

Case Officer: Wayne Campbell

Applicant: Bicester Builders Homes Ltd

Proposal: Development of 10 residential units

Ward: Bicester West

Councillors: Councillor Broad, Councillor Sibley, and Councillor Webster

Reason for Referral: Development of 10 or more dwellings

Expiry Date: 14 March 2022

Committee Date: 10 March 2022

Note: This application is subject to a Committee Site Visit

SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION, SUBJECT TO: RESOLUTION OF LEAD LOCAL FLOOD AUTHORITY OBJECTION; CONDITIONS; AND SECTION 106 LEGAL AGREEMENT

1. APPLICATION SITE AND LOCALITY

- 1.1. The site lies south-west of the junction of Queens Avenue and Kingsclere Road. The site is an area of open land which had previously been associated with the former antiques centre, known as the Kings End Antiques Centre as an area of display of garden stock for sale.
- 1.2. Queens Avenue connects to Kings End at the southernmost part of the site where there is a T junction. Both roads are main vehicular tributaries into the town centre of Bicester. The site represents a town centre location.
- 1.3. Kingsclere Road forms the northern boundary to the site while the existing residential property known as Kingsmead also forms part of the northern boundary to the site. To the south the boundary is marked by the listed building of the former Kings End Antique Centre which is a grade II listed building.

2. CONSTRAINTS

- 2.1. The site is located within the Bicester Conservation Area. The site is also within the setting of a number of listed buildings including The Old Fox Inn immediately to the south of the site and Oxford House which is located at the junction between Kings End and Queens Avenue to the south east of the site.
- 2.2. A public right of way also exists to the north of the site which follows the footpath along Kingsclere Road.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application seeks planning permission to re-develop this vacant area of land for residential use. The proposed scheme is for a single block on the site to provide a total of 10 apartments in the form of 2 x 1 bed apartments and 8 x 2 bed apartments.
- 3.2. Although essentially fronting onto Queens Avenue the main entrance to this three storey building and the apartments would be to the rear via a parking courtyard and vehicle access off Kingsclere Road. The parking courtyard would provide 4 surface spaces for use by occupiers of the site which will be supported by cycle parking to be located at the two ends of the parking zone and allocated spaces will be given to each residential unit with a total allowance of 24 stands.
- 3.3. The assessment and determination of this application is made on the basis of the revised plans received 29.01.2022 and 25.02.2022, which include alterations to the design, form and massing of the proposed building.
- 3.4. *Timescales for Delivery:* The applicant/agent has advised that, in the event that planning permission is granted, they anticipate development commencing within weeks of receiving consent. (NB. Subject to the requirements of any conditions.)

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:
 - 18/00689/F and 18/00690/LB – Change of use from Antiques centre to children's day care nursery, demolition of timber curtilage outbuilding and conversion of remaining curtilage outbuildings and erection of single storey pre-school playroom block – Withdrawn
 - 02/01610/F - Construction of new single and two storey buildings to provide reception area, sales/display galleries, cafe, offices, stores and toilet facilities – Withdrawn
 - 01/00016/LB - Internal and External Alterations (as amended by revised plans accompanying agent's letter dated 19.02.01) - Permitted
 - 00/02523/F – Replacement of existing chain link fencing with 2.5 metre cast iron railings with vehicular access gates – Permitted
 - 95/00923/LBD - Retrospective. Demolition of outbuildings. Demolition and rebuilding of wall - Permitted
 - 98/01594/F and 98/01595/F - Increase height of parts of boundary wall to rear. Re-instate vehicular access; new pair of stained timber gates - Permitted
 - 19/02311/OUT - 10 apartments within a scheme of 2 to 2.5 storeys – Permitted Subject to S.106 Agreement - 03/01/2020.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:
- 5.2. 19/00115/PREAPP – Pre-Application Advice on potential redevelopment options at Kings Avenue, Kings End, Bicester

Response: The above sought advice on redeveloping the site for residential purposes or hotel/leisure uses. It included the Old Fox Inn as part of the development site as well and the proposals were very conceptual and vague. It was advised that the

principle of residential development was likely to be acceptable; however, a number of heritage issues were raised alongside issues of clarification on access, parking and neighbour impact.

5.3 21/00097/PREAPP – Pre-Application Advice - Development for 10 residential units. Land South West of Queens Avenue and Kingsclere Road

Response: It was accepted that the principle of the residential development of the site has been established via the granting of outline permission for 10 units. The Council's Conservation Officer raised objections to the scheme as originally submitted and a revised proposal was submitted to address the concerns raised, with the alterations including the removal of the false carriage arch and reducing the ridge height of the three storey section of the building, the hipped roof to the corner was also replaced with a gable to strengthen the corner and the fenestration was altered to provide a more coherent appearance overall. It was considered that the revised scheme would not have a significant detrimental impact on the setting of the adjacent listed building and would not have a significant adverse impact on the character and appearance of the Conservation Area. Therefore, subject to further discussion and agreement regarding the palette of materials to be used on the external surfaces of the building and considering that the principle of ten residential units on the site has been established the revised proposal is considered acceptable in Heritage Terms.

