

Case Officer: Andy Bateson

Applicant: Barton Willmore now Stantec

Proposal: Erection of new 128-bed residential care home (Use Class C2) together with associated access, parking and landscaping

Ward: Banbury Calthorpe And Easington

Councillors: Cllr Colin Clarke, Cllr Harwood and Cllr Mallon

Reason for Referral: Major development

Expiry Date: 15 February 2023

Committee Date: 13 April 2023

RECOMMENDATION: DELEGATED AUTHORITY TO THE ASSISTANT DIRECTOR TO GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO THE PRIOR COMPLETION OF A SECTION 106 PLANNING OBLIGATION AGREEMENT

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1. The application site comprises a 0.97ha rectangular-shaped plot of vacant and flat development land (O.S.6920), which lies south of Canal Lane and west of Longford Park Road, in the heart of the approved Longford Park development, east of Bodicote.
- 1.2. It lies opposite (west) of the Primary School, with suburban residential estate development on the other three surrounding sides of Robins Way (south), Linnet Road (west) and Canal Road (north).
- 1.3. It formed parcel HA-F in the original outline consent for development and was initially envisaged to be developed to accommodate 58 dwellings (Class C3).

2. CONSTRAINTS

- 2.1. The application site lies centrally within the Bankside Phase 1 development area at Longford Park, with no particular defined constraint to development.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal is for the erection of a new 128-bed residential care home (Use Class C2) together with associated access, parking and landscaping. Vehicular and pedestrian access would be via the existing accessway onto Longford Park Road, on the east side of the site. From Longford Park Road, there is further connectivity with the bridleway of Canal Lane to the north.

- 3.2. Within the site and as requested by OCC Highways, there is pedestrian connectivity from the accessway around the site and through the car park, including a new footway running around the south side of the proposed Care Home building. The existing hedgerow boundaries will be supplemented with native feature trees to soften the appearance of development and enhance screening with neighbours and site security.
- 3.3. Development would be arranged in an 'H-plan' layout and be mostly 2-storey high but with a central portion at 3-storey. The northern and southern 2-storey wings and the central 3-storey section are proposed to be constructed primarily in red brick with grey concrete roof tiles and the north-south cross axis would be constructed in red brick at ground floor and cream render at first floor, again with grey roof slates. Hipped gables would be incorporated centrally within each building block section with modern, white, large pane double-glazed windows and doors. Feature floor to eaves glazing, with dormer windows above would be incorporated at the transitions between the 2 and 3-storey blocks.

4. RELEVANT PLANNING HISTORY

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

05/01337/OUT – Outline consent granted subject to S106 in September 2009 for a residential led development of 1,070 dwellings at Bankside (now known as Longford Park) with associated facilities including primary school, playing fields, local shops and community facilities, plus 2,200sqm of employment provision.

13/00822/REM – Reserved matters consent granted September 2013 for an initial residential phase of 215 dwellings on land parcel A.

14/00702/REM – Reserved matters consent granted for further development on land parcels B & C.

14/01835/REM – Reserved matters consent granted September 2016 for the village square, with 44 public car parking spaces.

15/00344/REM – Reserved matters consent granted for a further phase of 108 (later 118 and a further 107) dwellings on land parcels D & E.

15/01168/REM – Reserved matters consent granted for a further phase of 214 dwellings on parcel F.

5. RESPONSES TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **27 February 2023**, although comments received after this date and before finalising this report have also been taken into account.

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

Cherwell Swifts Conservation **commented** that a minimum of 12 Swift nest bricks should be incorporated into the building design as there is a good colony of swifts in the Bodicote area, including in the vicinity of the application site and they are a Red-listed species of conservation concern. The incorporation of such features would enhance biodiversity, in accordance with policy. The Applicant has indicated that they would be agreeable to this suggestion and would be happy for this to be controlled by a condition of approval.

