

Case Officer: James Kirkham

Applicant: Jane Sands

Proposal: Erection of three new dwellings

Ward: Banbury Cross And Neithrop

Councillors: Cllr Hannah Banfield
Cllr Surinder Dhesi
Cllr Cassi Perry

Reason for Referral: Called in by Councillor Woodcock for the following reasons: Highways and heritage grounds

Expiry Date: 24 June 2019

Committee Date: 15 August 2019

This application was deferred from the July Planning to allow for a Committee Members Site Visit, which will have taken place on Thursday 15th August

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The current application seeks permission to erect 3 dwellings on the site. The dwellings would be accessed via Cork Lane which is a service lane to the rear of the properties on Crouch Street.

Consultations

The following consultees have raised **objections** to the application:

- Banbury Town Council, Councillor Woodcock

The following consultees have raised **no objections** to the application:

- CDC Conservation, OCC Highways, CDC Ecology, OCC Archaeology, CDC Tree Officer, CDC Environmental Protection

14 letters of objection have been received.

Planning Policy and Constraints

The application site is located within the Banbury Conservation Area and also within the setting of a number of listed buildings, including those to the south of the site on Crouch Street. This includes 21 and 22 Crouch Street which are both Grade II listed. A large pine tree exists on the opposite site of Cork Lane to the application site which is protected by a tree preservation order.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of development
- Heritage, design, and impact on the character of the area
- Highways
- Residential amenity
- Ecology impact
- Other matters

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a parcel of garden land located to the south of Cork Lane which is a small service lane to the rear of the properties in Crouch Street (to the south and West Bar Street (to the north) with access from Beargarden Road. This is a private road and serves a number of car parks principally to the uses on West Bar West.
- 1.2. A brick wall encloses the northern boundary for much of its length with Cork Lane which also includes one double prefabricated garage and 1 single prefabricated garage. A large pine tree exists on the opposite site of Cork Lane which is protected by a tree preservation order. The site falls in a north easterly direction by approximately 2 metres.

2. CONSTRAINTS

- 2.1. The application site is located within the designated Banbury Conservation Area and also within the setting of a number of listed buildings, including those to the south of the site on Crouch Street. This includes 21 and 22 Crouch Street which are both Grade II listed. A large pine tree exists on the opposite site of Cork Lane to the application site which is protected by a tree preservation order.
- 2.2. There are records of swifts and Common Pipistrelle bats within 250m of the site. The site also lies within an area of elevation radon gas.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The current application seeks permission to erection 3 dwellings on the site each of which would have 2 bedrooms. Each plot would have 1 parking space. Plot 1, which would be situated to the south west of the site and would be single storey, with plots 2 and 3 being low 2 storey building. They would be constructed of brick under slate roofs with timber detailing and have been designed to take visual cues from ancillary outbuildings. The majority of the existing brick wall along Cork Lane would be retained with the existing pre-fabricated garages removed to provide access points to the dwellings.

- 3.2. *Timescales for Delivery*: The applicant has not given an indication of timescales for delivery.

4. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
18/00036/F	Erection of 9 dwellings (7 no. 2 - beds and 2 no. 1 - beds) and all associated works	Application Withdrawn

- 4.2. This was withdrawn following concerns being raised regarding the access and heritage impacts.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
16/00345/PREAPP	Pre-Application Enquiry - A new development of 8 No 3 storey town houses with garden areas and parking and additional parking for 23 to 29 Crouch Street. Access is to be gained through the existing garages off Cork Lane or by removal of no 29 Crouch Street to give access from Crouch Street

18/00231/PREAPP Construct five new dwellings

Concerns were raised regarding the intensification of the use of Cork Lane and the use the junction between Beargarden Road/Cork Lane. Concerns were raised over the design, form and scale of the dwellings and the impact on the Conservation Area. Concerns were also raised regard the relationship with the protected tree and impact on residential amenity.

18/00295/PREAPP Three new dwellings

The Highway Authority advised that, on balance and given the removal of the existing 3 garages on the site which could be used as parking spaces, 3 dwellings was considered to be acceptable by the highway authority. Some concerns were also raised over the arrangement and form of the building. Concerns were also raised over the relationship with the neighbouring properties. It was considered that officer were likely to support 3 dwellings on the site.

