

**Site Address: The Malthouse,
Blacksmiths Lane, Charlton on Otmoor**

13/00291/F

Ward: Otmoor

District Councillor(s): Cllr Tim Hallchurch

Case Officer: Tracey Morrissey

Recommendation: Refuse

Applicant: Mr & Mrs P Hodgins & Executors of H A Honour

Application Description: Single storey rear extension to The Malthouse, conversion of barn to form new dwelling & rebuild of dilapidated cottage to form annexe to barn conversion with associated parking and manoeuvring area.

Committee Referral: Member call-in

1. Site Description and Proposal

- 1.1 The application was deferred from the July Committee meeting to enable Members to undertake a formal Site Visit.
- 1.2 The application site is a two storey, C18 stone and tiled roof three bedroom property with a single storey lean to extension at the rear. Attached to the north western end of the property is a large C18 stone barn with a pitched slate roof. A further building 'dilapidated cottage' is on the eastern end of a row of three existing terraced cottages (1-3 The Tchure) and sits directly on its boundary with the adjacent property Japonica Cottage via a high stone wall. Vehicular access exists for this property off The Tchure which is also a public right of way.
- 1.3 The property is within the Conservation Area, Oxford Green Belt, Area of High Landscape Value, site of Archaeological interest and potentially contaminated land. There are Pipistrelle bats and Swifts in the vicinity, and bats have been found in the northern end of The Malthouse roof.
- 1.4 The scheme has been amended since its original submission and now proposes the following:
 - Single storey rear extension to The Malthouse, measuring 11.4m (l) x 4m (d) x 3.4m (ridge height) to provide a new living room to be constructed in natural stone and slate to match existing.
 - Conversion of the barn to provide a three bedroom dwelling, with new roof and new openings in the rear elevation.
 - Rebuilding of the single aspect, dilapidated cottage to form a one bedroom annexe to the barn conversion. The cottage is to be extended and the existing roof raised to the same height as the attached cottage 3 The Tchure. The front extension measuring 4.2m (l) x 2m (d) x 3m (ridge height) will create a kitchen and will be constructed in natural stone and slate to match existing, the side extension to create a living room will utilise the existing walls and will have a shallow pitched pyramid roof.
 - Access to the barn conversion and the annexe is via The Tchure with parking provision for 3 cars. Parking for The Malthouse is on the High

Street.

- Bin/cycle store for both properties and annexe is in the rear garden

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 from re-consultation on this application is 20th July 2013.

2.2 8 letters in support have been received.

8 letters of objection have been received. Objections include:

- Barn conversion – windows overlook into neighbouring garden, bathroom and playroom (Blacksmiths Cottage)
- There is no parking provision for vehicles on Blacksmiths Lane – rights over only exist to allow access to other properties
- Overbearing large scale two storey extension – loss of outlook, daylight and sunlight to only out door space for neighbour (The Old Village Hall)
- Not enough parking provision for occupiers, none for visitors – High Street already congested with cars
- Loss of amenity from single aspect house (3 The Tchure)
- Possible overlooking and compromises privacy
- Increased traffic using The Tchure and Church Lane – Narrow lane, tight bend and blind spot, already overstretched and cannot support more traffic over and above existing use
- Overdevelopment of the site
- Not a dilapidated cottage – stock shed as shown on ecology survey
- Overshadowing effect
- Increase noise
- Wall on boundary (dilapidated cottage) should be retained and another built inside

Further comments have been received from the following neighbours in response to amended drawings:

Rose Cottage, 1 The Tchure

We share the boundary corner which is where the gate entrance to the property from the Tchure is. We notice that now there has been a revision on widening the entrance to the property along with a reduction in the turning space. Does this then mean that this will no longer incorporate a turning circle for the end of the Tchure?

This is a big change to us as it is a major problem at this end of the Tchure with people who are unfamiliar with the road often scraping their cars when trying to turn around using private driveways to do so. Amongst many cars I have seen a police car do this and another personal friend caused £1000s of damage to his side doors. It is a shame to lose this opportunity to solve this problem. Will this turning area still be handed over to the highways agency or will this then be classified as private property?

