

Garage Block Rear Of 52 To 58  
Bucknell Road  
Bicester

15/01599/F

**Case Officer:** Shona King                      **Ward(s):** Bicester West

**Applicant:** Mr D Grant

**Ward Member(s):** Cllr Bolster, Cllr Hurle, Cllr Sibley

**Proposal:** Demolition of existing garages and development of 6 one bed apartments and the provision of a store area for adjacent shop unit. Associated external areas to include parking, bin and cycle stores

**Committee Date:** 26.11.2015                      **Recommendation:** Approval

**Committee Referral:** Member Request – Cllr Sibley

## 1. Application Site and Locality

- 1.1 The application site is located to the eastern side of Bucknell Road in Bicester and lies to the rear (east) of a terrace of 4 shops with maisonettes above. The site comprises a block of 10 garages constructed from brick with flat roofs. The garages are in a poor state of repair and are not currently used.
- 1.2 To the south of the site is The Star Public House which has consent to be converted and extended to a retail unit with flats above (14/00183/F and 14/02062/F refer) and there are two storey dwellings to the east and north.

## 2. Description of Proposed Development

- 2.1 Consent is sought for the demolition of the garage block and the erection of 6 one bed apartments, a store area for the butchers shop and parking, bin and cycle stores for the apartments.

## 3. Response to Publicity

- 3.1 The application has been advertised by way of site notice and neighbour letters. The final date for comment was the 1 November 2015. Three representations have been received in respect of the application and the comments raised are summarised as follows:

- Traffic
- Noise and disturbance
- Increased roadside parking
- Overlooking
- Loss of light
- Maintenance of adjacent property
- Need a restriction on building hours, noise, dirt and pollution

#### 4. Response to Consultation

**Bicester Town Council:** Object to the application as significant overdevelopment of the site and totally unsuitable. The development will have an adverse effect on the properties on Barry Avenue that back onto this site with regard to privacy. There are also concerns with parking and access in an already very busy area that will only get worse with the development of the former Star Public House into a One Stop Shop with flats above.

**Cherwell District Council:**

**Private Sector Housing Inspector:** (Original Plans) Concerns regarding the outlook from Unit 3. The bedroom and kitchen will look directly onto a boundary fence and the only other window, which is from the living area, looks out onto a car parking space for a neighbouring property

**Private Sector Housing Inspector:** (Revised Plans) The revised proposal has addressed my previous concerns regarding the outlook from the proposed units.

**Environmental Protection Officer:** Potential issues are:

- noise from any plant or machinery associated with the shop units located in front of the garages (on the plan two cold stores are shown to the rear of units 54 and 56)
- noise from any plant or machinery associated with the Star PH on the adjoining site. Potential noise impacts from the use of the pub garden will also need to be considered
- noise from road traffic on the Bucknell Road
- land contamination as a result of its former use as garages

Recommendations:

1. A noise impact assessment will be required that addresses all the potential noise issues to demonstrate that the site is suitable for its proposed end use.
2. A land contamination assessment will be required and the following conditions should be applied to any consent granted: J12, J13, J14, J15 and J16 of your standard conditions *(these relate to carrying out a desk study to identify all contaminative uses on the site on the site, carrying out of intrusive investigation if necessary, preparation of remediation scheme, carrying out of remedial works and if previously unidentified contamination is found during the development a remediation strategy is to be carried out and implemented)*

**Oxfordshire County Council:**

**Highway Authority:** No Objection subject to Conditions. On the basis of the information provided, Oxfordshire County Council as Local Highway Authority recommends the District Authority to impose upon any planning permission they may grant the conditions set out below with regard to ensuring a sustainable form of development that complies with Government guidance.

Conditions:

1. Cycle Parking Provision

Prior to commencement of the development hereby permitted, a plan showing the number and design of cycle parking facilities for residents shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shown on the agreed

plan shall be provided prior to first occupation of the development. The cycle parking will be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - To ensure sufficient amount of well-designed cycle parking is available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

## 2. Access: Vehicular Flow

All vehicular traffic accessing the development shall enter and leave the site through the north access and exit through the south access.

Reason - In the interests of highway safety, to ensure a proper standard of development and to comply with Government guidance contained within the National Planning Policy Framework.

## 3. Turning Details for Service Vehicles

Prior to the commencement of the development hereby approved, and notwithstanding the application details, full details of:

- A) service vehicles in particular a fire tender turning within the site
- B) vehicle turning into Unit 6 parking space, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

## Comments

- Drawing 1416/2B shows ample provision of cycle parking spaces on site. However, details are not specified of how the bicycles shall be secured within spaces. I have also noticed the width of doorways into cycle shelters are narrow. Cyclists generally push their cycles by holding the handlebars. They also instinctively lean the cycle slightly towards themselves to avoid hitting their shins with the pedals and so – 1100mm is a general guide to the width needed for a bicycle being pushed.
- No detailed tracking has been provided to show the manoeuvring of vehicles accessing the proposed development. Parking into Unit 6 space is likely to be inconvenient and a safety hazard given the lack of visibility round the apron of the wall at the back of the store and prep area for no 54. A swept path analysis showing the manoeuvring of a fire tender onto the site would also be a needed.
- Given the narrow curvature of the access within the cartilage of the development (at the back of property 52 and 58), it is appropriate to enforce a one-way system of vehicular movement for the context of safety and to avoid situations that may require vehicles to egress in reverse gear.