6. RESPONSE TO PUBLICITY

- 6.1. 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 (amend as appropriate). The final date for comments was 13.06.2019, although comments received after this date and before finalising this report have also been taken into account.

6.2. 14 letters of objection have been received. The comments raised by third parties are summarised as follows:

- Residential frontages on Cork Lane are out of character with the historic street pattern.
- The layout, position, scale, depth and appearance of the buildings are not in keeping with the more narrow plan form and simple detail of the other outbuildings. The number of roof lights is excessive
- The two storey scale of the buildings is not subservient or appropriate for the lane. Any dwellings should be single storey.
- The proposal would cause harm to the character and appearance of the Conservation Area
- Detrimental impact on trees including pine tree covered by the TPO.
- The site appears to be previously been associated with part of the estate of Cambrian House (21 and 22 Crouch Street) which is a Grade II listed building. The proposal would be harmful to the setting of this and lead to the loss of some of its former ground.
- Insufficient details on materials etc. of the proposal.
- The proposal should make enhancements to Cork Lane.
- Overdevelopment of the site.
- Loss of important green space and trees.
- Access is inappropriate for the development being single lane and narrow in many places. It is already used by the surrounding car parks causing conflict. The proposal will make this situation worse.
- The existing garages are not used.
- Visibility at the access with Beargarden Road is substandard.
- Insufficient parking and servicing for the dwellings.
- Waste collection facilities are inadequate.
- Detrimental impact on ecology given loss of garden. This use accommodates bee hives and lots of wildlife
- Increase in pollution.
- Loss of privacy and overlooking to neighbouring properties.
- Impacts of construction on access, traffic and residential amenity.
- Detrimental impact to neighbouring businesses through disturbance during construction.
- No need for further housing.

- Concern over extent of redline not including access to the highway (this has now been amended).
- The red line includes land not in applicants control such as land to the rear of 5-7 West Bar Street. This make Cork Lane appear wider than it is.
- The application is not valid given some of the information is out of date. It contains lots of inconsistent information.
- Development of the site would be against the title deeds on the land

6.3. The above is a summary of the comments. Full details copies of the comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. 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.

COUNCILLORS

7.2. COUNCILLOR WOODCOCK: **Objects**. As indicated by local residents, Cork Lane is a private carriageway, that even now is very difficult to access by car for visitors to the local veterinary hospitals. Adding 3 dwellings, and the extra vehicles that this would entail (let alone construction traffic), would make this even worse and unbearable for users of this road. Furthermore, this is a conservation area and I do not feel that adequate attention has been paid to the impact on the local listed buildings by this application. The Planning Committee of Banbury Town Council, which has a record of being generally supportive to reasonable applications for development in the centre of Banbury, has already indicated its objection to the development, and so I ask that the committee take this feedback into account in making their decision.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.3. BANBURY TOWN COUNCIL: **Objects** due to narrow access with poor visibility and unacceptable traffic generation.

CONSULTEES

7.4. OCC HIGHWAYS: **No objections** subject to conditions on car parking provision, construction traffic management plan and cycle parking provision. Given the centrally located position of the dwellings the level of parking provision is considered acceptable. Given the reduction in the number of dwellings from the earlier scheme, the intensification of Cork Lane is now marginal and considered acceptable. A CTMP condition is proposed given the restrictions and limitations of the site and surroundings adopted highway network. This is to prevent any construction traffic from blocking Cork Lane, and parking on Beargarden Road.

7.5. CDC CONSERVATION: **No objection**. The area is predominately residential with the properties mostly dating to the mid-19th Century, with larger villas to the north on West Bar Street and three storey terraced houses to the South on Crouch Street. Also located on Crouch Street to the south of the application site is a pair of semidetached Villas which can be dated to 1840 and are Grade II Listed. The lane onto which the application site faces is a service lane which would have historically

housed outbuildings and the boundary walls associated with the properties backing onto it.