The other concern is that the details of our property boundaries are not clear on this new map. I can see that the side gates are dotted and I wanted to confirm that this

smaller plans for the entrance wouldn't involve driving over our property to get in there. We did speak with Graeme about the 3 of our cottages being able to change our access and enter our properties via this highways turn area which will allow us to use our properties differently. We were all very excited about this prospect and therefore happy to support the plans. Will this still be an option with the 3 car parks set against the fence in the different place?

Blacksmiths Cottage

Since our previous correspondence dated 6th July 2013 we have watched the initial comments made at the planning meeting courtesy of the webcast facility on the Cherwell Council Website. We would like to make the following comments in response to Councilor Hallchurch's statement at the meeting as some of his stated facts are incorrect.

Councilor Hallchurch stated that there is space for two cars to park outside the Malt House on Blacksmith's Lane. As we mentioned in our previous letter Blacksmith's Lane is a single track private road that does not have space for cars to pass side by side except at the top where the road opens out onto the High Street. On either side of the track are small planted grass verges which are maintained by the residents that adjoin them. There are no places to park a car on the lane as demonstrated by the photo attached. All of the current residents of Blacksmith's Lane actively take part in maintaining the lane which is enjoyed by people within the village and a safe place for children to play.

The previous long term resident of the Malt House as far as we are aware did not drive or need to park a car. Historically the vehicle access for the Malt House has been via the Tchure. As I mentioned previously our house relies on sole access along Blacksmith's Lane. We currently have a young family and would be unable to bring a push chair down the lane if a car were to park on the track. I currently work as a Trauma and Orthopaedic Surgeon for the Oxford University Hospitals Trust and work a regular oncall duty which requires me to be available from home at short notice throughout the night. I therefore require unimpeded access along the lane at all times.

Charlton-on-Otmoor has limited public transport and any new residents would be highly likely to require the ability to park a car in the village. There is a considerable demand on parking along the high street during evenings and at the weekend.

We are grateful to the committee taking the time to conduct a site visit and appreciate the current situation. As we have mentioned previously we would like to see the Malt House and Barn maintained as long as careful consideration is given to access and parking to minimise the impact on the residents of Blacksmiths Lane and the Tchure.

Main objections include:

Blacksmiths Cottage

- Disputes that parking exists for The Malthouse along Blacksmiths Lane, only a right of way, as blocking the lane would prevent vehicular access to other properties.
- All parking for The Malthouse and the barn conversion should be via The Tchure.
- Parking along the High Street is already a problem and should not be added

to.

- Large window in front of barn conversion will still result in loss of privacy, overlooking front of the cottage and bedrooms, playroom and bathroom windows
- It is understood that as part of the building work, some of the barn wall will have to be demolished and rebuilt. Access may also be required to the services under Blacksmiths Lane requiring the lane to be dug up. This may restrict access to our property by car and foot. Our only access to Blacksmith's Cottage lies along Blacksmiths Lane in front of the Malt House and The Barn. We understand that if planning permission is granted then this work will be required.
- If permission were to be granted, a building works notice should be given well in advance with a specified start and end date and the work is undertaken as quickly as possible and access be restored on a daily basis. We would also expect that the lane be returned to its original state once the work has been completed.

Japonica Cottage

- The revised plans have made a number of changes to the building referred to as 'dilapidated cottage', which are welcome but still object in principle.
- Never used as a dwelling and therefore the principle use a dwelling is a concern, despite being suggested that it is an annexe to the barn.
- The number of vehicle movements associated with the annexe will be the same as one dwelling ie. two cars and in all but name, would be used as a self contained dwelling with a kitchen, bathroom, bedroom and living area.
- The close proximity of the dilapidated cottage as an independent dwelling will have an impact on amenity through:
 - increase in height causing overshadowing
 - rooflight in north elevation would cause overlooking and should be obscurely glazed if approved
 - rooflight in single storey will cause light pollution
 - noise generation by occupants
- Overall the application is seeking too much on the site and the use of the dilapidated cottage as an annexe does not overcome previous concerns.

