

# Site Address: Bean Acre Cottage Rope Way Hook Norton

15/02052/F

Ward: Hook Norton

District Councillor: Cllr Ray Jelf

Case Officer: Bob Neville

**Recommendation:** Approval subject to the completion of an acceptable Unilateral Undertaking and conditions

**Applicant:** Mr Charlie Luxton

**Application Description:** Demolition of outbuildings and erection of one low energy building with change of use of land to residential

**Committee Referral:** Member call-in, in relation to surrounding Common Land.      **Committee Date:** 17/03/2016

## 1. Site Description and Proposed Development

- 1.1 The site consists of Beanacre Cottage, a grade II listed building, a group of three outbuildings and an area of paddock land located on the outskirts of Hook Norton. Beanacre Cottage sits within an area of 'Common Land' controlled by Hook Norton Parish Council and commands a visually prominent position at the edge of the village. There are residential properties immediately north and east of the site, whilst land levels drop to the south and south-west of the existing outbuilding and then rise again with open countryside beyond.
- 1.2 In terms of site constraints, as noted above, Beanacre Cottage is situated on 'Registered Common Land' and is a grade II listed building (listed as Benacre, first listed on the 9th November 1984), with the outbuildings considered to be curtilage listed through their association to the cottage. The site sits within the Hook Norton Conservation Area and there are two further grade II listed properties some 85m west of the site. The 'House By The Green', adjacent the site, is considered to be of local importance and is listed as a Non-Designated Heritage Asset. The site sits within a buffer zone surrounding an area of potentially contaminated land north-east of the site. The Swere Valley and Upper Stour Conservation Target Area follows the line of the valley south of the site and cuts through part of the site. Hook Norton disused railway and cutting a District Wildlife Site is located to the east of the site and there are records of several notable and protected species (Common Frog, European Otter, Yellow Hammer, Bullhead and Bluebell) within the vicinity of the site. There are no other notable site constraints relevant to planning and this application.
- 1.3 The application proposes the demolition of the existing outbuildings at the site to be replaced by a two storey low energy building sunken into the hillside, to provide residential accommodation, and the change of use of land to provide an area of residential curtilage to be used as a domestic garden. The proposed building would be of a contemporary design with a palette of materials intended to provide links to existing structures and agricultural buildings within the area and would employ renewable energy technologies and sustainability measures. The proposed building would be built over the footprint of the existing outbuildings with a proposed footprint of some 160m<sup>2</sup>, providing residential accommodation on two floors. The upper section would be finished in timber under a metal roof, reflecting an agricultural barn like appearance. Whilst the lower section would be set into the hillside with natural stone walls under a flat sedum roof.
- 1.4 The proposals would see applicant's main place of residence being transferred from Beanacre Cottage to the proposed new building and the existing ancillary accommodation (home office/guest accommodation) within the existing outbuilding

being then located within Beanacre Cottage; to accommodate growing family needs and home office/work requirements. The applicant contends that the proposals would not result in the creation of a new dwelling or separate planning unit and have submitted a draft Unilateral Undertaking (UU) with the intention being to ensure that the planning unit is maintained as a single entity.

- 1.5 The application has been amended during the course of determination in response to officers raising issues with the applicant, with regard to the proposed site area not including the area of land necessary for the development of the proposed new entrance steps to the north-west elevation. This element was subsequently removed from the application, retaining the existing steps. The site area was also amended reducing the amount of residential garden to be considered as part of the application. Further information in the form of Landscape and Visual Impact Assessment was also submitted in response comments made by the Council's Landscape Officer. In light of the amended and additional information the application was re-advertised and a further consultation exercise undertaken.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of a press notice, site notice and neighbour letters. The initial final date for comment on this application was 11.02.2016; however, following the submission of revised and additional information a further consultation exercise was undertaken and a final deadline for comments has been set at the 17<sup>th</sup> March 2016. As the deadline for further comments extends beyond the date when this report has been prepared, any further consultee responses or comments received will be conveyed to committee members as a written update prior to the meeting on the 17<sup>th</sup> of March. At the time of writing, comments and observations have been received from three local residents as a result of this process.