While it was noted that there was a residential dwelling to the West of the site, due to the design and careful positioning of the proposed balconies, and the separation distance between the buildings it was not considered that the proposal would result in an unacceptable impact on the amenity of the occupants of this dwelling or the adjacent public house.

The scheme to comprise 8 no. two - bedroom flats and 2 no. one - bedroom flats in terms of the proposed mix was considered as an acceptable mix.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). Following the receipt of amended plans all consultees were re-consulted along with neighbouring properties. The final date for comments was **22 February 2022**. There were 3 objections, no submissions of support and 5 comments received.

6.2. The comments raised by third parties are summarised as follows:

- Concerned about the impact to the natural light and visual impact to the existing window on the north elevation in the Old Fox public house.
- Failure to address the issue of adequate car parking for the number of units which is totally unacceptable with reliance upon owners using bikes / public transport.
- Concern over construction traffic using Fox Lane which is a residential area with pedestrians and local traffic primarily school traffic using the Lane throughout the day. Concerned about the amount of construction traffic and contractors' vehicles parking and using Fox Lane.
- Developers have also not justified the intent to chop down the lovely tree at the junction of Fox Lane and Kingsclere road.
- Concern over issue of the metal fence which the previous owners of the land superimposed on the western boundary wall.

- Suggestion that the developers will paint the western boundary wall white in agreement with the western neighbour not discussed with the western neighbour.
- Scheme seeks to maximise the site leaving little open space.
- Looks very cluttered and over dominant on the corner with Kingsclere Road. It attaches to, and adversely effects the siting of the listed building (the old Fox Pub).
- Full application differs significantly from approved outline planning.
- New build abutting listed building will have an impact on a side window that faces north on the listed building, completely blocked totally denying any light at all or ventilation.
- To abut the listed building would also deny any ability to maintain that side of the building.
- Outline permission did not extend building line along the boundary with the listed building. Current application extends much further to the west beyond the listed building and then has a balcony that would be extremely intrusive to the garden of the listed building.
- The height of the roof lines has significantly changed from the outline plan, which mirrored the existing listed building and house numbers 20 and 22. It now has three roof levels with the highest exceeding the height of the listed building established height line.
- No car charging bays provided.

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. BICESTER TOWN COUNCIL: **Objects** on the grounds of threat to listed building, traffic congestion, and parking provision. Blind bend near entrance steers vehicles to centre of the road resulting in a highway safety issue. Use of Fox Lane unsuitable access point highway safety issue to pedestrians due to lack of footpath, and is well used by pedestrians, cyclists to three schools, Bicester Leisure Centre and the Town Centre. Use by HGV vehicles will result in a highway safety issue. Proposed closure of south side footpath on Kingsclere Road will cause highway safety issue to pedestrians and cyclists as footpath on the north side is not adequate.

COUNCILLORS

7.3. COUNCILLOR SIBLEY requests application be called in to committee and that the application be subject to a committee site visit. The Planning Application has a high level of Public interest and concern amongst Bicester residents. Bicester Town Council strongly objects to this application. The site lies in the Bicester Conservation Area and its settings and within an area of an historic environment that contains several Grade II and other locally listed buildings on and in close vicinity of the proposed site.