3. Consultations

- 3.1 **Charlton on Otmoor Parish Council** – The Parish Council have concerns about the limited off street parking provision for the three proposed dwellings, two of which are 3 bedroom, and one 2 bedroom, whereas previously the accommodation comprised only of a 2 bedroom dwelling, discounting calling the landing a bedroom. The Parish Council feel that the present provision of 4 off street parking spaces as inadequate for the proposed accommodation with a combined total of 8 bedrooms, and request that greater provision is provided for off street parking to accommodate for a minimum of at least 2 vehicles per dwelling. Consideration also needs to be given to impact of visitors parking. This cannot be accommodated in Blacksmiths Lane or The Tchure, and consequently the High Street will bear the brunt of this, an area where the road is already heavily congested with parked cars.

In the past, an extension in The Tchure creating 5 bedroom accommodation, the Council insisted on parking provision for 4 cars, and full turn around facility totally within the property. The reason for the turning facility, so vehicles can exit driving

forwards.

Another concern of the Parish Council is the removal of the wall adjoining the pathway of The Tchure, this scales some 3 metres and the turning space as shown for this development encroaches onto the pathway, thus creating a blind spot for children and others who cannot see over the wall. With the increased traffic movement it needs to be seen how this can be managed.

The wall that is proposed to be removed is also within the conservation area of the village and in the past the Parish Council have expressed concerns with the removal of natural stone walls in The Tchure.

The Parish Council would hope the Planning Officer takes into consideration on merit, the concerns expressed by those who are directly affected by this development and the impact it will have upon their properties including the views they enjoy at present.

Cherwell District Council Consultees

- 3.2 **Ecologist** – Assuming that the 'stock shed' within the bat survey report refers to the 'delapidated cottage' to be rebuilt it appears there are no constraints to the conversion of this building and the main barn. With regard to the main cottage/malthouse a roost is present and the works should be carried out in accordance with the proposed method statement which should be finalised following further information from additional surveys. This must ensure no disturbance occurs to the roost during the tying in of the proposed extension and therefore that no offence will be committed such that a licence should not be needed. If this is covered by condition as detailed then I would be satisfied that this is the case.
- 3.3 **Conservation Officer** – raised objections to the scheme submitted originally and still has some concerns over the depth of the single storey extension to the Malthouse and there is too much fenestration in the overall rear elevation. Also the window in the 'cottage' wall is still too large and should be reduced.
- 3.4 **Rights of Way Field Officer** – repeats the comments from OCC's Rights of Way Officer.

Oxfordshire County Council Consultees

- 3.5 **Highways** – In respect to the amended scheme, there remains concern with regard to movements along the Tchure and onto the public highway in the vicinity, therefore recommends that the application be refused on highway safety grounds.
- 3.6 **Rights of Way** – Charlton-on-Otmoor Public Footpath 1 runs down the Tchure on the western side of the site. The first part of the Tchure running north from the High Street is narrow and enclosed by stone walls and can only be used by pedestrians. At the point where the path reaches the gate access into the Malt House the Tchure widens to a width which enables vehicular access, although it is still relatively narrow. The Tchure is well used by pedestrians including children.

From information within the application it appears that the vehicular access from the Tchure into the Malt House has been used in the past. Re-establishing the

vehicular access to the Malt House itself should not therefore create a significant impact on the footpath. However, establishing parking for a further two properties will generate a much greater number of vehicular movements which is likely to impact on the amenity of the route.

The applicants propose that a turning area will be provided so that anyone leaving the properties in a vehicle can do so in a forward motion. If this turning area is used by visitors or for 'overflow' parking then this is going to cause a problem if people are forced to reverse out onto the Tchure. It would be helpful if the applicants could provide information on visibility along the Tchure to demonstrate that vehicles will be able to turn out onto the Tchure without compromising the safety of pedestrians.