Full details of all the representations received are viewable on the Council's web-site. Relevant planning issues raised by third parties are summarised as follows:

- Detrimental impact on Common Land; through potential encroachment and potential access requirements during the construction phase of any such development;
- The proposals are not in keeping with surrounding properties or Conservation Area;
- The site is beyond the built-up limits of the village;
- Detrimental impact on highway safety, with on-street parking being a particular issue.

## **3. Consultations**

- 3.1 **Hook Norton Parish Council** - No objections

- 3.2 **Cherwell District Council Internal Consultee:**

**Conservation Officer:** No objections subject to conditions.

**Ecologist:** No objections. The applicants have submitted a bat survey. No bats were found in the building or evidence of such and there is negligible potential for bats to be supported. In addition other features of interest on site were commented on. I have no ecological conditions to recommend as a result as significant impacts on protected species or habitats are relatively unlikely.

**Environmental Protection Officer:** Based on the findings of the Phase 1 Desk Study Report referenced 15185/1 submitted by Georisk Management no further assessment is required with respect to land contamination. No

objections subject to conditions.

**Landscape Officer:** No objections. Initially raised concerns with the level of information submitted, but withdrew these concerns following the submission of the Landscape Visual Impact Assessment report.

### 3.3 **Oxfordshire County Council Consultees:**

**Highways Liaison Officer:** No objections, subject to the UU being imposed. The Highways Authority's does have concerns which orientate around the fact that this proposal does not enjoy vehicular access or off street parking and that there is concern with regards to the potential damage to the green area which is an important feature in the vicinity and to the safety and convenience of other road users due to vehicles parking and manoeuvring on the highway.

### 3.4 **Other External Bodies:**

**Historic England:** No comments to make. 'We do not consider that it is necessary for this application to be notified to Historic England'.

**Thames Water:** No objections subject to informatives being included within any such permission, with regards to water and sewerage infrastructure capacity.

**Open Spaces Society:** No comments received

**Banbury Historical Association:** No comments received

**National Amenity Societies:** No comments received

## 4. **Relevant National and Local Policy and Guidance**

### 4.1 **Development Plan Policy**

#### **The Cherwell Local Plan 2011-2031 - Part 1 (CLP)**

Policy PSD1: Presumption in Favour of Sustainable Development

Policy Villages 1: Village Categorisation

Policy ESD 1: Mitigating and Adapting to Climate Change

Policy ESD 3: Sustainable Construction

Policy ESD 5: Renewable Energy

ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment

ESD 13: Local Landscape Protection and Enhancement

ESD 15: The Character of the built and historic environment

#### **Cherwell Local Plan 1996 (Saved Policies) (CLP 1996)**

C28: Layout, design and external appearance of new development

C30: Design of new residential development

ENV12: Development on contaminated land

#### **Hook Norton Neighbourhood Plan (HNNP)**

Policy HN - CC 1: Protection and enhancement of local landscape and character of Hook Norton

Policy HN - CC 2: Design

Policy HN - CC 3: Local distinctiveness, variety, and cohesiveness

Policy HN - CC 4: Resource efficient design

Policy HN - H1: Sustainable housing growth

Policy HN - H2: Location of housing

Policy HN - H4: Types of housing

4.2 **Other Material Policy and Guidance**  
**National Planning Policy Framework (the Framework) - March 2012**  
**Planning Practice Guidance (PPG)**

**5. Appraisal**

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle
- Visual Amenity
- Impact on the Setting of Heritage Assets
- Highway Safety
- Residential Amenity
- Impact on Common Land

The property (Beanacre Cottage) is a listed building and the outbuildings are considered curtilage listed by association. Issues relating to the direct impact on the listed building are to be dealt with under an associated listed building consent application ref. 15/02053/LB.

