

**Case Officer:** Bob Neville  
**Applicant:** Mr Bertrand Facon  
**Proposal:** Erection of straw and machinery storage barn and associated hardstanding  
**Ward:** Deddington  
**Councillors:** Cllr Bryn Williams  
Cllr Hugo Brown  
Cllr Mike Kerford-Byrnes  
**Reason for Referral:** Member call-in – Cllr Brown  
**Expiry Date:** 26 November 2018      **Committee Date:** 14 March 2019  
**Extension of Time:** 18 March 2019

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## EXECUTIVE SUMMARY OF PROPOSALS AND 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)**

### Proposal

The application seeks planning permission for the proposed erection of straw and machinery storage barn and associated hardstanding to support a proposed new, cutting-edge embryo transfer breeding enterprise on agricultural land at Lessor Grange Farm, located some 1km (0.6miles) west of the village of Milcombe. The proposed agricultural storage building would measure 24m x 10m with an overall height to ridge of 7.1m. Walls and the roof of the proposed would be finished in a dark green plastisol coated box profile steel, with three open bays, one enclosed bay with roller shutter door and a lean-to element to the side.

### Consultations

No consultees have raised **objections** to the application:

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

- Milcombe Parish Council, OCC Highways, CDC Ecology, CDC Landscaping, Agricultural Consultant

No comments have been raised by third parties.

### Planning Policy and Constraints

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

The key issues arising from the application details are:

- Principle of development
- Visual amenity, and impact on the character of the area

- Highway safety
- Residential amenity
- Ecology and Biodiversity

The report looks into the key planning issues in detail, and officers conclude that, subject to conditions, the scheme meets the requirements of relevant CDC Development Plan policies and therefore that the proposals are acceptable.

**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 an area of agricultural land located on the road between Milcombe and Wigginton Heath within open countryside. The village of Milcombe lies ~1km (0.6miles) to the east of the site, Rye Hill Golf Club lies ~280m to north-east of the site, with Lessor Grange some 480m to the south east of the site. Whilst the site itself is relatively level, land levels drop to the north and east of the site. The site is located adjacent the highway with an existing access and private drive serving Lessor Grange and associated farm. The site is bounded by a mature boundary hedgerow with trees adjacent the highway, whilst sitting within an area of open countryside characterised by agricultural fields with typical agricultural boundary hedgerows.

### **2. CONSTRAINTS**

- 2.1. In terms of site constraints, the site sits within an area where the geology is known to contain natural occurring elevated levels of Arsenic, Nickel and Chromium; as seen across much of the district, and further, an area of higher probability (10-30%) of natural occurring Radon Gas being above Action Levels. Public Rights of Way (ref. Bridleway 409/7/10 and 298/5/20) cross land west and south of the site. There are no other significant site constraints relevant to planning and this application.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The application seeks planning permission for the erection of a straw and machinery storage barn and associated hardstanding to support a proposed new, cutting-edge embryo transfer breeding enterprise on agricultural land at Lessor Grange Farm, located some 1km (0.6miles) west of the village of Milcombe. The proposed agricultural storage building would measure 24m x 10m with an overall height to ridge of 7.1m. Walls and the roof of the proposed would be finished in dark green plastisol coated box profile steel sheeting; with three open bays, one enclosed bay with roller shutter door and a lean-to element to the side.
- 3.2. The proposals also include an area of hardstanding around the proposed barn and landscaping around the perimeter of the site.
- 3.3. Revised plans, further transport information and further information in respect of the existing and proposed business enterprises have been received during the application, introducing a landscaping buffer to the northern boundary of the site, and providing further details with regards to vehicular movements associated with the proposed development, in response to officer concerns. Unfortunately the

application has gone beyond its original statutory determination target date; however, an extension of the determination period has been agreed with the applicant through his agent, to allow for the application to be considered by planning committee.

