

Case Officer: Tom Webster

Applicant: Sweetcroft Homes

Proposal: Erection of two buildings, forming eighteen apartments, and associated works

Ward Kidlington East

Councillors: Cllr Mawson, Cllr Middleton and Cllr Ward

Reason for Referral: 10 dwellings or more

Expiry Date: 12 November 2024

Committee Date: 7 November 2024

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS AND SECTION 106 LEGAL AGREEMENT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located close to a T-Junction in a predominantly residential area. The site is currently vacant. The previous car showroom/garage building, and the separate storage building, have both been flattened and removed, and the site is currently being prepared for redevelopment.
- 1.2. The scale of development in the locality ranges from one storey (the car wash building directly opposite) to three storeys. There is also a variety of roof types: pitched, flat, gabled, traditional, and more modern designs.
- 1.3. The site is bounded by 2m high fencing to the north, east, south, and west and is accessed from the Bicester Road. The neighbouring properties to the east (Mulberry Court) and west (Wheeler Court), both comprise three storey residential apartment blocks. Mulberry Court has an unconventional third storey: a combination of mansard roof and a flat roof, set in from the first and second floors below. Wheeler Court, to the west, is L-shaped with a flat roof with each storey repeating itself upwards.

2. CONSTRAINTS

- 2.1. The application site is within a predominantly residential area. The site is in an area of potentially contaminated land. A public footpath runs immediately to the west of the site (FP265/5/10).

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. On the 8 May 2024, planning permission (22/00017/F) was granted to demolish the commercial car sales garage and storage buildings that, until recently, stood on this site, and replace them with two residential buildings: Block A and Block B, to provide 15 residential apartments.

- 3.2. Block A was to be three storeys, and would accommodate 12 residential apartments and Block B, (located to the rear of the site) was to be single storey and accommodate 3 residential apartments.
- 3.3. This application seeks planning permission for the same two residential blocks with an additional fourth floor on the larger apartment block (Block A), increasing its height from 3 storeys to four storeys. This extra floor would comprise 3 x 1 bed apartments.
- 3.4. In total, 18 residential apartments would be provided. The housing mix would be:
- 6 x 1 bed apartments
 - 12 x 2 bed apartments
- 3.5. The proposed fourth floor on Block A, with its contemporary design, included a flat, overhanging roof, would be set in from the north, south, east, and west elevations on the floors below by the following approximate amounts:
- Set in 1.8 & 3.8m, respectively, from the front elevations.
 - Set in 2.3m from the east elevation.
 - Set in 4.7m & 2.85 from the west elevations, respectively.
- 3.6. The two flats (401 & 402) which face out onto Bicester Road would have small private balconies which would look out onto Bicester Road. The proposed north facing flat (403) would also have a small north facing balcony space.
- 3.7. The Car Parking bays will comprise:
- 18 residential parking bays (one of which will be an accessible parking bay)
 - 2 visitor parking bays
- 3.8. The cycle parking provision would be:
- 2 x cycle stores in the northeastern corner of the site, which would accommodate 40 cycles bays. -revised plan with 64 cycle bays shown on it.
- 3.9. The design of Block B remains unchanged from the extant permission.

4. RELEVANT PLANNING HISTORY

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

22/00017/F – Demolition of existing vehicle showroom and associated garages. Erection of 2 new housing blocks containing total of 15 flats including car parking and ancillary supporting uses with landscaping – Granted permission on the 8 May 2024

Also relevant:

3 Bicester Road, Kidlington:

11/01419/OUT - Demolition of existing dwelling, construction of building containing 7 apartments and parking, access, and ancillary works – granted permission on the 12 January 2012

12/00149/REM - Reserved matters pursuant to application 11/01419/OUT – granted permission on the 15 March 2012

Kings Two Wheel Centre, 139 Oxford Road, Kidlington

18/01388/F - Demolition of existing vacant workshop and show room buildings. Erection of two and three storey building to provide 10no. dwellings (8 x 2-bed and 2 x 1-bed). Provision of off-street car parking, secure cycle storage and covered refuse/recycling store - resubmission of 18/00130/F – *Granted permission on the 28 March 2019*

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **28 September 2024**, by advertisement in the local newspaper expiring **28 September 2024** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **28 September 2024**.

