

Taylor Livock Cowan
Suite F
Kidlington Centre
High Street
Kidlington
OX5 2DL

18/00587/F

Applicant: Eames London Estates Ltd C/o Taylor Livock Cowan

Proposal: The erection of ten residential flats with associated undercroft car parking, cycle storage and bin storage

Ward: Kidlington West

Councillors: Cllr Alan Mackenzie-Wintle
Cllr Sandra Rhodes
Cllr Alaric Rose

Reason for Referral: Major application

Expiry Date: 9 July 2018 **Committee Date:** 21 June 2018

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the north of High Street and adjoining the Kidlington Centre. It currently comprises a private parking area within the larger public car park.
- 1.2. The site is within the designated Kidlington Centre (see Key Policies Map: Kidlington of the Adopted Cherwell Local Plan 2011-2031 Part 1). The area is not within any Conservation Area and there are no listed buildings within proximity.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Consent is sought to erect a 2 ½ storey building over part of the private car park area serving the Kidlington Centre. The ground floor is to provide undercroft parking for 8 car parking spaces for the flats and the remaining spaces allocated to Kidlington Centre tenants.

3. RELEVANT PLANNING HISTORY

- 3.1. There is no planning history directly relevant to the proposal.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. The following pre-application discussions have taken place with regard to this proposal:

Application Ref. Proposal

17/00311/PREAPP Erection of building for ten residential units.

- 4.2. The advice given was that the principle of flats in this location was likely to be acceptable subject to the final design and impact on the living amenities of neighbouring properties. The Local Highway Authority (LHA) had raised no objections to the scheme on highway safety grounds and set out what information should be submitted with any application to be able to assess any parking issues.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 24.05.2018, although comments received after this date and before finalising this report have also been taken into account.

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

- Overbearing on 41-55 High Street
- Overlooking/loss of privacy
- Loss of sunlight
- Loss of view
- Overdevelopment in Kidlington
- Lack of parking and impact on businesses in Kidlington
- Impact on private car park to east of The Kidlington Centre
- Impact on parking for 41-55 High Street
- Additional noise
- Insufficient parking for new flats
- Highway safety
- Loss of value to and effect on desirability to purchase property.

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

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. KIDLINGTON PARISH COUNCIL: **Objects** due to loss of parking for business users and detriment to residents of the adjoining houses (41-55 High Street)

STATUTORY CONSULTEES

- 6.3. HIGHWAY AUTHORITY: **No objection** but has made the following comments:

- Existing site access is adequate to accommodate the new movements.
- The adjacent network has good pedestrian connectivity from the development to the Kidlington High Street.

- The level of parking for the flats is considered reasonable considering the development is well located to take advantage of the sustainable transport options such as the frequent bus services that operate in the near vicinity but it must be allocated.
- Provision for resident and visitor cycle parking must be made and the Transport Statement shows that an extra 3 parking spaces over the minimum are to be provided and this is welcomed.
- Recommend the provision of Sheffield stands for their ease of use but not convinced that 20 cycles can be stored in the enclosure shown.
- Sustainable Urban Drainage System (SuDS) techniques must be used on site to achieve compliance with national, Oxfordshire County Council, Local Plan policy, and the Defra SuDS Non – Statutory Technical Standards.
- Recommends conditions relating to car parking allocation, cycle parking provision, drainage, Construction Traffic Management Plan

6.4. OXFORDSHIRE COUNTY COUNCIL – EDUCATION: **No objection.** Education capacity in the town is sufficient to meet the needs of this scale of development.

6.5. THAMES WATER: **No objection** subject to the developer following the sequential approach to the disposal of surface water and incorporation of protection into the design to avoid the risk of backflow. Planning notes are recommended relating to discharge of ground water to a public sewer and building within 3m of a water mains.

NON-STATUTORY CONSULTEES

6.6. CDC HOUSING STANDARDS: **Comments** that the first floor studio (unit 3) and the second floor Studio (unit 8) both open directly onto the escape route. In the event of a fire in either of the studio units the escape route could be compromised.