- 3.4. Two further applications have been submitted alongside this application, 18/01724/F (Cattle building and silage clamp) and 18/01708/OUT (outline application for a new agricultural workers dwelling, with all matters aside from access reserved for later consideration). Application 18/01724/F constituted major development and was first due to come to planning committee in January. Application 18/01708/OUT for the proposed dwelling was originally to be dealt with under delegated powers, constituting minor development; however, following a late call-in request by the local ward member it was considered appropriate that all three be determined by planning committee. Appropriate extensions of time were agreed on all applications to allow the three applications to be presented at the same committee meeting.
- 3.5. With regards to these further applications, the application for the agricultural storage building (18/01724/F) is considered acceptable, however, the application for a new dwelling (18/01708/OUT) is considered contrary to the housing policies of the Development Plan and the application, with no current essential need being demonstrated, and is therefore recommended for refusal.

#### **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>
18/01724/F	Erection of cattle shed, manure store and associated hardstanding	Pending Consideration
18/01708/OUT	OUTLINE - Erection of agricultural workers dwelling	Pending Consideration

#### **5. PRE-APPLICATION DISCUSSIONS**

- 5.1. No pre-application discussions have taken place with regard to this proposal.

#### **6. RESPONSE TO PUBLICITY**

- 6.1. This application has been publicised by way of a site notice displayed near the site 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 was 09.11.2018. No comments have been raised by third parties.

#### **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.

##### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. MILCOMBE PARISH COUNCIL: **No objections**, making no comment on the application.

##### CONSULTEES

- 7.3. AGRICULTURAL CONSULTANT: **No objections**, commenting that: *‘the proposals at Lessor Grange are acceptable in principle’*.
- 7.4. ECOLOGIST: **No objections**, subject to conditions relating to biodiversity enhancement at the site and control over external lighting.
- 7.5. LANDSCAPE OFFICER: **No objections**, subject to a condition in respect of approval of an acceptable landscaping scheme.
- 7.6. LOCAL HIGHWAY AUTHORITY (LHA): **No objections** subject to standard conditions in respect of access, parking and manoeuvring, surfacing, drainage and protection of visibility splays.

## **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)

- PSD 1: Presumption in Favour of Sustainable Development
- SLE 4: Improved Transport and Connections
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13: Local Landscape Protection and Enhancement
- ESD 15: The Character of the Built and Historic Environment

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

- AG2: Construction of farm buildings
- C28: Layout, design and external appearance of new development

### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (as amended February 2019) (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2010
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

### 8.4. Council Corporate Priorities

Cherwell District Council and South Northamptonshire District Council's Joint Corporate Strategy for 2018-19 sets out the councils three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2018–19. 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 districts.

The three corporate priorities are to ensure the Districts are “Protected, Green & Clean”, are places which support “Thriving Communities & Wellbeing”, and are Districts 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 Plans for CDC & SNC; (2) increase tourism; (3) protect the built heritage; (4) reduce our carbon footprint & protect the natural environment; (5) mitigate the impact of High Speed 2; and (6) deliver affordable housing.

The remaining key actions are also of significance to the determination of planning applications and appeals in particular delivering the Bicester, Banbury, Kidlington, Brackley, Towcester and Silverstone Masterplans.

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
- Visual amenity, and impact on the character of the area
- Highway safety
- Residential amenity
- Ecology and Biodiversity

Principle of development:

*Policy context*

- 9.2. The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having 3 dimensions: economic, social and environmental.
- 9.3. The NPPF advocates the support of the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings. This also includes the development and diversification of agricultural and other land-based rural businesses.
- 9.4. Saved Policy AG2 of the CLP 1996 is similarly supportive of the principle of farm buildings in the countryside, in that it supports new farm buildings where they are designed and sited such that they do not intrude into the landscape or residential areas.

*Assessment*

- 9.5. The applicant has indicated that the proposals at Lessor Grange (an existing farm with a holding of some 150Ha, with cattle and sheep) relate to a proposed new, cutting-edge embryo transfer breeding enterprise, with the intention being to develop a specialist breeding unit based on the highest pedigree Longhorn and Saler bloodlines. The enterprise would specialise in in-vitro fertilisation (IVF) and embryo transfer (ET). The proposed building would be for agricultural storage (straw and

machinery) with a further building for the housing and handling of cows, with facilities for calving, to be determined under separate application 18/01724/F.