5.2. Three letters of objection have been raised by third parties. The comments raised by third parties are summarised as follows:

- The extra story adding additional accommodation is not in keeping with the area due to its height relative to adjacent buildings.
- It will also mean an extra level with balconies will lead to the loss of privacy of adjacent properties.
- The absence of any affordable housing.
- Adding extra accommodation will inevitably lead to the need for extra vehicular parking and subsequent increased need for ingress and exit for the vehicles to an already busy and congested junction.
- In the event that planning permission is granted, the minimal mitigation measure that should be put in place is a full rear obscured glass, and obscured balcony (that cannot be peered over - i.e. 6 foot tall like the Old Dairy).
- Lack of a drainage strategy
- Loss of direct sunlight into the gardens of 1 Blenheim Road, Mulberry Court, the Old Dairy Flats, and 1a Blenheim Road; the flats behind 5&7 Bicester road.
- Will lead to on-street parking near an already congested junction.
- The local area will need to be converted to permit parking to be manageable for residents – which, a neighbour hopes, the council/highways team will seek contributions to.
- Would result in a new density precedent for the village;

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: **Objection** –

(1) The Council continues to object to this proposal because of the limited onsite parking when there are already problems with nearby roadside, pavement, and verge parking. With the addition of three further flats to those already approved there should be at least three, not two, additional parking spaces.

(2) The three additional flats should be 'affordable'.

(3) Is the area labelled as Amenity Space now owned by the applicant? It was originally for use by Mulberry Court Flats residents.

- 6.3. Local Lead Flood Authority: Holding Objection - The submitted documents include a reference to the use of soakaways, despite cohesive soils and shallow groundwater being recorded in the site investigation report.

No further supporting evidence or drainage plans have been included in the submission.

An alternative drainage strategy must be considered, with full details submitted. The applicant is advised to review the local standards and guidance for drainage submissions, available at www.oxfordshirefloodtoolkit.com.

- 6.4. OCC Education – No objection: Due to the small number of pupils generated and the availability of school places in Kidlington, we would not currently seek contributions towards education costs based on the housing mix provided in the planning statement.

- 6.5. CDC Ecology – No objection: Re: Revised Biodiversity Enhancement Plan. Happy with the changes, it adequately addresses my comments thanks.

- 6.6. CDC Housing: No objection, subject to a s.106 agreement: Given what Pathfinder have confirmed, it doesn't appear that Strategic Housing can have any further input into this, other than to confirm that we would want to see a review mechanism in the S106 which will create the possibility of affordable provision in the future should any surplus arise.

The affordable housing contribution, again as this is confirmed by Pathfinder, will also be set out in the S106 so as far as I am aware there are no further comments we can make as there will be no onsite delivery of affordable units.

- 6.7. CDC Recreation & Leisure: Seek the following contributions:

- Community Hall Facilities: **£44,676**
- Outdoor Sports Provisions: **£36,306.54**
- Indoor Sports Provisions: **£14,485.82**

- 6.8. OCC Highways: No objections, subject to S106 contributions sought in regard to a Traffic Regulation Order, recommended planning conditions and informative.

Access arrangements

Access arrangements for this site are via an existing point onto Bicester Road, previously used for a vehicle sales garage. The access has suitable all-round visibility due to the wide verge.

OCC Transport Strategy have outlined the requirement for a continuous minor road entry treatment with priority for walking and cycling at the site access. Alterations within the highway require the applicant to enter into an S278 agreement. This alteration has been proposed to ensure the development site conforms with the future Bicester Road.

Pedestrian / cycle improvement scheme.

Sustainable transport connectivity/transport sustainability

The site is within comfortable walking distance of Kidlington village centre and the plentiful facilities available. Oxford Parkway rail station is less than two kilometres away and can be reached on foot, by cycle or by the regular bus services, which go on to Oxford City centre and the Headington hospitals.