4. Relevant National and Local Policy and Guidance Policy Considerations

- 4.1 Adopted Cherwell Local Plan (Saved Policies) :
- GB1: Green Belt
 - C2: Protected species
 - C4: Creation of habitats
 - C28: Layout, design and external appearance of new development
 - C30: Design of new residential development
 - H21: Conversion of buildings within the settlement

Other Material Policy and Guidance

National Planning Policy Framework

Cherwell Local Plan – Proposed Submission Draft (August 2012)

Cherwell Local Plan – Proposed Submission Local Plan Incorporating Proposed Changes (March 2013) (PSLPIP)

The draft Local Plan has been through two rounds of 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 Policies:

- 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
- ESD14: Oxford Green Belt
- ESD16: Character of the Built Environment

5. Appraisal

- 5.1 The issues raised by this development are:
- Principle of development and Green Belt
 - Highway safety and parking.
 - Design and Impact on heritage assets
 - Impact on neighbours
 - Ecology

Principle of development and Green Belt

- 5.2 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having 3 dimensions: economic, social and environmental. Also at the heart of the NPPF is a presumption in favour of sustainable development and in the context of this application would include the requirement for good design and the conservation and enhancement of the historic environment.
- 5.3 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.
- 5.4 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).
- 5.5 In terms of Green Belt, paragraph 89 considers that extensions or alterations of buildings or replacement of buildings would not be inappropriate development in the Green Belt providing that the new buildings are not materially larger than the one it replaces and extensions or alterations do not result in disproportionate addition over and above the size of the original building. The basis of this guidance is intrinsic to the adopted Cherwell Local Plan Policy GB1. The proposal seeks to extend The Malthouse by a single storey extension, which is compliant with this policy and whilst the dilapidated cottage is to be rebuilt and extended given the context and the purpose of the policy, in this instance it is considered that the proposal would not represent a disproportionate addition and is therefore acceptable in Green Belt terms.
- 5.6 The overall scheme has been amended from the creation of two additional dwellings on this site, to now only seeking consent for an extension to The Malthouse and the conversion of the barn to a residential dwelling and the rebuild and extension of the dilapidated cottage as a one bedroom annexe to that barn conversion property. The reason for the revised scheme was based on highway grounds, which will be expanded on further at paragraph 5.10.
- 5.7 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 and provides standards of amenity that are acceptable to the Local Planning Authority.

- 5.8 The proposal represents in the main a conversion of a barn and the rebuilding of a dilapidated cottage. Policy H21 of the adopted Cherwell Local Plan seeks to ensure that within settlements residential conversions should not harm the special character and interest of a building or architectural or historic significance and refers to the Council's SPD on conversion of farm buildings. The barn currently has limited openings; a window in the front elevation along with large barn doors, to the rear there is only one ground floor window along with a rear single storey element. The conversion will see the roof replaced and full height traditional barn conversion windows inserted in the front and rear elevations and a further 3 no. windows in the rear elevation, which are not traditional in their proportions or style.
- 5.9 The Conservation Officer has concerns that cumulatively taking into account The Malthouse extension, the proposal represents an overly fenestrated rear elevation that detracts from the character of the building. However as this building is not listed; it cannot be regarded as a building with architectural or historic significance other than being within the Conservation Area. This policy (H21) will be further considered in the context of design and impact on heritage assets detailed in paragraphs 5.16 – 5.23.

Highway safety and parking.