## **Other External Consultees:**

Thames Water: There are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

## Surface Water Drainage

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface

water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)".

#### Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

## **5. Relevant National and Local Planning Policy and Guidance**

### **5.1 Development Plan Policies:**

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. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1

ESD15 - The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

## **5.2 Other Material Planning Considerations:**

National Planning Policy Framework (The Framework) - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

Planning Practice Guidance (NPPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

## **6. Appraisal**

6.1 Officers' consider the following matters to be relevant to the determination of this application:

- Principle of the development;
- Visual amenities
- Effect on living amenity;
- Highway safety and parking;

Principle of the development

6.2 The principle of providing residential units within the site is considered to be acceptable in housing location terms. It is a residential area within the built-up limits of Bicester and as such is a sustainable location making good use of previously developed land. The NPPF introduces a presumption in favour of sustainable development. It advises that proposals that accord with the development plan should be approved without delay and where the development plan is absent, silent or relevant policies are out of date, approving applications unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. The NPPF encourages the use of brownfield land such as this site.

6.3 Whilst the majority of the surrounding residential units are dwellings, consent has been granted for 1 x 1 bed and 2 x 2 bed flats above a retail unit immediately to the south of the site at The Star Public House. Therefore the principle of flats in the area has already been accepted.

### Design, layout and visual amenities

- 6.4 Saved Policies C28 and C30 of the Cherwell Local Plan 1996 seek to ensure that development is appropriate within its context and compatible with the appearance character, layout, scale and density of existing dwellings in the vicinity. Policy ESD15 of the Cherwell Local Plan 2011-2031 requires that new development complements and enhances the character of its context through sensitive siting, layout and high quality design.
- 6.5 The majority of the surrounding development is two storey and of similar height to that of the proposed apartments. No 60 Bucknell Road, to the north of the site, is approximately 7.1m to the ridge and the Star Inn is approximately 9.5 m to the ridge. Properties immediately adjacent to the site in Barry Avenue measure approximately 7.1m to the ridge. The highest part of the proposed apartment building is approximately 7.8m to the ridge. The gable spans of the new development are similar to those of the neighbouring properties. It is considered that given the context the scale is in keeping with the surroundings.
- 6.6 The existing three-storey shops/maisonettes to the west of the site, The Star Inn to the south and the dwellings to the north and east will partially screen the new two storey building in public views. Officers have had concerns regarding the design of the building with the mixture of hipped/straight gables, heights of the roofs of different elements of the building, the mix of fenestration styles and the use of arches to gain access to the parking areas but given the context and location of the building it is considered that on balance the design is acceptable and will not harm the visual amenities of the area. There are hipped gables to properties to the south and straight gables to the north, west and east and the roof pitches are similar to those surrounding the site.
- 6.7 The proposed materials, brick detailing with painted render, are similar to other properties in the immediate vicinity.
- 6.8 The proposed development is to the rear of the existing 'building line' of properties fronting onto Bucknell Road. However it is considered that this will not detract from the character of the area or set a precedent for other in depth development in the area as there are no other similar sites. There is an existing access at either end of the shops/maisonettes servicing the shops and providing access to the garages and whilst the garages are not currently in use there is the potential for activity and noise to the rear of the frontage buildings.

### Effect on living amenity

- 6.9 The living amenities created for the occupiers of the new apartments are considered to be adequate. The size of the proposed flats now complies with the Council's space standards following amendments made to the scheme. The outlook from unit 3 has also been improved with the relocation of the bedroom window to the eastern elevation and the creation of a small area of outside amenity space. Previously the bedroom window was located to the southern elevation and the outlook was directly onto the boundary fence.
- 6.10 Units 1 and 3 have access to outside amenity space whilst the other units do not. It would be preferable for all units to have the benefit of an amenity space but it is considered that given the context and the precedent immediately adjacent to the site – maisonettes above the row of shops and the flats at The Star Public House – that the lack of amenity space would be a reason for refusal that could not be sustained at appeal.
- 6.11 It is considered that the living amenities of the existing residential units surrounding the site will not be significantly affected. The development will not give rise to an unacceptable level of overlooking due to the positioning of habitable room windows and the relationship with the surrounding dwellings. The windows on the western elevation serve non-habitable rooms and

comply with the Council's informal space standards. The distance between habitable room windows on the east elevation and those in the dwellings in Barry Avenue comply with the Council's informal space standards being in excess of 22m. The windows in the south elevation will overlook the pub garden but as previously stated planning permission has been granted to convert the building into a shop at ground floor and flats above and the windows will in the future overlook the car park if that permission is implemented. There is a first floor window in the northern elevation of the building which could potentially overlook the rear garden of No. 60 Bucknell Road and it is recommended that this window is obscurely glazed and fixed closed to a height of 1.7m above finished floor level.