**Relevant Planning History**

5.2 B.279/59 - New porch and windows (Approved)

CHN.403/79 - Demolish existing stables and erection of new stables with tack-room and wood-store (Approved)

CHN.407/84 - Demolish outside w.c., build front extension (Approved)

CHN.LB.206/85 - Single storey extension, renew existing thatch roof raising lower roof-line to match rest lower ground floor (Approved)

CHN.LB.207/85 - Single and two storey extensions, renew existing thatched roof. Lower part ground floor raise lower roof-line to match rest (Approved)

06/01634/F - Replacement porch to front, alterations and conversion of laundry/stable building to guest bedroom, en-suite and office for ancillary use to main dwelling including installation of solar panels to south east roof slope and refurbishment of store building for use as a workshop (Approved)

06/01635/LB - Refurbishment and alterations to dwelling including replacement and alterations to windows, replacement porch and alterations to internal staircase, new stone wall and hardwood and wrought iron gates (Approved)

08/01416/LB - Removal of acrylic paint on exterior and application of new thin skim of self coloured off-white lime render. Internal alterations. New wood wool breathable insulation applied to internal face of exterior walls (Approved)

**Principle**

5.3 In determining the acceptability of the principle of a new dwelling regard is paid to Government guidance contained within The National Planning Policy Framework (NPPF). The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF also introduces a presumption in favour of sustainable development, with the need to protect and enhance the natural, built and historic environment seen as an essential element alongside economic and social concerns.

5.4 Paragraph 6 of the Framework sets out the Government's view of what sustainable

development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.

- 5.5 Policy PSD1 contained within the CLP echoes the Framework's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 5.6 Cherwell District Council can demonstrate a five-year supply of deliverable housing sites, therefore the presumption in favour of sustainable development, as advised by the Framework, will therefore need to be applied in this context.
- 5.7 The principle of residential development in Hook Norton is assessed against Policy Villages 1 in the Cherwell Local Plan Part 1. Hook Norton is recognised as a Category A village (most sustainable settlement) in the Cherwell Local Plan 2011 – 2031 Part 1. Within Category A villages, residential development will be restricted to the conversion of non-residential buildings, infilling and minor development comprising small groups of dwellings on sites within the built up area of the settlement. Policy HN - H1 of the HNNP reflects Policy Villages 1 of the CLP in terms of the principle of new residential development.
- 5.8 The proposals seek permission for the erection of low energy building which would have all the facilities and attributes of a dwelling house, and are considered tantamount to the construction of such. The proposals would also see a change of use of land to residential curtilage. The applicants contend that the land has been used as garden land for a number of years (in excess of ten), however, whilst there is visual evidence of residential use, this has not been established through a formal planning application or certificate of lawful development; it is therefore officer's opinion that the land requires a change of use from agriculture to residential.
- 5.9 Given its location within the area of Common Land, Beanacre Cottage has a very limited residential curtilage and little opportunity for expansion of the existing building. Whilst not within the immediate residential curtilage of the existing dwelling, the existing outbuildings are accepted to be in an ancillary use to the main dwelling and the principle of residential use of these buildings has been established through the granting of a previous permission on site reference 06/01634/F.
- 5.10 There remains a question as to whether the site is within the built-up limits of the village and is a matter of continued debate. Officers have taken the view that given the association of the outbuildings with Beanacre Cottage, and in some respects the adjacent property 'The House by the Green', that as a group they could be considered as within the built-up limits of the village, but also that the proposal, given the siting of the new building, beyond the footprint of the existing outbuilding, and its proposed residential curtilage, would result in an extension of the residential boundaries of the village at this location.
- 5.11 The proposal is considered to constitute minor development. Paragraph C.262 of the Cherwell Local Plan 2011 – 2031 Part 1, gives the criteria for assessing whether a proposal constitutes acceptable 'minor development', which includes:
- The size of the village and the level of service provision;
  - The site's context within the existing built environment;
  - Whether it is in keeping with the character and form of the village;
  - Its local landscape setting; and
  - Careful consideration of the appropriate scale of development.

