

## EAST AREA PLANNING COMMITTEE

4th November 2020

<b>Application number:</b>	20/01316/FUL		
<b>Decision due by</b>	22nd September 2020		
<b>Extension of time</b>	TBA		
<b>Proposal</b>	Erection of a single storey extension to north elevation (revised site location plan).		
<b>Site address</b>	Holy Trinity Church, Trinity Road, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Quarry And Risinghurst Ward		
<b>Case officer</b>	Sarah Orchard		
<b>Agent:</b>	Christian Randall	<b>Applicant:</b>	Rev Dr Laura Biron-Scott
<b>Reason at Committee</b>	Application called in by Councillors Munkongwe, Tarver, Kennedy, Fry, Rowley and Tanner due to concerns with overdevelopment, building over graves and how the sewer system will be managed.		

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## 1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.

1.1.2. **agree to delegate authority** to the Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

## 2. EXECUTIVE SUMMARY

2.1. This report considers an application for a single storey rear extension to Holy Trinity Church with associated works. This is a resubmission of the previously approved application 16/01373/FUL. Permission is being sought again as the previous permission expired. The report reconsiders the design, impact on the grade II listed building and Headington Quarry Conservation Area, impact on residential amenity, flooding, trees, ecology, land quality and highways and parking. It is concluded that the proposed application is still acceptable and in

compliance with current planning policy and the proposal is therefore recommended for approval.

### **3. LEGAL AGREEMENT**

3.1. This application is not subject to a legal agreement.

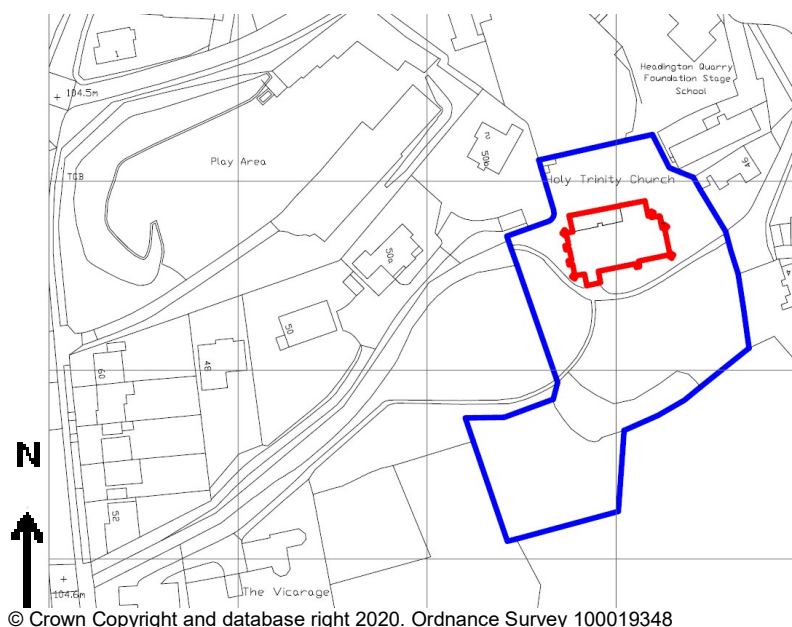
### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

4.1. The proposal is not liable for CIL.

### **5. SITE AND SURROUNDINGS**

5.1. Holy Trinity is a grade II listed church designed by Sir George Gilbert Scott and sits within the Headington Quarry Conservation Area. The church is largely 'as built' although it does benefit from a 20th century flat roof extension which sits relatively well in its context. The church is mostly a single phase building showing the distinctive Scott style and shows a high degree of architectural completeness.

5.2. See site location plan below:



### **6. PROPOSAL**

6.1. This application relates to the erection of a single storey extension to the north elevation. The extension would extend the width of the remaining exposed north elevation to the church and also extend off the west elevation of the existing vestry extension. The extension would have a dual pitched roof which would extend over the flat roof of the existing vestry. Where possible windows would be reused from the existing north elevation of the church. The proposed extension would measure 4 metres by 14.5 metres and would be approximately 5.5 metres high.

