garden historically. The proposed are clearly subservient buildings that do not detract from the listed building. Natural materials are proposed for the house and largely for the outbuildings, however as

explained the use of the artificial slate for the outbuildings is considered acceptable in this case.

- 5.6 The work to the house itself will bring the property back to a habitable and high standard that will ensure its future and whilst some changes such as new windows, dormer windows and roof lights are proposed, these are not considered to cause any harm to the significance of the conservation area. The use of natural stone slate for the house, coach house and barn is appropriate and acceptable. As mentioned above, the development within the garden is much more contentious and there is concern that this work will impact upon the conservation area detrimentally. The above assessment has considered the detail of this work in more detail and whilst it is accepted that the character of the area will change, it is considered that the scheme responds to the context of the wider area in an acceptable way being positioned in an unobtrusive position tucked against the boundary of the site, with the buildings designed for their purpose and responding to the historical use of the land, therefore leaving the majority of the land open and allowing the important vistas to remain (albeit changed). The conservation area is not there to restrict development, but rather to control it and ensure that any proposal is appropriate within its context and in Officer's view, this has been secured here.
- 5.7 The site is situated adjacent to listed buildings, including the grade II* listed church, the Manor House itself and other grade II listed neighbours. Officers are satisfied that the work to the house will not impact upon the setting of other listed buildings detrimentally. The buildings within the garden will change the character of the area, however not detrimentally in Officers view. They are designed to be subservient, functional buildings for a specific purpose and whilst they are of a relatively large size, they are set within a spacious area of land. Officers are satisfied that the development will not harm the overall setting or significance of other neighbouring listed buildings and the development will not detract from their overall importance.
- 5.8 The applicant has submitted a Heritage Statement to support the current scheme providing a thorough consideration of the site, its historical development and the impact of the proposals on the building, other nearby heritage assets and the conservation area. The statement concludes that *change is sometimes necessary to facilitate the continued use of buildings in the 21st century. These proposals have been informed by a detailed analysis of the heritage asset and follow a principle of least intervention... The proposals will benefit the building and sustain its heritage significance for 21st century living. The introduction of outbuildings to provide ancillary uses reflects the changing function of rural settlements and the role of the larger houses within those villages... The siting and scale of the proposed outbuildings seeks to ensure that the views of the church, from the church and the sense of seclusion and tranquillity are maintained. New development... can add to the interest and character of a place. The new outbuildings will be visible, to some extent, in some views, adding a new element into the view. However this does not mean that the significance of a view or the setting of a heritage asset will be diminished or how it is experienced will be harmed.*
- 5.9 The Conservation Officer's view supports the view set out here and Officers agree that the heritage statement provides a thorough assessment that limited undue harm will be caused.
- Residential amenity of neighbouring properties**
- 5.10 Given the relationship of the site, with all nearby residential properties, it is not considered that there would be any serious undue impact by way of loss of light, loss of privacy or over dominance that would cause the proposal to be unacceptable. The comments of the neighbouring property who overlook the garden of the Manor and so who will see the development in the garden are noted, however as previously mentioned, the development is of a suitable style and unobtrusive in their nature for

their use and their position within a residential garden. Whilst their outlook will change, the impact is not considered unacceptable. The height of the wall at 2m to the side of the pool has been confirmed and this will help to ensure the privacy of both neighbours. The proposal complies with policy C30 of the adopted Cherwell Local Plan.

Highway safety

- 5.11 The proposal does not involve alterations so significant that highway safety would be compromised, sufficient off road parking is provided, as well as a garage. The Highway Authority raise no objection subject to conditions and therefore Officer's are satisfied the proposal is acceptable in highway safety terms. The condition to ensure the garage is not converted has not been recommended as there is adequate off road parking without the need to secure the garage.
- 5.12 Concern has been raised in terms of deliveries during the construction period and other associated vehicular movements and parking pressures during this time. Most notably, it is the use of Church Lane for parking that is most concern and the impact this may have on pedestrians and users of the church, particularly at sensitive times. It would not be possible to refuse a planning application based on what could happen during construction as this is usually a relatively short period of time, however a planning note in relation to third party rights has been recommended as well as a note to avoid Church Lane wherever possible – access is possible by South Green.

Ecology

- 5.13 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)
- 5.14 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.
- 5.15 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”
- 5.16 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 on to 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.”

