

Land At Lince Lane With Access Off Station Road
Enslow
Kidlington
OX5 3AX

15/00822/F

Case Officer: Matthew Parry **Ward(s):** Kirtlington

Applicant: Portdevon (Oxford) LLP Minns Estates Limited

Ward Member(s): Cllr Simon Holland

Proposal: Erection of office building and 14 no. dwellings together with associated car parking, cycle parking, garages, public amenity spaces and new footway link

Committee Date: 17.12.2015 **Recommendation:** Resolve to grant planning permission subject to conditions following satisfactory completion of a legal agreement and receipt of amended plans that overcome OCC's concerns about parking provision

Committee Referral Major application

1. Application Site and Locality

1.1 The application site consists of a vacant employment site that was formerly the B-Line Business Centre in the village of Enslow which is approximately 1.5km to the west of Bletchington and south of Kirtlington. The site is broadly rectangular in shape with vehicular access from Station Road (A4095) which it shares with the marina to the north. The site itself is set back from the road frontage and is now comprised of an area of hardstanding now that the former warehouse buildings have been demolished. Whilst the site is comparatively flat the land slopes down noticeably to the north towards the canal and marina. The site is located within a mixed use area that features commercial development to the west, the marina to the north and a pair of semi-detached residential properties on higher ground to the south. On the southern side of Lince Lane is the modern residential development of Ingleby Paddocks on the site of the former dog kennels.

2. Description of Proposed Development

2.1 The planning application originally sought full planning permission for the erection of 16 dwellings and an office building on the site. Following discussions with officers during the application process, amended proposals were submitted that reduced the number of dwellings on the site to 14 houses in addition to the office building. Associated car parking, garages, bin/cycle stores, amenity spaces and a new footway link to the Rock of Gibraltar public house are also proposed. It is on the basis of the amended proposals that the application should be considered.

3. Relevant Planning History

<u>Application Ref:</u>	<u>Description</u>	<u>Status</u>
04/01629/OUT	Demolish existing buildings. Erection of office/industrial buildings. (Outline)	Permitted
05/02274/F	Removal of condition no.9 of 04/01629/OUT to allow the retention of existing access from Station House on to the A4095	Permitted
09/00112/OUT	Proposed demolish existing buildings, and erection of replacement office/industrial buildings.	Permitted
09/00647/OUT	Demolish existing buildings; erect replacement office/industrial buildings.	Permitted
10/00187/OUT	Outline: Demolition of existing buildings, erection of office building and eleven residential dwellings (inc. two affordable units).	Withdrawn
11/00367/OUT	OUTLINE: Demolition of employment buildings and erection of 5 detached dwellings	Refused
11/01071/OUT	OUTLINE: Demolition of employment buildings and erection of 1,700ft of Class B1 development, 7 dwellings and associated access	Refused
12/00643/OUT	Proposed demolition of existing buildings, erection of 170sqm of class B1 office development and 10 no. dwellings and associated access	Refused. Allowed on appeal
12/01110/OUT	Extension of time limit of 09/00647/OUT - Demolish existing buildings; erect replacement office/industrial buildings	Permitted

4. Response to Publicity

- 4.1 No third party comments have been received in response to the amended proposals however the following concerns were raised in response to the original proposals from two local residents:

- The 16 houses proposed are excessive for this site and out of keeping with the rural context;
- The office building is located too close to the adjacent pair of semi-detached houses to the south and so would significantly reduce actual and perceived privacy as well as the level of light and outlook experienced both within these dwellings and their gardens;
- The houses within the site could be orientated in a more varied pattern so that they do not all face towards the existing houses to the south;
- The level of parking provision is insufficient to serve the new homes proposed and would lead to congestion within the site;
- The new dwellings would not connect to the public sewer network but instead utilise a joint septic tank or filtration system. The arrangements for this are not clear and neither is the location for the septic tank;
- High levels of car ownership can be expected and this increase in vehicular movements would see new residents exiting out onto a 50mph road that is already dangerous;
- The proposed buildings are of a bland design that could be found all over the country rather than locally contextual;
- There is an absence of genuine communal amenity space which is essential for children given that the site is isolated and bound by roads and private properties.

5. Response to Consultation

Bletchington Parish Council:

In response to both the original and amended proposals the Parish Council has objected to the application. They have raised concerns regarding the safety of the vehicular access and the problem of exiting from the site onto the road which they claim is already hazardous. Queries have been raised about the treatment of foul water and whether a septic tank solution is appropriate. Concerns have also been raised about the level of parking provision within the site with many homes only having two spaces which includes use of a garage which will seldom be used. Furthermore they add that there does not appear to be any communal play area or space for it to be adequately provided as required by planning policy for developments of 6 dwellings or more.

Cherwell District Council:

Recreation, Health and Communities – No requirement for a community infrastructure contribution.

Waste and Recycling Services – No objection. A contribution of £106 per dwelling towards waste collection services is required.

Tree Officers – No arboricultural report has been submitted and there is the potential for plots 1-4 and their garages to have an adverse impact on trees outside the site. To ensure that these are protected during construction and that the construction methodology and tree protection measures are appropriate, a condition requiring an arboricultural method statement to be submitted, approved and implemented is necessary prior to any development commencing.

Ecologist - No objections as all issues can be satisfactorily addressed by conditions. The ecological report submitted states there are no non-statutory designated conservation sites adjacent or in close proximity which is no longer accurate. In addition to being in close proximity to two Local Wildlife Sites, the site directly abuts (and even looks to slightly infringe upon) the District Wildlife Site of Lincelane Copse to the North East. This is an area of valuable woodland and is also very likely to qualify as Priority (BAP) habitat. There is no information on how this development might impact this woodland. I would like to see this information submitted via condition and measures put in place to ensure that this area is

protected from adverse impacts during construction and in the future. In this location all planting on site should use native species.