## 7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

58/07500/A\_H - Temporary use of site for car sales. TEMPORARY PERMISSION 11th November 1958.

68/19823/A\_H - Extension to vestry. PERMIT 12th March 1968.

06/02512/FUL - Formation of disabled access ramp. Re-siting of boot scrapers. PERMIT 6th February 2007.

11/03223/ADV - Erection of 2 x freestanding non-illuminated noticeboard with lockable compartments and 1 x freestanding non-illuminated poster display case with lockable compartments. PERMIT 3rd February 2012.

12/01594/FUL - Laying out of tarmac drive with resin bonded surface between church yard and Quarry Road. PERMIT 8th October 2012.

15/00533/FUL - Erection of single storey extension to north elevation. (Additional Information). WITHDRAWN 12th May 2015.

16/01373/FUL - Erection of single storey extension to north elevation. PERMIT 27th September 2016.

19/02095/FUL - Erection of a single storey extension to north elevation. WITHDRAWN 22nd October 2019.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Headington Neighbourhood Plan:
Design	117, 118, 122, 124, 127, 130	RE2 - Efficient use of Land DH1 - High quality design and placemaking DH7 - External servicing features and stores		CIP1 - Development respect existing local character GSP4 - Protection of the setting of the site CIP2 - Protecting locally important views
Conservation/Heritage	193, 196	DH3 - Designated heritage assets DH4 –		CIP4 - Protecting important assets

		Archaeological remains		
Natural environment	150, 153, 170, 175	RE1 – Sustainable design and construction G1 - Protection of Green/Blue Infrastructure G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure		GSP3- Conserving and enhancing biodiversity
Social and community	92	V7 - Infrastructure, cultural and community		AMP1 - Protect/enhance sport/leisure/community
Transport	109, 110	M2 - Assessing and managing development M3 - Motor vehicle parking M5 - Bicycle Parking		
Environmental	155, 163, 178	RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE7 - Managing the impact of development RE9 - Land Quality		GSP1 - Conserve/enhance public green space
Miscellaneous	11	S1 – Presumption in favour of sustainable development		

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 16th September 2020 and an advertisement was published in The Oxford Times newspaper on 24th September 2020.

**Statutory and non-statutory consultees**

Oxfordshire County Council (Highways)

9.2. The proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms. Oxfordshire County Council do not object to the granting of planning permission.

Thames Water

9.3. No comments received.

Natural England

9.4. No comment.

Oxford Civic Society

9.5. A detailed survey of the existing local graves and a solution for their protection and relocation should be required. Details of the proposed foul and surface water drainage should also be required to avoid disturbance to graves.

Friends of the Quarry

9.6. No changes to the proposal, except for supporting information. Friends of the Quarry are broadly supportive of the application but local concern about building over graves has not been addressed. Whilst this is not a planning consideration a geophysical survey would address concerns. The design and access statement does not address whether the below ground assets referred to are graves. More information on plans about drainage would be useful.

Headington Action

9.7. No comments received.

Headington Community Association

9.8. No comments received.

Barton Community Association

9.9. No comments received.

Historic England

9.10. No comment. Refer to local conservation advice.

Environment Agency

9.11. No comments received.

### **Public representations**

9.12. 12no. third party comments received (11no. objections and 1no. support).

9.13. In summary, the main points of objection were:

- No need for development.
- Building over graves has not been addressed.
- Contamination questionnaire does not identify that it is a burial site and graveyard.
- Proposed building materials are vague.
- No details about sewer connection.
- The roads in Headington Quarry are a 'rat run'.
- Lack of parking.
- Queries on whether the application is valid due to application form used, answers to questions on application form and level of information provided with the application.
- No details of how construction will take place.

9.14. In summary, the main points of support were:

- The extension has been designed sympathetically to compliment the church and is not too large to detract from it.