Public Transport

OCC Public Transport have outlined a financial contribution of 18 x £1,326 = £23,868 (Oct 2023 price base, RPIx) for retention and/or improvement of bus services between Kidlington and the Eastern Arc (Hospitals/Brookes) for employment purposes.

Public rights of way

Public Right of Way 265/5/10 runs alongside the western boundary of the site. This footpath must not be obstructed or altered either during or after construction of the development.

Car and cycle parking Vehicle Parking

OCC's 'Parking Standards for New Developments' (October 2022) outlines that 1-2 bedroom 'town' dwellings are permitted to have 1 vehicle space per dwelling. The proposed site has outlined 18 vehicle spaces + 2 visitor spaces, the proposed residential provision conforms to OCC's adopted parking standards. There is a shortfall of 1.5 visitor spaces.

OCC Transport Strategy state that the previously requested TRO is to be reinstated as part of this application. A contribution of £6225 is sought to fund the provision of parking restrictions in the form of double yellow lining in the vicinity of the site. The greatest effect likely to be on Blenheim Road. Further double yellow lines may be appropriate, if planning permission is granted, OCC will investigate the best way to proceed with additional parking controls.

It is a requirement to have a minimum of 1 e/v charging space per dwelling when parking is allocated. This is in accordance with Policy EVI 8 of the Oxfordshire Electric Vehicle Infrastructure Strategy. This can be secured through the condition below.

Cycle Parking

The total number of bedrooms for this development is 30. OCC's 'Parking Standards for New Developments' states that cycle parking must be provided at a rate of 2 spaces per bedroom. As a result, the residential cycle parking provision must be amended to provide 60 cycle spaces. Through a condition, the applicant must demonstrate the layout, function, and accessibility of the residential cycle stores. Currently, the application shows a space of approximately 0.2m between stands. LTN 120 states that Sheffield stands are preferable and the absolute minimum distance between them is 1.0m.

For Flat / Apartments visitor cycle parking must be provided at a rate of 1 space per unit – therefore the provision for this development must be amended to 18 visitor spaces.

Traffic impact

Using the TRICS data from the Transport Statement submitted under 22/00017/F an 18 flat development can be expected to generate 5.5 2-way movements in the AM peak

and 5.4 2-way movements in the PM peak. A 325sqm car showroom (previous use) generates 6 2-way AM peak movements and 7 2-way PM peak movements. The car showroom was expected to generate 81 two-way movements daily compared to 63.2 from an 18 flat development. It can therefore be determined that the proposed development is unlikely generate any additional traffic flow from the access when compared to the previous use of the site.

CEMP

Before the CEMP is recommended for approval the following points must be addressed:

- How local residents are 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.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.

The above points can be addressed through condition.

Contributions

£23,868 Public Transport Service Contribution indexed from October 2023 using RPI-x Towards:

Retention and/or improvement of bus services between Kidlington and the Eastern Arc (Hospitals/Brookes) for employment purposes.

Justification: To ensure that the opportunity for longer-term viability can be maximised, a contribution for public transport services is required from the development. Calculation: Public Transport Service contributions calculated using a per dwelling approach $18 \times £1,326 = £23,868$.

£6,225 Traffic Regulation Order Contribution indexed using RPI-x. Towards:

The cost of consulting on a TRO and the subsequent introduction of a scheme of parking restrictions or control on streets in the vicinity of the site.

Justification: It is recognised that streets near to the site, particularly Blenheim Road, experience high levels of parking demand and this development can only increase that demand. The adjacent Wheeler Court development has funded double yellow lines around the Oxford Road / Bicester Road signalised junction. It will be investigated whether extended restrictions or a residents' parking scheme is the preferred option to mitigate the increased parking demand.

An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including: (include drawings- indicative only if no others available):

- Continuous minor road entry treatment with priority for walking and cycling at the site access.