Thus, whilst the proposals could be acceptable in principle on this site, this is also subject to them not causing adverse harm to the character and appearance of the area and wider landscape; the setting of a listed building and Conservation Area; neighbour amenity and highways safety; these are matters discussed further below.

### **Visual Amenity**

- 5.12 The Government attaches great importance to the design of the built environment within the Framework. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 5.13 Policy ESD13 of the Cherwell Local Plan states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. It goes on to state that proposals will not be permitted if they would result in undue visual intrusion into the open countryside or would harm the setting of settlements.
- 5.14 Policy ESD15 of the Cherwell Local Plan states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. This includes a requirement for new development to respect the traditional pattern of routes, spaces and plots and the form scale and massing of buildings. It also states development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features.
- 5.15 Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the urban context of that development. Further, saved Policy C30 of Cherwell Local Plan 1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density with existing dwellings in the vicinity.
- 5.16 Policy HN-CC1 requires that any development must be located and designed so that it is readily visually accommodated into its surroundings and setting and provides a positive contribution to the locally distinctive character and context of Hook Norton. In addition, development which makes use of previously developed land and buildings will generally be preferred to greenfield locations. Policy HN-CC2 indicates that new development should be of high quality design which reflects local distinctiveness and respects and enhances the historic environment of the Parish and its heritage and natural assets. Policy HN-CC3 further reinforces the requirement for new development to reinforce local distinctiveness and produce high quality schemes.
- 5.17 The design approach taken for the proposed new building is of a contemporary nature with materials that look to reflect those in use within the village and typical of agricultural buildings that would be found in such edge of village locations. At para. 60 the Framework states that:

*“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”*

And further in para. 61 that:

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations”.*

Policy ESD 15 again reflects the principles of the Framework policies, requiring that

new development, with a contemporary design response, should re-interpret local distinctiveness, and include elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette which would complement and enhance the character of its context, through sensitive siting, layout and high quality design.

- 5.18 Views of the proposed development would largely be confined to those from the north and north-west, surrounding residential properties and glimpsed/distant views from along Swerford Road. There would be limited visibility of the proposed garden area given the topography of the site and surrounding landscape. The proposed building is to be set into the hillside and whilst the scale is of two storeys, views from the village (north-west) would be of a building of similar scale to that of the existing outbuilding.
- 5.19 Subject to approval of specific details, the types of finish materials proposed to be used in construction are considered to be sympathetic to the rural edge of village location. The timber Louvre/cladding and metal roof would reflect a somewhat rural/agricultural style building albeit with a modern twist, and the stone walls would reflect materials in use on surrounding properties and those within the village.
- 5.20 Neither the Council's Landscape Officer nor Conservation Officer raises any objections in terms of the visual impacts of the proposals and the case officer sees no reason to consider otherwise. The proposals would sit at the edge of the village, but are at a scale, replacing the existing building, that it would not disrupt the gradual transition from open countryside to the village settlement, that is generally seen at such edge of village locations. It is considered that the proposals would sit relatively comfortably within the landscape and given the limited visibility, would not be visually intrusive or detrimentally impact on the openness of the surrounding countryside.
- 5.21 It is Officer's opinion that the proposed design, although somewhat 'different', has a degree of originality, whilst retaining a connection to the rural character of the area, that would it not have an adverse impact on the visual amenity of either the immediate area or that of the wider Conservation Area and open countryside; and further that it would make a positive contribution to visual amenities through the replacement of a building which is of little architectural merit with one considered to be of quality design. As such, it is officer's opinion that the proposals sustain the character and appearance of the area and reinterpret local distinctiveness through a contemporary design approach in accordance with the provisions and aims of Policy ESD 15 of the CLP are therefore acceptable in this regard.