- 5.10 The proposal seeks to provide access to the barn conversion via Church Lane and The Tchure, which is a private road and also a public right of way. The extent of the adopted highway on Church Lane ends at the entrance to the property known as Breus or the boundary of Floras Cottage. The Tchure is then accessed on a sharp bend with Church Lane with no visibility possible on either approach and no means of turning round without backing up to the adopted highway, which is still very narrow at that point. This is the main concern of Oxfordshire County Council as highway and rights of way authority and that as a product of the proposal there will be an intensification of The Tchure to access the rear of the site. The neighbours have also raised these concerns, moreover, it has actually been confirmed by the neighbour at 1 The Tchure, that vehicle damage has been caused to a friend of theirs visiting their property, who was unable to turnaround within the narrow lane.
- 5.11 The application has been amended to take account of the concerns of the highway authority and essentially now only proposes one additional dwelling with a one bedroom annexe in the form of the rebuilt dilapidated cottage, rather than having the dilapidated cottage as a further separate dwelling. The existing access width is to be maintained with no demolition of any boundary wall and 3 no. parking spaces provided. Whilst to some extent the proposal now only results in one additional dwelling, the local highway authority are still concerned about the use of the access by two dwellings and notwithstanding a possible condition that could be imposed about the size of the parking area, thus preventing more cars from parking there, use of The Tchure could not really be restricted to only the barn conversion and the annexe and thus causing a risk to highway safety and users of the Tchure for an access road or public right of way, as there would always be this potential intensification of use.
- 5.12 Further consideration should also be given to the use of the High Street or Blacksmiths Lane as parking for the future occupiers of The Malthouse. In his latest submission, the applicant has advised that the case officer confirmed that The Malthouse already has vehicle access off of Blacksmiths Lane (as detailed in an email correspondence). For clarification, this comment was made following a site visit at pre-application stage, where it was seen that two vehicles were parked

on Blacksmiths Lane, and the case officer asked whether this was the parking for The Malthouse, where it was confirmed by the applicant, but also that there was an access at the rear. At that time the case officer was unaware that the applicant only had right of access over Blacksmiths Lane, along with the other neighbouring residents who can actually access their properties down Blacksmiths Lane and park on their own property. Therefore there is no right to park on Blacksmiths Lane as this would prevent neighbours from their right of access.

- 5.13 In terms of parking along the High Street for The Malthouse, clearly this currently occurs and historically has always been the case for residents who do not have off street parking. However by allowing the rear access to be used by the barn conversion and annexe, occupiers of The Malthouse would have to park along the already congested High Street.
- 5.14 Paragraphs 32 and 35 of the NPPF seek to ensure that decisions taken on planning applications should provide safe and suitable access to sites for all people and conflicts between traffic, cyclists and pedestrians should be minimised.
- 5.15 Consequently taking into account the concerns raised by the local highway authority and local residents, it is considered that the proposal is unacceptable in highway terms, causing a hazard to pedestrians and other users of the highway and would run contrary to the NPPF guidance and for this reason alone is recommended for refusal as detailed in paragraph 6.

Design and Impact on heritage assets

- 5.16 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.
- 5.17 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.
- 5.18 The scheme has been amended since its original submission and essentially has addressed some concerns, namely the removal of two storey extensions from the dilapidated cottage and The Malthouse, roof design over the single storey side element of the dilapidated cottage and also the formation of three dwellings. However as advised in paragraph 5.9, the Conservation Officer still has concerns over the rear elevations of the development.
- 5.19 The rear of The Malthouse is to be extended with a 4m deep shallow pitched lean to extension, which is 1.5m deeper than the existing single storey element on the back of this building. The barn is to have a large full size window in the rear, which in itself is a traditional barn conversion feature, however there are other large windows which are untraditional in proportion and style which could be said to over

fenestrate this rear elevation when viewed together with The Malthouse. Furthermore the window proposed in the wall of the extended dilapidated cottage is still considered to be too large and should ideally be reduced still further.