6.9. **OCC Archaeology - No objections:** The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

6.10. OCC Waste: £1,834 Household Waste Recycling Centre Contribution indexed from Index Value 379 using BCIS All-in Tender Price Index

6.11. CDC Environmental Protection - **No objections**, subject to conditions:

General:

Having read the CEMP provided I am satisfied with the contents.

Noise:

Prior to the commencement of the development hereby approved a specialist acoustic consultant's report that demonstrates that all habitable rooms within the dwelling and external areas will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) shall be submitted to and approved in writing by the Local Planning Authority (If appropriate BS 4142:2014:+A1:2019 Method for Rating and Assessing Industrial and Commercial Sound (or subsequent updates) shall also be used) . Where acoustic glazing and alternative means of ventilation are required to achieve this standard full details of these elements shall be submitted with the report for approval. Should alternative means of ventilation be required then an overheating report will also be required. Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.

Contaminated Land:

Having read the report provided I am satisfied. with its contents and agree that further assessment should be undertaken as per para 10.3.2. and the updated report provided to the LPA Once this has been completed then the remediation strategy should be formed and approved with the LPA prior to its commencement. On completion of the remediation works a verification report should be supplied to the LPA. Therefore, the relevant contaminated land conditions should be applied to any permissions granted:

Air Quality:

Prior to the commencement of the development hereby permitted a detailed air quality impact assessment to identify the impact of the development on local air quality shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include damage cost calculations where applicable along with detailed mitigation measures proposed by the developer, in order to address any adverse impacts on local air quality. This shall have regard to the Cherwell District Council Air Quality Action Plan and no development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the impact of the development on air quality has been adequately quantified.

Odour:

No comments Light: Prior to the first use of the development hereby approved details of the external [lighting/security lighting/floodlighting] including the design, position, orientation, and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the development hereby approved the lighting shall be installed and operated in accordance with the approved scheme at all times thereafter. If you wish to deviate from the suggested conditions, then this should be discussed with the officer making these comments to ensure the meaning of the condition remains and that the condition is enforceable and reasonable.

6.12. Cherwell Swifts Conservation Project – Is pleased to see that there will be integrated nest bricks for Swifts, Starlings, and House_Sparrows.

However, the proposal to site them below one another on the same wall is not a good idea. The reason for installing nest places is to create as many new nest places as possible for the different species. If Starlings were to use the bricks made for them, they would certainly prevent Swifts or House Sparrows from using the other boxes. They are very territorial birds.

A solution would be to place the starling bricks on the east-facing wall and put the bricks for House Sparrows and Swifts on the west side (or vice versa). Even there I would recommend that the bricks should be side by side and not one set below the others.

Finally, I would propose bricks designed for Swifts are used for both the House Sparrows and Swifts. These would be just as likely to be used by House Sparrows as Swifts, but bricks designed for House Sparrows are not suitable for Swifts (see attached information).

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 (CLP 2015) was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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 2015)

- PSD1 – Presumption in Favour of Sustainable Development
- Villages 1 – Village Categorisation
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of land – Brownfield Land and Housing Density
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- SLE4 – Improved Transport and Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement and the Natural Environment
- 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
- C30 – Design of New Residential Development
- ENV1 - Pollution

Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)
- Developer Contributions
- Kidlington Framework Masterplan 2016
- Conservation of Habitats and Species Regulations 2017

8. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highways Safety
- Drainage
- Landscaping
- Affordable Housing
- Ecology Impact
- Planning Obligations
- Other Matters

Principle of development

8.2. The principle of residential use on this site was established on the 8 May 2024 when planning application 22/00017/F was granted planning permission to demolish the existing car showroom and garage and replace with 15 residential apartments.

Design, and impact on the character of the area.

8.3. The NPPF confirms that the Government attaches great importance to the design of the built environment, and notes 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. Planning policies relevant to design are set out in the Policies C28 and C30 of the CLP 1996, Policy ESD15 of the CLP 2015 and section 12 of the NPPF.