- 7.4. Concerned at the impact by way of bulk, scale, design, and massing of the building on the street scene and the conservation area and its settings. The application is an overdevelopment of the site and is not in keeping with the street scene. Concerned about the visual impact on neighbouring residential properties in Queens Avenue and Kingsclere Road and on the neighbouring Grade II listed building (Old Fox Inn). Development will result in the loss of 2 x TPO Lime Trees.
- 7.5. The development lacks car parking spaces for a 10 Unit Development. The amended plan shows 2x disabled bays and 2 x 20 min short stay bays. No parking or charging facilities for mobility scooter users.
- 7.6. Development on the corner site of Queens Avenue with Kingsclere Road is a main route through the town for traffic from the Oxford Road to the Buckingham and Banbury roads via Field Street. These roads are already recognised as areas that suffer from high levels of traffic congestion, noise and air pollution. The Queen's Avenue is the only route for all buses and coaches through the town and into and out of the town centre via the traffic congested St. Johns Street (subject of a planning application for a retirement home).
- 7.7. The location of the refuse and recycling bins at the front entrance raises visibility concerns when exiting & entering the site for motorists, cyclists, and pedestrians. However, it appears that no provision been made for the new weekly food waste collection service starting 1st March. Bin collection contrary to Council Policy for Refuse Vehicles to collect residents waste from the Highway especially as the collection point is at the t/junction of Kingsclere Road with Queens Avenue.
- 7.8. The Wheel Washing facilities are located at the main entrance. Accessing and exiting site from Kingsclere Road at the t/junction with Queens Avenue across a well-used footpath and cycle way raises a number of highway safety issues for motorists, cyclists & pedestrians. Visibility splays to and from the site entrance on Kingsclere Road are below the 43m as required by Highways. The site entrance is only a few metres away from the busy t/junction with Queens Avenue. The bend near the site entrance on the narrow Kingsclere Road naturally steers vehicles into the middle of the road in danger of meeting vehicles head on travelling in the opposite direction, especially when vehicles are parked on bend or near the site access. Road Traffic Order (RTO) is needed to extend the double yellow lines past the site entrance to avoid vehicles being parked opposite the access. The area assigned for temporary deliveries and drop off at the main entrance to the site in Kingsclere Road raises highway safety issues for motorists, cyclists, and pedestrians. There is no footpath from the main entrance to the proposed development for residents / visitors.
- 7.9. Using the narrow Fox Lane is unsuitable to access the rear of the vacant Public House site for the workers /operatives car park, and for delivery vehicles under 7.5 weight limit. The Lane has no public footpaths and is well used by pedestrians and cyclists to access Kingsclere Road for onward journeys to Queens Avenue, the Fire and Police Stations, the Town Centre, the three schools and the Bicester Leisure Centre. The site access for HGV Construction Vehicles along with other delivery vehicles over the 7.5 ton weight limit will have to back into the site with a brakes man /woman in attendance. This will cause considerable delays and lead to increase levels of noise, air pollution and traffic congestion. Construction and other vehicles over the 7.5 weight limit exiting the site entrance to turn right into Kingsclere Road raises visibility and other highway safety issues as the road is well used by pedestrians, cyclists and motorists.
- 7.10. Proposed closure of the south side footpath on Kingsclere Road will put pedestrians and cyclists in a dangerous situation as the north side footpath /cycleway which is not adequate, safe or fit for purpose. Highways should ensure that a routing agreement

for construction vehicles and that the travel management plan are robustly enforced should the development proceed.

CONSULTEES

- 7.11. OCC HIGHWAYS: **No objections** to the current proposals subject to conditions and S106 contributions. The amended documents include a revised Construction Environment Management Plan (CEMP) which appears to have been submitted in response to the County's emailed further comments to Cherwell District Council of 4 January 2022. A number of those comments have now been satisfactorily dealt with, but some points remain unresolved.
- 7.12. OCC RIGHTS OF WAY OFFICER: **No objection** or comments to raise.
- 7.13. OCC LEAD LOCAL FLOOD AUTHORITY: **Objection**. As the proposal includes car parking spaces and access roads, water quality will be affected. The site is in a high-risk groundwater vulnerability area, therefore water quality standards must be met. Proposed development needs a water quality assessment in accordance with Section 4 and Section 26 of SuDS Manual.
- 7.14. CDC DRAINAGE: **No comments**. The drainage proposals have been agreed and are not affected.
- 7.15. OCC EDUCATION: **No objection** and no S106 contributions required.
- 7.16. OCC ARCHAEOLOGY: **No objection**. As proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.
- 7.17. CDC BUILDING CONTROL: **No objection**. Full Plans Building Regulations application will be required.
- 7.18. CDC WASTE & RECYCLING OFFICER: **Comment**. Bin storage areas should be a minimum of 1.4 square metres per dwelling for flats, so this development would need a bin store area of 14 square metres minimum. Where possible, bin storage should be provided externally and within the curtilage of the site. Current plans there isn't enough information on the bin storage for this development. There is no clear information of where the bin store will be located, and no dimensions of the bin store being provided. Until these conditions are met this application won't be supported by the waste collection department.
- 7.19. CDC CONSERVATION OFFICER: **No objections** subject to conditions and minor alterations.
- 7.20. CDC ENVIRONMENTAL HEALTH: **No objections** subject to conditions.
- 7.21. CDC TREE OFFICER: No comments received.
- 7.22. CDC ECOLOGY OFFICER: No comments received
- 7.23. CDC PRIVATE SECTOR HOUSING: No comments received
- 7.24. THAMES VALLEY POLICE DESIGN ADVISOR: No comment received
- 7.25. RAMBLERS ASSOCIATION: No comments received
- 7.26. BICESTER BIKE USERS GROUP: No comments received