The development is unlikely to have a significant impact on the LWS of Enslow Marsh or Bletchingdon quarry however the vegetation surrounding the development site forms, along with the DWS, a valuable vegetated corridor between waterways and is therefore likely to be of importance for foraging bats. Boundary vegetation should be retained where possible therefore and the design of the lighting of the development will be very important. Lighting should be as minimal as possible and adhere to the design guides issued by the Bat Conservation Trust.

A scheme for biodiversity enhancements should be conditioned. The proposals within the updated ecological report are broadly appropriate and full details should be included for enhancements within the landscaped areas and the buildings themselves. Birds are likely to nest on site in the areas of scrub and former garden as well as boundary vegetation, all clearance of vegetation should take place outside of the nesting season therefore.

Landscape Officer - These proposals for 14 dwellings plus office accommodation are sited on a constrained piece of land which although fairly level in itself has considerable sloping ground around it. The site is not particularly visible from surrounding roads but development will be visible from the canal towpath and the associated leisure facilities located there. The dwellings proposed are very dense and largely located near the edge of the plateau increasing visibility. In plots 1 and 2 the garages are built on the root protection areas of trees. The public amenity space is an awkward shape and consists of left over space rather than being designed into the scheme. The scheme is dominated by parking bays which will not provide an attractive environment. The landscape proposals are totally inadequate. There is very little space for any planting due to the density of development.

Planning Policy – The adopted Local Plan 2011-2031 Part 1 identified Enslow as a Category C village (Policy Villages 1), one of the least sustainable settlements in the district, where infilling and conversions will be permitted within the built-up limits of the village. The definition of ‘infilling’ is included in paragraph C.264 of the Plan which states *“Infilling refers to the development of a small gap in an otherwise continuous built-up frontage”* therefore the proposal would not be seen as an infilling development. The site has permission for 10 dwellings (net) which contributes to the district’s housing land supply. However, this proposal for 14 dwellings would not accord with Policy Villages 2 as it would not comprise infilling or conversion. It is the Local Plan’s overall strategy to focus most new development on the two main towns of Bicester and Banbury with some development at Category A settlements. Services and facilities at Enslow are limited therefore future residents are likely to travel to nearby Category A settlements such as Kirtlington, Bletchingdon or even Kidlington by private car. The additional dwellings will increase the number of trips made by car in order to reach services and facilities in the nearby villages and towns. It is therefore considered that the site would be unsustainable for a development of 14 dwellings and an office building therefore the sustainability of the site is a concern which needs careful consideration.

Oxfordshire County Council:

Local Highway Authority – Objection

Key issues:

- Potential impact of parking overspill
- Very limited opportunities for sustainable travel
- Issues with layout and cycle parking
- Tracking for refuse vehicle not provided

Should the Local Planning Authority be minded to approve, the following would be required:

Legal agreement required to secure:

- Highway improvements to be carried out under S278, including new footway linking the development with the Rock of Gibraltar public house, and gateway features to be agreed in consultation with the parish council
- S106 contribution to cover the cost of implementing a reduction in speed limit

Conditions:

Access: Full Details

Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway including a footway from the development to the Rock of Gibraltar public house and village gateway features, including, position, layout, construction, drainage and vision splays, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access including the above mentioned footway and gateway features shall be constructed and retained in accordance with the approved details.

Estate Accesses, Driveways and Turning Areas

Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

Cycle Parking Provision

Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities 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.

Prior to the first occupation of the development hereby approved, a Construction Traffic Management 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 approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

Drainage

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, 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 completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features (this maybe secured by a Section 106 Agreement)
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365

- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing

Detailed Comments:

Note that in this case access is over a private road – if this remains private the internal roads of the development will not be adoptable. Further, the layout suggests that the internal roads would in any case be unlikely to be adoptable, due to their narrow width. The applicant is advised to contact the Road Agreements Team for advice.

Detailed comments:

The amendment has reduced the number of dwellings by two to 14. No amendment to access arrangements has been submitted, and an updated Transport Assessment has not been supplied. Many of the comments below were made in response to the original submission.

Sustainability of the site

The site is remote from public transport. Due to significant reductions in local authority finance it is highly probable that service 25 through Enslow village will cease operation in 2016. It does not offer a suitable timetable for commuting trips.

The location of this site is also poor for walking and cycling to alternative bus stops located on the A4165 near Bunkers Hill, and to Bletchingdon and to Kirtlington villages, due to these links being on twisting roads with fast traffic, encroaching vegetation and a lack of footways.

New residents in this location are likely to be completely car-dependent. There are no retail outlets, schools or other neighbourhood facilities in Enslow (apart from a public house).

Nevertheless, the developer must provide a travel information pack to each new resident at first occupation. This must be approved in advance by the Travel Plans Team at Oxfordshire County Council.

It is not known whether electric vehicle charging points for residents are still included in the proposals. They should also be considered for the office car park.

Access arrangements

The proposed access arrangements set out in Drawing 0929 011 include a footway linking the development with the layby in front of the Rock of Gibraltar public house. The footpath is welcomed and would offer an important connection with the limited facilities in the village, and provide a safe walking route to the southbound bus stop (the northbound bus stop will still require users to cross the busy road). In my opinion it is required to make the development acceptable in planning terms.

However, the section immediately adjacent to the access road is not shaded and this needs to be clarified. The footway must link the site access to the public house. Due to the change in level adjacent to the footway a suitable barrier may need to be provided to protect pedestrians from falling down the embankment, depending on the gradient. Due to constraints the footway may be substandard width in places, and this, combined with the lack of lighting and proximity to the busy road, means that the route is likely to be difficult to negotiate by people with mobility difficulties. A significant amount of vegetation will need to be removed. The proposals include works on the railway overbridge and whilst the Highway Authority has no objection to this, the developer should provide confirmation that permission has been obtained from Network Rail who own the bridge.