Two neighbouring residents to the north, in what is now known as Silverweed Road, off Longford Park Road **objected** to the proposed development on grounds that: a) they would be overlooked; b) it would reduce natural light significantly to their properties; c) would devalue their properties; d) would increase traffic congestion locally and represent a safety risk; e) would cause noise and dust disturbance during construction; f) the proposed brick type would not match with the surrounding properties; and g) harmful impact on local wildlife, particularly birds and foxes.

Another neighbouring resident in Ash Drive **commented** that the proposed development should not proceed until all estate road top-surfacing construction had been finalised, the country park has been completed and other promised community facilities had been put in place.

- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Portal.

6. RESPONSE TO CONSULTATIONS

- 6.1. 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

- 6.2. Banbury Town Council **Support** the proposal.

CONSULTEES

- 6.3. OCC Transport initially **objected** on grounds of a) insufficient EV charging infrastructure – requesting 25% active charging, i.e., 10 active charging bays rather than 4; b) lack of a pedestrian footway on the south side of the building within the development site; and c) insufficient cycle parking – requesting 64 spaces. They also requested S106 index linked contributions in respect to Public Transport - £29,458; a Traffic Regulation Order - £3,320; and Travel Plan Monitoring fee - £2,563. The Applicant revised the proposals in respect to all these objections and increased EV charging points – to 12.5%, i.e., 5 charging bays; the number of cycle parking bays – increased to 10; and a new southern footway added. The Applicant also agreed to pay all three of the requested S106 contributions. In so doing, most of the OCC reasons for initially objecting have been overcome. Bearing in mind the nature of the Care Home use, with relatively little anticipated car or cycle activity generated off site from this use, the level of enhanced EV charging and cycle parking is considered reasonable and proportionate. Conditions of approval in respect to a Construction Traffic Management Plan (CTMP) and Travel Plan were also suggested by OCC and agreed by the Applicant.

- 6.4. OCC as LLFA **objected** not to the principle of the proposals but on grounds that more detailed drainage drawings, including SuDS drawings and detailed drainage calculations were required. Such matters could be controlled through the discharge of appropriate conditions.
- 6.5. Thames Water initially objected to the proposals on grounds of insufficient water supply available to the proposals. However, TW confirmed on 29 March 203 that it was now satisfied that water supply capacity was available, hence **no objection**.
- 6.6. OCC Archaeology had **no objection** to the proposals.
- 6.7. CDC Arboriculture **commented** that there were anomalies between submitted the Arboriculture report and the accompanying drawings, which needed to be corrected. In response to that criticism, a revised Rev C report was submitted by the Applicant which corrected the original anomalies and provided supplemental information.
- 6.8. CDC Ecology **commented** that the submitted Ecological Appraisal was satisfactory and ecological mitigation and enhancement could be conditioned for discharge prior to commencement, including bat boxes, swift bricks, invertebrate log piles, hedgehog highways, a Construction Environmental Management Plan (CEMP) for biodiversity and a lighting strategy.
- 6.9. CDC Leisure **commented** that S106 contributions should be sought in respect to community hall facility enhancement and public art. Contributions of £75,229 and £28,672 were initially sought, subsequently reduced to £58,774 and £28,672 respectively. The Applicant's response to what was a late request was that original community hall and public art contributions were previously assessed, agreed and paid in respect to what was originally envisaged on this part of Longford Park as a 58-dwelling development of the site, so it would be unreasonable for a second payment now to be sought from this alternative use development. In addition, the previously agreed public art features will be in the recently opened country park that is highly accessible from the site and the new Community Hall has recently been completed and is sited just 150m south of the site. The Applicant suggests that as the Community Hall is not yet operating at capacity, it would be unreasonable to request additional payment for enhancement, as there is no need evidence to substantiate that such further improvement was necessary.
- 6.10. ICB health commissioners **commented** that a S106 contribution should be sought in respect to enhanced health facilities locally, as GP facilities in Banbury were already under pressure. A sum of £110,592 was requested, based on an assumed calculation that each of the 128 bedrooms in the proposed Care Home would be occupied by an average of 2.4 persons, i.e., a total of 307 persons and a contribution of £360.23/person. However, it is intended that each of the Care Home bedrooms would only be occupied individually, i.e., just 128 persons x £360.23 = £46,110. The Applicant has suggested that as 98 of the bed spaces would be occupied by people transferring from other facilities in the town then it would only be reasonable to pay a contribution equivalent to the uplift in numbers of 30, i.e., a reduced sum of just £10,806.90. The ICB acknowledge that their initial calculation was wrong but insist of payment of the £46,110 because the Care Home spaces temporarily vacated by residents in other Banbury Homes transferring to Longford Park would soon be replaced and the proposed new facility should pay fully for the additional demands generated.
- 6.11. The Applicant has responded to the effect that they would reluctantly agree to pay the requested £46,110 health contribution but would not agree to pay any of the