### **Officer response**

9.15. The level of information submitted with the application is considered relevant and appropriate to the scale of the development. Where the concerns raised are material planning considerations they are addressed in the report below.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of Development
- Design
- Impact on the Listed Building/Headington Quarry Conservation Area
- Residential Amenity
- Flooding/Drainage
- Trees
- Ecology
- Contaminated Land
- Highways/Parking

### **a. Principle of development**

- 10.2. Planning permission was granted under application 16/01373/FUL for the same proposal. Planning permission is now being re-sought as the permission was not implemented before this permission expired in 2019. Whilst the permission has expired this is still a material consideration. Since the approval of application 16/01373/FUL the Headington Neighbourhood Plan and the Oxford Local Plan 2036 have been adopted. This report therefore considers this proposal in light of the new policies.
- 10.3. Holy Trinity Church is considered a cultural and community facility under Policy V7 of the Oxford Local Plan 2036. In principle, applications to extend capacity, improve access and make more intensive cultural/community use of existing sites are supported by this policy. Policy AMP1 of Headington Neighbourhood Plan also takes a similar stance stating that facilities should be protected and opportunities for enhancement will be sought.
- 10.4. Paragraph 92 of the NPPF also highlights the importance of community facilities (including places of worship) in their role of creating sustainable communities. This also requires decisions to ensure that facilities are able to develop and modernise so that they are retained for the benefit of the community.
- 10.5. The proposed development is the extension of an existing community facility and as stated above community facilities in general are recognised as suitable for intensification and modernisation under policy V7 and the NPPF. Greater weight is given to the Oxford Local Plan 2036, being the more recently adopted plan as well as uniformity with the NPPF.
- 10.6. Whilst it is noted that there other community facilities nearby including the Coach House on Quarry Road, these are not on site facilities for the church itself where availability and access can be guaranteed to the church. In this particular case, the proposal seeks to improve immediate on site facilities such as a disabled toilet, childcare facilities and a kitchenette which are considered necessary for the proper functioning of the church as a community facility.
- 10.7. The churchyard surrounding Holy Trinity Church is also protected as a green space by policy GSP1 of the Headington Neighbourhood Plan. This requires all spaces in the Green Spaces Plan to be conserved and where appropriate enhanced unless allocated for development in the development plan. Therefore while the proposal affects a small area of this protected green space, the green space would substantially be retained with public access and as such the proposals would not be in direct conflict with this policy.
- 10.8. The proposal does involve disturbance to graves less than 100 years old and comments have been received objecting on these grounds. While the concerns are noted, graves less than 100 years old are not considered to be of archaeological interest. This is a matter which therefore needs to be dealt with separately to the planning application as it falls outside of the planning remit and is not a material planning consideration. Instead it is subject to ecclesiastical law

and faculty permission will be required which it is stressed lies outside of the planning process.

- 10.9. The proposal is therefore considered acceptable in principle and accords with the identified planning policies.

**b. Design/Impact on the listed building and conservation area**

- 10.10. The extension has been designed with a pitched roof, window detailing and materials to match the existing church in order not to detract from the setting of the grade II listed building. The extension projects no further than the existing vestry extension which was carried out in the 1960s and the proposed rooflights would sit discretely on the southern roof slope of the extension and would not be widely visible. Conditions are recommended that samples of all materials are reviewed on site prior to their installation to assess their suitability and quality and that large scale details of any new windows are submitted and approved before installation.
- 10.11. Since the church benefits from an ecclesiastical exemption, any internal alterations are not subject to an application for listed building consent from the Local Authority. Separate permission would need to be obtained from the dioceses which is outside of the planning process.
- 10.12. The church and their architect were involved in lengthy discussions prior to the approval of application 16/01373/FUL regarding the design of the extension with both the Local Authority and The Victorian Society. During these discussions a number of alterations were negotiated with the scheme. The retention of the original Scott doors to the south elevation were requested to be retained and a large porch projection was omitted to the north elevation of the extension as it was felt that it was more prominent than the main south elevation. The north elevation porch projection was designed to break up the expanse of the extension; however this has now been achieved with a parapet in the expanse of the roof which reflects that found above the north aisle.
- 10.13. Paragraph 193 of the NPPF requires great weight to be given to the conservation of designated heritage assets. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The proposal is considered to cause a low level of harm to the listed building and the conservation area as it introduces a new element to the original form of the church which remains largely unaltered. The harm has however been kept to a low level due to the consideration which has been given to the design. This has been given great weight as required by paragraph 193 of the NPPF. However, in carrying out the balancing exercise required by paragraph 196, it is considered that there are adequate and sufficient public benefits, in terms of modernisation of a community asset which would help keep the church in use which would outweigh this identified harm.
- 10.14. Special attention has also been paid to the statutory test of preserving the listed building or its setting or any features of special architectural or historic



