

**Applicant:** Mr And Mrs Bryn Williams

**Proposal:** Conversion of existing barn and associated out-building/stables to residential use. Raise roof of out-building/stables by 860mm. New single storey extension to rear with living roof.

**Ward:** Deddington

**Councillors:** Cllr Bryn Williams  
Cllr Hugo Brown  
Cllr Mike Kerford-Byrnes

**Reason for Referral:** The applicant is one of the Ward Councillors

**Expiry Date:** 25 July 2018                      **Committee Date:** 21 June 2018

**Recommendation:** Approve

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application relates to an existing stone barn with natural slate roof, which is part of a wider complex of buildings in a linear arrangement, and which is considered to have previously formed part of Park Farm. Land levels drop across the site from east to west down from the access into the site. To the west of the barn are adjoining stables and previously converted buildings now in residential use. Attached to the south of the main barn is a single storey outbuilding which is of stone and red brick construction again under a natural slate roof. While only single storey this outbuilding is on two levels, given the topography of the site, with only the top (eastern) section falling within the application's site boundary.
- 1.2. To the east of the barn are again adjoining buildings which have been converted to residential use, with grade II listed Park Farm House further to the east fronting on to New Street (A4260), one of the main routes through the village of Deddington. Adjacent to the south is a residential property and walled garden, while to the north there an agricultural building with residential properties beyond. The proposed site is accessed via an existing vehicular access off New Street which also serves Park Farm House and other previously converted building.
- 1.3. In terms of site constraints, the application building is a grade II listed building (curtilage listed by association to Park Farm House) and sits within the designated Deddington Conservation Area, which is considered of archaeological interest. The southern boundary wall is a grade II listed structure in its own right with further grade II listed buildings to the south, including Deddington Manor. There are records of protected and notable species (including Eurasian Badger and Common Swift) within the vicinity of the site. The site also sits within a buffer zone surrounding an area of potentially contaminated land north of the site; and further an area where the geology is known to contain naturally occurring elevated levels of Arsenic, Nickel and Chromium; as seen in many areas across the district.

## 2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning consent is sought for alterations, extension to and conversion of the existing stone barn and outbuilding to form a 5-Bedroom residential property, with an integral garage, residential garden and associated parking and turning. An associated application for listed building consent, to consider potential direct impacts on the listed building, has also been submitted and is being dealt with under ref. 18/00972/LB.
- 2.2. Alterations to the main barn would include: the introduction of a new floor to provide first accommodation 4 no. bedrooms, all with en suite bathroom; new openings through the historic fabric of the building to provide access through to the outbuilding and new window openings in the northern elevation; the introduction of 4no double-pane rooflights to the northern roofslope; the introduction of 2no new small rooflights in the southern roofslope; the glazed infilling of the main barn opening in the southern elevation and the erection of a single storey flat-roofed extension across the main barn opening on the northern elevation with glazing above. The extension would be constructed in Hornton stone under a living green sedum roof.
- 2.3. With regards to the proposed alterations to the outbuilding, these would include: The raising of the overall roof height by ~0.8m; the introduction of a new floor to provide first accommodation play-room and bedroom with en suite; the introduction of 3no new rooflights in the eastern roofslope; glazed door with Juliet balcony to the southern elevation; alterations to the eastern elevation, including the enclosing of existing opening and creation of new garage door/entrance, glazed section and front door; infilled using a timber frame construction, clad in horizontal weather boarding.
- 2.4. The current application has been amended slightly from the previous scheme, with the roof light sizes reduced across the scheme and the rear narrow windows reduced in height.

## 3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
CHN.635/91	Alterations to existing accesses vehicular and pedestrian. Conversion of existing agricultural barns into dwellings - 3 No. new houses proposed.	Application Permitted
96/00518/F & 96/00519/LB	Renewal of CHN.635/91. Alterations to existing accesses vehicular and pedestrian. Conversion of existing agricultural barns into dwellings - 3 No. new houses proposed.	Applications Permitted
01/00597/F & 01/00598/LB	Renewal of 96/00518/F alterations to existing vehicular and pedestrian accesses. Conversion of agricultural barns into dwellings - 3 No. new houses proposed.	Applications Permitted
04/00010/F & 04/00014/LB	Repair and internal alterations to existing house and conversion of existing stables to 1 No. dwelling.	Applications Permitted