- 7.6. The significance of the area lies in its character as a 19th century suburb. Although within the setting the application site is not considered to be within the curtilage of the Listed Buildings. The lane has its own character as a service lane with ancillary outbuildings.
- 7.7. There was a previous scheme proposed for this site which consisted of 9 dwellings; this was considered to be detrimental to the character of the area and to result in unacceptable harm to the conservation area and setting of the nearby Listed Buildings. This scheme proposes three dwellings and is considered to be more appropriate for the site as it better addresses the constraints in terms of the impact upon the heritage assets. The buildings broadly take on the form of outbuildings to the rear of the properties that face onto Crouch Street. This design and form of buildings is considered to complement the historic outbuildings that remain on Cork Lane. The existing wall that also runs along Cork Lane is proposed to be largely retained or rebuilt and this is welcomed.
- 7.8. The design and appearance of the buildings is considered not to result in harm to the setting of the nearby Listed Buildings or the character of the conservation area in this location. However, the materials used would be key to the success of the development. The materials used should match the neighbouring buildings and the brickwork in particular should match in terms of colour, texture, face bond, size, jointing, pointing and mortar mix. The window and door openings contained within the new buildings should also be carefully detailed and the joinery should be traditional. Overall it is considered that the proposal for three dwellings would result in a development that would preserve the character and appearance of the Conservation Area.
- 7.9. OCC ARCHEOLOGY: **No objections.**
- 7.10. CDC TREE OFFICER: **No objection** subject to condition requiring a full tree survey, protection of retained trees and arboriculture method statement.
- 7.11. CDC ENVIRONMENTAL PROTECTION: **No objections** subject a Construction Environmental Management Plan condition to protect amenity of neighbouring properties, ground investigation conditions and provision of ducting for EV charging points.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. 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)

- PSD1 – Presumption in Favour of Sustainable Development

- SLE4 – Improving Transport and Connections
- BSC2 – The Effective and Efficient Use of Land – Brownfield Land and Housing Density
- ESD1 – Mitigating and Adapting to Climate Change
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and Natural Environment.
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C23 - Features in conservation areas
- C28 - Layout, design and external appearance of new development
- C30 - Design of new residential development
- ENV12 – Contaminated Land
- TR7 – Minor Roads

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Banbury Conservation Area Appraisal
- Banbury Vision and Master Plan SPD (2016)
- Cherwell Residential Design Guide SPD (2018)

8.4. Council Corporate Priorities

Cherwell District Council's Business Plan for 2019-20 sets out the Council's three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2019–20. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the district.

The three corporate priorities are to ensure the District is “Clean, Green and Safe”, that it supports “Thriving Communities & Wellbeing”, and is a District of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plan; (2) increase tourism and increase employment at strategic sites; (3) develop our town centres; (4) protect our built heritage; (5) protect our natural environment; (6) promote environmental sustainability; (7) promote healthy place shaping; (8) deliver the Growth Deal; (9) delivery innovative and effective housing schemes; and (10) deliver affordable housing.

The remaining key actions may also be of significance to the determination of planning applications and appeals depending on the issues raised.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

9. APPRAISAL

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

- Principle of development
- Heritage, design, and impact on the character of the area
- Highways
- Residential amenity
- Ecology impact
- Other matters

Principle of Development

- 9.2. Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1) states that measures will be taken to mitigate the impact of development within the District on climate change. This includes development which seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 9.3. The application site lies within the built up limits of Banbury in proximity to the town centre. Paragraph B.88 of the CLP 2031 Part 1 sets out the principle of residential development in Banbury and states that housing growth will be focused in and around Banbury to ensure housing development within the District needs only take place in the locations that are most sustainable and most be capable of absorbing this new growth. Therefore it is considered that subject to other material considerations discussed below, the principle of developing the site is acceptable as it is situated in a geographically sustainable location with good access to services and facilities and close proximity to the town centre.