requested additional leisure contribution, as that would not be justified nor CIL Reg.122 compliant.

7. RELEVANT PLANNING POLICY & GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- SLE4 - Improved Transport and Connections
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD6 - Sustainable Flood Risk Management
- BSC3 - Affordable Housing
- BSC4 - Housing Mix
- ESD15 - The Character of the Built Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 - Layout, design and external appearance of new development
- C29 - Appearance of development adjacent to the Oxford Canal
- C30 - Design of new residential development

- 7.3. Other Material Planning Considerations:
- National Planning Policy Framework (NPPF)
 - Planning Practice Guidance (PPG).

8. APPRAISAL

- 8.1. The key issues for consideration in this case are:
- Principle of Development
 - Design, and impact on the Character of the Area
 - Residential Amenities
 - Impact on Highway Safety
 - Mitigating S106 contributions

Principle of Development

- 8.2. The earlier grants of Outline Planning Permission and Reserved Matters Approvals established the principle of residential development on the site and its surroundings together with accompanying community use facilities such as the school, shops, community facilities, park and play areas and the acceptability of other technical matters such as drainage, impact on protected species and means of access. Developing a 128-bed Care Home on the site rather than 58 dwellings would not therefore be objectionable in principle provided it mitigates / compensates any increased impact(s).

- 8.3. The notional loss of 58 dwellings would impact slightly (0.07-years) but not significantly on the District's 5-year housing land supply (which currently stands at 5.4-years and represents a 348-dwelling surplus on the 5-year requirement). That slight loss in housing land supply would be offset by the provision of Care Home bedspaces, which are also in considerable need across the District and beyond.
- 8.4. Banbury is the most sustainable settlement location in Cherwell District and the Bankside/Longford Park site in which the application site is located is one of the major Development Plan allocations.
- 8.5. As such, the principle of development upon this site is accepted. Also, the social need for housing generally at Banbury and for Care Home facilities in particular for what is an acknowledged aging population is widely recognised.
- 8.6. Consequently, the consideration of this application focuses on the proposed layout, form and design of the proposed Care Home instead of the originally envisaged standard housing development and the mitigation of any increased impacts.

Design and Impact on the Character of the Area

- 8.7. The surrounding houses to the north, west and south are predominantly 2-storey semi-detached and terraced houses, with some detached houses to the north and some 3-storey apartment blocks to the south. These dwellings feature a broad materials palette of red, tan, mixed-multi stock bricks and some ironstone, with grey concrete or artificial slates or red clay roof tiles and with white UPV double-glazed windows and doors. The Primary School opposite features 1 and 2-storey flat roofed structures in red brick and white cladding, with large areas of aluminium-framed fenestration.
- 8.8. Whilst the materials proposed in the Care Home would be different in part from those used in the surrounding houses, there is no essential need for a matching materials palette, particularly given the design precedent set by the school and the predominance of red brick in many of the surrounding houses and on parts of the school. Importantly, the materials proposed would accord entirely with the materials specified as suitable in the approved Design Code for Longford Park.
- 8.9. The large 'H-block' form would be predominantly 2-storey and therefore largely consistent in height, if not form, with the neighbouring dwellings, although at a slightly taller height (+2m) given the broader span widths necessary in this style of care home with central service corridors. The taller 3-storey block would be centrally located within the plot and therefore distant from its lower developed surroundings.