The visibility splay marked falls short of the DMRB requirement for 50mph, which is the speed limit past the site. However, it is an existing access and there have been no injury accidents in the vicinity during the five years to 31 October 2015. The county council has carried out a speed surveys which showed average speeds of 44mph. The proposals include providing village gateway features and a reduction in speed limit to 40mph. Therefore a contribution will

be requested via S106 agreement to cover the cost of implementing a speed restriction and the developer will be required to provide gateway features to enforce it. This will need to be the subject of further discussion with the Highway Authority.

There is vegetation growing within the visibility splay which will need to be removed, and trees overhanging from private property not in the applicant's control – these will need to be cut back to the highway boundary.

The road leading from the highway to the development is currently unadopted and unlikely to be adopted if offered. The road within the proposed development would not be adoptable because it is too narrow, at just over 4m with no footway. Any parking on the road is likely to obstruct access for the refuse vehicle and/or cause vehicles to overrun the edge of the carriageway. Attention is drawn to 'Informatives' above. The turning head looks tight – vehicle tracking drawing has not been provided and is required, showing how a large refuse vehicle will enter and exit in forward gear. I am also concerned about visibility for vehicles entering and exiting the parking spaces for plot 2 – possible conflict with vehicle exiting the marina. At plot 9, suitable visibility on the corner must be confirmed and maintained.

Two parking spaces are provided per dwelling, with no visitor parking. In this highly car dependent location this means that there is likely to be parking overspill, potentially causing obstruction on the access to the marina. Parking on the main road near the site access would be unsafe, as would parking in the bellmouth. There are over 40 parking spaces at the marina, with people living there on and off throughout the year and requiring access. There is also the need for emergency access and occasional access by trailers carrying narrowboats.

Cycle parking – most of the houses are without garages and these must have secure sheds for cycle parking (as well as rear access to reach the sheds). The cycle parking shed for the offices looks extremely small for the number of cycles, and the path to it is too narrow for people to be able to manoeuvre bikes in and out when a car is parked next to the shed.

Some parking spaces are too narrow - where the space is adjacent to a barrier such as a wall or fence additional space must be provided to enable people to walk around the car. A disabled space should be provided for the offices.

Education – The following financial contributions are necessary to provide the infrastructure necessary to mitigate the impact of the proposed development:

£55,825 through a section 106 developer contribution towards the expansion of Bletchington CE (VA) Primary School, by a total of 4.82 pupil places. This is based on Department for Education (DfE) advice weighted for Oxfordshire, including an allowance for ICT and sprinklers at £11,582 per pupil place. This is index linked from 1st Quarter 2012 using PUBSEC Tender Price Index.

Other contributions towards education infrastructure that would be affected by the development cannot be sought due to pooling restrictions on planning obligations that came into effect in April 2015.

Other External Consultees:

Environment Agency – Ground investigations at the site in recent years have established that it is the subject of contamination, predominantly through hydrocarbons. In order to ensure the development proceeds in an acceptable manner that does not contaminate controlled waters and is suitable for its future occupants, a phased contamination risk assessment approach is required and should be secured by condition. This will enable remediation of contaminants if necessary and final verification to ensure the site is suitable for its end users.

Natural England – No comments.

Thames Water - With the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application. As a result, details of the foul and

surface drainage strategy are required to be submitted to and approved by the Council prior to commencement of development.

Canal and Rivers Trust – No objection subject to conditions requiring approval of a landscaping scheme that screens the development from the Oxford Canal, details of contamination investigation and its remediation as well as a drainage strategy.

6. Relevant National and Local Planning Policy and Guidance

6.1 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 (LPP1)

BSC1 - District Wide Housing distribution

BSC2 - The Effective and Efficient Use of Land

BSC3 - Affordable Housing

BSC4 - Housing Mix

BSC11 - Local Standards of Provision - Outdoor Recreation

SLE1 - Employment Development

ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

ESD13 - Local Landscape Protection and Enhancement

ESD15 - The Character of the Built Environment

Cherwell Local Plan 1996 (Saved Policies) (LP 1996)

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

C31 - Compatibility of proposals in residential areas

ENV12 - Land Contamination

6.2 Other Material Planning Considerations:

National Planning Policy Framework (NPPF) - This 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 on interpretation of national planning policy and relevant legislation.

7. Appraisal

7.1 Officers' consider the following main issues to be of relevance to the determination of this application:

- Principle of the Development;
- Access and Highway Implications;
- Design and Layout;
- Landscape and Visual Impact;
- Affordable Housing;
- Quality of Accommodation;
- Impact on Neighbouring Amenity;
- Ecology;
- Drainage and Flood Risk;
- Energy Efficiency;
- Contaminated Land;
- Planning Obligations.

Principle of the Development

7.2 In September 2013 planning permission was granted on appeal for outline consent for the erection of 10 dwellings and a 170 sq m office development on the site following the demolition of the former warehouse buildings. This planning permission is extant and establishes the principle of the loss of an employment site for the development of up to 10 dwellings and an office building. With this fallback position needing to carry substantial weight, it is only necessary to consider the impact associated with the additional development now proposed on the site as a result of the increased number of dwellings.

7.3 The site is in an isolated location and the proposed intensification of occupation of the site in comparison to that approved would inevitably lead to additional trips by car to reach employment, education and amenities. In addition to the lack of facilities within safe and convenient walking and cycling distance of the site, it has only very limited bus connectivity and even this will shortly be discontinued as a result of the recent decision by OCC to cancel all subsidisation of publicly funded bus services. Despite these factors, at appeal the Inspector concluded that the proposals were sustainable given the contribution the development made towards meeting the significant shortfall in the Council's housing supply at that time and the benefits associated with the re-use of this redundant commercial site.

7.4 The Council now has up-to-date development plan policies relating to the supply of housing within the District given the adoption of the new Local Plan and the Council's five year supply of deliverable housing sites. The Local Plan generally provides a strategy that focusses the majority of new housing development at Banbury and Bicester with only limited new housing in rural areas to meet identified local need. Due to its small size and lack of facilities, Enslow is classified as a Category C village in Policy Villages 1. This policy only provides support for infill developments and residential conversions of which the scheme constitutes neither. As a

consequence, the proposals are contrary to the requirements of housing supply policies in the development plan.