Heritage Impact

Legislative and policy context

- 9.4. The site is located within Banbury Conservation Area and is also within the setting of a number of Grade II listed building to the south of the site on Crouch Street. There are also a number of locally listed buildings in the vicinity of the site.
- 9.5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.6. Likewise Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore significant weight must be given to these matters in the assessment of this planning application.
- 9.7. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.
- 9.8. Policy ESD15 seeks to ensure that new development contributes positively to an area's character and identity. It goes on to note that development should be designed to deliver high quality safe, attractive and durable places to live and should

be designed to integrate with existing streets and respect the form, scale and massing of existing properties and use appropriate detailing and materials.. Saved Policy C23 of the CLP 1996 states there will be a presumption in favour of retaining buildings, walls and trees and other features which make a positive contribution to the Conservation Area. The NPPF advises high quality buildings and places are fundamental to what the planning system should achieve. Paragraph 127 states developments should function well, be visually attractive, be sympathetic to local character and history and maintain a strong sense of place.

Assessment

- 9.9. The site lies within the Banbury Conservation Area and is situated within the West Bar Character Area within the Conservation Area Appraisal (CAA). The CAA notes in this area there are a number of rear service lanes serving larger properties and these include Cork Lane where the application site is located. These add to the richness of the area and relate to the historic layout and evolution of the Conservation Area. It goes on to state that: *'The removal of the boundary walls and coach houses on the rear service lane (Cork Lane) to West Bar Street south for car parking has significantly and unnecessarily reduced the level of enclosure.'* The CAA also notes the loss of such features as a threat to the Conservation Area. The application site retains a brick wall for much of its length to Cork Lane that positively contributes to the area and these elements are largely being retained in the current proposal. The access points to the parking provision have been largely located in the areas of the existing garages to reduce the extent of the removal of the walls and the provision of small pedestrian gates in this wall is not considered to harm the significance of the structure.
- 9.10. The CAA also identifies a positive vista looking from Cork Lane towards the town centre adjacent to the site which is a further constraint of the site. It also notes that the tall evergreen hedge and trees visible from Crouch Street (to the side of 22 Crouch Street) contribute significant relief to the tightly grained urban area in Crouch Street and are positive features of the area.
- 9.11. Whilst rather degraded in a number of places, mainly given the loss of rear boundary treatments, the character of Cork Lane is effectively a historic rear service lane serving the properties to the north and south and is viewed as a lower order street in the hierarchy of spaces in the Conservation Area. Officers consider it is important that any development proposals respect this hierarchy of streets. The western end of Cork Lane and the land immediately to the east of the site accommodates a number of outbuildings which appear as ancillary structures and reinforce this character.
- 9.12. The scheme has been developed with the character and arrangement akin to outbuildings and coach houses to reinterpret this type of development, which is considered to be appropriate for this context and was encouraged at pre-app. Plot 1 is set back in the plot behind the taller element of the wall with Cork Lane and is designed with an L shaped plan form and is single storey. The form of the building is relatively simple with pitched roof form. The elevations have an informal arrangement to provide a contemporary take in an informal arrangement of outbuildings and full details of the materials and detailing can be controlled through condition. It is also noted that many public views of this being would be screened by the existing wall. The arrangement also allows for the retention of the higher part of the boundary wall and provides some separation from the protected tree.
- 9.13. Plots 2 and 3 would be arranged in linear arrangement closer to Cork Lane, which would reflect the simple layout and form of traditional outbuildings and coach houses, which generally have a functional form and close relationship to the lane.

They would be situated slightly behind the existing walls, to allow the retention of the existing walls which currently encloses Cork Lane which are considered to positively contribute to the character and appearance of the Conservation Area. They would be low 2 storey building (approx. 6.9m to ridge, 4.1 to eaves) at the tallest point and would have their overall bulk and scale broken up through changes to the ridge and eaves height with smaller elements of the building to the side. Whilst ideally they would have been slightly lower in height and have a shallower plan form, on balance this is considered to be acceptable. They would step down Cork Lane having regard to the fall in the land across the site and full details of levels could be controlled though condition. The elevations would be constructed of brick and have slate roofs which would reflect the materials used traditionally in the location. The arrangement of windows, doors and detailing on the buildings would also echo former outbuildings such as the use of boarded openings and informal and more organic fenestration. The Conservation Officer has raised no objection to the scheme and overall it is considered that the proposed development provides for a contemporary interpretation of former outbuildings and coach houses, which would be in character with the other buildings in Cork Lane and reflect the lower order of this lane in the Conservation Area.