Residential Amenity

- 8.10. The homes immediately to the north are 2-storey properties constructed in ironstone, which have 9m deep rear gardens (only 4.5-5m usable) and their first-floor bedroom windows face across the proposed development site, over a 4m-wide broad mature hedgerow that fills the backs of their gardens. The outward facing elevations of the Care Home would be set back between 13-14m from the boundary edge of the application site and some 15m from the back of the hedgerow, giving a total separation distance between elevations of between 22-24m, which accords with SPD guidance.
- 8.11. The proposed Care Home would be 6m high to eaves in the 2-storey elements and about 10-11m high to ridge, which would be approximately 2-2.9m taller than the facing neighbours. The taller 3-storey elements behind would have eaves height of

8.5m and would project a maximum of a further 2.5m above the 2-storey elements in the foreground.

- 8.12. Whilst there are numerous ground and first-floor bedroom windows and communal dining room windows facing out towards the neighbouring properties, given the 22-24m back-to-back separation distances involved, the proposal is not considered to cause detriment by way of overlooking or loss of light to the neighbouring properties.
- 8.13. Loss of a view across an area that was always zoned and permitted for development is not a material planning consideration, nor is any potential impact that development may have on property values a material planning consideration.

Impact on Highway Safety

- 8.14. The proposed development does not result in amendments to the approved access arrangements to the plot and the County Highway Authority are satisfied with the proposals, as subsequently amended to provide supplemental EV charging points, cycle parking and additional footway and with payment of the requisite S106 transport contributions. As such the proposals are considered sustainable and not to result in any harm to highway safety.

Impact on Ecology

- 8.15. The application was accompanied by a Preliminary Ecological Appraisal and a Biodiversity Net Gain Plan. The Ecological Appraisal noted the trees and hedgerows that surround the site and the former agricultural pasture grassland that makes up the bulk of the application site. The grassland was assessed as of poor ecological value and biodiversity potential but the trees and hedgerows, which are largely to be retained except for new access points, were recognised for their potential to support bats and a variety of bird species.

Assessment

- 8.16. The features of highest value for bats and birds, the boundary vegetation will almost entirely be retained and supplemented. Sensitive night-lighting would be implemented on site and enhancements such as bat roosting and bird nesting boxes would be erected in the trees, swift nesting bricks would be incorporated into the building design and night-scented flowers are to be planted to encourage invertebrate prey. The application proposes that a 13.91% BNG habitat enhancement/creation would be achieved and that a 20.23% enhancement in hedgerows would be achieved.
- 8.17. The CDC Ecologist and Arborist are supportive of the proposed measures, which protect most existing features and exceed national the Council's own 10% BNG requirements. The local Swift protection group requested that swift nesting bricks be incorporated into the building design, given the numbers of swifts that are known to frequent the area and site, so are supportive of the applicant's proposals in this respect.
- 8.18. Overall, the applicant's proposals are considered sustainable and would deliver BNG above that normally required. As such the proposals are considered acceptable in this respect.

Impact on Technical Matters – Drainage, Geology & Sustainable Construction

8.19. The application was accompanied by a Drainage Strategy report, details of Infiltration Testing results, Geotechnical report and Sustainability and Energy Statement report. Surface water is to be dealt with by a piped with attenuation provided in buried geocellular storage, with an outfall to the adjacent sewer network, restricted to a discharge rate of 2.5l/sec. Tanked permeable paving will be provided for the car parks and two swales are to be provided for conveyance of surface water. A total of 400m³ of attenuation is to be provided on site sufficient to accommodate storm events equivalent to 1-in-100-years plus 40% climate change. Foul water would outfall to the adjacent foul sewer, with connection made off Longford Park Road.