interest which it possesses and the statutory test of preserving or enhancing the character and appearance of the conservation area under sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990, which it is accepted are higher duties. Considerable importance and weight has been given to the statutory duties when carrying out the balancing exercise and It has been concluded that the proposal would cause less than substantial harm to the listed building and conservation area, but this harm would be out-weighed by the benefits of the proposal, and so the proposal accords with sections 66 and 72 of the Act and paragraphs 193 and 196 of the NPPF.

- 10.15. The proposal is therefore considered to comply with policies DH1 and DH3 of the Oxford Local Plan 2036 and CIP1, CIP4 and GSP4 of the Headington Neighbourhood Plan and the NPPF.

**c. Impact on neighbouring amenity**

- 10.16. Although the churchyard is bordered by neighbouring residential properties, the extension is located a suitable distance away from these properties in order not to cause a detrimental impact in terms of loss of light, overbearing impact or loss of privacy.
- 10.17. The modest scale of the extension is considered to enhance the facilities of the church and there is no evidence to suggest that the proposed extension would result in increased activity which would result in a detrimental level of disturbance to the amenities of neighbouring occupiers.
- 10.18. The proposal is therefore considered to comply with policy RE7 of the Oxford Local Plan 2036.

**d. Flooding/Drainage**

- 10.19. Consideration has been given to the responses from the public in relation to flooding, drainage and sewage. The proposed extension is not a large scale scheme and there are no specific references as to where the drainage and flooding issues are and whether there is likely to be an impact from the new development. However since the extension will be increasing the impermeable area, this will therefore increase surface water run-off and volumes as a result. With this in mind a pre-commencement condition is recommended to ensure this matter is addressed. The applicant will need to undertake a surface water drainage assessment and provide information and demonstrate how they will manage the increase in run-off and volumes through the use of appropriate Sustainable drainage measures (SuDS).
- 10.20. The request for foul sewage information is not considered relevant to the scale of the scheme. If there is to be any impact from new sewage pipes on the graves, this again is a matter to be dealt with by ecclesiastical law outside of the planning process.
- 10.21. The proposal is therefore considered to comply with policy RE3 and RE4 of the Oxford Local Plan 2036.

#### **e. Trees**

- 10.22. The proposed extension encroaches within the notional Root Protection Area (RPA as defined by BS5837:2012) of a mature, high quality and value yew tree that is west of the church, but there is a buttress that will act as a barrier to root growth in this area and the encroachment into the area in which roots are likely to be growing is therefore relatively small as a proportion of the overall RPA. There is adequate area on the south and west sides of the tree that is contiguous with the RPA to compensate for the loss, so officers are satisfied that the tree is not likely to be significantly harmed if adequate care is taken to protect it during the construction phase.
- 10.23. Mini-pile foundations are intended. The underside of the ring beam should be set on top of existing ground levels so that roots are not cut when it is installed. Conditions are recommended for a Tree Protection Plan and an Arboricultural Method Statement to ensure that tree roots are not damaged.
- 10.24. A landscaping scheme is not considered appropriate or relevant to the scale of the scheme. The church is currently surrounded by the informal graveyard and this would remain the same situation once the extension is complete.
- 10.25. The proposal is therefore considered to comply with policies G1 and G7 of the Oxford Local Plan 2036.