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 ('CLP 2015') was formally adopted by Cherwell District Council in 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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)

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC2: The Effective and Efficient Use of Land – Brownfield Land and Housing Density
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems
- ESD15: The Character of the Built and Historic Environment
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: New development design
- C30: Design Control
- ENV1: Pollution Control
- ENV12: Contamination

8.3. Other Material Planning Considerations

- National Planning Policy Framework (The Framework)
- Planning Practice Guidance (NPPG)
- Cherwell Residential Design Guide SPD (2018)
- Developer Contributions SPD
- The Planning (Listed Buildings and Conservation Areas) Act 1990

9. APPRAISAL

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

- Principle of development
- Heritage Impact
- Design, and impact on the character of the area
- Residential amenity
- Highways
- Sustainable Construction
- Drainage

Principle of Development

- 9.2. Policy PSD 1 of the CLP 2015 states that *when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework*. The policy continues by stating that *planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise*. Paragraph B88 of the CLP 2015 also highlights that *by focusing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth*. This site is located within the town centre of Bicester and therefore represents a very sustainable development for new housing. The development proposal therefore complies with the requirements outlined in paragraph B88 of the CLP 2015.
- 9.3. Policy BSC 2 of the CLP 2015 highlights the importance of effective and efficient use of land and the use of sites. Under this Policy it is highlighted that *housing development in Cherwell will be expected to make effective and efficient use of land*. The Policy also states that *the Council will encourage the re-use of previously developed land in sustainable locations. New housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density development*. This site is an area of vacant land formally used as an area of sales display in association with the former antique centre. The current use of the site is as an area of previously developed land and therefore the re-development of the site for residential use would comply with policy BSC 2 of the CLP 2015.
- 9.4. The Council is currently unable to demonstrate a sufficient housing land supply as required under paragraph 74 of the NPPF. Cherwell's position on five-year housing land supply, as set out in the 2021 Annual Monitoring Report (AMR), is 3.8 years supply for the period 2021-2026 and 3.5 years for the period 2022-2027 (the latter being effective from 1 April 2022). An additional 1,864 homes would need to be shown to be deliverable within the current 2021-2026 five-year period to achieve a five year supply as required by the NPPF. As highlighted in paragraphs 9.2 and 9.3 this proposal would make a positive contribution towards the provision of new housing in Bicester town centre.
- 9.5. The principle of the development is appropriate for this location. The proposal would allow for an increase in the level of residential accommodation within the town centre. The proposal complies with Policies PSD 1 and BSC 2 of the CLP 2015 and is therefore acceptable in principle.
- 9.6. Overall acceptability is subject to further considerations; in this regard it is noted that paragraph B.90 of the CLP 2015 continues by stating that *new housing needs to be provided in such a way that it minimises environmental impact, including through the elimination and control of pollution and the effective and efficient use of natural resources. It needs to be planned in a way that helps to reduce carbon emissions, reflects the functions of our settlements and protects or enhances the identity of our towns and villages and the sense of belonging of our residents*. As such the impact of the development on neighbouring properties and the street scene also needs to be considered before a decision can be made.

Heritage Impact

- 9.7. The site is within Bicester Conservation Area and affects the setting of a number of Grade II listed buildings including the Old Fox Inn immediately to the south of the site.

The main issue in this case is therefore the impact this proposal will have on the setting of the nearby listed buildings as well as the character and appearance of the Conservation Area in this gateway location.

- 9.8. 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.*
- 9.9. 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.
- 9.10. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 199 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.
- 9.11. The application site is currently a hard surfaced yard with railings around it and was previously used for the sale of garden ornaments and antiques. It does little to enhance the character of this part of the Conservation Area.
- 9.12. The Bicester Conservation Area Appraisal (CAA) notes that *'the historic character and appearance of the area is defined by the intermix of terraces of vernacular stone-built dwellings and more polite and formal rendered ones which create strong buildings lines, either fronting straight onto the back of the pedestrian pavement or separated by a short strip of garden, on both sides of the road'*. The CAA goes on to note that The Old Fox Inn and Numbers 4-6 King's End provide visual enclosure to the area and identifies The Old Fox Inn as a positive landmark.
- 9.13. The current application seeks permission for a single building with a mix of two and three-storeys in an essentially rectangular shape in a north – south orientation but with projections on the north and south sections. The design of the building, as amended, has picked up the architectural features of the existing buildings further along Queens Avenue to the south. These features include a step up in height from two storey to three storeys, the use of natural stone, coloured render and slate roof tiles. Although the main entrance to the building would be located off the rear parking courtyard, the elevation onto Queens Avenue has maintained the image of front doors to the building to give the impression of a series of separate dwellings, again to echo the design approach of the existing dwellings further along Queens Avenue.
- 9.14. In terms of impact on the Conservation Area the scale, design and general appearance of the new building reflects the style of the existing properties along Queens Avenue. The mix of two storey stepping up to three storey matches the style of existing properties in this locality where a mix of 2, 2.5 and 3 storey properties exist and, although it is acknowledged that the building is slightly higher than the historic buildings in the street, the Conservation Officer has advised that as this is a corner location this is considered acceptable, particular given the alternative (as with the plans originally submitted) of a lower overall height but with a proliferation of half dormers).

