

Case Officer: Michael Sackey

Applicant: Mr Tom Mason

Proposal: Partial demolition and alterations to the rear elevation and internal alterations, to facilitate the change of use of part of building to form 10no apartments (Use Class C3) - Re-submission of 23/00402/LB

Ward: Banbury Cross And Neithrop

Councillors: Councillor Becky Clarke MBE, Councillor Fiaz Ahmed and Councillor Yvonne Greene

Reason for Referral: Accompanies a full planning application for the development of 10 or more dwellings

Expiry Date: 31 July 2026

Expiry Date: 2 July 2026

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a Grade II listed building, Borough House, located within Banbury Conservation Area. The building is late Victorian, dating to around 1893, and was previously the Municipal Technical School and Mechanic's Institute. The building is three storeys, and the ground floor of the site has a framing business and an employment consultancy business. The first and second floor have been in use as an office for over 20 years.
- 1.2. Part of the building is associated with Banbury Library to the south-east, which is also a Grade II listed building, and the property to the north-west is the Freemasons Hall. Adjacent to the Freemasons Hall is an access to a rear courtyard area, bound by properties along Marlborough Road, High Street and Albert Street.
- 1.3. Opposite the site, to the south-west is a car park at a higher land level that serves a few shops.

2. CONSTRAINTS

- 2.1. The application site is within Banbury town centre and Conservation Area, the building is a Grade II listed building, and immediately adjacent to a Grade II listed building.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 Partial demolition and alterations to the rear elevation and internal alterations, to facilitate the change of use of part of building to form 10no apartments.
- 3.2 There is a concurrent planning application (Ref: 24/01909/F) for the proposed development.

4. RELEVANT PLANNING HISTORY

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

Application: 18/00999/F Permitted 24 September 2018

Change of Use from A2 (Professional and Financial) to B1 (Offices)

Application: 23/00401/F Refused 24 July 2023

Change of Use of part of building to form 10no apartments (Use Class C3) including the partial demolition and alterations to the rear elevation, an external staircase, and internal alterations

Application: 23/00402/LB Refused 24 July 2023

Partial demolition and alterations to the rear elevation, an external staircase, and internal alterations, to facilitate the change of use of part of building to form 10no apartments (Use Class C3)

Application: 24/01910/LB

Partial demolition and alterations to the rear elevation and internal alterations, to facilitate the change of use of part of building to form 10no apartments (Use Class C3) - Re-submission of 23/00402/LB

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, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **23 September 2024**

6.2 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 BANBURY TOWN COUNCIL: Banbury Town Council has now considered these applications at its Planning Committee and resolved to raise no objections.

OTHER CONSULTEES

7.3 **CDC CONSERVATION (14.07.2025) - (Objects)** The current proposals remain broadly in line with what was submitted previously, with the exception of the omission of the proposed fire escape and the slight reduction in the extent of internal subdivision. As such, it is difficult to support the proposals in their current form as they do not overcome the concerns raised by the previous conservation officer and the level of harm to the listed building would remain as less than substantial (mid-range of the scale). As harm has been identified to the heritage assets,

consequently this harm should be weighed up against the public benefits of the scheme as laid out in the NPPF.

- 7.4 **CDC CONSERVATION (15.06.2026) - (No Objections)** We welcome attempts to minimise subdivision of the floor plan etc. It's a significant improvement on the previous iteration. Just a few points- the submission of a demolition plan which highlights any historical features to be removed would be helpful. I note that quite a few of the doorways are still to be block off. We will need further details of these- they should be in line with Historic England guidance on fireproofing historic buildings and any existing historic doors and architraves should remain in situ. Further details of required fireproofing/ thermal upgrading/ plastering etc. will be required. Where new walls are proposed they shouldn't cut through existing architectural features i.e. F05/ F08- the lobbies seem to cut through the chimney breast. If they could be set back this would create a neater fit. Details of all new windows/ doors/ panelling/ flooring/ internal walls/ staircases/ AOV system/ services (location of soil pipes etc.) are required.

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 2015)

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C18 – Development proposals affecting a listed building
- C21 – Proposals for re-use of a listed building
- C23 – Retention of Features Contributing to Character and Appearance of a Conservation Area

- 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 Character Appraisal

9. APPRAISAL

- 9.1. The site is a Grade II listed building, is within the Banbury Conservation area, and affects the setting of the Grade II listed Banbury Library. The key issue for

consideration in this case is the impact on the historic significance and setting of the listed building(s).