6.7. CDC RECREATION AND LEISURE: **Comments** as follows -

Off-site outdoor sports facilities:

Off-site contribution towards the expansion and/or enhancement of existing outdoor sports facilities within the vicinity of Kidlington. Based on £2017.03 per dwelling. 10 dwellings = £20,170.03

Off-site indoor sports facilities:

Off-site contribution towards the expansion and/or enhancement of existing indoor sports facilities within the vicinity of Kidlington. Based on £335.32 per person. 10 dwellings x 2.49 x £335.32 = £8,349.47

Community Hall Facilities:

In accordance with the recommendation of the 2017 CCDS Study a required community hall facility standard of 0.185m² per person will be applied for applications of 10 dwellings or more. The minimum onsite facility size is 345m² (approx. 750 dwellings). For applications smaller than this, a financial contribution towards existing facilities within the vicinity of the development will be requested. Based on the cost of existing facilities, £298.88 per 1m² will be expected. 10 x 2.49 persons x 0.185m² x £298.88 = £1,376.79

Public Art Provision:

Financial contributions will be sought for public realm and public art projects listed in the Council's IDP which is updated on an annual basis. Community Services Arts officers to be consulted on a case by case basis for guidance on what projects to request funding towards.

- 6.8 CDC LANDSCAPE SERVICES: **Comments** that an informal LAP of 400m² and 573m² open space is required on site.

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- VIL1: Village Categorisation
- Kidlington 2: Strengthening Kidlington Village Centre
- SLE1: Employment Development
- SLE4: Improved Transport Connections
- ESD1: Mitigating the impact of Climate Change
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 - Layout, design and external appearance of new development
- ENV12: Contaminated land

Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Kidlington Framework Masterplan Supplementary Document Part 1: Kidlington December 2016
- Developer Contributions Supplementary Planning Document (SPD)

8. APPRAISAL

- 8.1. The key issues for consideration in this case are:

- Principle of the Development
- Design and impact on the visual amenities of the area
- Neighbour Amenities
- Highways Safety and Parking

Principle of the Development

- 8.2 Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.

- 8.3 Paragraph 12 of the NPPF notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.
- 8.4 Paragraph 17 of the NPPF states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and 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.
- 8.5 Policy Villages 1 of the Cherwell Local Plan Part 1 groups villages into three separate categories (A, B and C). Kidlington is recognised as a Category A village. Category A villages are considered the most sustainable settlements in the District's rural areas and have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Within Category A villages, residential development will be restricted to the conversion of non-residential buildings, infilling and minor development comprising small groups of dwellings on sites within the built up area of the settlement.
- 8.6 Policy Kidlington 2 of the Cherwell Local Plan Part 1 seeks to strengthen the village centre. Residential development will be supported in appropriate locations in the village centre except where it will lead to a loss of retail or other main town centre uses. In this instance the proposal does not result in the loss of main town centre uses and it is considered to comply with this policy.
- 8.7 The Kidlington Framework Masterplan has been prepared as a Supplementary Planning Document to build upon and provide more detailed advice and supplementary guidance on the policies in the adopted Cherwell Local Plan 2011-2013 (Part 1). Kidlington has been identified within the Local Plan as a location for small scale housing growth, Village Centre expansion and employment growth in the period. Of particular relevance to this proposal is Chapter 6 which deals with strengthening the village centre. The proposed application site lies within an area where secondary retail uses with active ground floor frontages are sought. This is not proposed in the scheme suggested but could potentially comply with the aspirations of the document to reconfigure the car parks in this area which may help to support the growth of retail, services and the evening economy.
- 8.8 In summary, the proposal constitutes minor residential development in compliance with Policy Villages 1 and Policy Kidlington 2 of the Cherwell Local Plan Part 1 and could be acceptable in principle, but this is subject to other material considerations which I will go on to discuss below.

Design and impact on the visual amenities of the area

- 8.9 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.10 Policy ESD15 of the Cherwell Local Plan Part 1 states that: "New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards."

- 8.11 Saved Policy C28 of the Cherwell Local Plan exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 8.12 Two and a half storey development is considered to be acceptable within the context of the Kidlington Centre, which is a mixture of 2 and 3 storeys, and the adjacent flat development, Foresters Court, which is 2½ storeys. While the surrounding development is either flat roofed or has a traditional dual pitched roof, the design of the building reflects other buildings that have been constructed in Kidlington Village Centre and would not therefore appear incongruous.
- 8.13 The proposed materials would complement the existing building and the contrasting brick to the undercroft parking would help to mitigate the bulk and massing of the building. Unfortunately there is little scope to provide an active frontage to the western elevation of the building, to continue the appearance of the adjacent shop fronts in the Kidlington Centre, but the use of the proposed louvered grille to the car parking would give some sense of activity at ground floor level. The brick columns between the areas of grille would reflect the rhythm of the adjacent shopfronts helping to unify this elevation with the existing Kidlington Centre.
- 8.14 Given the size of the building and its location there is little scope for any additional soft landscaping within or around the site. The two existing trees that are planted immediately adjacent to the site, within the footway to the west of the site in the car park, make a positive contribution to the public realm. The application states that these are to be relocated to the west side of the footway and this is welcomed. However, it is not clear from the application whether this can be carried out as the land does not appear, from the information supplied with the application to be in the ownership or control of the applicant.