- 6.12 Due to the relationship with the neighbouring dwellings, the height of the proposed building and the distances between the properties it is considered that the development will not result in a significant loss of light to the habitable rooms or private garden areas of the neighbouring properties.
- 6.13 Concerns have been expressed regarding an increase in noise and disturbance to neighbouring properties arising from the development. Currently the shops fronting onto Bucknell Road can be serviced by vehicles to the rear and whilst the garages are unused at the moment there is the potential that they could be used in the future and therefore the development is unlikely to increase the amount of noise and disturbance from vehicles and their occupants significantly above this level.

#### Highway safety access and parking

- 6.14 The Highway Authority is satisfied that the proposed development will not give rise to any significant adverse impacts on highway safety. They have recommended several conditions to ensure that any impacts can be mitigated. Officers have no reason to disagree with this conclusion, and are satisfied that the proposal could be made acceptable in highway safety terms.

#### Other issues

- 6.15 The occupants at No. 60 Bucknell Road have raised concerns regarding maintenance of their boundary fence/wall and access to it which lies to the north of the application site. Planning permission does not override or supersede other property rights and access to maintain their property is a matter dealt with under civil law.
- 6.16 Concerns have also been expressed about the hours that building works will be carried out and the level of noise and pollution during construction. These are matters that are controlled under Environmental Health legislation however a planning note is recommended drawing the applicant's attention to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites.

## **7 Engagement**

- 7.1 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the agent has been kept informed of problems or issues that have arisen during the application and the application has been amended. It is considered that the duty to be positive and proactive has been discharged through the approval of development that accords with sustainable development principles as set out in the NPPF.

## 8. Conclusion

- 8.1 To conclude, the development is considered to be acceptable in housing location terms, appropriate within its context and compatible with the appearance character, layout, scale and density of existing dwellings in the vicinity. It is considered that the proposal will not cause harm to the amenity of existing and proposed residents nor result in significant detriment to highway safety. It is recommended for approval subject to conditions as set out below.

## 9. Recommendation

**Approval**, subject to:

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 condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement and drawings numbered: 1416-02C, 03C, 04A, 05A, 06A and secure bike rack.

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

3. Prior to the commencement of the development hereby approved, samples of the tile to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m<sup>2</sup> in size) shall be constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be constructed in strict accordance with the approved brick sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, a colour scheme for the



colouring of the external walls shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the walls shall be finished and thereafter maintained in accordance with the approved colour scheme.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6. That the rooflights in the west elevation shall have a minimum cill height of 1.7m above finished floor level.

Reason - To safeguard the privacy and amenities of the occupants of the adjoining premises and to comply with Policy C30 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. Prior to the first occupation of the development hereby approved, the first floor window in the north elevation of the unit 2 shall be fixed shut, other than the top hung opening element, and shall be fully glazed with obscured glass that complies with the current British Standard, and retained as such thereafter.

Reason - To safeguard the privacy and amenities of the occupants of the adjoining premises and to comply with Policy C30 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. Prior to the commencement of the development hereby approved, 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. Thereafter, the approved means of enclosure, in respect of those dwellings which they are intended to screen shall be erected, in accordance with the approved details, prior to the first occupation of those dwellings.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing and proposed site levels for the proposed building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local planning

Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved, and notwithstanding the application details, full details of service and emergency vehicle turning within the site and vehicle turning into Unit 6 parking space shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

12. All vehicular traffic accessing the development shall enter and leave the site through the north access and exit through the south access.

Reason - In the interests of highway safety, to ensure a proper standard of development and to comply with Government guidance contained within the National Planning Policy Framework.

13. Prior to commencement of the development hereby permitted, a plan showing the number and design of cycle parking facilities for residents shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shown on the agreed plan shall be provided prior to first occupation of the development. The cycle parking will be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - To ensure sufficient amount of well-designed cycle parking is available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

14. No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason - To safeguard the existing local underground sewerage utility infrastructure and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be 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 shall be 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

16. If a potential risk from contamination is identified as a result of the work carried out under condition 15 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

17. If contamination is found by undertaking the work carried out under condition 16 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

18. If remedial works have been identified in condition 17 the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 17 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

19. 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

20. Prior to the first occupation of the development hereby approved, the appropriate number of refuse bins required in relation to the dwellings shall be provided.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **PLANNING NOTES**

1. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
2. There are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options

available at this site.

3. It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
4. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.
5. The developer is to demonstrate what measures are to be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. It is expected that the developer demonstrates what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)".
6. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

#### **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way through the approval of development that accords with sustainable development principles as set out in the NPPF.

**CONTACT OFFICER:** Shona King

**TELEPHONE NO:** 01295 221643