- 9.14. Concerns have been raised that the proposal would result in the enclosure of Cork Lane and would also result in the loss of the green space. Whilst it is noted that the application site is currently undeveloped as garden land, the Conservation Officer has not raised any objection to the loss of this space in principle. The site is in an urban location and, while in such locations residual open spaces can make a positive contribution to the character of the area, through provision of amenity space or providing a setting to dense built form, in this instance the open nature of the site is not considered to be a significant contributor to the character and appearance or significance of this part of the Conservation Area. In fact it is noted in the Conservation Area Appraisal that one of the key threats in this area is the loss of enclosure to this street through the removal of boundary walls and coach houses. The proposed development is considered to be beneficial in this respect, i.e. allowing opportunity for the majority of the wall to remain and for its retention to be required long-term, and officers consider it strikes an appropriate balance between providing enclosure and providing a sufficiently broken up form and layout to ensure it does not appear out of scale with the other buildings.
- 9.15. Objections have been made regarding the loss of the green space and there being a deficiency within the locality. However, this area of land is not a public green space and is private garden. It is not designated green space and has no public access. Therefore this issue is not considered to carry significant weight in determining the application and the main issue is whether the loss of the space would be acceptable in terms of the impact on the character and appearance of the area which is not considered to be harmful.
- 9.16. Concerns have been raised that part of the application site appears to have been historically connected to Cambrian House, which is a Grade II listed building, situated on Crouch Street. However, there is no certainty over this and this land is now clearly separate from the house being separated into a number of plots which has occurred over a number of years and has already resulted in the erosion of the connections between this property and the application site. The Conservation Officer is of the view that the site is not within the curtilage of this property and does not consider the proposal would adversely impact on the significance or setting of this listed property which is already experienced in an urban context.
- 9.17. A number of trees also exist within the proximity of the site which are considered to be important to the Conservation Area. These include a Pine tree which is protected by a Tree Preservation Order and exists on the opposite site of Cork Lane to the

north of the site. There are also 2 Category B trees (Yew and Cypress) which exist towards the south west corner of the site in the garden of 22 Crouch Street. All these trees would be retained as part of the development and the Councils Arborist has raised no objection to the scheme subject to conditions. Consideration has been given to the design and position of the dwellings to help to reduce potential future conflict between the properties and trees and on balance this is now considered to be acceptable.

- 9.18. Overall, on balance, the proposal is considered to preserve the character and appearance of the Conservation Area and the setting of the nearby listed building. The proposal would relate to the existing character and context of Cork Lane and would echo the form and appearance of ancillary outbuildings. The proposal is therefore considered to be acceptable in this regard.

Highways

Policy Context

- 9.19. Policy SLE4 of the Cherwell Local Plan Part 1 states that development which is not suitable for the roads that serve the development and which would have a severe traffic impact will not be supported and that new development should facilitate the use of sustainable modes of transport such as public transport, walking and cycling. It also requires that new development provide financial and/or in-kind contributions to mitigate the transport impacts of development. Saved Policy TR7 states that development that would attract large numbers of cars onto unsuitable minor roads will not normally be permitted. This policy is more aged and therefore needs to be considered in the context of the policy in the NPPF which is outlined below.
- 9.20. The NPPF has similar themes requiring opportunities to promote walking, cycling and public transport to be identified and pursued and ensuring that patterns of movement are integral to the design of schemes. It also requires that safe and suitable access to the site can be achieved for all users and that development would only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Assessment

- 9.21. The proposed development would utilise Cork Lane to access the parking spaces for the dwellings from Beargarden Road. Each dwelling would have 1 parking space which given the size of the dwellings (2 bed) and the location of the site within close proximity of the town centre is considered to be acceptable.
- 9.22. In the earlier application for 8 dwellings on the site the Local Highway Authority (LHA) objected to the scheme given the intensification of the use of the junction between Cork Lane and Beargarden Road which has sub-standard visibility in the northerly direction and also the intensification of the use of Cork Lane. The current application now proposes a substantially reduced scheme with 3 dwellings on the site and this includes the removal of 1 single garage and 1 double garage, which could all be used for parking at the current time.
- 9.23. Cork Lane is approximately 4.6 metres wide for the first 40 metres from Beargarden Road which is sufficient for two cars to pass at slow speeds albeit most drivers would wait. Further along Cork Lane it reduces in width which means 2 vehicles are less able to pass and in practice term vehicles pull into the side and allow other vehicles to pass given there is relatively good forward visibility. Cork Lane is already used to access a number of sizable parking areas which serve the both

residential and commercial properties on West Bar Street and a veterinary surgery that exists at the end of Cork Lane.