- 5.17 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;
- 5.18 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”.
- 5.19 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.
- 5.20 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 which include:
- 1) is the development needed for **public health or public safety** or **other imperative reasons of overriding public interest including those of a social or economic nature** (development).
 - 2) Is there any **satisfactory alternative**?
 - 3) Is there **adequate mitigation** being provided to maintain the favourable conservation status of the population of the species?
- 5.21 Therefore where planning permission is required and protected species are likely to be found to be present at the site or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that local planning authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements (the 3 tests) might be met. Consequently a protected species survey must be undertaken and it is for the applicant to demonstrate to the Local planning authority that the 3 strict derogation tests can be met prior to the determination of the application. Following the consultation with Natural England and the Council’s Ecologist advice given (or using their standing advice) must therefore be duly considered and recommendations followed, prior to the determination of the application.
- 5.22 In respect of planning applications and the Council discharging of its legal duties, case law has shown that:
- 1) if it is clear/perhaps very likely that **Natural England will not grant a licence** then the Council should refuse planning permission
 - 2) if it is likely that **Natural England will grant the licence** then the Council may grant planning permission

- 3) if it is **unclear/uncertain** whether Natural England will grant a licence then the Council must refuse planning permission (Morge has clarified Woolley)

[R (Morge) v Hampshire County Council – June 2010 Court of Appeal case]
[R (Woolley) v Cheshire East Borough Council – May 2009 High Court case]

NB: Natural England will not consider a licence application until planning permission has been granted on a site, therefore if a criminal offence is likely to be committed; it is in the applicant's interest to deal with the 3 derogation tests at the planning application stage.

- 5.23 In respect to the application site, a bat and barn owl survey carried out in August 2012 was also updated in January 2013. The survey found evidence of Brown Long Eared bats and the very rare Barbastelle bat using the site including the house and barn with the possibility of a Maternity roost for Brown Long Eared bats. The buildings were also found to have good roosting potential. No evidence of Barn Owls was recorded. The conversion of the barn will result in the destruction of the barbastelle and brown long eared bat night roosts within the open roof void and the conversion of the attic space within the north wing of the house will result in the destruction of the maternity colony of brown long eared bats currently roosting in the enclosed roof void. As such, mitigation measures are necessary to be considered. The proposed mitigation includes the provision of a new roost site within the enclosed roof void of the Coach House, with a traditional bitumastic lining used. Access would be via adapted or raised ridge tiles and a layer of sound insulation would be installed to separate the roof void from areas of human disturbance. A night roost for Barastelles is also proposed within an enclosed space within the roof void of the proposed pool house building. Access to the roosting areas will be by way of a window aperture and details to aid roosting such as wooden boards and beams and roosting spaces will be provided. Furthermore, access will be created to the cavity between the tiles, lining and laths of the north wing of the house and the barn, an in wall bat box will be incorporated and four wooden bat boxes to be erected on the trees alongside the eastern boundary of the site and to the south of the house. Other measures include the timing of the development, the need for roof tiles to be removed by hand and under supervision, all necessary checks carried out by an Ecologist, lighting to take bats into consideration, the use of non toxic (to bats) timber treatments, retention of hedgerows and treelines and the monitoring of roosts to check whether any modifications to the mitigation measures are required.
- 5.24 The Council's Ecologist has considered the submitted bat survey information and advises that the level of mitigation proposed is sufficient to consider that a European Protected Species licence is likely to be granted. Amendments have been made to the report in relation to the type of lining insulation, which is appropriate. She considers that a Swift Protection Scheme Statement should be submitted prior to the commencement of work on site. As such, it is considered that the derogation tests have been met. With regard to the Swift Protection Scheme statement, it is considered that this is reasonable, given the local desire to protect Swifts in Kirtlington and the aims of this Council.
- 5.25 Given the above assessment, it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that evidence of bats have been found, including the very rare Barbastelle bat. The mitigation proposed is appropriate to ensure that bats are protected for the future and therefore ecology is not a constraint to the development. The proposal therefore accords with the National Planning Policy Framework -Conserving and enhancing the natural environment and Policies C2 and C4 of the adopted Cherwell Local Plan.

Trees

- 5.26 The proposal involves various tree works and the Arboricultural Officer is satisfied with those that are to be retained and to ensure adequate protective measures are put in place the applicant is required to provide an Arboricultural Method Statement, by condition. The proposal also proposes new tree planting and aside from the proposed orchard area, which should consist of local varieties in order to promote the lesser known, rare or unusual varieties and to encourage local wildlife, there should be an increase in individual and well-considered specimen tree planting. These details must be confirmed within a conditioned Landscape drawing. A number of conditions are recommended, which are also recommended here.