Assessment

8.20. Thames Water have raised no objection to the proposals, but the LLFA objected, not on grounds of principle but on the basis that they would like to see/approve more detailed drainage drawings, including SuDS drawings and detailed drainage calculations. Such matters could be adequately controlled through the discharge of appropriate conditions.

8.21. The application DAS indicates that the proposed design would follow sustainable construction methodologies and exceed latest Building Regs standards by improving thermal efficiency and utilising low-carbon technologies as part of heating and hot water provision. It will also meet 'Secured by Design' criteria.

8.22. Overall, the applicant's proposals are considered sustainable and acceptable in respect to all technical matters. Here necessary, appropriate conditions can be attached to any planning permission.

Mitigating S106 Contributions

8.23. In order to satisfactorily accommodate the increased impacts of development, a number of statutory consultees have requested s106 contributions to mitigate the impact of accommodating the proposed Care Home rather than the previously envisaged 58 dwellings. The Applicant has accepted the suggested requirement for S106 index linked contributions in respect to Public Transport - £29,458; a Traffic Regulation Order - £3,320; a Travel Plan Monitoring fee - £2,563; and local Health facility enhancements - £46,110. The Applicant has not agreed to the CDC Leisure request for further Community Hall and Public Art enhancements - £58,774 and £28,672 respectively, suggesting that contributions have previously been assessed and paid in respect to an alternative 58-dwelling residential development of the land and all the leisure facilities associated, including the Community Hall and public art features have subsequently been provided in locations that are highly accessible to the application site.

9. PLANNING BALANCE AND CONCLUSION

9.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises a number of relevant Policies and they are considered up to date for the purpose of considering this proposal.

9.2. The NPPF is a material consideration. This confirms that there is a presumption in favour of sustainable development and that economic, social, and environmental objectives should be sought mutually. The presumption in favour of sustainable development is set out at paragraph 11, which confirms that for decision taking,

development proposals that accord with an up-to-date development plan should be approved without delay.

- 9.3. The “Principle” section of this report (paras.8.2-8.6) states that the proposal creates no conflict with the approved development plan and planning permission remains extant for a residential development of the site. The need for such accommodation is well established across the District and at Banbury. This is a substantial material consideration in favour of development.
- 9.4. From a “design” perspective, the form of development proposed is a function of its use and communal nature and its layout is reflective in nature to that of the school, building opposite. The design is on a larger/grander scale than that of its residential neighbours but the use of red brick and cream on the walls, with grey roof tiles, white fenestration, 45° roof pitches and hipped gables will be reflective of many of the surrounding house designs. This is a material consideration carrying weight in favour of the development.
- 9.5. Given the hedgerow and tree boundary screening and the large separation distances that will exist between the proposed development and neighbouring residential properties in Linnet Road and Robins Way, it is considered unlikely that the residential amenities of occupants of properties in those locations would be materially impacted. The existing houses to the north, off Canal Lane/Longford Park Road in newly names Silverweed Road are the closest to the proposed development at around 22-24m at their closest points. Their front outlooks would be most affected by the development proposals, but the land was always planned to be developed and the separation distances proposed would accord with adopted SPD guidance.
- 9.6. Whilst the proposed Care Home would be taller than that of the neighbouring houses to the north, the height difference is not so great as to materially reduce natural daylight/sunlight, particularly over such separation distances. The windows in the closest elevations would be at broadly similar heights and the separation between them would be sufficient to preserve privacy and not cause overlooking. Conditions regarding soft landscaping could be used within the proposed development site to prevent direct overlooking. Accordingly, it is considered that there would be insufficient grounds to sustain a material objection in this respect.
- 9.7. Notwithstanding a couple of concerns raised in respect to highway matters, the County Highway Authority is satisfied with the proposals as amended in line with its recommendations, and subject to completion of S106 pre-occupation obligations for sustainable transport mode enhancements, there will be no material highway or transport objections to the proposals.
- 9.8. Insofar as s106 contributions are concerned, the Applicant has agreed to pay the requested transport and health facility enhancement contributions. The Applicant has not however, agreed to pay the requested sums for additional community hall and public art enhancements given: a) the site’s close relationship to the community hall and public art feature sites; b) the fact that contributions have previously been assessed and paid for an alternative 58-dwelling development of the site; and c) the request has not been accompanied by any CIL Reg.122 compliance statement and the Applicant maintains that no reasonable justification could be sustained to support such a request.
- 9.9. On balance, Officers consider that the substantial social and economic benefits associated with this proposed development, justify the proposals and the environmental impacts of development can be satisfactorily mitigated via condition discharge and adherence to S106 obligations. Accordingly, it is recommended that