- 9.15. The amended proposal is considered to be in keeping with the positive characteristics of this part of the Conservation Area and to respond appropriately to the context of the site. However, there are some minor changes sought by the Conservation Officer to further enhance the design in line with the character of this part of the Conservation area. The changes sought have been discussed with the applicant and amended plans awaited. It is also considered that the amended plans would ensure that the development would respond to and respect the setting of the listed buildings along Queens Avenue which includes the adjoining property.
- 9.16. Overall, it is considered that the proposal, would preserve the character and appearance of the Conservation Area and the setting of the listed buildings. The proposal therefore complies with adopted Policy.

Design and layout

- 9.17. 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.
- 9.18. Saved Policies C28 and C30 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. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.19. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and ensuring a high-quality design.
- 9.20. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*
- 9.21. The Council's Residential Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a town. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.
- 9.22. This application seeks permission for the development on the site for a single two and three storeys building to provide 10 apartments. The design of the building seeks to replicate the style and appearance of the terrace to the south of the site along Queens Avenue. In terms of the general appearance of the building it is considered that the design would appear as a natural extension of the built form along this section of Queens Avenue. The use of false front doors would ensure that the building provides an active frontage onto Queens Avenue while the fenestration details show a similar

style and hierarchy as used on the existing properties along Queens Avenue. The design of the proposal in terms of street scene is therefore considered acceptable.

- 9.23. With regards to the layout of the scheme, the front of the building would be stepped back behind the front building line of the adjoining neighbouring property by approximately 4 metres. The reason for this is that the grass verge to the front of the site is not within the ownership of the applicant and as such the proposed building would be set back along the back edge of this grass verge. Although this set back is not common along the immediate neighbouring properties along Queen Avenue there are examples of setbacks further along Queens Avenue where the properties maintain a small front garden to the front and as such this set back would not appear out of place within Queens Avenue. Furthermore, it is acknowledged that the footprint of the building is the same as that shown on the outline approval. Although only indicative at that time it does demonstrate that the principle of the building in this location was accepted. In addition to this it is accepted that the outline approval agreed the principle of a single building of 10 apartments and as such this current application is not over-development of this town centre site.
- 9.24. Within the site the proposal is to provide a main pedestrian access from a small parking courtyard of 4 spaces, 2 of which would be allocated as disabled driver parking spaces. In addition to these parking spaces the proposal includes two areas of cycle parking to provide a total of 24 spaces. The rear courtyard area also includes areas of incidental landscaping to the rear of the apartment building to help soften the appearance of the building. Further landscaping in the form of small trees close to the share boundary with the neighbour property of Kingsmead to the west of the site.
- 9.25. In terms of the side and rear elevation the proposal is for the side gable wall to be constructed externally from stone as per the front elevation with the projecting wings to be completed in a coloured render as would the rear elevation. The choice of render on the part of the side and the rear elevation is considered an acceptable material as this is also the type of material used elsewhere particularly along the front of other properties along Queens Avenue. The split between stone and render on the side elevation would help reduce the plan depth of this section of the building while the use of render is considered an acceptable type of material. In conclusion it is considered that the layout and design of the building is acceptable and would not appear out of place within the street scene.

Residential amenity

- 9.26. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015, which states that, new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 9.27. The closest neighbouring property is to the immediate west and south of the proposed apartment building. To the west is the existing residential property of Kingsmead which had previously been used as a guest house. This detached dwelling shares a common boundary with the application site with the rear garden and side elevation to the rear of the proposed apartment building. The application site also shares a common boundary to the south with the neighbouring property formally known as the Old Fox public house.
- 9.28. In considering these two properties the proposal is likely to have the greatest impact on the property at Kingsmead to the west of the site. The distance between the rear elevation of the apartment building and the side elevation with this neighbouring property is approximately 12m which falls short of the 14m distance required to a side

elevation as specified in the Cherwell Residential Design Guide. In addition to this the distance between the rest of the rear windows of the apartments and the shared boundary with the rear garden of Kingsmead would be in the region of 14m while any views to the rear elevation of Kingsmead would be greater and at an oblique angle. This distance is considered adequate to ensure that the apartment building would not result in significant loss of privacy, light nor appear overbearing to the occupiers of this neighbouring property. In order to further assist in protecting any privacy to this neighbouring property, the applicant has designed in a number of trees along the shared boundary with this property.