Archaeology

- 5.27 The County Archaeologist has advised that there is the potential for Archaeological finds to be within this area stating that the site is within the core of the historic settlement. The site is located immediately north of the C12th St Mary's Church (PRN 5230). The proposed pool and pool-house are located close to the boundary with the current Churchyard. It is likely that the Church would have formed a focus of the medieval settlement and evidence of medieval occupation has been recorded 90m south west of this application site during an archaeological investigation (PRN 27471). Several other areas of known archaeological features or deposits are known from Kirtlington. Earthworks 300m to the south west of the proposed site are thought to relate to a shrunken medieval village (PRN 26462), archaeological investigations 70m to the north east of the proposed site, in the South Green area, have revealed pits and a wall dated to 11-12th century (PRN 16824). In the area to the east of the village is a medieval moated site believed to be the location of a residence of John of Gaunt (SM 154). Roman settlement has been recorded 270m south of the site in the form of a stone building and associated wells and field system as well as Saxon settlement evidence (PRN 16989).
- 5.28 The advice is that conditions should be used to ensure the applicant is responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. Whilst the third party comment that this information should be submitted prior to determination is noted, this has not been requested by the County Archaeologist and the use of conditions is a usual way of addressing where Archaeology is a potential constraint. It is considered that the proposal will not harm archaeology as a heritage asset and that where anything is encountered it can be adequately dealt with to ensure its significance is not lost.

Other matters

- 5.29 Whilst no comments have been made to the current application by English Heritage, their previous advice was that the application should be determined in line with policy and specialist conservation advice. This has been carried out. The comments of third parties and the Parish Council are noted and have been addressed within this appraisal.

Engagement

- 5.30 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.31 As has been discussed, the proposal is considered to be an acceptable form of development that causes limited overall harm and complies with the above mentioned policies. The application is recommended for approval as set out below.

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 condition, the application shall be carried out strictly in accordance with the following plans and documents: application forms, design and access statement, heritage statement, drawing numbers 12-16-15, 12-16-16, 12-16-17, 12-16-18, 12-16-19, 12-16-20, 12-16-21, 12-16-22, 12-16-23, 12-16-24C, 12-16-25B and amended drawing numbers 12/16//40, 12-16-26B, 12-16-27E, 12-16-28C, 12-16-29E, 12-16-30F, 12-16-31D, 12-16-32E, 12-16-33D, 12-16-34E, 12-16-35B, 12-16-36E, 12-16-37E, 12-16-38F and 12-16-39M received in the department on the 12/03/2013 with agent's email of the same date.

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 any part of the development where new stone work is required, including any new walls within the curtilage of the property, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural limestone, 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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. Any remedial stonework necessary for the repair or making good of the building shall be carried out in natural stone of the same type, texture, colour and appearance as the stone on the existing building and shall be laid, dressed, coursed and pointed to match that of the existing building.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. The roof of the house, barn and coach house shall be covered with natural stone slates which shall be laid in courses diminishing in width from the eaves to the ridge of the roof in accordance with the traditional practice in the locality.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Framework.

6. Prior to the commencement of the garden buildings and garage hereby approved, samples of the artificial stone tile and blue slate to be used in the construction of the roof of the buildings 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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development, full details of the roof lights, doors and windows for the dwelling 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 roof lights, doors and windows shall be installed within the building in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. Prior to the commencement of the development to construct the garden store building, samples of the timber cladding to be used in the construction of the walls 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 the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. Prior to the first occupation of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with the plan approved and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring area shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason - In the interests of highway safety and flood prevention and to comply with Government guidance contained within the National Planning Policy Framework.

10. 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 the National

Planning Policy Framework.

11. Prior to any demolition on the site and the commencement of the development and following the approval of the Written Scheme of Investigation referred to in condition 10, 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 the National Planning Policy Framework.

12. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to d) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.

- a) Written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of relevant arboricultural issues.
- b) The relevant persons/contractors to be briefed by the 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 the agreed tree works and arboricultural incidents

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

14. Prior to the commencement of the planting of any new trees/ vegetation hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

16. Given the presence of bat roosts in the existing buildings 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, no works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

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

17. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation strategy set out in Bat and Barn Owl Survey Report by Ridgeway Ecology dated 20th August 2012 (amended 3rd January 2013). The identified new bat roosts shall remain as such in perpetuity.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the

adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

18. Prior to the commencement of any refurbishment/conversion works a scheme for the protection of swifts shall be submitted to the Local Planning Authority and approved in writing. This is to include mitigation and compensation measures to ensure no swift or swallow nesting sites are disturbed or lost. All works shall proceed in accordance with the agreed scheme.

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

Planning Notes

1. The applicant is advised that if further advice is required in relation to conditions 10 and 11, 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.
2. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
3. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
4. The applicant is requested to ensure that, wherever possible deliveries and construction vehicles avoid using Church Lane and that access is taken to the site from South Green.

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 the proposal is considered to be acceptable in principle and which pays proper regard to the character and appearance of the site and surrounding area and preserves the

significance of the conservation area heritage asset and the setting of nearby listed buildings. Additionally it has no undue adverse impact upon the residential amenities of neighbouring properties or highway safety. Furthermore, the proposal will cause no serious harm to protected species and provides appropriate mitigation to maintain the use of the site for bats. As such the proposal is in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within The National Planning Policy Framework – March 2012. For the reasons given above and having proper regard to all other matters raised the Council considered 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.