Policy Context

- 9.2. Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State 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.*
- 9.3. 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.*
- 9.4. 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.
- 9.5. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 212 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 2015 echoes this guidance.
- 9.6. The NPPF states that account should be taken of the desirability of new development making a positive contribution to local character and distinctiveness. The NPPF states 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. It goes on to state any harm loss should require clear and convincing justification. The Council also has statutory duties under legislation to have special regard to preserve and enhance heritage assets and their settings which give them elevated weight in planning decisions. The NPPF advises where proposals lead to less than substantial harm to the significance of a heritage asset this should be weighed against the public benefits of the scheme.

Assessment

- 9.7. No alterations are proposed to the frontage of the building and therefore there would be no impact on this elevation of the existing building.
- 9.8. To the rear of the building is proposed a new four storey rear extension, which extends the existing gable, is of sympathetic form and generally replicates the architectural detailing and features of the rear elevation of the building. It is considered a subservient addition to the existing building. The fenestrations are relatively balanced to the proposed multi storey extension, mirroring the part of the rear element to which it would attach. The materials would also match that of the existing building. This element of the proposal would enhance the existing building by replacing parts of the existing rear modern elements to be demolished, which were considered unsightly modern extensions by the Conservation Officer. The previously proposed fire escape has been omitted from the proposals.

- 9.9. Officers consider that externally the amended proposal reflects the local distinctiveness of the area and secures a high-quality design, including materials, in line with the Banbury Conservation Area Appraisal (2018) which outlines appropriate building materials that are traditional to Banbury Conservation Area.
- 9.10. Following further discussions and amended plans which has resulted in significant changes to address the previous Conservation comments regarding the proposed internal alterations. The amended proposal has significantly reduced the extent of the internal subdivision resulting in the proposed residential dwellings utilising more of the building than initially submitted. The proposed units would also result in more open plan accommodation enabling a reduction in internal subdivision and better use of the existing fabric and layout. The amended proposal satisfactorily retains the historic layout and has acceptably addressed most of the issues previously raised by the Conservation Officer. The Conservation officer has responded to the revised scheme advising and stating that:

“We welcome attempts to minimise subdivision of the floor plan etc. It's a significant improvement on the previous iteration. Just a few points- the submission of a demolition plan which highlights any historical features to be removed would be helpful. I note that quite a few of the doorways are still to be block off. We will need further details of these- they should be in line with Historic England guidance on fireproofing historic buildings and any existing historic doors and architraves should remain in situ. Further details of required fireproofing/ thermal upgrading/ plastering etc. will be required. Where new walls are proposed they shouldn't cut through existing architectural features i.e. F05/ F08- the lobbies seem to cut through the chimney breast. If they could be set back this would create a neater fit. Details of all new windows/ doors/ panelling/ flooring/ internal walls/ staircases/ AOV system/ services (location of soil pipes etc.) are required.”

Conclusion

- 9.11. In light of the amended details submitted, and having regard to the comments of the Conservation officer, it is considered that cumulatively, and subject to the clarification and conditions as set out in the recommendation, the proposals would not cause demonstrable harm to the significance of the Grade II listed building, or other grade II listed buildings in the vicinity of the site. The proposed development thus accords with Policy ESD15 of the CLP 2015, retained Policy C18 of the CLP 1996 and Government guidance in the NPPF.

Ecological Impact

Legislative and policy context

- 9.12. 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.
- 9.13. 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.

- 9.14. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.15. 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.
- 9.16. The Regulations require competent authorities to consider or review planning permission, applied for, or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.17. Paragraph 180 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.
- 9.18. Paragraph 186 states that when determining planning applications, local planning authorities (LPAs) 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.
- 9.19. Paragraph 191 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.

- 9.20. Policy ESD10 of the CLP 2015 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.
- 9.21. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.22. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.23. 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 LPAs 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

- 9.24. The Council's Ecologist (CE) has responded to the application advising that the proposal should be exempt from Biodiversity Net Gain. The CE further advises that with regards to the development, the roofs look to already be built into with no separate roof void, if any re-tiling, roof works or works to eave spaces are required a bat and nesting bird survey will be required and the same applies if any external features such as fascias, timber cladding or stonework is scheduled to be removed. The CE concluded that informative should be applied to any permission relating to protection of bats and nesting birds.