- 9.6. The Council has sought advice from an independent agricultural consultant (AC) in respect of the proposed scheme, who considers the principle of the proposals to be acceptable on the basis of the supporting information submitted initially with the application and further financial and business model information submitted on request during the application. Officers see no reason not to agree with AC's conclusion in respect of the proposed agricultural buildings and are satisfied that there is a genuine agricultural need for a building in the location proposed, which would support both existing farm operations and also the further expansion of the existing farming business including the potential new in-vitro fertilisation (IVF) and embryo transfer (ET) enterprise.

#### *Conclusion*

- 9.7. The principle of the erection of a new farm building in this rural location is therefore considered acceptable in general sustainability terms provided that it is sympathetic to its rural setting and subject to further considerations discussed below.

#### Visual amenity, and impact on the character of the area:

#### *Policy context*

- 9.8. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 9.9. As noted above, Saved Policy AG2 of the CLP 1996 states that farm buildings should normally be sited so they do not intrude into the landscape or residential areas and where appropriate landscaping schemes should be included and materials should be chosen so that development fits sympathetically into its rural context.
- 9.10. Saved Policy C28 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.11. Policy ESD13 of the CLP 2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.

#### *Assessment*

- 9.12. The proposed new agricultural building is of typical utilitarian modern agricultural style finished in dark green profiled metal sheet cladding, which are relatively commonplace within the countryside. The proposed building and associated cattle housing building (dealt with separately under 18/01724/F) would sit around an area of hardstanding with access taken of the existing access road leading to Lessor Grange. Views of the proposals from the public domain would largely be limited to those experienced when passing on the adjacent highway, with further localised views from within the site itself.
- 9.13. During the site visit of both the Case Officer and Landscape Officer it was apparent that the boundary hedgerow adjacent the highway contained a number of areas where the vegetation was quite thin, even with the trees and hedges in full leaf. The

proposed building would be relatively modest in its size (at 24m x 10m x 7.1m) for modern agricultural buildings and, whilst its appearance would be to some extents be screened by the existing boundary hedgerow, it was considered that the building should be moved further back from the highway and an additional 10m landscape buffer introduced behind the existing hedgerow, to better screen and soften the appearance of the proposed new development.

- 9.14. Following the submission of revised plans closer grouping the proposed buildings and introducing additional landscaping, the Council's Landscape Officer raises no objections to the proposals subject to the approval of an appropriate detailed landscaping and planting scheme; including not only the proposed new landscape belt to the northern boundary but also appropriate native hedgerows to the southern and western boundaries, sympathetic to the agricultural/rural context. It is considered that the required details and planting specifications could be secured through an appropriately worded condition attached to any such permission.

#### *Conclusion*

- 9.15. It is considered that, subject to the implementation of an appropriate landscaping scheme, the proposed building would not be visually intrusive within the landscape or in any way incongruous when seen either from the public realm from the adjacent highway. The proposals would support the expansion of existing farming operations at Lessor Grange Farm and the siting and agricultural style of the proposed building ensures that it is visually appropriate to its rural setting in accordance with the aforementioned Development Plan policies and Government Guidance and therefore considered acceptable in this regard.

#### Highway safety:

##### *Policy context*

- 9.16. National and local policy looks to promote sustainable transport options whilst ensuring that new development proposals do not cause harm to the safety of the highway network.
- 9.17. The NPPF (Para. 108) advises of the need to have due regard for whether new development includes:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - safe and suitable access to the site can be achieved for all users; and
  - any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 9.18. Policy SLE4 of the CLP 2031 echoes the aims of the NPPF in supporting sustainable transport opportunities in new development.