### **Impact on the Setting of Heritage Assets**

- 5.22 The Framework requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of Heritage Assets and seeks to ensure that new development should make a positive contribution to local character and distinctiveness. It goes on to state when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. Significance can be harmed or lost through alteration or destruction of a Heritage Asset and any harm or loss should require clear and convincing justification. It goes onto state that where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Policy ESD 15 of the CLP echoes this advice.
- 5.23 Furthermore Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard to the desirability of preserving a listed building or its setting should be taken and Section 72 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

- 5.24 Whilst considered to be curtilage listed, officers are of the opinion that the existing outbuildings are of little architectural merit or historic interest and that their replacement with a building of quality design would be a visual improvement whilst sustaining the character at this edge of village location. The Council's Conservation Officer supports the proposals, subject to approval of finish construction materials, considering that the proposals would not have a significant impact on the setting of the adjacent listed building or wider Conservation Area and would not be to detriment of the historic or architectural significance of these Heritage Assets. It is further considered that the specific appropriate detailing and choice of construction materials could be dealt with through pre-commencement conditions should permission be granted.

### **Highway Safety**

- 5.25 The Highways Authority (HA) has assessed the proposals, and on the basis that there would be no increase in the number of residential units (secured through a UU), raise no objections to the application; however, they do acknowledge that the lack of vehicular access and parking/turning and damage to the verges in the area is are issues at and around the site.
- 5.26 The existing site has no vehicular access and no off-street parking provision and this situation is not proposed to change as a result of the proposed development; with essentially the swapping of the main place of residence with the ancillary accommodation at the site. The applicant has given his intention to enter into a Unilateral Undertaking (UU) to ensure that the planning unit is maintained as a single entity; this is being progressed between the Council's Legal Team and the applicant's solicitors.
- 5.27 The HA expressed concerns as to whether the UU would be appropriate and robust going forward, to which the Council's Legal Team have confirmed that the UU will bind the land and successors in title in perpetuity. However, after 5 years, the then owners could apply under S106A to vary or remove the UU. If the highway issues were still relevant, should such an application be made, the Highway Authority could then object to that application at that time.
- 5.28 Concerns have been raised in objection to the application with regards to the impact on highway safety and general parking issues that currently exist. The roads around and leading to the site are fairly narrow and there is a significant amount on-street parking; there is also evidence of some damage to the highway verges which is considered to be caused by the inappropriate parking. However, given that the development does not propose any increase in demand for parking at the site, with no increase in the number of separate dwelling units, and in light of there being no objection from the Highways Authority, it is considered that there would be insufficient grounds, in terms of detrimental impacts on highway safety, to warrant a reason for refusal that could later be sustained. The proposals are therefore considered acceptable in terms of highway safety.

### **Residential Amenity**

- 5.29 Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP which states that: *'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'*.
- 5.30 Officers consider that the only neighbouring property likely to be affected by the proposed development is the 'House on the Green' east of Beanacre Cottage. However, given the scale and siting of the proposals and relationship of the site with this neighbouring property, it is considered that the proposed development would not



result in any significant detrimental impact on the amenity of this property and is therefore acceptable in this regard.

- 5.31 The proposals include an area of residential curtilage to be used as a domestic garden. Whilst this area of garden land has been reduced in size during the course of the application, it is considered that sufficient space remains to provide an acceptable level of outdoor amenity space that it would not be to the detriment of the amenity of the future occupants of the proposed new building.

### **Impact on Common Land**

- 5.32 As noted above Beanacre Cottage is located within an area of common land and from available records the outbuildings also appear to be partially within this area; although this is a matter that the applicant has verbally indicated is in dispute, but is a separate matter to be dealt with outside of the context of this current application.

- 5.33 Land that is registered as common land receives certain protections, including those under Section 38 of the Commons Act 2006. The 2006 Commons Act states that: '*A person may not, except with the consent of the appropriate national authority, carry out any restricted works on land to which this section applies*'. Restricted works are defined as:

- works which have the effect of preventing or impeding access to or over any land to which this section applies; including the erection of fencing; the construction of buildings and other structures or the digging of ditches and trenches and the building of embankments;
- works for the resurfacing of land.

- 5.34 Whilst, in officer's opinion, the proposals do not appear to encroach onto the common land to any greater extent than existing buildings, 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. If work encroaches on to common land, or access is required across such land, the applicant would still be required to secure any necessary consent from the Planning Inspectorate, being the appropriate authority, in consultation with Hook Norton Parish Council having a controlling interest in the land.

