

Case Officer: Nathanael Stock **Ward(s):** Banbury Hardwick

Applicant: Ms Kim Swallowe

Ward Member(s): Cllr J Donaldson, Cllr T Ilott, Cllr N Turner

Proposal: Erection of single storey buildings to provide 6 one bed flats for adults with learning difficulties and autistic spectrum condition, associated parking area, shared landscaped gardens, secured courtyard area, and staff and communal accommodation in an additional unit (seven units in total)

Committee Date: 19.05.16 **Recommendation:** Approve

Reason for referral: Cherwell District Council is the applicant

1. Application Site and Locality

- 1.1 The application relates to a small area within the western part of a larger site (approx. 26ha) allocated for development, to which Policy Banbury 5 of the Cherwell Local Plan 2011-2031 applies.
- 1.2 The larger site gently undulates across the two agricultural fields from the Warwick Road to lower points in the south west and north east corners and to higher points to the north between the two fields and to the south east. A significant tree boundary runs along the whole of the north of the application area and to the south of the eastern most field. Trees and hedges also run along the remainder of the field boundaries.
- 1.3 There are two public footpaths that run across the site, one across the western side of the western field from the Warwick Road towards Hanwell and one which runs along the northern boundary of the eastern field for a short distance before turning towards Hanwell. There are records of bats and badgers on the site and there are also notable habitats including lowland mixed deciduous woodland and a broadleaved woodland plantation. Other site constraints include naturally occurring contaminants, a minor aquifer and known records of minerals.
- 1.4 The site's surroundings consist of the Hanwell Fields development to the south, amenity space, which is not public, to the east (and which falls within the site allocation), agricultural fields to the north which separate the site from Hanwell and agricultural fields to the west, west of Warwick Road.

2. Description of Proposed Development

The applicant seeks planning permission for the erection of single storey buildings to provide six one bed flats for adults with learning difficulties and autistic spectrum condition, plus associated parking area, shared landscaped gardens, secured courtyard area, and staff and communal accommodation in an additional unit (resulting in seven units in total). The buildings, one linear and one L-shaped, would be laid out in a horseshoe shape, would have a hipped roof, of 2.55m height to eaves and 5.55m overall height. Single depth parking is

proposed to the front, interspersed with pedestrian accesses and some soft landscaping. A detached bin store is proposed adjacent to the driveway to parking for Plots 42, 43 and 60 – 62 to the Persimmon development, and a shared landscaped garden is proposed to the rear of the buildings. Access is gained via road between Plots 20 and 41 of the Persimmon development and which would connect to land belonging to Broken Furrow in accordance with the masterplan for the overall site.

3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
12/00021/SO	Screening Opinion - Proposed development including up to 380 residential dwellings along with associated access, landscaping and infrastructure	EIAYES
12/01789/OUT	Outline application for up to 350 dwellings, together with new vehicular access from Warwick Road and associated open space	PER
15/00462/REM	Reserved Matters to outline application 12/01789/OUT - 118 dwellings together with new vehicular access from Warwick Road and associated open space (Phase 1)	PER
15/01589/REM	Reserved Matters application for 232 dwellings dealing with appearance, landscaping, layout and scale (this development forming the 2nd phase of development which received Outline permission under 12/01789/OUT)	PCO
16/00371/REM	Reserved Matter to 12/01789/OUT - Demolition of the Bat House located within Briars Close and erection of replacement Bat House	PER
16/00515/CDC	Erection of single storey building to provide 5 one bed flats for adults with acquired brain injury, associated parking area, secured courtyard area, and staff and communal accommodation in an additional unit (six units in total)	PCO

4. Response to Publicity

The application was publicised by way of a site notice (20.04.2016) and neighbour notification letters. The last date for comment was 11.05.2016.

No responses received.

5. Response to Consultation

Parish/Town Council:

None received to date

Cherwell District Council:

Strategic Housing – Supports; comments: This is an application which proposes a supported housing scheme which is a joint project between the District Council and the County Council.

I am supportive of this application as it will provide much needed specialised housing for those people who have learning difficulties and provide a safe and secure environment for those people to enjoy an independent and fulfilling life.