#### *Assessment*

- 9.19. Having considered the additional transport statement, detailing projected vehicular movements associated with the combined developments of the three associated applications (18/01707/F, 18/01708/OUT & 18/01724/F), the LHA raises no objections on highway safety grounds, subject to conditions in relation to access, parking and manoeuvring within the site, and the surfacing and drainage of such and further the protection of visibility splays at the point of the access onto the adopted highway; and officers see no reason not to agree with this opinion.
- 9.20. The site is served by an existing access which would not be affected by the proposals, with access to the proposed development being taken off the existing private access road serving Lessor Grange; allowing sufficient space for vehicles to leave the main adopted highway before entering the proposed site. Visibility at the

access onto the adopted highway is considered to be good and the maintenance of vision splays could be secured through an appropriate condition attached to any such permission.

- 9.21. The applicant suggests that vehicular movements are expected to be no greater 4.5 – 6.5 cars per day and 1 larger vehicle every 5 days. Whilst it is clear that the proposals would give rise to additional vehicular movements above those currently experienced it is considered that these are unlikely to be such that it would have a significant detrimental impact on the local or wider road network.
- 9.22. The NPPF (Para. 109) advises that: *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.
- 9.23. In comments made in relation to the application for the cattle barn Milcombe Parish Council raise concern with regards to inappropriate and excessive vehicle movements through the village. Whilst the concerns of the Parish Council with regards to additional large vehicles travelling through the village of Milcombe are noted, it is considered that given the limited frequency of such vehicle movements as a result of the proposed development that any such detrimental impact would not be to such an extent that it would warrant a reason to refuse the application.

#### *Conclusion*

- 9.24. It is considered that the proposed development would not result in any significant impact on the safety and convenience of other highway users and is therefore acceptable in terms of highway safety.

#### Residential amenity:

- 9.25. Policy ESD15 of the CLP 2031 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.
- 9.26. Whilst concerns were raised by the Parish Council with regards to potential odour issues relating to manure at the site in relation to the associated application for the cattle housing barn and silage clamp (18/01724/F), these have not been repeated in respect of this application.
- 9.27. The site is located some 0.6miles from the edge of the village of Milcombe, the nearest settlement and would unlikely result in any significant detrimental impacts on residential amenity.
- 9.28. Given the rural context of the site and that it is not located in close proximity to any residential properties it is considered that there would be no significant harm resulting from the proposals on residential amenity and in officer's opinion the application is therefore considered acceptable in this respect.

#### Ecology and Biodiversity:

##### *Policy context*

- 9.29. NPPF – Conserving and enhancing the natural environment requires that planning decisions should look to protect and enhance valued landscapes, recognising the intrinsic character and beauty of the countryside and further minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; contributing to the Government's commitment to halt the overall decline in biodiversity (Para 170); these aims are echoed in Policy ESD10 of the CLP 2031.
- 9.30. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral

part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'*.

#### *Assessment*

- 9.31. The site is not within an ecologically sensitive location and there are no significant features of ecological value that would be directly affected by the proposals and no records of protected species identified within the immediate vicinity of the site.
- 9.32. The Council's Ecologist notes the presence of a pond around 100m away however it is separated by a road and should amphibians be present they are unlikely to be using this part of this site in any significant way as there is more suitable habitat adjacent. Further that there are two parcels of significant woodland adjacent to the field, one at least is likely to be Priority /Section 41 habitat and that these are likely to support bats at least in foraging. The Ecologist advises that there should be minimal lighting on site with no overspill into adjacent vegetation, to avoid impacts on the use of the surrounding vegetation by bats and other nocturnal wildlife. It is considered that, whilst no lighting is indicated on the submitted plans, this could be managed by way of an appropriate condition attached to any such permission, to ensure the protection of any protected species, should such be present.
- 9.33. There are records of badgers in relatively close proximity. However, the proposals here set the buildings some distance from the hedgerow, with a proposed landscaping buffer on intervening land, so should the hedgerows be used for commuting they are less likely to be affected. The applicant should be aware that if there are setts present within this hedgerow there are legal restrictions on how close to a sett works can take place before a licence is required to avoid disturbance; and this could be conveyed through an appropriate informative attached to any such permission.