Residential Amenities

- 8.15 There is a terrace of small scale 2 storey cottages (41-55 High Street) and a 2½ storey flat development (Foresters Court) to the east of the site. It is considered that due to the relationship between the proposed development and the site that the development would not result in any significant detriment to the living amenities of those flats.
- 8.16 However, concerns have been expressed by owners/occupiers of the cottages about the proposal in terms of the impact that it may have on the living amenities of those dwellings. The concerns are that the development would result in overlooking of habitable rooms and the garden to the west of the terrace and that it would result in loss of light/sunlight to the properties. In addition due to the proximity of the existing Kidlington Centre concerns are expressed about the enclosure of their outlook that the development would bring resulting in the development being overbearing.
- 8.17 The proposed building is approximately 22.8m from the rear elevation of the terrace at the closest point. This distance exceeds the Council's informal space standards that require at least 22m between habitable room windows to prevent unacceptable overlooking. The Kidlington Centre has a roof terrace immediately adjoining the boundary wall of the garden to the rear of the cottages and the parapet wall surrounding this is low enough to enable anyone using the terrace to have a direct view into the garden and the habitable room windows of the cottages. There are also windows in the south elevation of the flats at Foresters Court which look directly into the garden. As such it is considered that whilst the development would increase the number of windows facing onto the cottages and garden, given the level of

overlooking currently experienced at much closer range, the development would not result in a significant increase in overlooking that would warrant refusal of the application.

- 8.18 In addition, due to the distance between the terrace and proposed building, it is considered that the building would not result in a significant loss of light or sunlight to the terrace. If a 45 degree angle is taken from the middle of the nearest ground floor window in the terrace the line extends above the proposed roof height. This assessment helps to indicate that the development would not result in a significant loss of light to the cottages.
- 8.19 The development would be clearly visible from the cottages and garden and would cause some further sense of enclosure around the dwellings. However, on balance, given the relationship between the cottages and the proposed development it would not have such an adverse impact on the living amenities of neighbouring properties to warrant a recommendation of refusal.

Highway Safety and Parking

- 8.20 The application site currently consists of a private parking area for the businesses in The Kidlington Centre. The proposal involves the re-development of this car park and would result in the displacement of some of the parking for the businesses as 6 spaces are to be lost and 8 of the remaining spaces are to be allocated to the flats. Cycle parking is proposed and is to be located within the undercroft parking area.
- 8.21 The LHA is satisfied that the development would not result in detriment to highway safety and that the parking provision for the flats is acceptable given the sustainable location within Kidlington and access to public transport. The LHA recommends conditions relating to the allocation of parking spaces and the provision of a cycle store, along with a Construction Traffic Management Plan and drainage.
- 8.22 The representations made by the owners/occupiers of the cottages raise issues regarding the parking within the private car park to the east of The Kidlington Centre. They have raised concerns regarding the use of this car park for some of the displaced vehicles from the application site as it is heavily used currently with few empty spaces. This car park has allocated parking spaces for the residents of the cottages and they have advised that members of the public use it and access is often blocked. Officers have requested details of how access to the car parks is to be managed and Members will be updated on this matter at the meeting.

Other matters

- 8.23 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation to enable the development to proceed. New development often creates a need for additional infrastructure or improved community services and facilities without which there could be a detrimental effect on local amenity and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for or contribute towards the cost of all or part of the additional infrastructure/services necessary to make the development acceptable. Obligations are the mechanism to secure these measures.
- 8.24 In respect of planning obligations the NPPF advises at paragraph 204 that the following should be sought where they meet all the following tests:
- Necessary to make development acceptable in planning terms
 - Directly related to the development, and

- Fairly and reasonably related in kind and scale to the development.

8.25 The Council's Developer Contributions Supplementary Planning Document (SPD) sets out the Council's approach to seeking Section 106 planning obligations.