18/00098/F	Conversion of existing barn and associated out-building/stables to residential use. Raise roof of out-building/stables by 860mm. New single storey extension to rear with living roof	Pending Decision
18/00099/LB	Conversion of existing barn and associated out-building/stables to residential use. Raise roof of out-building/stables by 860mm. New single storey extension to rear with living roof	Pending Decision

- 3.2. The most recent applications (18/00098/F and 18/00099/LB) were considered at Cherwell's planning committee on 24<sup>th</sup> May 2018. The applications were recommended for refusal by the case officer. Elected members resolved to refuse the planning application and grant listed building consent. The decision notices have not been issued for these applications, whilst the present applications are being considered.

#### **4. PRE-APPLICATION DISCUSSIONS**

- 4.1. No relevant pre-application discussions have taken place with regard to this specific proposal.

#### **5. RESPONSE TO PUBLICITY**

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments will be 28.06.2018.
- 5.2. No comments have been raised by third parties at the time of writing this report. If any comments are received following the publication of this report, then these shall be included as a written update. The recommendation at the end of this report is subject to no new material planning considerations being raised during the consultation period.

#### **6. RESPONSE TO CONSULTATION**

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

##### PARISH COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. DEDDINGTON PARISH COUNCIL: No comments received.

##### STATUTORY CONSULTEES

- 6.3. LOCAL HIGHWAY AUTHORITY: No comments received.

##### NON-STATUTORY CONSULTEES

- 6.1. BUILDING CONTROL: No comments received.

- 6.2. DESIGN AND CONSERVATION: No comments received.
- 6.3. ECOLOGY: No comments received.
- 6.4. ENVIRONMENTAL PROTECTION: No comments received.

## **7. RELEVANT PLANNING POLICY AND GUIDANCE**

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD 1: Presumption in favour of sustainable development
- Villages 1: Village categorisation
- ESD 3: Sustainable Construction
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 15: The character of the built and historic environment

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H21: Conversion of buildings in settlements
- C21: Proposals for re-use of a listed building
- C28: Layout, design and external appearance of new development
- C30: Design control
- ENV12: Development on contaminated land

## **7.3. Other Material Planning Considerations**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Deddington conservation Area Appraisal
- Deddington Neighbourhood Plan (Pre-submission version) (DNP)
- The neighbourhood plan for Deddington, which also covers the villages of Clifton and Hempton, is still at an early stage. A pre-submission version of the plan has been accepted by the Parish Council and has been submitted to Cherwell District Council as part of the consultation process. Given the early stages of the plan, in accordance with Paragraph 216 of the NPPF, no significant weight can be given to it as a material consideration at this time.

- Historic England - Adapting Traditional Farm Buildings: Best practice guidelines for adaptive reuse (2017).
- Cherwell District Council's informal guidance - Design Guide for the conversion of farm building (2002)

## 8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety
- Ecology and biodiversity

### Principle of development

- 8.1. 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.
- 8.2. Paragraph 6 of the NPPF sets out the Government's view of what sustainable development means in practice for the planning system. Paragraph 7 states that, 'there are three dimensions to sustainable development: economic, social and environmental'. 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. In the context of this proposal this would include conserving and enhancing the historic environment.
- 8.3. Policy PSD1 contained within the CLP 2031 echoes the NPPF'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.
- 8.4. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise (Para. 12). Cherwell District Council can demonstrate a 5.5 year housing land supply and therefore the policies controlling the supply of housing in the development plan can be considered up to date and given full weight in determining applications.
- 8.5. The principle of residential development within Deddington is assessed against Policy Villages 1 in the Cherwell Local Plan Part 1. Deddington is recognised as a Category A village in the Cherwell Local Plan Part 1. Category A villages are considered the most sustainable settlements in the District's rural areas and have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Within Category A villages, residential development will be restricted to the conversion of buildings, infilling and minor development comprising small groups of dwellings on sites within the built up area of the settlement.
- 8.6. Saved Policy H21 of the Cherwell Local Plan 1996 states that: *"Within settlements the conversion of suitable buildings to dwellings will be favourably considered unless conversion to a residential use would be detrimental to the special character and interest of a building of architectural and historic significance."*

- 8.7. The development would constitute a conversion within the built limits of the village. Officers consider that the broad principle of development is acceptable, subject to other considerations discussed below.