The land itself was secured by the Council as part of the original agreement for the wider outline permission as part of the affordable housing requirement in order to deliver this scheme.

Recreation & Leisure – I can confirm that we would not expect this development to contribute towards the cost of indoor or outdoor sports provision in the area.

Oxfordshire County Council:

Highways – Objection, based on the original submission. Comments: The application has come at the back of a pre application consultation ref 16/00033/PREAPP in which some issues that required consideration at full application stage were flagged. As set out in the pre application, more information is still required to determine the implications of the application proposals.

Appropriate provision must be made for car parking, not only in terms of number but in terms of need that reflects the land use and development. Most adults with learning difficulties and autistic tendencies also manifest additional special needs such as physical and/or sensory disabilities. On this basis, I would be pleased for an explanation of the rationale for car parking levels proposed by the application as requested for in the pre application response.

I have noticed that access from the car park to the dwellings shall be via a block paved main entrance which leads onto a landscaped courtyard. More information is required of the landscaped courtyard construction details. All paved areas are required to have a suitable ground surface – that is firm enough to be wheeled over, not covered with loose laid material such as gravel or shingle and has a maximum crossfall of 1:40 as stipulated in the government's "Approved Document M: access to and use of buildings" to ensure accessibility and social inclusion for wheel chair users.

It appears that pedestrians would be expected to share the vehicle access and manoeuvring areas without dedicated pedestrian facilities particularly for those accessing the site from the south as illustrated by the Drawing number HW-MA-00-ZZ-DR-A-00103 which suggests a potential for future access. This doesn't appear to be suitable particularly because many of the residents are likely to need assistance on walking journeys to and from the site either in wheelchairs or being supported by a carer. We would expect to see an extension of pedestrian facilities in particular from the south into the car park (with a dedicated crossing up to the main entrance) included in the proposal.

Should the local planning authority decide to grant planning permission, then...conditions should be applied [in relation to] cycle parking provision, construction of the courtyard, and tracking for refuse collection vehicles.

Archaeology – No objection; comments: the proposed sites have been the subject of a phased programme of archaeological investigation as part of a larger development.

These investigations have been completed and the final report is being produced. No further archaeological investigations are required and as such therefore no archaeological constraints to these schemes.

Other External Consultees:

Water authority (Thames Water) – No objection; no conditions recommended

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

ESD15 - The Character of the Built and Historic Environment
PSD1 - Presumption in Favour of Sustainable Development
SLE4 - Improved Transport and Connections
BSC1 - District Wide Housing distribution
BSC2 - The Effective and Efficient Use of Land
BSC3 - Affordable Housing
BSC4 - Housing Mix
BSC9 - Public Services and Utilities
BSC10 - Open Space, Outdoor Sport & Recreation Provision
BSC11 - Local Standards of Provision - Outdoor Recreation
BSC12 - Indoor Sport, Recreation and Community Facilities
ESD1 - Mitigating and Adapting to Climate Change
ESD2 - Energy Hierarchy
ESD3 - Sustainable Construction
ESD4 - Decentralised Energy Systems
ESD5 - Renewable Energy
ESD7 - Sustainable Drainage Systems (SuDS)
ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
ESD13 - Local Landscape Protection and Enhancement
ESD15 - The Character of the Built Environment
ESD17 - Green Infrastructure
INF1 - Infrastructure
BAN5 - Land North of Hanwell Fields

Cherwell Local Plan 1996 (Saved Policies)

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

TR1 - Transportation funding

6.2 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.

7. Appraisal

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

- Principle of Development;
- Design, Layout and Appearance;
- Impact on Heritage Assets;
- Landscape and Visual Impact;
- Trees and Landscaping;
- Housing Mix/Affordable Housing;
- Accessibility, Highway Safety and Parking;
- Effect on Neighbouring Amenity;
- Ecological Implications;
- Flood Risk;
- Sustainability and Energy Efficiency;
- Planning Obligations;

Principle of Development

7.2 The Framework explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

7.3 The Framework positively encourages sustainable development. Paragraph 17 states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable. Paragraph 111 states that Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed.