- 7.5 However, the extant planning permission for 10 dwellings is a material planning consideration of substantial weight and it is only the impact of the four additional dwellings that can be considered now. Whilst it is acknowledged that the isolated location of the site makes it undesirable to accommodate a significant increase in residential development, the four extra dwellings proposed represent only a relatively minor increase on that allowed at appeal and as such it would be difficult to conclude that such an increase would constitute material harm in the context of the overall housing delivery strategy of the Local Plan.
- 7.6 It is also relevant to note that both Policies BSC2 and ESD15 of the new Local Plan and national planning policy in the NPPF encourage efficient and effective use of land. This is particularly important where such land is previously developed so as to prevent unnecessary further loss of greenfield sites. The extant planning permission is for a relatively low density scheme (significantly less than the normal minimum of 30dph specified in Policy BSC2) and in principle officers' have no objection to a minor increase in density of development on the site where this makes more efficient use of the land provided of course that the proposals are still appropriate in all other respects.
- 7.7 For these reasons, and in light of the Inspector's conclusions in the 2013 appeal decision, officers' are, on balance, satisfied that a comparatively minor increase in residential development on this site will still accord with the overall sustainability objectives of the Local Plan having regard to the extant consent which is a material planning consideration of substantial weight.

Access and Highway Implications

- 7.8 As already set out, it has been established at appeal that the site can safely and suitably accommodate 10 dwellings and a 170sq m office building in highway terms utilising the existing vehicular access point off the A4095. This was subject to, inter alia, a condition requiring the provision of a new footway that linked the site with the Rock of Gibraltar public house. Additional homes however are now proposed which will result in a greater number of traffic movements onto the A4095 both in comparison to the extant scheme and potentially the former commercial use too. OCC as local highway authority (LHA) has concluded that the current vehicular access falls short of the visibility splays expected for a road of this speed limit (50mph) based on the Design Manual for Roads and Bridges (DMRB) standards. However, the LHA has carried out its own speed surveys which indicate a 44mph average speed along this stretch of road though in order to achieve suitable visibility splays based on DMRB standards the speed limit along this stretch of road would need to reduce to 40mph. The additional traffic movements that would occur as a result of the current proposals therefore justify a requirement for the developer to meet the costs associated with OCC implementing a speed limit reduction to 40mph as well as the installation of village gateway features to help reduce traffic speeds. These funds would need to be secured from the developer through a legal agreement. The nature of the gateway features have yet to be determined but will need to be the subject of further discussion with the Highway Authority in advance of planning permission being granted so that the appropriate clauses can be included within the legal agreement.
- 7.9 At appeal in 2013 the Inspector found it necessary for a new footway to be provided that linked the development to the Rock of Gibraltar public house and bus stops which would enable improved pedestrian access to the facilities within Enslow. Officers endorse this view and therefore continue to find a new footway to be necessary. A condition is recommended to secure this new footway so that it is installed prior to occupation of the development and OCC is also seeking similar requirements within the legal agreement.

- 7.10 Some concern has been raised by Bletchington Parish Council and OCC about the standard of parking provision within the site. It is acknowledged that new residents would be heavily car-dependent given the isolated location of the site. In order to ensure that undue parking congestion does not occur within the site and to avoid it spilling out onto the private access road, a suitable level of car parking needs to be provided for each dwelling. 13 of the 14 homes proposed are three bedroom dwellings and so would typically need to be served by two off-street parking spaces to accord with OCC's parking specifications. A single detached four bedroom dwelling is also proposed (plot 10) and given its location should be served by three spaces. These ratios are met across the site and as such officers have no objection to the level of parking provision. However, it should be said that in many cases such provision relies on parking within garages some of which are of insufficient dimensions to make them genuinely usable for parking. Other parking spaces are awkward to access and their dimensions fall short of OCC's parking standards. As a consequence some on-street parking is likely within the site which could lead to congestion to the detriment of the new residential environment and possibly some overspill parking which is undesirable. However, six parking spaces are proposed to serve the new office building and these are likely to be available for use by residents during evenings and weekends to offer additional parking capacity. Notwithstanding that, officers are satisfied that suitable car parking spaces can be provided within the site without significant changes to the scheme and are therefore recommending that revised plans be submitted that demonstrate suitably sized and accessible parking spaces for each dwelling. Whilst these plans may be received in advance of Planning Committee, if they are not, officers recommend that Members resolve to approve the application subject to, inter alia, amended plans being received to the satisfaction of officers which overcome the parking concerns raised by OCC.
- 7.11 The LHA has raised some queries about provision of cycle parking facilities for both the new dwellings and the office building. In reality, given the isolated location of the site and the nature of its connecting roads, travel by bike is unlikely to occur regularly. However, it is proper for the new office building to cater for such parking and a facility is provided that officers consider to be adequate in the circumstances. The houses either have garages which could be used for cycle parking (provided revised plans are submitted that show them of adequate size) or there is space available within rear gardens for an outbuilding to store bikes.
- 7.12 As a consequence, subject to a planning obligation that provides funding for speed limit reductions, village gateway features and a new footway as well as the receipt of satisfactory amended proposals that demonstrate suitably sized car parking spaces, officers are satisfied that safe and suitable access to the development can be achieved in accordance with national policy contained within the NPPF.