Design, impact on the character of the area and heritage assets

- 8.8. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.9. These aims are also echoed within Policy ESD15 of the CLP 2031 which looks to promote and support development of a high standard which contribute positively to an area's character and identity by creating or reinforcing local distinctiveness. And further in the context of this current application requires new development to: *'Conserve, sustain and enhance designated and non-designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG'.*
- 8.10. Saved Policy C21 of the CLP 1996 states that: *'Sympathetic consideration will be given to proposals for the re-use of an unused listed building provided the use is compatible with its character, architectural integrity and setting and does not conflict with other policies in this plan. In exceptional circumstances other policies may be set aside in order to secure the retention and re-use of such a building'.*
- 8.11. 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 rural or urban context of that development.
- 8.12. The site is within the Deddington Conservation Area, which was first designated as such in 1988, reviewed in 2012. Conservation areas are designated by the Council under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990; with the aim to manage new development within such areas to ensure that the character or appearance of the Conservation Area, and the special architectural or historic interest which it may possess, is preserved and where possible enhanced.
- 8.13. Furthermore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Policy ESD 15 of the CLP 2031 further echoes this aim and advice.
- 8.14. As noted above, the site is within the Deddington Conservation Area, a Designated Heritage Asset. The NPPF (Para. 126) advises that Local Planning Authorities should positively set out strategies for the conservation and enjoyment of the historic environment, and should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. It further states that in developing this strategy, local planning authorities (LPAs) should take into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
  - the desirability of new development making a positive contribution to local character and distinctiveness; and

- opportunities to draw on the contribution made by the historic environment to the character of a place.
- 8.15. Policy ESD 15 of the CLP is consistent with the advice and guidance within the NPPF with regard to the conservation of the historic environment and looks for development to:
- Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness;
  - Conserve, sustain and enhance designated and non-designated Heritage Assets, including their settings, ensuring that new development is sensitively sited and integrated;
  - Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.
- 8.16. Paragraph 134 of the NPPF states that where a development proposal 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 scheme, including securing its optimum viable use.
- 8.17. The site is part of a complex of buildings that would have previously formed part of Park Farm and its use, whilst currently unused, would have been agricultural in nature. From review of historical maps and literature the linear form of the agricultural buildings at the site has changed very little over the years; with records dating back to the early 1800s.
- 8.18. For the previous listed building application (18/00098/LB), Members of the Planning Committee considered that the proposed development would cause less than substantial harm to the setting and significance of the listed building, by virtue of the garden room extension to the northern elevation, which would affect the traditional linear nature of the building. However, it was considered that the development would provide public benefits, including securing the optimum viable use of a building that has had been redundant for a number of years and has had a number of applications to change its use which have not been implemented. It was considered that these public benefits would outweigh the harm caused to the heritage asset and that the development was acceptable in this regard.
- 8.19. Given that Members of the Planning Committee considered the development to be acceptable with regard to its impact on the setting and significance of the listed building and the character and appearance of the conservation area, and that this is a broadly similar scheme, with smaller rooflights and windows in the rear, it is considered that the benefits of the scheme outweigh the harm and that, on balance, the impact of the development on the heritage assets is therefore acceptable.

#### Residential amenity

- 8.20. Saved 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 2031 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'.
- 8.21. The proposals would have adequate indoor and outdoor amenity that would allow for a good standard of living for potential future occupants of the proposed dwelling and therefore could be considered acceptable in this regard.

- 8.22. There are a number of residential properties surrounding the site that have the potential to be affected by the proposed development, including: Eaton House some 26m to the north, walled garden and stable block some 28m to the south; Park Farm Stables adjacent and Park Farm House ~26m to the east of the outbuilding.
- 8.23. Given the context of the site, the nature and design of the proposed development and its relationship with surrounding properties, and various separation distances, it is considered that the proposals would not result in any significant impact on the amenity of surrounding residential properties to any greater extent than is currently the situation. The proposals are therefore considered acceptable in terms of residential amenity.