7.4 The application site is located within the land allocated for developed as 'Banbury 5'. Policy Banbury 5 states that "approximately 544" dwellings will be provided within this larger area. Outline planning permissions issued to date within 'Banbury 5' total 510 dwellings.

- 7.5 The application site forms part of the Persimmon site, which has outline planning permission as part of application 12/01789/OUT for 350 dwellings. Although the current proposal and the concurrent one (ref. 16/00504/CDC) would result in additional dwellings over and above the 350 approved under 12/01789/OUT, these are full planning applications not linked to that outline consent. In addition, they would not exceed the 544 for the overall site.
- 7.6 While it is intended that the remaining approx. 34 of the “approximately 544” would be provided within the land belonging to Broken Furrow (immediately south of the application site) it is clear from the use of the word “approximately” within the policy that this number is not fixed, whereas the extent of land allocated for development is fixed.
- 7.7 The proposal therefore complies with Policy Banbury 5 and is acceptable in principle, subject to consideration against other policies in the development plan.

Design, Layout and Appearance

- 7.8 Policy Banbury 5 requires the layout that maximises the potential for walkable neighbourhoods and enables a high degree of integration and connectivity, includes new footpaths and cycleways to link with existing networks with a legible hierarchy of routes. Aside from the above, the specific design and place shaping principles listed in Banbury 5 do not apply to the application site by virtue of its size, location and relationship to surroundings.
- 7.9 Since the application site forms part of the Persimmon land, the Design Code approved for that site is relevant to the current application. The Design Code provides detailed guidance on the layout and architectural design approach for different character areas.
- 7.10 Under the Design Code’s Regulating Plan (page 34-35), the application site is within a CA2 – Core Housing character area. A medium density is required (page 36), although what medium density means is not defined. Key requirements for this area include: Frontage onto the street; windows of habitable rooms to provide surveillance; predominantly 2 – 2.5 storeys, variable ridge heights; traditional building details reflecting the vernacular of Hanwell; no blank walls onto the public realm; frontage parking / landscape frontage court; buildings set back 1 – 6 metres from the street; casement windows; vertical panelled doors; with low level landscaping to front boundaries, comprising hedge, low level brick wall or metal railing. Materials are to be varying shades of red brick, with grey/back concrete tiles (page 54).
- 7.11 The originally submitted scheme showed a clear deviation from the Design Code. The amended proposals continue to show some deviation, in respect of frontages (not being onto the street) and heights (the dwellings are single storey only, although form a minor proportion of the overall development is assessed as part of the Persimmon site).
- 7.12 However, the amended proposals are much improved on the original submission, in respect of windows of habitable rooms providing surveillance, landscaped frontage parking, and buildings being sited closer to the highway. A number of significant changes have been made to the proposals in response to DM officer comments. These are largely in relation to the overall configuration and layout of the site, but include:

- Reconfiguration of the buildings to provide frontage onto the street. This has helped the buildings have a more positive relationship with the public realm and will provide a greater sense of privacy to future residents
- The improvement in parking configuration, removing the duplication of hard standing and increasing the area that can be given to landscape elements
- Movement of the refuse buildings to less prominent areas of the scheme, without impacting on the functionality of these spaces

7.13 The LPA accepts that some variation is appropriate given the applicant's brief for supported housing with special needs requirements, and the site is set back from the main highway through the Persimmon site, providing a link through to Broken Furrow, and is small in size relative to the wider Persimmon site. It is therefore considered, on balance, that the amended proposal is acceptable in terms of design and layout.

7.14 The submitted elevation drawings show a simple form of building, and it is to the benefit of the development's appearance that window frames are shown to be symmetrical / balanced and this should be conditional to any approval.

7.15 However, the buildings continue to show an institutional character and there remain scope for improvements to be made, including the articulation of the main façade, the organisation and proportions of doors and windows, the lack of focus on the communal entrance to the buildings. It is considered that conditions may be imposed on any permission given for additional detailing to the front façade of the building as well as externally facing materials such as bricks and tiles.