- 9.29. Turning to the impact on the former Old Fox public house, the proposed apartment building would be located to the side elevation of this building, although set back from the front building line by approximately 4m. The rear projection alongside the Old Fox would project beyond the rear building line of this neighbouring property; however, as the neighbouring property maintains a number of rear out buildings alongside the shared boundary the proposal is not considered to result in any significant loss of light and / or outlook to the occupiers.
- 9.30. Concern has been expressed that the proposed development would restrict light and ventilation to a window in the north elevation of the Old Fox as well as prevent maintenance of the side gable wall of this neighbouring property.
- 9.31. In considering these points it is accepted that there is a side window in the ground floor projection on the rear elevation of the Old Fox and that this window fronts directly onto the application site. The applicant has picked up this window and highlights that the window is to a storeroom for the public house and as such is not considered to be a habitable space which requires access to a window. It should also be remembered that this neighbouring property is still listed as a commercial use with no application for any change of use. As such it is not considered that the development of the site for the apartment building would result in any significant loss of light to the occupiers of this adjoining property.
- 9.32. With regards to the issue over maintenance of the side gable wall this is a matter for the two parties and not a reason to warrant a refusal of permission.
- 9.33. For the above reasons it is not considered that the development as proposed would have any significant adverse impact upon the neighbour's amenities.

Highways

- 9.34. Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - b) safe and suitable access to the site can be achieved for all users; and*
 - c) 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.*
- 9.35. In addition to this, paragraph 111 highlights 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.*
- 9.36. Policy ESD15 of the CLP 2015 states that: "New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and

work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.” Policy SLE4 states that *all development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.*

- 9.37. The proposed development would maintain a frontage to both Kings End (to the east) and Kingsclere Road (to the north) which is a road serving the residential area and the fire station. An access to the existing site currently exists from Kingsclere Road in the north west corner of the site adjacent to the property known as Kingsmead. This access is currently gated and has been used in the past to access the yard area for customers and the business. Double yellow lines exist along Kingsclere Road between the access to the site and Kings End.
- 9.38. In considering this point of access the local highway authority (LHAS) has confirmed that visibility to the west of the access is sub-standard being only some 30m to the nearside kerb. Added to this there is concern regarding the bend in Kingsclere Avenue at this point and the tendency for vehicles travelling east to traverse this bend in the middle of the carriageway.
- 9.39. However, the LHA’s road traffic accident database reveals that there have been no incidents along this stretch of Kingsclere Road between the period 1990 - 2021. Given that the proposed development would be car free (see below), and the access would therefore be lightly used the road safety risks from the proposal would be acceptable if the developer provides the raised side road entry treatment at the Queens Avenue junction as mentioned in the documentation and extend the waiting restrictions to include both sides of the road by the access. An additional mitigation could be a road hump or a pair of speed cushions immediately west of the Fire Station access, which in fact might be more deliverable than a strong raised side road entry at Queens Avenue on account of the fire station. Mitigation measures would be subject to consultation and consultation fees.
- 9.40. It is noted that a number of concerns have been raised by residents on the highway impact of this development. However, following re-consultation on the details, the LHA raises no highway objections and as highlighted in paragraph 9.33 above the NPPF advises that development should only be prevented on traffic grounds when the impacts are severe which is not considered to be the case in this application.
- 9.41. With regards to parking, the proposed layout shows provision of 4 parking spaces 2 of which would be allocated for disabled driver use and all spaces will be located to the rear of the building. The development would also be provided with 24 cycle parking spaces which would also be located in the rear parking courtyard. The location of the site is undisputedly highly sustainable in that the site is located in the centre of the well serviced Bicester town where health, education and shopping facilities are very close to hand. The LHA advises that the site is therefore capable of providing a car free development. This is reinforced by the absence of car parking spaces with the exception of two disabled parking spaces and two drop off spaces for deliveries. The lower level of parking is backed up by a significant level of cycle parking provision on the site which together with the easy access to public transport in and around Bicester allows for a lower level of parking. Occupiers of the apartment would move in with the knowledge that there was no allocated parking on the site and no opportunity to parking close by and as such an informed decision to move to the site would be made.
- 9.42. It is noted that concerns and objections to the proposal include concern over the lack of parking allocated to the site and that this would result in an increased vehicle congestion along Backway Road with residents looking for a place to park. Although these concerns are understood no objection is raised by the LHA to this approach and

therefore it is considered that the level of parking is not a reason to warrant a refusal in this instance.