- 9.24. The application is accompanied by Transport Statement which undertook a traffic count of the existing use of Cork Lane which noted 77 vehicle movements (57 in, 20 out) in the a.m. peak hour. The proposed development is likely to generate 2 vehicle movements in the AM peak and 2 in the PM peak. This is considered to have a negligible impact on the use of the junction with Beargarden Road or the operation of Cork Lane. Furthermore the loss of the 3 garages which currently exist on the site also need to be taken into account as these could already generate a similar level of traffic. Therefore whilst it is accepted that the access and junction is not ideal, given the above factors the proposed development is considered to be acceptable from a highways perspective and there is no objection to the current application from the LHA given the reduced number of dwellings.
- 9.25. Concerns have also been raised by objector regarding waste collection. Discussion have been undertaken with the Council's waste collection team who have advised that the Council's Waste Collection Team already reverse along Cork Lane to collect rubbish and this arrangement would continue. A bin collection point is provided at the western end of the development (closest to Beargarden Road) for residents to use on bin collection day which is considered to be an acceptable arrangement.
- 9.26. Concerns have also been raised over the impacts of construction traffic. The impacts of construction traffic are for a limited period of time and are therefore generally given less weight in planning decisions given their temporary nature. However, given the tight nature of the access in this case the Highway Engineer has requested a Construction Traffic Management Plan which can be controlled through planning condition.
- 9.27. Cork Lane is a private road and some concerns have been raised over the applicant's right of access over this. The applicant has stated that she does have rights over Cork Lane and notice has been served on the relevant owners as the access is included in the application site. The existing garages which exist on the site would appear to support the applicant's statement. Furthermore a condition is proposed to ensure the vehicular access to the site is provided and parking laid out prior to the first occupation of the development. If the applicant did not have legal rights over this land she would not be able to comply with this and the planning permission would not override legal rights.

Conclusion

- 9.28. The proposed development is not considered to result in a significant impact on the use of Cork Lane or Beargarden Road given the scale of the scheme, the existing traffic flows and the loss of the existing garages. Therefore the development is not considered to result in a severe impact on highway safety.

Residential Amenity

Policy context

- 9.29. Policy ESD15 of the Cherwell Local Plan Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. The NPPF also notes that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy ENV12 seeks to ensure that potentially contaminated land is suitable for their intended use.

Assessment

- 9.30. The proposed dwellings will face over the rear areas of the properties to the north of Cork Lane however given the distance to the habitable areas of these properties and the scale of the proposals there is not considered to result in a significant impact on their residential amenity in terms of loss of privacy, light or outlook.
- 9.31. The back to back two storey separation distance between plots 2 and 3 and the existing 3 storey properties to the north of the site on Crouch Street (number 23-29) would comply with the Councils guidance on separation distance for 2 storey properties and is therefore not considered to result in a significant loss of privacy or overlooking between these properties.
- 9.32. The proposed development on Plot 1 would be single storey and as such is not considered to result in any significant level of overlooking to the neighbouring properties including those on Crouch Street. The rear element of this property would be relatively overlooked by the neighbouring properties. However, given the off-set relationship of the property with 23-29 Crouch Street and the different orientation of 22 Crouch Street and presence of trees this is not considered to be to such a significant level to justify refusal.
- 9.33. In terms of the amenity of the future residents, care has been taken with the design and siting of the dwelling to ensure the existing operation of Cork Lane would not have a significant impact on their amenity and the dwellings provide sufficient inside and outdoors space to provide a good standard of amenity.

Ecology Impact

Legislative context

- 9.34. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.35. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.36. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.

- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Policy Context

- 9.37. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.38. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.39. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.40. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.41. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.42. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all

- 9.43. The earlier application on the site was (in 2018) was supported by a detailed Ecological Survey. The existing site comprises of a mixture of typical garden habitats, including scrub, trees, amenity grass and a number of outbuildings. The habitats on site are widespread and no rare species are present; however, the site does provide suitable habitat for foraging for birds and bats, nesting birds and habitats for invertebrates. The Council's Ecologist (CE) considers the survey to be appropriate and has raised no objection to the scheme subject to the works being carried out in accordance with the mitigation measure outlined in the report. The CE has, however, stated that the proposal should include further landscaping and enhancement and this should be secured through conditions on the provision of swift brick/boxes in the dwellings and the submission of a Landscape and Ecological Management Plan (LEMP)
- 9.44. Officers are satisfied, on the basis of the advice from the CE and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Other matters

- 9.45. The site is located within a 50m buffer of potentially contaminated land and therefore the Environmental Protection Officer has requested planning conditions on ground investigation and remediation, if necessary, to ensure the site is suitable for residential accommodation.
- 9.46. During the course of the application the red line of the application site has been amended to include the access to the highway. The applicant has stated that she has served the correct ownership certificates on the relevant land owners, although it is noted that some of the third parties have contested this. This has been raised with the applicant who has reiterated all owners have been served notice. It should be noted that land ownership in itself is not a material planning consideration and the duty remains on the applicant to serve the correct ownership certificates and comply with other legal requirements falling outside of the planning remit.
- 9.47. The application does contain a number of references to the previously submitted scheme for 8 dwellings on the site; however, officers have considered that application on the basis of the submitted plans for 3 dwellings, and therefore these errors have not impacted on the officers' judgements.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted. The site would provide additional housing in a geographically sustainable location and will provide social and economic benefits in respect of providing new housing stock in a sustainable location. The proposal is considered to preserve the character and appearance of the Conservation Area and not cause harm to the setting of the nearby listed buildings. The use of the access would not be ideal. However, given the existing situation this is not considered to lead to any significant level of harm and there is no objection to the scheme from the highway authority. Overall, when viewed as a whole, the scheme is considered to be sustainable development, and it is recommended that planning permission be granted.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

CONDITIONS/REASONS FOR REFUSAL

Time Limit

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.

Compliance with Plans

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: Application forms and drawing numbers 001 E, 002 E, 201 E, 212 D, 220 D, 210 D, 221 D, 222 Rev D and 226

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.

Levels

3. No development shall take place until details of all finished floor levels of the building and finished levels of the site in relation to existing site levels and levels of adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be constructed other than in strict accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area in accordance with advice within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Construction Traffic Management Plan

4. Prior to the commencement of development, a construction traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall not be carried out other than in accordance with the approved details.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework

Access

5. Prior to the commencement of the development hereby approved, details of the means of access between the land and the adopted highway, including position, layout and vision splays shall be submitted to and approved in writing by the

Local Planning Authority. Thereafter, and prior to the occupation of the development hereby approved, the means of access shall be constructed to the satisfaction of the local planning authority and shall be retained thereafter in accordance with the approved details.

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

Parking provision

6. The proposed parking and turning areas shall be provided in accordance with the approved plans before first occupation of the development hereby permitted. The access, parking and turning facilities shall thereafter be retained for use in connection with the development for those purposes only.

Reason : In the interests of highway safety, to ensure the provision of adequate off-street car parking to comply with Government guidance in Section 12 of the National Planning Policy Framework.

Land Contamination Desk Study / Site Walkover

7. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been 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 has been 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 any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Intrusive Investigation

8. If a potential risk from contamination is identified as a result of the work carried out under condition 7, 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 any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the

development as it is fundamental to the acceptability of the scheme.

Land Contamination Remediation Scheme

9. If contamination is found by undertaking the work carried out under condition 8, 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 any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Remediation Works

10. If remedial works have been identified in condition 9, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 9. 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 any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

Landscape and Ecological Management Plan

11. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate a net gain in biodiversity and shall include the provision of integrated swift nest bricks and a range of bat and bird boxes. Thereafter, the development shall not be carried out other than in accordance with the approved LEMP including the provision of the enhancements prior to the first occupation of any dwelling.