7.16 In summary, it is considered that the proposals have been improved significantly and although, using the Urban Design Officer's words, still based "on a cookie cutter approach to design" and retaining an institutional character that is purely functional, are now considered sufficiently compliant with Policies ESD15 of the Cherwell Local Plan 2011-2031 and C28 and C30 of the 1996 Plan to recommend for approval, subject to conditions as noted above.

Impact on Heritage Assets

7.17 By virtue of the scale of development proposed, and the location of the site, the proposals would not materially affect designated heritage assets, and are therefore acceptable in this regard.

Landscape and Visual Impact

7.18 Similarly, surrounded by the larger part of the Banbury 5 development, the proposals would not have a significant impact on wider visual amenity or the character or appearance of the local landscape.

Trees and Landscaping

7.19 There are no trees protected by Tree Preservation Order on the site or within its vicinity. Several unprotected trees line the site's south-eastern boundary. The proposed development

would not conflict with the root protection areas of those trees, and the proposals are thus considerable in this regard.

Housing Mix/Affordable Housing

- 7.20 The proposed dwellings are proposed not to be market dwellings, but to be available only to those with acquired brain injuries. However, given the scale of development relative to the wider Banbury 5 site, (1) it is not considered reasonable to restrict occupancy by way of legal agreement, and (2) it is not considered necessary for the mix to be fully compliant with CLP Policy BSC4 in this regard.

Accessibility, Highway Safety and Parking

- 7.21 Under the amended plans, access is off highway, with single depth parking at right angles to the road. Other than one space for mini-van, a total of ten parking spaces are proposed, of which five are disabled parking spaces. This level of provision is considered acceptable. The local highway authority (LHA) objected to the original submission principally on the grounds of the difficulty pedestrians would face in accessing the building. These concerns are addressed in the amended proposals. The LHA recommends conditions are imposed on any consent to require cycle parking provision and tracking for refuse collection vehicles. The former is considered reasonable, at least for staff if not for future occupants. Refuse would be collected from communal bins sited close to the highway, with turning for vehicles provided in the highway approved under Phase 1 of the Persimmon development (ref. 15/00462/REM) and it is not considered reasonable for that requirement to be duplicated in this application.

Effect on Neighbouring Amenity

- 7.22 The proposed dwellings would be of single storey in height and sited at a sufficient distance not to materially impact on the living conditions of neighbours to the south-east. Under the amended plans, the proposed dwellings are sited at a sufficient distance for future occupiers not to be significantly affected by approved two storey dwellings in the Persimmon development either through privacy, loss or outlook; and, in turn, those approved dwellings would not be significantly affected by the proposal. It is therefore considered that the amended proposals accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 in amenity terms.

Ecological Implications

- 7.23 As the site forms part of the wider Persimmon site, it has been subject to previous ecological assessment and is covered by conditions applied to the consent for that wider site. No comments have been received to date from the Council's ecological officer Dr Watkins in respect of the current application but at pre-application stage Dr Watkins advised,

"The badger mitigation plans for the wider site will ...need to be taken into account in the design of fencing, etc.

“A biodiversity enhancement scheme for the buildings and gardens would be expected. This could be conditioned but it is always helpful to have proposals for this up front so we can assess if an overall net gain for biodiversity is likely to be achieved.”

- 7.24 The Framework advocates a net gain in biodiversity wherever possible. Subject to the above mentioned conditions, which it is considered reasonable to impose on any consent given, the proposals are considered in ecology terms and therefore in accord with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 in this regard.

Flood Risk

- 7.25 Similarly, the application site has been subject to previous assessment in this regard. By virtue of its size, and having regard to the comments of the water authority, the proposals are considered not to raise significant implications in this regard or to necessitate the inclusion of flood risk or drainage related conditions. It is noted that development will be subject to certain restrictions or requirements under separate legislation, e.g. Building Regulations.

Sustainability and Energy Efficiency

- 7.26 Within Banbury at the northern edge of Banbury, the proposed development is situated in a relatively sustainable location that will help to reduce the need to travel. It is the intent of Policies ESD2 to ESD5 to reduce energy use, promote energy efficiency, incorporate sustainable design and construction technology and decentralised energy systems, and including renewable energy provision. Although only make a limited provision in this regard, given the scale and purpose of the proposed development it is considered that these issues can be addressed satisfactorily through conditions to any consent given.