8.4. The National Design Guide (September 2019) is also pertinent and explains (using case studies and examples of good practice) how the Government's expectations for high quality design can be delivered.

8.5. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale, and density of existing dwellings in the vicinity.

8.6. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and ensuring a high-quality design.

8.7. Section 12 of the NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF states that planning decisions should ensure that developments:

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

- *are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping;*
 - *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*
- 8.8. The Cherwell Residential Design Guide SPD states that development within Kidlington should look to strengthen the character of the village.
- 8.9. The Design Guide SPD states that new development should avoid architectural focus on individual buildings rather than the overall street composition. The SPD goes on to state that individual buildings should be designed to relate well to their neighbours, creating a harmonious overall composition and work with site conditions.
- 8.10. Kidlington Masterplan SPD, Theme 2: Creating a sustainable community, subheading 'Securing high design standards' states that: "The design of the site layout, access arrangements, scale, massing and appearance will be required to demonstrate a positive relationship with the immediate surrounding context of the site and respect and enhance the townscape character of Kidlington as a whole."
- 8.11. The Kidlington Masterplan SPD also states that, "*In general, new housing should be provided at a net density of at least 30 dwellings per hectare (Policy BSC 2 of the Local Plan). However, the density of housing development will be expected to reflect the character and appearance of individual localities and development principles that are appropriate to the individual circumstances of sites.*"
- 8.12. In paragraph 6.17 of the applicants supporting planning statement, the case is made that by "*adding the inset additional floor, the new building would sit more like a gold medal winner on a rostrum slightly proud of its neighbours but for good reason because it will be the centrepiece of the view and should therefore take precedence.*"
- 8.13. Similarly, in the 'Executive Summary' of the applicants' Design and Access Statement (prepared by AndersonOrr), the architects have explained that, as part of their design rationale, they are seeking to achieve a 'Landmark' development:
- "The surrounding wider developments are largely three storey in nature, with building heights naturally stepping up to the corner plot. As such the proposals look to create a landmark corner development that responds to this context.*
- 8.14. It should be noted, though, that this location has never been identified as an appropriate location for a landmark building in any policy or design guidance. The proposed increase in height and scale would exceed the heights of any comparable building in the context in which Block A would be experienced.
- 8.15. However, great care has gone into the proposal to limit its visual impact by significantly setting the fourth storey back from the ridge of the third floor, on all four sides. The majority of the roof is, at 2.3m in height, relatively modest in scale. The roof of the lift shaft, presented as a central turret, rises to 2.9m and would not be an overtly dominant feature.
- 8.16. Moreover, because the footprint of the proposed fourth floor is substantially smaller than the preceding floors (100sqm smaller than each of the other floors), the scale and massing of this proposal would not be disproportionate and would not disrupt or harm the existing character and appearance of the area. In fact, I think it represents a visual improvement on the roofline of the neighbouring Wheeler Court, and particularly Mulberry Court.

- 8.17. It is also noteworthy that there are a number of developments in the immediate locality (Mulberry Court, Bicester Road, and The Old Dairy and Burberry House on Blenheim Road) where the upper floor is set back from the front elevation to allow for private balconies. Each of those roof tops are heavier in design and, proportionately, have a greater mass than this proposal. In summary, the proposal would not be unduly harmful to the street scene.
- 8.18. Although the Kidlington Masterplan SPD does not promote 4 storey residential development outside of the village centre, I do not think this proposal would undermine the intentions of the masterplan. The proposal is confined to a corner plot which is already framed by two 3 storey buildings; and there is little scope for the residential properties which run parallel with the Oxford Road up to the village centre to increase their heights to four storeys. Therefore, a precedent would not be set, if planning permission for this scheme were to be granted.
- 8.19. As referenced above, the Kidlington Masterplan, in line with policy BSC2 of the CLP 2015, requires new housing developments to be provided with a density of at least 30dph to make efficient and effective use of the land. At 90dph, on previously developed land, and in a location which scores very highly from a sustainability perspective, I think the proposal is appropriate and complies with the Kidlington Masterplan, policies C28 and C30 of the CLP 1996 and policies BSC2 and ESD15 of the Local Plan 2015.