conditional planning permission can be granted subject to the successful prior completion of a S106 agreement.

10. RECOMMENDATION

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

- 1. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY); AND**
- 2. 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 INFRASTRUCTURE IDENTIFIED IN THE HEADS OF TERMS SET OUT BELOW (AND ANY AMENDMENTS TO THEM AS MAY BE DEEMED NECESSARY).**

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. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents:

5196 LP01 – Site Location Plan;
5196 PL02 Rev B – Proposed Site Plan;
5196 PL03 – Proposed Ground Floor Plan;
5196 PL04 – Proposed First Floor Plan;
5196 PL05 – Proposed Second Floor Plan;
5196 PL06 – Proposed Roof Plan;
5196 PL07 – Proposed Elevations (Sheet 1 of 2);
5196 PL08 – Proposed Elevations (Sheet 2 of 2);
5196 PL09 – Proposed Sectional Elevations;
5196 PL10 – Proposed Refuse Store;
5196 PL13 – Boundary Treatment Plan;
ZTL 101 Rev B – Tree Constraints Plan;
Design & Access Statement by KWL Architects Ltd, Ref: 5196 Rev A, dated 9 November 2022;
Planning Statement by Barton Willmore, now Stantec, Ref: 33629 Rev 1, dated 14 November 2022;
Transport Statement by Connect Consultants, dated November 2022, as updated and revised by Technical Note 1, dated 11 January 2023;
Travel Plan by Connect Consultants, dated November 2022;
Noise Assessment by Hepworth Acoustics, Ref: P22-218-RO1v1, dated November 2022;
Air Quality Assessment by Syntegra Consulting Ref: 22-9316, dated 8 November 2022;
Arboricultural Impact Assessment by Zebra Trees, Ref: ZTL_130 V1 Rev C, dated 5 January 2023;
Landscape Management Plan by Zebra Landscape Architects, Ref: ZLA_1231 V1, dated 10 November 2022;
Preliminary Ecological Appraisal by Zebra Ecology, Ref: ZEL_175 V1, dated 1

September 2022;
Biodiversity Net Gain Plan by Zebra Ecology, Ref: ZEL_175 V2, dated 10 November 2022;
Sustainability & Energy Statement, incorporating Commercial Waste Management Plan by Envision, Ref: ESL 22-0238 Rev V3, dated 10 November 2022;
Drainage Strategy by JPP, Ref: R-FRA-24918-01-Rev A, dated November 2022;
Infiltration Testing Results by JPP, Ref: 24934/MC/AP/L01, dated 31 August 2022;
Phase 1 Contamination & Geotechnical Desk Study Report by JPP, Ref: R-DS-24934-01-00, dated August 2022;
Neighbouring Daylight, Sunlight & Shadow Assessment by Behan, Ref: 20223749, dated 4 November 2022.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. All site clearance (including the removal of any vegetation or works to hedgerows) shall be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the Local Planning Authority has confirmed in writing that such works can proceed, based on submission of a survey (no more than 48hrs before works commence) undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site as required.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat to comply with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. 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 occupation of the building(s) or on the completion of the development, whichever is the sooner, 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.