#### **f. Ecology**

- 10.26. The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Habitats and Species (Amendment) (EU Exit) *Regulations* 2019, which identifies 4 main offences for development affecting European Protected Species (EPS).
1. *Deliberate capture or killing or injuring of an EPS*
  2. *Deliberate taking or destroying of EPS eggs*
  3. *Deliberate disturbance of a EPS including in particular any disturbance which is likely*
    - a) *to impair their ability –*
      - i) *to survive, to breed or reproduce, or to rear or nurture their young, or*
      - ii) *in the case of animals of a hibernating or migratory species, to hibernate or migrate; or*
    - b) *to affect significantly the local distribution or abundance of the species to which they belong.*
  4. *Damage or destruction of an EPS breeding site or resting place.*
- 10.27. Given the nature of the proposals and likely absence of bats within the zone of influence of the proposed scheme, European Protected Species are unlikely to be harmed as a result of the proposals as discussed in further detail below.
- 10.28. Officers have reviewed the proposal and considered that the species at risk from the development are bats and birds. Following the withdrawal of application 19/02095/FUL an up to date bat survey has been carried out on the site. The preliminary roost assessment identified some low potential features on the

northern aspect of the church (where the extension would be located) and <15 droppings scattered in the porch to the south. No emerging bats were recorded coming from the church on the 19th May 2020 and at no point during the survey did any bats show any interest in the building. There was no bat activity recorded from within the main body of the church either. In general, bat activity recorded across the site was low.

- 10.29. Bats therefore do not pose a constraint to development, however, due to the nature of the church being a very suitable building for bats (at any time of the year) and potential access features present bats have been given due regard. Under the NPPF and policy G2 of the Oxford Local Plan 2036 a net enhancement to the site is sought. Three bat boxes would be installed on trees within the church grounds. A condition is recommended that a scheme of ecological enhancements as suggested by the recommendations within the report are put forward.
- 10.30. Scrub and trees on site offer suitable habitat for nesting birds. All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended) and an informative is therefore recommended that removal of vegetation shall be undertaken outside of bird nesting season. This is weather dependent but generally extends between March and August inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation or buildings shall not be removed until the fledglings have left the nest in order to comply with the requirements the Wildlife & Countryside Act 1981 (as amended).
- 10.31. Subject to conditions the proposal is therefore considered to comply with policy G2 of the Oxford Local Plan 2036.

#### **g. Contaminated Land**

- 10.32. This site has been prioritised as category 4 in accordance with Oxford City Council's Land Quality Strategy, meaning that further investigation of this site may be necessary upon redevelopment. Records indicate that the site is surrounded by infilled ground and historical maps show that a graveyard existed around the north side of the church, both of which may have associated contamination. Therefore conditions are recommended to request a phased risk assessment including a desk study and site walk over to identify all potential contaminative uses on the site, and to determine what remediation measures are necessary.
- 10.33. The proposal, subject to this condition is considered to comply with policy RE9 of the Oxford Local Plan 2036.

#### **h. Highways/Parking**

- 10.34. A number of comments have been received in relation to the impact on parking and traffic from the development. Since the proposal is an existing facility which does not benefit from parking or cycle storage and the proposal is not a

large scale scheme which is designed to provide enhanced facilities, it is considered that it would not be reasonable or appropriate to request parking or cycle storage in an area where it could harm the setting of the listed building and conservation area nor would a construction traffic management plan be needed.

## **11. CONCLUSION**

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with Paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which is inconsistent with the result of the application of the development plan as a whole.
- 11.1. In summary it is considered that the proposal would make a more efficient use of the site and enhance and support an existing community facility. Whilst there would be less than substantial harm to the designated heritage assets this would be outweighed by the public benefits of the scheme. Any loss of publically accessible green space would be a very low level and the graveyard would be substantially retained.
- 11.2. Officers would advise members that having considered the application carefully that the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Local Plan 2036 and the Headington Neighbourhood Plan, when considered as a whole, and that there are no material considerations that would outweigh these policies. On the basis of the above, Officers recommend that the East Area Planning Committee grant planning permission for the proposed development subject to the conditions as set out below.

## **12. CONDITIONS**

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

- 3 Samples of the exterior materials to be used shall be submitted to, and approved in writing by the Local Planning Authority before the start of work on the site and only the approved materials shall be used.

Reason: In the interests of the visual appearance of the Headington Quarry Conservation Area in which it stands in accordance with policies DH1 and DH3 of the Oxford Local Plan 2036 and CIP4 of the Headington Neighbourhood Plan.