Residential amenity

- 8.20. The NPPF identifies, as a core planning principle, that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.21. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states, amongst other things, that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.
- 8.22. The majority of the proposal has been designed in a neighbourly fashion. The windows on both the east and west flank walls would be obscured glazed and are more than the 7m minimum separation requirement of the Cherwell Residential Design Guide SPD (2018).
- 8.23. The north facing balcony of flat 403 would also be 25.8m from the common boundary line shared with the rear garden of 1 Blenheim Lane, 24.8m from the rear fence belonging to 1b Blenheim Lane and 23m from the rear fence of The Old Dairy. These are significant distances and, whilst I do appreciate the neighbours' concerns, set out in their objection letters (and summarised in this report), I am of the opinion that they would not lead to a significant loss of daylight/sunlight or an undue loss of privacy for those residents.
- 8.24. However, the proposal would, if not mitigated, result in the significant loss of privacy to the rear gardens of the immediately neighbouring Mulberry Court. The separation distance between the outdoor balcony area of flat 403 would only be 9.2m, 9.5 and 13.5m from the three rear gardens of Mulberry Court, respectively, which is not an adequate arrangement and would greatly reduce the quality of private amenities currently enjoyed by the existing residents, if not mitigated. This is a shortcoming of the scheme.

- 8.25. Nonetheless, this shortcoming could be addressed through the imposition of a planning condition (see condition 20) which requires the rear balcony to be permanently screened by a privacy screen, thereby removing the potential for overlooking. As this balcony is to the rear of the building and not to the front, the privacy screen would not undermine the character and appearance of the area, so represents a genuine design solution.
- 8.26. Regarding the amenity space of the occupiers of the proposed three new flats, I note that all of the new residential accommodation satisfies the space standards set out in the Department for Communities and Local Government's (DCLG's) Technical Housing Standards -Nationally Described Space Standard" (2015) and would benefit from having small private balconies in addition to use of the 125sqm of shared private amenity space in the north eastern part of the site. Moreover, the site is within close proximity to two public parks: Orchard Recreation Ground and Ron Groves Community Park.
- 8.27. The Council's Environment Protection Officer has also, subject to appropriate conditions, raised no objection from an air quality, noise or light perspective.
- 8.28. In short, subject to appropriately worded conditions, the scheme would be acceptable from an amenity perspective and complies with Policies C30 and ENV1 of the CLP 1996 and Policy ESD15 of the CLP 2015.

Highway Safety

- 8.29. Paragraph 114 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.30. In addition, paragraph 115 highlights that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.31. Policy ESD15 of the CLP 2015 states that, "*new development proposals should be designed to deliver high quality safe, attractive, durable, and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions. Policy SLE4 states that all development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.*"
- 8.32. A small number of neighbouring residents have expressed concerns that the development would put pressure on a busy junction and would result in on-street parking. Concerns were also raised about the need for an increased ingress and egress into and from the site.

- 8.33. One parking space is to be provided per property, one of which is a disabled space. Two additional visitor spaces are also being proposed. Whilst this is below OCC's standards, the Local Highway Authority (LHA) has confirmed that this approach has been used in numerous occasions within developments based in Kidlington, due to the high transport sustainability of the site. Further to this, the LHA has raised no objections to the proposals, subject to conditions.
- 8.34. Moreover, the LHA has requested a financial contribution towards additional double yellow line provision, in the form of a Traffic Regulation Order. This is considered reasonable and necessary to make the development acceptable to minimise on-street parking. The applicants agreed to this contribution as part of the previous application (it was secured via the s.106 agreement) and, in paragraph 6.34 of their Planning Statement, they have agreed to this contribution again:
- “..a contribution was sought to restrict ad hoc parking from overspill parking. A similar contribution will be provided again to mitigate against any harm from car borne traffic.”*
- 8.35. The site is in a highly sustainable location, with frequent bus services within close proximity to the site (and the LHA are seeking a contribution towards these bus services). There are also a number of nearby amenities close to the site, and good levels of cycling infrastructure in place. The application includes suitable cycle parking provision, subject to additional details required by condition relating to the specific stand details. This would further promote the use of sustainable forms of travel.
- 8.36. The LHA request for an electrical charging condition has not been imposed due to changes to Building Regulations which now capture electric vehicle charging points.
- 8.37. For these reasons, it is considered that the proposals comply with Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF and would, therefore, be acceptable in highway safety terms.