Planning Obligations

- 7.27 Section 106 requests have been made in respect of provide a community arts project with new residents, informal open space maintenance and mature tree maintenance. Given the scale and purpose of the development, it is not considered reasonable to require these contributions.

Engagement

- 7.28 With regard to the duty set out in paragraphs 186 and 187 of the Framework, an on-going dialogue has been maintained by Council officers looking to address problems or issues that have arisen during the course of both the pre-application discussions and the current applications. It is considered that the duty to be positive and proactive has been discharged through the interaction between parties in bringing forward a scheme that could be considered acceptable to the Authority.

8. Conclusion

- 8.1 It is considered that the proposal assessed within this application is an acceptable form of development that causes no significant or demonstrable harm to neighbour amenity, highway safety or ecology; and the design and scale is broadly compliant with the Design Code for the

site and, on balance, considered acceptable subject to certain conditions. The application is therefore recommended for approval as set out below.

9. Recommendation

Approval subject to the following 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 application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement, Site Location Plan, Ecological Appraisal (Willmott Dixon Housing Ltd, February 2016), Tree Survey Report (RGS, March 2016) and drawings numbered "17015-HANW-5-SK017", "HW-MA-00-GF-DR-A-00112 P09", "HW-MA-00-R1-DR-A-00114 P03", "HW-MA-00-ZZ-DR-A-00103 P03", "HW-MA-00-ZZ-DR-A-00105 P08", "HW-MA-00-ZZ-DR-A-00131 P06", "HW-MA-00-ZZ-DR-A-00132 P06", "HW-MA-00-ZZ-DR-A-00133 P06" and "HW-MA-00-ZZ-DR-A-00134 P06".

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. Unless otherwise agreed in writing, prior to the occupation of any dwellings an Energy Strategy shall be submitted to and approved by the Local Planning Authority. This strategy shall be in line with the mandatory requirements of Code 4 in respect of ENE1 2010.

Reason – To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved above slab level, samples of the brick to be used in the construction of the external walls 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 Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

5. Prior to the commencement of the development hereby approved above slab level, 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 Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6. Notwithstanding the details submitted, no development shall commence above slab

level until amended design details for the front façade of the building and the entrance gates have been 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 Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved above slab level, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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

8. No development shall take place above slab level until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-

- (a) details of the proposed tree and shrub planting including their species (which shall be native species of UK provenance), 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) the reinforcement of the existing hedgerow along the Western, Eastern and Southern boundaries
- (d) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.
- (e) Details of the minor artefacts/structures (i.e. surfaces, benches, fencing, walling etc.) which comprise public art works

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to conserve and enhance biodiversity and prevent the spread of non-native species and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that

any trees 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 next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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

10. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a “retained tree” is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the decision.

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.

11. Prior to the commencement of the development above slab level, full details of existing and proposed ground and finished floor levels and all boundary treatments and means of enclosure 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 - 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

12. Prior to the commencement of the development above slab level, an update to the mitigation strategy for badgers, which shall include details of a recent survey (no older than six months on the date of the submission to the Local Planning Authority), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, 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 – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. The development hereby approved shall be implemented fully in accordance with the Landscape and Ecology Management Plan (LEMP) approved pursuant to Condition 27 of 12/01789/OUT.

Reason – To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

14. Prior to the commencement of the development above slab level, a method statement for biodiversity enhancements on site together with the long term maintenance 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 C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15. Prior to the commencement of the development above slab level, details of the proposed street lighting scheme to be installed, which shall include column height, luminaire type, positions, aiming angles and cowl and deflectors to direct light sources, to demonstrate that there is no light spillage from the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details. Once installed the lighting scheme shall be inspected by a qualified lighting engineer and certified as being correctly installed prior to the first occupation of the development, the certificate shall then be submitted to the Local Planning Authority.

Reason – In order to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

16. The development hereby approved shall be implemented fully in accordance with the Construction Environment Management Plan (CEMP) approved pursuant to Condition 42 of 12/01789/OUT.

Reason – To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

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

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