5. No development shall commence until a Construction Method Statement, incorporating a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP will need to incorporate the following in detail and throughout development the approved plan must be adhered to:
 - a. The CTMP must be appropriately titled, include the site and planning permission number;

- b. Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site;
- c. Details of and approval of any road closures needed during construction;
- d. Details of and approval of any traffic management needed during construction;
- e. Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway;
- f. Measures to control the emission of dust and dirt during construction;
- g. Details of appropriate signing to accord with standards/requirements, for pedestrians during construction works, including any footpath diversions;
- h. The erection and maintenance of security hoarding / scaffolding if required;
- i. A regime to inspect and maintain all signing, barriers etc;
- j. Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided;
- k. The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc;
- l. No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will park, and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500;
- m. Layout plan of the site that shows structures, internal roads, site storage, compound, pedestrian routes etc;
- n. Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution;
- p. Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours; and
- q. Delivery, demolition and construction working hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

6. Notwithstanding the submitted details, no development except site clearance and groundworks shall commence until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied. In addition to the BRE DG 365 Infiltration Testing Results by JPP, Ref: 24934/MC/AP/L01 dated 31 August 2022, the scheme shall include:
 - A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
 - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
 - A Flood Exceedance Conveyance Plan;
 - Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
 - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
 - Details of how water quality will be managed during construction and post development in perpetuity;

- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with 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.

7. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
- Arrangements for a site walkover survey undertaken by a suitably qualified Ecologist to ensure that no protected species, which could be harmed by the development have moved onto the site since the previous surveys were carried out. If any protected species are found, details of mitigation measures to prevent their harm shall be required to be submitted;
 - Risk assessment of potentially damaging construction activities;
 - Identification of 'Biodiversity Protection Zones';
 - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - The location and timing of sensitive works to avoid harm to biodiversity features;
 - The times during construction when specialist ecologists need to be present on site to oversee works;
 - Responsible persons and lines of communication;
 - The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person;
 - Best practice with regard to wildlife including use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within 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.

8. Notwithstanding the submitted details, a schedule of materials and finishes to be used in the external walls and roof(s) of the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall thereafter be completed in accordance with the approved details.

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.

9. Prior to their installation on any building hereby approved, full details of any mechanical ventilation or extraction equipment (if applicable and including any air source heat pumps and their associated condenser units) shall be submitted to and approved by the Local Planning Authority. Thereafter the mechanical ventilation shall be installed, brought into use, and retained in accordance with the approved details.

Reason: In order to safeguard the amenities of the area and to minimise the risk of a nuisance arising from smells in accordance with Saved Policy ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Prior to first occupation details of improvements to provide safe cycling and pedestrian access to the site from Longford Park Road, including, position, layout, construction and drainage have been submitted to and approved in writing by the Local Planning Authority. The improvements shall be constructed in strict accordance with the approved details prior to first occupation.

Reason: In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities for the ten cycle spaces shown on drawing 5196 PL02 Rev B – Proposed Site Plan shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

12. Prior to the first occupation of the development, a scheme for the provision of the five vehicular electric charging points to serve the development, as shown on drawing 5196 PL02 Rev B – Proposed Site Plan 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 unit 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.

13. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

14. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- (a) As built plans in both .pdf and .shp file format;
 - (b) Photographs to document each key stage of the drainage system when installed on site;
 - (c) Photographs to document the completed installation of the drainage structures on site;
 - (d) The name and contact details of any appointed management company information.

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.

15. Details of the external lighting, and security lighting including the design, position, orientation, and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any such lighting. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: To protect the amenities of nearby residents and in the interest of biodiversity and to comply with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996.

S106 Heads of Terms

Public Transport Service Contribution suggested by OCC Transport of £29,458 and agreed by Applicant, to be paid in full prior to first occupation;

Traffic Regulation Order suggested by OCC Transport of £3,320 and agreed by Applicant, to be paid in full prior to first occupation;

Travel Plan Monitoring Fee suggested by OCC Transport of £2,563 and agreed by Applicant, to be paid in full prior to first occupation; and

Primary Care Infrastructure Contribution suggested by the ICB Clinical Commissioning Board, initially of £110,592 but subsequently revised down to: 128 1-bed units x £360/person = £46,080, to be paid in full prior to occupation.