Design and Layout

- 7.13 Policy ESD15 of LPP1 requires new development to complement and enhance the character of its context through sensitive siting, layout and high quality design. The policy also requires development to contribute positively to an area's character and identity by reinforcing local distinctiveness and respecting the surrounding landscape. Policy C28 of the LP 1996 has similar requirements and includes the need for new development to be designed so that it is sympathetic to its rural context. These policy requirements reflect the strong emphasis within the NPPF on the importance of good design in achieving sustainable development.
- 7.14 The proposed new buildings differ somewhat from the indicative drawings considered as part of the outline application which included houses designed in a style akin to barns set within an agricultural courtyard. The current proposals represent more regular two storey housing albeit relatively traditional in form with steeply pitched slate-covered roofs together with combinations of stone and timber clad external walls. A number of traditional vernacular design features are incorporated including modest pitched roof dormer windows, chimneys, canopy porches and balanced casement windows. The proposed office building is designed in

very much the same manner as the houses and so would sit comfortably within the new development. As a consequence, in immediate views from the access road down to the marina, as well as from the handful of neighbouring dwellings, the proposals represent a significant visual enhancement in comparison to the derelict condition of the current site.

- 7.15 The development proposes that the new buildings be arranged within a cul-de-sac layout that culminates in a small parking court enclosed by a row of terrace houses and bordered by public green space. This is a similar arrangement to that proposed at outline stage and the parking courtyard is therefore an active space that is well integrated within the development.
- 7.16 As the development proposes over 10 dwellings a local area of play is required on site as part of public green space. Officers consider this to be important given the lack of access to other play areas for children as a result of the isolated location of the site. An informal play area is proposed alongside the parking court and to the side of plot 14 which officers consider to be of sufficient size and a usable space. The laying out and future maintenance of this area will need to be secured and officers' have recommended that suitable clauses be included within the legal agreement to achieve this.
- 7.17 There is space available for a suitable bin storage area to be proposed for the office building and, whilst none is shown for the new dwellings, there is clearly space to provide it with adequate access out to the street. A condition is thus recommended requiring approval of bin storage facilities as well as the provision of refuse bins for each dwelling prior to their occupation.

Landscape and Visual Impact

- 7.18 Both Policies ESD13 and ESD15 require new development to respect and enhance its local landscaping setting and be designed in a manner sympathetic to its rural context. Policy ESD13 resists development where it would cause undue visual intrusion into the countryside, or cause undue harm to important natural landscape features or local character. Together these policies are consistent with the key planning principles set out in the NPPF which recognise the intrinsic natural beauty of the countryside.
- 7.19 As already discussed, there is little doubt that the proposals would deliver an enhancement to immediate views of the site given its current unsightly derelict nature. This would mainly be noticeable from the two adjacent houses on the corner of Lince Lane and Station Road as well as the access road leading down to the marina. However, as the site itself is flat and set back from the public highway the current condition of the site is having no appreciable impact on prominent public views and the wider landscape.
- 7.20 Since the determination of the outline application in mid-2013, there appears to have been some significant vegetation clearance on the marina site to the north to facilitate new parking and landscaping arrangements. The result is a comparatively steep slope lacking in vegetation that drops down from the northern boundary of the application site to the marina and canal beyond. As a result, from the canal and marina as well as the countryside to the north, the site is prominent and there is little proposed to soften the appearance of the new development. Three trees remain at the north western edge of the site and whilst these are not of particular individual quality their retention is important to help mitigate the visual impact of the development from the north. To this end it is necessary for a condition to be imposed requiring the implementation of an agreed arboricultural method statement and tree protection measures throughout the construction process. Officers are also recommending a condition that requires a landscaping scheme to be submitted and approved that would need to include meaningful vegetation planted along the northern boundary of the site as well as details of its future maintenance.

- 7.21 As already noted, the houses proposed have been designed in a relatively traditional vernacular style which is essential in this case to ensure that they sit comfortably within the landscape given the initially prominent views of them from the north. Officers have also recommended a condition that requires approval of boundary treatments to ensure that inappropriate fencing is not proposed along the northern boundary that could appear unduly stark within its landscape setting. It is envisaged by officers that a stone wall along this boundary would be necessary to complement local countryside character and the design of the houses.
- 7.22 In conclusion, having regard to the enhancements it would delivery to immediate views, the sympathetic design of the proposed buildings and subject to relevant landscaping and boundary treatment conditions, on balance officers are content that the proposed development would not be unduly prominent in the open countryside or cause significant harm to local landscape character and thereby accord with the requirements of Policies ESD13 and ESD15 of LPP1.

Affordable Housing

- 7.23 Policy BSC3 of LPP1 requires all residential development of 10 dwellings or more in rural areas to provide 35% of the new homes as affordable housing. However, in common with the approach taken on the extant outline consent, officers recommend that an equivalent financial contribution is provided instead of on-site provision which would need to be secured through a legal agreement. This would enable delivery of affordable housing in a more appropriate location that better responds to identified housing need rather than in this isolated location. The Council's housing strategy officers have calculated the commuted sum as £735,634. And officers recommend that delegate to officers the arrangements for securing this necessary financial contribution through a legal agreement.

Quality of Accommodation

- 7.24 Policy ESD15 of LPP1 and Policy C30 of LP 1996 require new dwellings to be provided with adequate privacy, outlook, natural lighting and reasonable indoor and outdoor space.
- 7.25 Each of the new houses enjoys a garden that is proportionate in size to the dwelling and of a suitable layout to ensure usability. The houses are generally laid out in a linear fashion such that no dwelling projects significantly forward or rearward of its adjacent dwelling that could unduly affect light or outlook. Plot 10 is orientated somewhat differently but it is sited so that it would not allow significant direct overlooking of neighbouring houses/gardens and is separated by a sufficient distance to ensure that it is not overbearing.
- 7.26 Internally each new dwelling appears to be of a satisfactory layout with each habitable room enjoying adequate access to light, privacy and a reasonable outlook. As already discussed, there is an appropriate level and quality of public outdoor space on the site to serve the occupants of the homes.
- 7.27 Consequently, having regard to the requirements of the aforementioned planning policies officers have concluded that the new dwellings provide living conditions for future occupants at an appropriate standard.