8.26 Having regard to the above the following contributions may be sought in the event that they are considered to be necessary to mitigate the effects of the development if planning permission was to be granted:

- Outdoor Sports facilities – Off-site contribution towards the expansion and/or enhancement of existing outdoor sports facilities within the vicinity of Kidlington. Based on £2017.03 per dwelling. 10 dwellings = £20,170.03
- Off-site contribution towards the expansion and/or enhancement of existing indoor sports facilities within the vicinity of Kidlington. Based on £335.32 per person. 10 dwellings x 2.49 x £335.32 = £8,349.47
- Community Hall Facilities - In accordance with the recommendation of the 2017 CCDS Study a required community hall facility standard of 0.185m² per person will be applied for applications of 10 dwellings or more. The minimum onsite facility size is 345m² (approx. 750 dwellings). For applications smaller than this, a financial contribution towards existing facilities within the vicinity of the development will be requested. Based on the cost of existing facilities, £298.88 per 1m² will be expected. 10 x 2.49 persons x 0.185m² x £298.88 = £1,376.79
- Public Art Provision – whilst no financial contribution is sought it is recommended that features that contribute to the public realm such as signage, door furniture, security grills infilling the openings to the car park etc are introduced into the scheme.
- LAP on site and open space or off-site contribution. Details of where the contributions are to be used are currently being sought.

9. PLANNING BALANCE AND CONCLUSION

9.1. For the reasons set out in this report it is considered that the development is acceptable in principle, being minor residential development within a Category A village, and would not result in any significant detriment to the character or visual amenities of the area nor on the living amenities of the neighbouring properties. In addition it is considered that the development would not result in any significant detriment to highway safety.

9.2. As such the proposal complies with the relevant Development Plan policies and guidance listed at section 7 of this report, and so is considered to be sustainable development. In accordance with Paragraph 14 of the NPPF, permission should therefore be granted.

10. RECOMMENDATION

Delegate to the Assistant Director of Planning Policy and Development to grant permission, subject to:

- (a) the conditions set out at the end of this report (and any amendments to those conditions as deemed necessary) and;
- (b) the completion of a planning obligation under section 106 of the town and

country planning act 1990, as substituted by the planning and compensation act 1991, to secure the following;

- Outdoor Sports facilities - 10 dwellings - £20,170.03
- Off-site contribution towards the expansion and/or enhancement of existing indoor sports facilities within the vicinity of Kidlington -£8,349.47
- Community Hall Facilities – off site contribution of £1,376.79
- Public Art Provision – whilst no financial contribution is sought it is recommended that features that contribute to the public realm such as signage, door furniture, security grills infilling the openings to the car park etc are introduced into the scheme.
- Contributions towards off-site informal LAP and open space

Conditions

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

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

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Design and Access Statement, Planning Statement, Transport Report and Drawing Nos. 1716 101 P3, 102 P2, 103 P2, 104 P1, 105 P1, 106 P3, 117 P2, 118 P1, 119 P2, 120 P1, 121 P2, 130, 131, 132 and 133.

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

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BEFORE ANY DEVELOPMENT COMMENCES

3. No development shall take place 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 (including details of who will be responsible for maintaining the SUDS & landowner details)
 - Sizing of features – attenuation volume
 - Infiltration tests to be undertaken in accordance with BRE365
 - Detailed drainage layout with pipe numbers (to include direction of flow)
 - SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)

- Network drainage calculations (to prove that the proposals will work)
- Phasing plans
- Flood Risk Assessment

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

4. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed in accordance with the approved levels.

Reason - To ensure that the development is constructed and finished in harmony with adjacent buildings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved CTMP. The CTMP should include:

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.

- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason - In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

6. No development shall take place until full details of the refuse bin storage for the site, including compound enclosure details, has been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be provided in accordance with the approved details and thereafter be retained as such for the storage of refuse bins.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. No development shall take place until a plan showing a car parking allocation for 8 spaces to be accommodated within the site to include layout, surface details, and drainage, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

8. Prior to the commencement of the development above slab level, a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m² in size) shall be constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be constructed in strict accordance with the approved brick sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of the development above slab level, samples of the material 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 ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development above slab level, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE OCCUPATION

11. 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.

PLANNING NOTES

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
2. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager for further advice on this matter.
3. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit

is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

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

CASE OFFICER: Shona King

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