### **Other Matters**

- 5.35 The proposals are for a low energy building incorporating various renewable energy technologies and sustainability measures which are set out in full the supporting Design and Access Statement. Policies ESD 1, ESD 3 and ESD 5 advises of the Authority's support for sustainable development, that incorporates renewable and low carbon energy provision and looks to ensure resilience against climate change; looking for new development to reduce carbon emissions and use resources more efficiently, including water. These aims are also reflected in Policy HH-CC4 of the HNNP. The proposals are considered to be of merit in this regard and are consistent with the provisions and aims of the above mentioned policies.

- 5.36 Environmental records indicate that the site is within the buffer zone surrounding an area of potentially contaminated land north-east of the site. The applicant has submitted a Phase 1 Desk Study of the land with regard to potential contamination issues. This report identified no significant contamination issues. Whilst it is considered that the development is unlikely to be affected by this site constraint the Council's Environmental Protection Officer has recommended a condition with regards to unsuspected contamination, should permission be granted, to ensure that the proposed development is in accordance with the provisions and aims of Saved Policy ENV 12 of the CLP 1996, to ensure that any potential risks from land contamination to the future users of the land and neighbouring land are minimised.

- 5.37 Hook Norton disused railway and cutting a District Wildlife Site is located some 250m to the east of the site. There are also records of several notable and protected species within the vicinity of the site. The Council's Ecologist has assessed the proposals and supporting information, including the Bat Survey submitted with the application and raises no ecological issues. Officers see no reason to disagree with this opinion. The proposals would not directly impact on any significant features of ecological or biodiversity interest and would provide a net gain in biodiversity through the introduction of the sedum roof. The proposals are considered to be in accordance with the provisions and aims of Policy ESD 10 of the CLP and acceptable in this regard.

### **Conclusion**

- 5.38 It is considered that, subject to the completion of an acceptable Unilateral Undertaking, ensuring that the planning unit is maintained as a single entity, the proposal assessed within this application is an acceptable form of sustainable development that, causes no significant harm to neighbour amenity or highway safety; the design and scale is sympathetic to the rural edge of village character and context, and provides standards of amenity which are considered acceptable. The proposals would provide additional residential accommodation necessary for the applicant's modern family life and home office/work requirements, whilst not detrimentally impacting on the character and appearance of the site, conservation area or wider landscape within which the site sits.
- 5.39 The proposals have been assessed in accordance with the Development Plan, including the policies of the adopted Hook Norton Neighbourhood Plan, with due regard to other material planning considerations, including those raised in objection. The proposal is considered to comply with the above mentioned policies and is therefore recommended for approval as set out below.

## **6. Recommendation - Approval subject to the completion of an acceptable Unilateral Undertaking and 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 development shall be carried out strictly in accordance with the following plans and documents: Application forms and drawings numbered: 108\_Location Plan A, 108\_03\_100A, 108\_03\_210, 108\_03\_211A, 108\_03\_212A, 108\_04\_220A, 108\_05\_210 and 108\_05\_211.

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

3. Prior to the commencement of the development hereby approved, a sample of the material to be used in the construction of the roof of the upper barn structure 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 ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-

2031 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, full details of the timber Louvre/timber cladding to be used in the construction of the external walls of the development, including type/materials, colour and finish 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 ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in natural stone using lime mortar, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the lower ground floor and boundary retaining walls shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason - To ensure the satisfactory appearance of the completed development and to ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

6. All rainwater goods shall be traditional cast iron or metal painted black and permanently so retained thereafter.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

7. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site and to in order to safeguard the openness and character of

the area, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

## **PLANNING NOTES**

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.

Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.

Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.

Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921

to discuss the options available at this site.

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."

#### **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), any problems or issues that have arisen during the determination of the application have been dealt with in consultation with the applicant. It is considered that the duty to be positive and proactive has been discharged through the interaction with the applicant and the efficient determination of the application.

Bob Neville

Date: February 2016