Impact on Neighbouring Amenity

- 7.28 Many of the surrounding properties are either in less sensitive commercial uses or are separated from the site by a significant distance to prevent material harm being caused to their amenity. There are only three dwellings nearby - Station House, Hill Top Cottage and Stone Quarry House. Of these, Station House to the west is separated from the site by a generous distance and so the privacy, light and outlook it enjoys would not be affected. Hill Top Cottage and Stone Quarry House are closer to the site and located on much higher ground to the south. These are unusual properties not just because of their respective

elevated position but also due to the layout of their plots. The two houses have their principal garden areas to the side of the houses rather than at the rear where there is little space to the boundary with some of this space being overshadowed by the houses themselves for long periods. Hill Top Cottage features a couple of small extensions to the rear though there is also an extant planning permission for demolition of these existing extensions and the erection of a larger replacement extension to its side and rear which would further reduce this space and must be taken into account.

- 7.30 The proposed office building would be in relatively close proximity to the two neighbouring houses but due to the significant difference in ground levels its eaves line would be lower than the ground floor windows of Hill Top Cottage and Stone Quarry House. Outlook from the rear windows of the two houses would therefore not be significantly adversely affected given that a large section of the roof of the office building slopes away from the houses rather than presenting a visible solid wall towards them. Whilst part of the southern gable of the office building does face towards the rear of Stone Quarry House, the separation distance is greatest at this point and, in any event, it is not an element of significant mass that would dominate or overbear this neighbouring house. Furthermore, as the application site is to the north of these two existing dwellings, the office building should not materially reduce the sunlight they receive. In addition, given that the main gardens of the two existing properties are to the side of the houses rather than the rear, the light and outlook enjoyed from their private outdoor spaces would also not be significantly adversely affected.
- 7.31 It is also worthy of note that the proposals would actually introduce a more neighbourly residential use in comparison to the previous distribution centre that would have given rise to daytime noise and disturbance for neighbouring residents or at least had the potential to do so in the future. The benefits in this respect are reflected in the comments made by third parties who appear to in principle support residential development on this site. Notwithstanding the above, there is the possibility that two first floor south facing windows proposed in the office building could give rise to a perception of increased overlooking of the two existing dwellings despite the difference in ground levels. As a result, these two windows have been shown to be obscure glazed and a condition is recommended to secure this in perpetuity.
- 7.32 Subject to this condition, officers are satisfied that overall the proposals would adequately preserve if not improve neighbouring living conditions in accordance with the requirements of Policy C30 of the LP 1996.

Ecology

- 7.33 Policy ESD10 of LPP1 reflects national policy in the NPPF in that it seeks protection of species and habitats of importance as well as net gains for biodiversity. This in turn is consistent with the Council's statutory duty imposed through the Natural Environment and Rural Communities Act 2006 to have regard within its functions to the desirability of enhancing biodiversity.
- 7.34 The site is adjacent to a locally designated District Wildlife Site (DWS). The development is unlikely to have a direct impact on the DWS as all of its woodland and vegetation would be retained however measures need to be in place and secured through conditions that recognise the sensitive siting of the development to ensure no lighting affects the woodland and that a vegetated corridor is provided to allow wildlife movement around the site. As part of delivering biodiversity enhancements on the site, it is recommended that a method statement is requirement to be approved prior to commencement of development which should include many of the recommendations set out in the submitted ecological appraisal. Hedgehogs are now a Priority Species for conservation to which the Council must have regard – the Council would be seeking boundary treatments that allow space for movement of hedgehogs between gardens.

7.35 Consequently, subject to conditions requiring prior approval of a lighting scheme and a suitable landscaping scheme as well as a method statement for biodiversity enhancement, officers are satisfied that the proposals would not materially harm any protected or priority habitat/species and that the proposals could deliver the net gains for nature required by both national and local planning policy.

Drainage and Flood Risk

7.36 Policy ESD6 resists new development where it would increase flood risk either locally or elsewhere. The proposals however are on a site of low flood risk (Flood Zone 1) and so the new development would not be materially susceptible to fluvial flooding. Nevertheless, through requirements of Policy ESD7 of LPP1 it is necessary for the development to incorporate a sustainable drainage scheme that ensures surface water run off rates from the site are no greater than pre-development levels. A condition is recommended to be imposed that requires approval and implementation of such a scheme.

7.37 As noted by Thames Water, it is unclear how waste water would be managed as there may not be the ability to connect to the public sewer network. As a result, waste water would need to be managed via an on-site septic tank system in common with other properties locally. Full details of a drainage strategy are required to be submitted by condition and assessed in consultation with Thames Water to ensure the infrastructure is sufficient to accommodate the development.

Energy Efficiency

7.38 Policy ESD3 of LPP1 requires all new dwellings to be zero carbon. Whilst this standard is no longer of relevance due to changes to Government policy, it is still appropriate to require fabric energy efficiency to the former Code for Sustainable Homes Level 4 standard through the planning system up until this is properly incorporated into the building regulations. A condition is recommended to achieve this which officers consider to be suitable to meet the requirements of the policy.

Contaminated Land

7.39 The Environment Agency has noted that the site may be subject to low-moderate hydrocarbon contamination based on the results of past investigations. Given the proximity of the Oxford Canal to the north and a secondary aquifer near to the site, it is considered prudent to require by condition a phased contamination assessment to establish the level and nature of the contamination and, if necessary, an appropriate remediation strategy to ensure no leaching of contaminants into watercourses occurs during construction work. Such an approach would satisfy the requirements of Policy ENV12 of the LP 1996.

Planning Obligations

7.40 In accordance with the requirements of national policy and Policy INF1 of LPP1, it is necessary for development proposals to mitigate their adverse impact on wider public infrastructure. Subject to the limitations and tests set out in the CIL Regulations 2010, planning obligations can be used to secure this. They are also required to directly secure necessary on and off-site infrastructure provision where the use of conditions would be inappropriate. The Council's waste and recycling service has sought financial contributions from the development to mitigate the impact on provision of waste collection services though this cannot be secured following restrictions on planning obligations that came into effect in April 2015 as introduced by the CIL Regulations 2010. Officers' have concluded that the following items need to be secured through a S106 agreement with both the District and County Councils:

Cherwell District Council

- £735,634 as a commuted sum towards off-site provision of affordable housing;
- Long term maintenance arrangements for the on-site public green spaces and play area.