- 5.20 The dilapidated cottage currently appears as a simple subservient building lower than the neighbouring cottages which it is attached to. Some time in the past the building was probably used as a dwelling, but has fallen into disrepair and as a result of this proposal, is to be reinstated as an annexe. The design has been amended following concern raised, but essentially will not retain its existing character as part of this proposed scheme, which is a great shame. It is considered that the overall design of the one bedroom rebuild is unfortunate and its subservience will be lost.
- 5.21 Whilst not designated listed buildings, the cottage, barn and Malthouse clearly have some significance within the Conservation Area, being of C18 origin and are therefore recognised as heritage assets, defined in the NPPF as buildings identified as having a degree of significance meriting consideration in planning decisions, because of their heritage interest.
- 5.22 Paragraph 131 advises that in determining planning applications local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.23 In order to take account of Policy H21 and the guidance of the NPPF, a cumulative view should be taken. The opinion of the Conservation Officer is based on the value of the group of buildings within the Conservation Area heritage asset, and these comments are generally agreed with. It is considered that the proposal represents an overly fenestrated form of residential development, which could be considered to be unsympathetic to this group of former farm buildings and their rural setting. The site is visible from the public domain, from the public right of way, which runs along the rear of the site, but potentially the view of the rear of the buildings could be screened by trees or an intermediate wall in the future or as part of a landscaping scheme. On balance and whilst it is considered that this proposed development does not generally result in an enhancement of the significance of the heritage asset of the Conservation Area it will bring into use rundown buildings and will be a limited form of enhancement and therefore complies with the Policy H21 and guidance contained in the NPPF.

Neighbour impact

- 5.24 The proposal has been amended to take account of the concerns raised by the neighbouring properties as detailed in paragraph 2.2 and to some extent they have been overcome in the following ways:
- The two storey extension has been removed from the rear of The Malthouse and has been replaced by a single storey extension; this addresses the loss of amenity and light to the neighbour at The Old Village Hall.

- In terms of No. 3 the Tchure, whilst the roof is to be raised of the dilapidated cottage, this in itself would not cause harm, but the removal of the two storey extension and its replacement with a single storey extension addresses the loss of amenity and light to this neighbour.
 - The single storey extension to the side of the dilapidated cottage will have a solid slate pyramid roof rather than a lantern type roof that would have light being emitted from it at a high level.
- 5.25 Other concerns raised by neighbours relate to loss of privacy from windows in the front elevation; however this large full length window that replaces the barn doors serves the entrance, hall, stairs and landing and whilst some overlooking may occur it would not be considered so significantly harmful to recommend that the application be refused on these grounds.
- 5.26 In terms of highway safety and increased traffic and lack of parking, these concerns have been picked up by the local highway authority and in the reason for refusal as part of the recommendation.
- 5.27 It is therefore considered in respect to loss of amenity to neighbouring properties, the amended application addresses the majority of the concerns raised by the neighbours and is therefore acceptable and complies with Policy C30 of the adopted Cherwell Local Plan and guidance contained within the NPPF.

Ecology

- 5.28 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).
- 5.29 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;
- 5.30 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”.
- 5.31 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. Under Regulation 41 of Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place.

5.32 In this particular case, a bat survey was undertaken which has found that there are bats using The Malthouse, (possibly Pipestrelle) the extent of which is unknown and would have to be subject to further emergence survey. The Ecologist has advised that the recommendations, method statement and enhancements detailed in the initial survey should be finalised following further information from additional surveys. This must ensure no disturbance occurs to the roost during proposed works.

5.33 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.

Engagement

5.34 With regard to the duty set out in paragraphs 186 and 187 of the Framework, a series of meetings and discussions with the applicant and officers, have taken place during the consideration of the application to try to resolve various matters. It is considered that the duty to be positive and proactive has been discharged through the efficient determination of the application.

Conclusion

5.35 Having considered the issues arising, namely highway safety, impact on significance of heritage assets, neighbouring amenities and ecology, it is considered that the proposal is unacceptable for the reasons detailed below.

6. Recommendation

Refuse for the following reason:

1. Given the narrowness of road, its lack of visibility and turning facility, as a function of this proposal vehicle movements generated will result in a detriment to the safety and convenience of users of The Tchure and it's junction with the public highway and will also be likely to cause the perpetuation of the parking of vehicles in High Street and would therefore be contrary to Government guidance contained within the National Planning Policy Framework

CONTACT OFFICER: Tracey Morrissey	TELEPHONE NO: Ext 1812
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