Conclusion

- 9.25. Having regards to the CE's comments and nature of the proposed development, the proposal would be acceptable in terms of the ecology of the site subject to the recommended informative and it would comply with Policies ESD10 and ESD15 of the CLP 2015 and Govt guidance in the NPPF.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposed development is considered to represent an acceptable and appropriate development, which would not cause demonstrable harm to the character or historic significance of the heritage asset and would be acceptable in ecological terms. As such the proposal complies with retained Policy C18 of the CLP 1996, Policy ESD15 of the CLP 2015 and the relevant paragraphs of the NPPF.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING TO GRANT

CONSENT, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY):

CONDITIONS

Time Limit

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

Reason - To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 consent, the development shall be carried out strictly in accordance with the form and following approved plans "21020 (D) 201 Revision D", "21020 (D) 202 Revision D" and "21020 (D) 203 Revision D" and "21020 (D) 204 Revision D"

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.

Brick sample

3. No development shall commence above slab level unless and until a brick sample panel minimum (1m² in size) has been constructed on site to match the brickwork on the existing building and showing the mortar to be used in the repointing and has been inspected and approved in writing by the Local Planning Authority. The external walls of the development shall be laid, dressed, coursed, and pointed in strict accordance with the approved stone sample panel and shall be retained as such thereafter.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Detailed schedule of materials for the extension

4. No development shall commence above slab level unless and until a detailed schedule of materials for the extensions shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details of internal services and service routes

5. Notwithstanding the submitted details, details of internal services and service routes including ventilation and extract equipment and methods of installation. This should include details of external vents which shall be submitted to and

approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Partitions of the development

6. Notwithstanding the details submitted, details of any partitions of the development including a cross section shall be submitted to and approved in writing by the Local Planning Authority before any work commences in respect of those elements. The development shall not be carried out other than in strict accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Repointing of the brickwork

7. Prior to the any repointing of the brickwork, details including mortar specification details and sample of the repointing to an inconspicuous location to match the core sample of the existing mortar shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to safeguard the character and appearance of the area and the significance of heritage assets and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Treatment of the existing and proposed doors

8. Notwithstanding the submitted details, details of the treatment of the existing and proposed doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details of the new openings including method statement, materials samples, and details

9. Notwithstanding the details submitted, no development shall commence unless and until details of the new openings including method statement, materials samples, and details to match the existing building have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and shall be

retained as such thereafter.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Joinery details including windows and doors

10. Notwithstanding the details submitted, no development shall commence above slab level unless and until joinery details including windows, doors and at a scale of 1:10 including cross sections and colour/finish have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details including panelling, flooring, internal walls, staircases, and AOV system/services

11. Notwithstanding the details submitted, no development shall commence above slab level unless and until details including panelling, flooring, internal walls, staircases, and AOV system/services have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details and positioning of external vents

12. Notwithstanding the submitted details, details and positioning of external vents shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details full details of soil vent pipes

13. Notwithstanding the submitted details, details full details of soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy

C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

No features of architectural or historic interest shall be altered, replaced, or removed.

14. Unless such work is clearly and specifically referred to on drawings or other documents approved, no features of architectural or historic interest shall be altered, replaced, or removed. Any such features encountered during the work shall be drawn to the attention of the Local Planning Authority.

Reason - To safeguard the character and appearance of the area and the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details for any fire upgrade

15. Notwithstanding the submitted details, details for any fire upgrade shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details for any plastering

16. Notwithstanding the submitted details, details for any Plastering shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details for any thermal upgrade

17. Notwithstanding the submitted details, details for any thermal upgrade shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Rainwater goods

18. The rainwater goods installed to serve the development hereby permitted must be cast iron and painted black and shall be retained as such thereafter.

Reason - To ensure and retain the satisfactory appearance of the completed development and to safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Regulation 41 of the Habitat and Species Regulations 2010

19. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to 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.

Informative Notes

1. **PN21 Third Party Interests** - Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example, there may be a leaseholder or tenant, or someone who has a right of way over the land, or 54 another owner. Their rights are still valid, and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
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. 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

CASE OFFICER: Michael Sackey