Oxfordshire County Council

- £55,825 towards the expansion of Bletchington Primary School;
- Financial contribution (TBC) to cover the cost of varying the traffic regulation order to implement a reduction to the speed limit on a section of the A4095 to 40mph;
- A requirement for the developer to provide a new footway through a s278 agreement linking the development to the Rock of Gibraltar public house as well as the installation of village gateway features prior to occupation of the development.

8. Conclusion

- 8.1 The principle of residential development on this site has been established at appeal and is a material planning consideration of substantial weight that outweighs the scheme's conflict with the development plan's housing supply policies. A minor intensification of development on this site beyond that approved at appeal would assist in making more efficient use of this redundant site to help meet local housing need. The proposals would deliver good quality residential accommodation and the buildings are designed in a form and style that responds appropriately to traditional vernacular character and preserves neighbouring residential amenity. Whilst some of the buildings would be initially very prominent in views from the wider countryside, marina and towpath to the north, with landscape mitigation this harm would in time be reduced to a more moderate level. As a consequence, subject to the receipt of amended plans to satisfy OCC's parking concerns, officers' have concluded that on balance the environmental, social and economic benefits of the proposals outweigh the environmental harm they would cause and as such they amount to sustainable development. The proposals are therefore considered to be in overall accordance with the requirements of national planning policy as set out in the NPPF and correspondingly officers recommend that Members approve the application subject to the conditions listed below following the satisfactory completion of a s106 agreement.

9. Recommendation:

That Committee resolves to approve the application but delegates the issuing of the decision notice to the Head of Development Management subject to:

- **Imposition of the conditions listed below;**
- **Satisfactory completion of a legal agreement to secure the items listed in paragraph 7.40 of this report;**
- **Receipt of amended plans to the satisfaction of the Head of Development Management that overcomes the concerns raised by OCC about on-site parking provision.**

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 condition, the development shall be carried out

strictly in accordance with the following plans and drawings: 2014063/P51, 2014063/P52, 2014063/P53, 2014063/P54, 2014063/P55, 2014063/P56, 2014063/P57, 2014063/P58 and 2014063/P59.

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 and notwithstanding that shown in the approved plans, a schedule of materials and finishes for the external walls and roofs of the development hereby approved 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 schedule.

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, samples of the roof coverings to be used in the construction 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.

5 Prior to the commencement of the development hereby approved, a sample panel of all external walling to be used (minimum 1m² in size) shall be constructed on site which shall be 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 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.

6 Prior to the commencement of the development, a plan showing the details of the finished floor levels of the proposed dwellings in relation to existing ground levels on the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

7 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. Such details shall:

- Include a natural rubble stone wall along the site's northern and western boundaries;
- Provide for a screen between the office building and the existing houses of Hill Top Cottage and Stone Quarry House to the south;
- Make provision for suitable access between the enclosures for hedgehogs.

Thereafter, the approved means of enclosure shall be laid out prior to the first occupation of the development and thereafter so retained.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and help conserve Priority Species in accordance with the requirements of Policies C28 and C30 of the Cherwell Local Plan, Policies ESD10 and ESD13 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

8 The dwellings hereby approved shall not be occupied until 3 bins for the purposes of recycling, residual and garden waste have been provided for each of the approved dwellings, in accordance with the following specification:

- One 240 litre blue wheeled bin for the collection of dry recyclable material;
- One 240 litre green wheeled bin for the collection of residual waste;
- One 240 litre brown bin for the collection of garden waste material

Reason - To provide appropriate and essential infrastructure for domestic waste management in accordance with the provisions of Policies INF1 and BSC 9 of the Cherwell Local Plan 2011 - 2031 Part 1.

9 Notwithstanding any details shown to the contrary in the approved plans, all windows to be installed on buildings within the development shall be flush fitting balanced casements that are recessed a minimum of 75mm within the window surrounds unless otherwise agreed in writing by the local planning authority.

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.

10 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, 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 substantially completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features (this maybe secured by a Section 106 Agreement)

- Sizing of features - attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing

Reason - To ensure the proposals do not increase flood risk locally in accordance with the requirements of Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1. Such details are required at pre-commencement stage to ensure they are incorporated into the development in an appropriate and effective manner from the outset.

11 Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways, parking and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

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

12 Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities 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 encouraging sustainable travel modes in accordance with Government guidance contained in the National Planning Policy Framework.

13 Prior to the first occupation of the development hereby approved, a Construction Traffic Management 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 approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety and the amenity of local residents in accordance with the requirements of Government guidance contained within the National Planning Policy Framework. Such details are required at pre-commencement stage to ensure that from the outset construction vehicles are routed and managed in an appropriate manner.

14 No development shall take place unless full details of a footway leading from the development to the Rock of Gibraltar public house (including its position, layout, construction,

drainage and vision splays) have been submitted to and approved in writing by the Local Planning Authority. Thereafter, no occupation of any dwelling shall occur (other than for construction purposes) until the footway has been provided in full in accordance with the approved details.

Reason - To ensure the new development integrates more successfully with existing development in Enslow in the interests of enabling safer access to local facilities. The details are required in advance of any development so that an assessment of whether the footway can be provided in an appropriate manner can take place.

15 Prior to first occupation of the approved office building, details of its bin storage facilities shall be submitted to and approved in writing by the local planning authority. Thereafter the building shall only be occupied once the approved facilities have been provided and such facilities shall be retained as approved thereafter.