Sustainable Construction

- 9.43. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 150 states that new development should be planned for in ways that: a) *avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.* Paragraph 151 continues by stating, amongst other things, that *in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*
- 9.44. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, *taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).*
- 9.45. With regards to Policy ESD 2, this covers the area of Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: *Reducing energy use, in particular by the use of sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions.* Any new development will be expected to take these points into account and address the energy needs of the development.
- 9.46. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that *all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy.* The Policy continues by stating that *Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day.* The Policy continues by stating that *all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and*

shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.

9.47. In addressing this issue, the applicant states that the location in the Conservation Area along with the north-east facing roof slope would not make this site suitable for renewable energy features such as solar power etc. Notwithstanding this point the applicant has confirmed that the development would comply with the requires of Policy ESD3 in the following ways:

- Minimising both energy demands and energy loss - The fabric-first approach provides high levels of insulation and highly efficient glazing coupled with design for airtightness. This will include the use of whole dwelling heat recovery both from air (MVHR) and from waste water.
- Maximising passive solar lighting and natural ventilation - All flats have through ventilation and abundant natural light to all habitable rooms.
- Maximising resource efficiency Water use will be restricted to a limit of 110 litres/person/day. This will be achieved by a combination of low flow taps and showers, dual flush cisterns, and rainwater harvesting from roofs as part of the SUDs solution.
- Incorporating the use of recycled and energy efficient materials. Both the concrete and metal railings on the site will be recycled.
- Incorporating the use of locally sourced building materials. There is a good deal of natural stone which will be procured locally.
- Reducing waste and pollution and making adequate provision for the recycling of waste. Full recycling facilities for the occupants have been provided.
- Making use of sustainable drainage methods. A full SUDs scheme has been fully designed and forms part of the application. This reduces peak flow by storing surface water in a bed of broken stone under the landscaped areas at the back. The rainwater harvesting will improve this further. •
- Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example). A considerable amount of planting forms part of this scheme, both at the back and (subject to agreement) at the front as well.
- Making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment. There are no buildings on the site so there is no demolition involved, except the concrete described above, which will be re-used.

9.43. The applicant has also highlighted that although not mentioned in ESD3, that energy use in transport by the occupants will be very low. The exceptionally sustainable location and the overprovision of cycle parking allows this to be a car-free scheme, and on the rare occasions where walking, cycling and public transport is not suitable the residents will be able to make use of car clubs, which have been catered for by the inclusion of an electric vehicle charging point.

9.44. Based on the above points it is considered that the applicant has demonstrated that they will comply with the requires of Policy ESD3.

Drainage

9.45. Section 14 of the NNPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 167 of which states that *when determining any planning applications, local planning authorities should ensure that flood risk is*

not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*

9.46. Paragraph 169 of the NPPF continues by stating that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits.*

9.47. Policy ESD 6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

9.48. Policy ESD 7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

9.49. The development it is accepted that the site is situated wholly within Flood Zone 1 which is land which has a less than 1 in 1,000 annual probability of river flooding. Notwithstanding this the applicant has provided a surface water drainage strategy in support of the application.

9.50. In considering the details of the initial drainage strategy the Local Lead Flood Authority (LLFA) Officer has questioned some of the advice provided and in doing so has requested further information. The applicant has provided additional information and the LLFA reconsulted. However, at the time of drafting this report the further comments from the LLFA were awaited. Until further comments from the LLFA are received it is accepted that there is an outstanding objection on the details submitted with the application and as such the application has failed to address the need to ensure that adequate drainage is provided on the site. The development therefore fails to comply with policies ESD6 and ESD7 of the CLP 2015 as well as advice contained within section 14 of the NPPF. Notwithstanding this point providing that the LLFA confirms the information demonstrate that the development would provide adequate drainage there is no objections to the scheme on the issue of drainage.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.
- 10.2. With this application the principle of the redevelopment of the site is considered acceptable. In terms of design the revised scheme is also considered appropriate in terms of scale and materials. It is also considered that the position and design of the building using similar materials to neighbouring properties will ensure the development will not appear out of place within the Conservation Area. In addition to this it is also accepted that the step in design from the neighbouring property from two-storey to three-storey will also be in keeping with the design of the neighbouring properties.
- 10.3. The access to the site will use a similar point of access used when the site was actively used as an antique centre. Parking will be provided to the rear of the building along with 24 cycle spaces for use by the occupiers of the apartments. No objections are raised by the County Highway Engineers in terms of highway safety.
- 10.4. With regards to sustainability, the applicant has confirmed although the site is not suitable for renewable energy features such as solar power, the development will comply with all points outlined in Policy ESD3.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO:

- i. **RESOLUTION OF LEAD LOCAL FLOOD AUTHORITY OBJECTION;**
- ii. **THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY); AND**
- ii. **THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING HEADS OF TERMS (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

S106 HEADS OF TERMS

- a) £51,250 - £69,500 Highway Works Contribution Towards Provision of active travel measures on Queens Avenue along the development frontage
- b) £5,135 Traffic Regulation Order Contribution Towards Consultation fees regarding mitigation measures on Kingsclere Road

CONDITIONS

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

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

Purchase Act 2004.