#### Highway safety

- 8.24. The Local Highway Authority (LHA) has not commented on this application at the time of writing the report, however on the recent application the LHA raised no objection, subject to a condition requiring details of parking provision within the site for four parking spaces. Given that this is a very similar scheme in terms of highway safety issues, officers see no reason not to agree with the opinion of the LHA, and consider that the requirements of the LHA can be secured through an appropriate planning condition.
- 8.25. The site is served by an existing access which would not be affected by the proposed development. It is considered that whilst parking for four vehicles is not shown within the current submission, that this could be achieved and that there would be sufficient space for manoeuvring that vehicles could enter and leave the site in a forward manner.
- 8.26. Officers consider that the proposals would not result in any significant impacts on the safety and convenience of highway users and could be considered acceptable in terms of highway safety.

#### Ecology and biodiversity

- 8.27. The section of the 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), these aims are reflected in the provisions of Policy ESD 10 of the CLP 2031.
- 8.28. 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 LPAs should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. LPAs 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 an LPA is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to which 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.
- 8.29. LPAs 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”.

- 8.30. In respect to the application site, a Bat Survey Report prepared by Windrush Ecology has been submitted with the application. This report indicates that there was no evidence of roosting bats being found and there was little bat roosting potential. The report did, however, identify three Swallow nests as being present within the outbuilding.
- 8.31. At the time of writing this report, the Council’s Ecologist has not commented on the proposals, however on the recent scheme the Ecologist reviewed the report and its findings and recommendations and considered it largely acceptable, subject to any work being carried out in accordance with the details of the report, and at a time during the year outside of bird nesting season. The Ecologist further suggested alternative mitigation measures to those identified within the report with regard to potential bird nesting opportunities and it is considered that these can be secured through appropriate conditions attached to any such permission.
- 8.32. It is thus considered that art.12(1) of the EC Habitats Directive has been duly considered in that, notwithstanding the proposed development, the welfare of any protected species found to be present at the site and surrounding land could be safeguarded subject to appropriate conditions attached to any such permission. It is therefore considered that the proposal is acceptable in this respect having regard to the Policy ESD 10 of the CLP and Government guidance in the NPPF - Conserving and enhancing the natural environment.

#### Other matters

- 8.33. The site is part of a former working farm and within an area identified as having potential for land contamination associated with such historical uses. While the potential for land contamination to affect the proposed development is considered to be low, it is considered that due regard for this potential would need to be had during the construction phase, and if during development, contamination is found to be present at the site, that no further development should be carried out until full details of a remediation strategy detailing how the unsuspected contamination would be dealt with have been submitted to and approved in writing by the Local Planning Authority.
- 8.34. It is considered that these details can be secured through an appropriate condition attached to any such permission, to ensure that risks from land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks in accordance with saved Policy ENV12 of the CLP 1996 and Government guidance contained within the NPPF.

### **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. In reaching an informed decision on planning applications there is a need for the LPA to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also

necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.

- 9.3. The broad principle of residential development in this location is considered to be acceptable. It is recognised that some harm would arise as a result of the development. However, it is recognised that the Planning Committee have approved a listed building consent application for a very similar proposal. On balance, the harm caused would be outweighed by the benefits of the proposal, with the main benefit being securing the optimum viable use of the building. Subject to conditions, the development would be acceptable in regard to its impact on highway safety, residential amenity and ecology and as such the application is recommended for approval.

## **10. RECOMMENDATION**

That delegated authority is given to the Assistant Director for Planning Policy and Development to grant permission subject to:

- (a) no new material planning considerations being raised during the remainder of the consultation period, and
- (b) subject to the following conditions (and any amendments to those conditions as deemed necessary):

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: 981-2A; 981-3F; 981-4E; 981-5E and 981-6E.

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

3. Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in natural ironstone, 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 ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, samples of the weatherboarding 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 ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the turning area and four parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

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

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

8. If a potential risk from contamination is identified as a result of the work carried out under condition 8, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local

Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

9. If contamination is found by undertaking the work carried out under condition 9, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

10. If remedial works have been identified in condition 10, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 10. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

11. 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 Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National

#### Planning Policy Framework.

12. No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 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 for the location of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building the bat and bird boxes shall be installed on the site in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

#### PLANNING NOTE

1. 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.