#### *Conclusion*

- 9.34. The proposals would include significant further natural planting within the proposed boundary landscaping, and the use of appropriate native species of plants that would encourage wildlife and biodiversity could be secured through any proposed landscaping scheme and planting schedule; to ensure that that the proposed development would provide a net gain in biodiversity, in accordance with the provisions of Policy ESD10 of the CLP 2031 and Government guidance within the NPPF, regarding the importance of conserving and enhancing the natural environment.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. 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 overarching objectives, to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2. The proposal would not adversely affect residential amenity or local highway safety and, further subject to approval of further details being secured in relation ecology and biodiversity, the proposals would not be to the detriment of such matters. Having regard to the scale and form of the proposals, they are considered to be sympathetic to the rural context and, subject to conditions regarding landscaping, the proposals would not significantly adversely affect the character of the site or its setting within the wider landscape.

- 10.3. The proposals would provide social and economic benefits by supporting both the existing agricultural operations at the farm its future expansion through the proposed embryo transfer breeding enterprise. The proposals are not considered to be of any significant detriment to the environment, and would potentially provide additional opportunities for biodiversity at the site.
- 10.4. Given the above assessment in the light of current guiding national and local policy context, it is considered that the proposals represent an appropriate form of development at the site, which would be broadly consistent district's Development Plan policies, which look to support agricultural enterprise and promote new forms of sustainable development. The application is therefore recommended for approval as set out below.

## **11. 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)**

#### **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: Supporting Statement dated September 2018, Transport Statement date November 2018 and drawings numbered: KCC2395/02A, KCC2395/04, KCC2395/05 and KCC2395/07.

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.

#### **Access, Manoeuvring Area and Vision Splays**

3. Prior to the first use of the development hereby approved, full specification details (including construction, layout, surface finish and drainage) of the turning and manoeuvring area which shall be provided within the curtilage of the site so that motor vehicles may enter, turn around and leave in a forward direction, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the development, the turning and manoeuvring area shall be constructed in accordance with the approved details and shall be retained for the manoeuvring of motor vehicles at all times thereafter.

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

4. Other than the approved access shown on approved plan KCC2395/02A no

other means of access whatsoever shall be formed or used between the land and the adopted highway, unless otherwise agreed in writing with the Local Planning Authority.

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

5. The vision splays at the access onto the adopted highway shall not be obstructed by any object, structure, planting or other material of a height exceeding 1m measured from the carriageway level.

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

### **Landscaping Scheme**

6. Notwithstanding the details submitted, prior to the first use of the development hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

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

The development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements of the approved scheme shall be retained as such thereafter.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy 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.

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

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy 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.

### **Ecology and Biodiversity**

8. Prior to the first use of the development hereby approved, a method statement for enhancing biodiversity on site through the inclusion of integrated features for

bats or birds, a planting and management scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason: To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of the development hereby approved above slab level, a Lighting Strategy including a plan of estimated lux spill shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be installed and retained in accordance with the approved details, unless otherwise agreed in writing by the Local planning Authority.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

### **Agricultural Restriction**

10. The development hereby permitted shall be used only for the purpose of agriculture, as defined in Section 336 (1) of the Town and Country Planning Act, 1990.

Reason: To ensure that the development is used for agricultural purposes only, in accordance with Government guidance contained within the National Planning Policy Framework.

### **PLANNING NOTES:**

1. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.
2. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
3. It is known that in some areas of the northern part of Cherwell District elevated concentrations of naturally occurring arsenic, chromium and nickel and in Souldern, Somerton, Upper Heyford, Lower Heyford and Kirtlington elevated levels of naturally occurring arsenic exist above soil guideline values produced by DEFRA. While these elements are not considered a risk to residents occupying the completed development, there exists a potential risk to residents using the garden for home grown produce or where regular contact with the soil occurs due to ingestion and dermal contact. A risk may also occur to building site workers during construction, due to dermal contact and inhalation of potentially contaminated soil and dust. The applicant is therefore requested to

ensure contact with the soil is minimised, especially where young children are present and not to grow home grown produce until such a potential risk has been shown to be negligible. In addition, to ensure that all site workers are informed of this potential risk and that appropriate health and safety requirements are used to protect the site workers. For further information please contact the Council's Environmental Protection Officer.

CASE OFFICER: Bob Neville

TEL: 01295 221875