Drainage

- 8.38. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding, and coastal change. Paragraphs 173 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 8.39. Paragraph 173 of the NPPF continues by stating that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.

- 8.40. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 8.41. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.
- 8.42. The applicants, in their submission documents, have included a reference to the use of soakaways, despite cohesive soils and shallow groundwater being recorded in the site investigation report. Consequently, it is not an approach that the Local Lead Flood Authority can support, which is why they have raised a holding objection.
- 8.43. At the time of writing this report, no further supporting evidence or drainage plans have been submitted. The Local Lead Flood Officer has made clear (in his comments) that an alternative drainage strategy must be considered, with full details submitted.
- 8.44. This information can be secured through a pre commencement condition (a replica of the condition attached to the extant consent). Therefore, whilst this aspect of the proposal does not currently comply with policies ESD6 and ESD7 of the CLP 2015, it would not form a reason for refusal, as it can be addressed prior to development taking place.

Landscaping

- 8.45. The application includes an area of shared amenity space and planting along the boundary lines and soft landscaping around the buildings. However, precise details of the landscaping treatment to be provided have not been submitted as part of this application.
- 8.46. For this reason, it is considered reasonable and necessary to provide details of the landscaping, and its management, to ensure that the proposals are suitable in the context of the site. My view is that these details, as with the previous application, could be secured by way of a suitably worded condition to bring this element into full compliance with Policy ESD15 of the CLP 2015.

Affordable Housing

- 8.47. Housing delivery is a top planning priority for England. House prices are arguably one of the most significant issues facing the Southeast and there is also a significant need for affordable housing in Bicester: it experiences homelessness and a reliance on temporary accommodation, and the market sales and rental prices are high.
- 8.48. Therefore, it is of very great importance that affordable housing, where a scheme is viable, is delivered as part of all major residential developments in Kidlington, either on-site or through an off-site contribution.
- 8.49. This approach is in line with the Government guidance set out in paragraph 64 of the NPPF. This paragraph states that *“where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:*

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and*

b) *the agreed approach contributes to the objective of creating mixed and balanced communities.*

- 8.50. Paragraph 66 of the NPPF also makes it clear that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.
- 8.51. In this instance, 10% affordable home ownership would not exceed the level of affordable housing in Kidlington and would, instead, contribute to reducing the shortfall in affordable housing provision.
- 8.52. This need for affordable housing in Kidlington is why Policy BSC3 of the CLP 2015 requires residential development with 11 dwellings or more, in 'Kidlington', to deliver 35% affordable housing provision. That would equate to 6.3 affordable housing units on site.
- 8.53. Notwithstanding this, policy BSC3 of the Local Plan, in line with Government guidance, allows for applicants in the district to submit an 'open book' viability assessment, where the viability of the scheme is a concern.
- 8.54. Paragraph 6 of policy BSC3 also allows for a reduced amount of affordable housing to be delivered if it is demonstrated that the viability of a scheme would be compromised through affordable housing provision. It states:
- "Where development is demonstrated to be unviable with the affordable housing requirements, further negotiations will take place. These negotiations will include consideration of: the mix and type of housing, the split between social rented and intermediate housing, the availability of social housing grant/funding and the percentage of affordable housing to be provided."*
- 8.55. This part of policy BSC3 is triggered in this instance because the applicant has raised concerns over their ability to provide affordable housing either on site, or through an off-site affordable housing contribution. They submitted a viability appraisal (written and prepared by Savills) which concluded that the sales prices have not kept pace with current construction costs, and, therefore, the scheme would be unviable with any affordable housing provision.
- 8.56. The report also concludes that a 100% market housing scheme (based on RICS accepted practice of 15.5% to 20% developer profits) would also be unviable with any developer contributions beyond the £36,914 offered by the applicant. Savills' modelling testing concluded that there would need to be an increase in private sales values of 10% and a decrease in build cost of 10% for the scheme to become viable and pay further developer contributions and an off-site affordable housing contribution.
- 8.57. The Council sought an independent review of Savills viability appraisal and instructed Pathfinder to undertake this work. Regarding affordable housing provision, Pathfinder reached the same conclusion as Savills: which is that the scheme would not currently be viable with any affordable housing provision.
- 8.58. Although Pathfinder had a different view of the Existing Use Value to Savills, they reached the same conclusion overall, which is that it is a *"reasonable judgment that a*