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.

Ecological Survey Compliance

12. The development hereby approved shall be carried out in accordance with the recommendations set out in Section 5 of the Ecological Impact Assessment carried out by Swift Ecology on 6th December 2017.

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.

Retained Trees

13. No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works. If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority. In this condition a “retained tree” is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the occupation of the first dwelling.

Reason: To protect the existing trees on and adjacent to the site in accordance with Policies BSC10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Tree Survey

14. Prior to the commencement of the development and notwithstanding the submitted details, an arboricultural survey, undertaken in accordance with BS:5837:2012 (and all subsequent amendments and revisions) and a tree protection plan shall be submitted to and approved in writing by the Local Planning Authority. Therefore the development shall not be carried out other than in strict accordance with the approved tree protection measures.

Reason: To protect the existing trees on and adjacent to the site in accordance with Policies BSC10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Arboricultural Method Statement (AMS)

15. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions to include a tree protection plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall not be carried out other than in strict accordance with the approved AMS.

Reason: To protect the existing trees on and adjacent to the site in accordance with Policies BSC10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Hard landscaping

16. Unless an alternative time frame is agreed in writing by the developer and the Local Planning Authority, no development shall commence above slab level unless a scheme for the landscaping the site has been submitted to and

approved in writing by the Local Planning Authority, which shall include details of the soft and hard landscaping including planting, hard surface areas, pavements, pedestrian areas and steps. The approved scheme shall be implemented prior to the first occupation of the development and shall be retained as such thereafter.

Reason : To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity in accordance 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.

Bin store

17. Prior to the first occupation of the dwellings, the bin collection store as shown on the approved plans to the front of Plot 1 shall be provided for the use for all residents of the development hereby permitted. It shall thereafter be permanently retained as ancillary to development and used for no other purpose.

Reason : In the interest of well planned development and visual amenity of the area in accordance 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.

Architectural detailing

18. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the development, including eaves and verge details/treatment and details of the timber boarding details shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above slab level. The development shall thereafter be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: In order to safeguard the visual amenities of the area and the significance of the heritage asset in accordance 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.

Brick Sample Panel

19. The external walls of the building shall be constructed in brickwork, of a type, colour, texture, face bond and pointing which is in accordance with sample panels (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before the commencement of the brickwork. The sample panels shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development and to preserve the significance of the heritage asset and in accordance 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.

Sample of roof materials

20. Samples of the slates to be used in the covering of the roof of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above eaves level. The development shall be carried out in accordance with the samples so approved and shall be retained as such thereafter.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance 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.

Window and door details

21. Notwithstanding the details on the submitted plans, details of the construction, including cross sections, cill, headers, reveal and colour / finish of the proposed windows and doors to a scale of not less than 1:10 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that work. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: In order to safeguard the visual amenities of the area and the significance of the heritage asset in accordance 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.

Boundary treatments

22. Notwithstanding the details on the approved plan full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. Such approved means of enclosure shall be erected prior to the first occupation of any of the buildings and shall be retained as such thereafter.

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 Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Roof lights

23. All rooflights shall be conservation grade rooflights and shall fit flush with the plane of the roof and shall not project forward of the roof slope into which they are inserted.

Reason: In order to safeguard the visual amenities of the area and the significance of the heritage asset in accordance 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.

Cycle Parking Provision

24. Notwithstanding the provisions of Classes A-E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no extension, alteration or outbuilding shall be provided without the grant of further specific planning permission from the Local Planning Authority with the exception of outbuilding/structures approved under condition 24 of this permission.

Reason: To protect the character and appearance of the Conservation Area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996

Rainwater goods

25. All rainwater goods, including all rainwater gutters and downpipes, shall be cast iron or aluminium manufacture and painted black unless alternative details are otherwise first approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area and the significance of the heritage asset in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996

PD withdrawal

26. Notwithstanding the provisions of Classes A-E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no extension, alteration or outbuilding shall be provided without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect the character and appearance of the Conservation Area in accordance 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.