Reason - In the interests of the appearance of the residential environment in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

16 Prior to commencement of development, a scheme that includes the following components to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved. Reason

Reason - Previous activities at this site may have resulted in contamination. Potential sources of contamination and elevated levels of contaminants have been noted on this site. This site is located above a secondary aquifer and a surface watercourse is located in the close vicinity. These are controlled water receptors which could be impacted by any contamination present on this site. Further investigation would be required to determine the

extent of any contamination present and to what extent it pose a risk to controlled waters. Any risk identified would need to be adequately resolved to ensure that site does not impacted on controlled water receptors. This may include remedial works to resolve contamination issues.

17 No occupation of any part of the development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason - To ensure that contamination at the site is remediated, such that the site does not pose a threat to controlled waters in accordance with the requirements of Policy ENV1 of the Cherwell Local Plan 1996.

18 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason - To ensure that any unexpected contamination encountered during the development is suitable assessed and dealt with, such that it does not pose a unacceptable risk to ground or surface water in accordance with the requirements of Policy ENV1 of the Cherwell Local Plan 1996.

19 Development shall not commence until a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved by the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason - The development may lead to sewage flooding and it is necessary to ensure that sufficient capacity is made available to cope with the new development in order to avoid adverse environmental impact upon the local community in accordance with the requirements of Policy BSC9 of the Cherwell Local Plan 2011-2031 Part 1.

20 No removal of hedgerows, trees or shrubs, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been 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.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

21 Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity on site, to include full details of measures both within buildings and landscaping shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason - To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

22 Prior to the commencement of the development hereby approved, a lighting design scheme to include all exterior lighting proposals on site and the estimated areas of light spill 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 scheme.

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 and Government guidance contained within the National Planning Policy Framework.

23 Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

24 Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.

a) Written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of relevant arboricultural issues.

b) The relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters

c) The timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.

d) The procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and arboricultural incidents

e) Details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (eg: reduced dig systems, arboresin, tree grills)

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

25 Notwithstanding the provisions of Classes A, B and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and any subsequent amendments or enactments, the approved dwellings shall not be extended nor shall any structures be erected within their curtilages without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the surrounding landscape as well as occupants of the adjoining dwellings in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

26 Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 and any subsequent amendments or enactments, the approved office building shall only be used for purposes within Class B1 as defined in the Schedule to the Use Classes Order 1987 (as amended) and shall not be extended or altered from that approved without the prior express planning consent of the Local Planning Authority.

Reason - To enable the local planning authority to consider the sustainability implications of a change of use against the provisions of the Development Plan and to safeguard neighbouring residential amenity in accordance with the requirements of Policy C30 of the Cherwell Local Plan 1996.

27 Prior to commencement of development and in advance of works to any trees on the site (including removal, lopping, topping, pruning or any other action that could harm the health of any tree), a method statement setting out the means of enhancing the biodiversity value of Lince Lane Copse Local Wildlife Site (including the retention of all existing native

trees, shrubs and hedges within it on the application site) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

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 and Government guidance contained within the National Planning Policy Framework.

28 Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity (in particular the ecological value of the Lince Lane Copse LWS), 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 CEMP at all times.

Reason - To prevent harm to biodiversity during development in accordance with the requirements of Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1.

29 Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (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 surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

30 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, 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. Any trees, herbaceous planting and 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 current/next planting season with others of similar size and species.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

31 Prior to the commencement of the development hereby approved, full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.

Reason - To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.

32 No development shall commence until details demonstrating how each dwelling on the site will achieve an energy efficiency standard equivalent to at least a 44% improvement over the Target Emission Rate (as determined in 2006 Building Regulation Standards) have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until it has been constructed to meet the required energy performance standard in accordance with the approved details.

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. Details are required at pre-commencement stage to ensure that from the outset each dwelling is designed and constructed to achieve a high level of fabric efficiency in the interests of environmental sustainability.

Planning Notes/Informatives:

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), the Council has worked positively and proactively to determine this application in an efficient manner having worked with the applicant/agent where necessary to resolve any concerns that have arisen during consideration of the application in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

The Environment Agency is aware that a fair amount of investigative work has been carried out at this site. In particular we have previously reviewed the 2007 investigation "PHASE 1 & 2 ENVIRONMENTAL & GEOTECHNICAL SITE INVESTIGATION No 2554A/07." This can be found on previous applications for this site. Issues have been identified relating to previous use of the site, in particular significant infilling associated with the former quarry on site. The 2007 investigation would largely cover the phased investigation requirements. While we are happy with most of the

work there are some outstanding issues which we would require resolving. As such in line with previous application we would provide the following response. The 2007 investigation concluded - "11.11 The site has been explored with a number of boreholes and trial pits however, the area covered by the existing building has not been considered and therefore we would recommend that further exploration should be carried out beneath the building footprint following demolition." We would support this recommendation and ask the applicant if any testing has been carried out beneath the footprint of the existing buildings. With regards to the finding of the intrusive investigation, on site we are not overly concerned with the general levels of contaminants. A few concerns though remain regarding some of the samples which had recorded high extractable Petroleum Hydrocarbons (EPH). These levels could potentially pose a threat to controlled water. The risk potential is likely to largely relate to the speciation of the hydrocarbons. If there are light end hydrocarbons (particularly aromatic) presents then this would be more significant concern. We do not believe this has been directly assessed. Under the terms of the Environmental Permitting Regulations 2010, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. Contact the National Customer Contact Centre on 08708 506 506 for further details.

The applicant/developer is advised to contact third party works engineer, Osi Ivowi on 01908 302 591 in order to ensure that any necessary consents are obtained and the works are compliant with the current Canal & River Trust's Code of Practice for Works affecting the Canal & River Trust.

For roads within the proposed development to be offered for adoption to the Local Highway Authority a S38 Agreement will be required. For any private roads a Private Road Agreement will be required between the developer and Oxfordshire County Council. For guidance and information on road adoptions please contact the County's Road Agreements Team on 01865815700 or email Road.Agreements@oxfordshire.gov.uk.

CONTACT OFFICER: Matthew Parry

TELEPHONE NO: 01295 221837