2. The development shall not be carried out otherwise than in complete accordance with the approved plans ANCR-ICS-01-XX-DR-C-0300-S4 Rev P01, ANCR-ICS-01-XX-DR-C-0402-S4 Rev P01, ANCR-01-XX-DR-C-0200-S Rev P01, ANCR-ICS-01-XX-DR-C-400-S4 Rev P01, ANCR-ICS-01-XX-DR-C-0100-S4 P01, received 20/08/2021, drawing reference 348-200 Rev B, received 25/11/2021, drawing reference 348-208 Rev B, 348-207 Rev C, 348-206 Rev B, 348-205 Rev B, 348-204 Rev C, 348-203 Rev C, 348-202 Rev C, received 29/01/2022, and drawing reference 348-209 received 30/01/2022 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reason: To clarify the permission and for the avoidance of doubt

3. The external walls of the building using stone shall be constructed in weathered limestone which shall be laid, dressed, coursed and pointed using a lime based mortar with brushed or rubbed joints in accordance with a sample panel (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before the stonework is commenced. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework..

4. Samples of the slates (including ridge tiles) to be used in the covering of the roof of the building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the samples so approved.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the building including the windows and doors (and their surrounds), together with the eaves and verge treatment shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above slab level. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to safeguard the visual amenities of the conservation area and the significance of the neighbouring listed buildings in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28, C18 of the Cherwell Local Plan 1996.

6. Any electricity or gas supply meter housings to be located on the external elevations of the buildings hereby approved shall be sited on the rear / west elevation of the buildings unless otherwise approved in writing by the Local Planning Authority.

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

7. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:-
 - a. details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),
 - 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 landscaping including hard surface areas, pavements, pedestrian areas and steps.

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved scheme shall be implemented by the end of the first planting season following occupation of the development.

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

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or 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 next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord 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.

9. Details of the proposed construction, materials and surfacing of the access road and its junction with the public highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the approved details prior to the first occupation of the apartments and thereafter permanently maintained as such.

Reason: In the interests of highway safety, to comply with Government guidance in Section 12 of the National Planning Policy Framework.

10. Prior to the first occupation of the apartments hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking

facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

11. Prior to the commencement of the development a Construction Traffic Management Plan prepared in accordance with Oxfordshire County Council's checklist, must be submitted to and approved in writing by the local planning authority. The construction works must be carried out in accordance with the details approved in the Construction Traffic Management Plan.

Reason: In the interests of highway safety and to safeguard the amenities of the occupants of the adjacent dwellings during the construction period and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. All development shall take place including any works of demolition in full accordance with the Construction Method Statement Revision A and plan reference 384/210 Rev 1 received 24/01/2022. The Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

13. A plan detailing the proposed parking, turning/loading/unloading provision for vehicles to be accommodated within the site (including details of the proposed surfacing and drainage of the provision), shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The approved parking, and turning/loading/unloading facilities shall be laid out and completed in accordance with the approved details before the first occupation of the apartments. The car parking, turning/loading/unloading spaces shall be retained for the parking, turning/loading/unloading of vehicles at all times thereafter.

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

14. Prior to the first occupation of the development, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the apartments they serve, and retained as such thereafter.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

15. Prior to first occupation of any apartment hereby approved, a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

17. If a potential risk from contamination is identified as a result of the work carried out under condition 16, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

18. If contamination is found by undertaking the work carried out under condition 17, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

19. If remedial works have been identified in condition 18, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 18. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

20. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

21. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme are submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i. a timetable for its implementation, and
 - ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

22. Full details of a scheme for rainwater harvesting associated with the development shall be submitted to and approved in writing by the Local Planning Authority prior to construction above slab level. Thereafter, and prior to the occupation of each building the rainwater harvesting system relating to that building shall be installed and brought into use in accordance with the approved details.

Reason: To reduce the use of water and to comply with Government guidance contained within the National Planning Policy Framework.

23. Prior to the first occupation of the development hereby permitted, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and

ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

24. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason: In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996

25. Full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. Such approved means of enclosure shall be erected prior to the first occupation of the apartments.

Reason: To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed apartments and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.