- 4 Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction-Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect retained trees during construction. In accordance with policies G1 and G7 of the Oxford Local Plan 2036.

- 5 A detailed Arboricultural Method Statement (AMS) setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved AMS unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies G1 and G7 of the Oxford Local Plan 2036.

- 6 Prior to the commencement of development, plans, calculations and drainage details to show how surface water will be dealt with on-site through the use of sustainable drainage methods (SuDS) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The plans, calculations and drainage details will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The development shall only be carried out in accordance with the approved details.

The plans, calculations and drainage details submitted shall demonstrate that;  
I. There will be no reduction in the quantity or quality of groundwater recharge, or an increase in surface water run-off.

II. The drainage system is to be designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event with a 40% allowance for climate change.

III. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.

IV. Excess surface water runoff must be stored on site and released to receiving system at greenfield runoff rates.

V. Where sites have been previously developed, betterment in runoff rates will be expected, with discharge at, or as close as possible to, greenfield runoff rates. Any proposal which relies on Infiltration will need to be based on on-site infiltration testing in accordance with BRE365 or alternative suitable methodology, details of which are to be submitted to and approved in writing by the LPA. Consultation and agreement should also be sought with the sewerage undertaker where required.

A SuDS maintenance plan shall also be submitted to and approved in writing by the LPA. The Sustainable Drainage (SuDS) Maintenance Plan shall be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The SuDS maintenance plan shall provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity. The development shall then carried out in accordance with the approved plan thereafter.

Reason: To ensure compliance with Policies RE3 and RE4 of the Oxford Local Plan 2036 and in the interests of drainage in the Lye Valley SSSI.

- 7 Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. Each phase shall be submitted to and approved in writing by the Local Planning Authority (LPA).

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

Phase 2 shall include 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.

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use be submitted to and approved in writing by the LPA. The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

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 in accordance with the requirements of policy RE9 of the Oxford Local Plan 2036.

- 8 The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

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 in accordance with the requirements of policy RE9 of the Oxford Local Plan 2036.

- 9 To ensure the risk to bats is minimised during the construction phase works must be carried out in accordance with the Precautionary Method of Work described within the Bat Survey Report (Jones and Sons Environmental Sciences Ltd, 8th July 2016).

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2010, Policy G2 of the Oxford Local Plan 2036.

- 10 No lighting shall be introduced directed at the upper level of the west elevation, entrance porch and bordering trees.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017, Policy G2 of the Oxford Local Plan 2036.

- 11 Prior to the commencement of development details of any new windows to be installed showing elevations at a scale of not less than 1:10 and horizontal and vertical sections at a scale of no less than 1:5 shall be submitted to and approved in writing by the local planning authority. The windows shall be installed in accordance with the approved details thereafter.

Reason: In the interests of the character and appearance of the listed building in accordance with policy DH3 of the Oxford Local Plan 2036.

#### INFORMATIVES :-

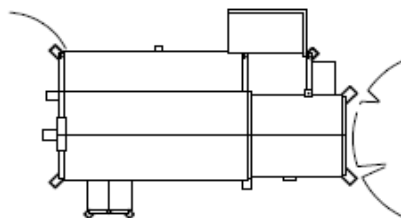
- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 2 Scrub, trees and buildings on site offer suitable habitat for nesting birds. All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended). Removal of vegetation and demolition of buildings shall be undertaken outside of bird nesting season. This is weather dependent but generally extends between March and August inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation or buildings shall not be removed until the fledglings have left the nest.

### **13.APPENDICES**

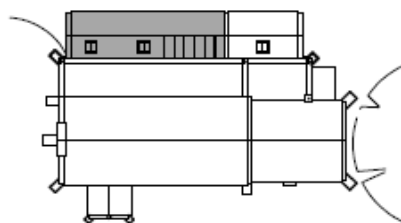
- **Appendix 1 – Site plan**



Existing Site Plan 1:1250



Existing Block Plan 1:500



Proposed Block Plan 1:500



#### **14. HUMAN RIGHTS ACT 1998**

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

#### **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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