viable scheme is one which contains the provision of £36,914 of commuted sum contributions in total for a scheme that is entirely market housing for sale” (para 9.3).

- 8.59. It should be noted that the property market has experienced significant changes (in house prices and build costs) in recent years which is why viability reports are often considered to be historic documents after 6 months. Therefore, the viability of a scheme may be notably different by the time this scheme is implemented, due to uncertainties in relation to aspects of a viability assessment at the application stage, and the potential for changes to market conditions.
- 8.60. In view of the changeable nature of the property market, the practice of reviewing development viability to ensure that proposals are based on an accurate assessment of viability (once an agreed percentage of market housing has been sold) has become well established across the country.
- 8.61. Moreover, given the pressing need for affordable housing in Kidlington, it is vital that the Council tries to ensure that the appropriate amount of affordable housing is provided in line with Policy BSC3. It is on this basis that Officers informed the applicant on the previous application (where viability became an issue for the applicants), that a viability review mechanism should be included in the Section 106 Agreement. The applicant agreed to the inclusion of that viability review mechanism in the s.106 agreement. The same applicant (Sweetcroft Homes Limited) for this scheme has, via their planning agent, once more agreed to the inclusion of a viability review mechanism in the S106 Agreement.

Ecology Impact

- 8.62. Paragraph 180 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 8.63. Paragraph 186 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 8.64. Paragraph 191 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes, and nature conservation.
- 8.65. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat, or species of known ecological value.

- 8.66. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 8.67. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 8.68. The PPG dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 8.69. The applicants have submitted a revised Biodiversity Enhancement Plan (prepared by Windrush Ecology). This document proposes to place integrated bat tubes, swift bird boxes, starling bird boxes and house sparrow bird box on the east and west elevations.
- 8.70. The Council's Ecologist had objected to the previous version of the Biodiversity Enhancement Plan as she was concerned that, on the eastern elevation, they were too close to windows which might cause light spill and disturbance to the species and/or render them unused. In her consultation response, she had requested that the applicant amends their submission materials so that integrated bat tubes, swift bird boxes, starling bird boxes and house sparrow bird box are moved into positions on the east elevation, as far away from windows as possible.
- 8.71. The applicants have responded positively to this advice and the Ecologist has confirmed that her concerns have been adequately addressed.
- 8.72. The Cherwell Swifts Conservation Project, in their comments, advised that it would not be advisable to have nest bricks for Swifts, Starlings and House_Sparrows. below one another because Starlings are very territorial.
- 8.73. One of their suggested solutions would be to ensure that the respective nest bricks are placed side by side instead of one set below the others. The applicants have amended their Biodiversity Enhancement Plan accordingly.
- 8.74. Therefore, the proposal complies with ESD10 and ESD11 of the CLP 2015 and the NPPF.

Planning Obligations

- 8.75. As with the extant consent for 15 residential apartments, a S106 Legal agreement will be required to be entered into to mitigate the impacts of the development both on and off site. This would bring compliance with the requirements of Policy INF1 of the CLP 2015, which seeks to ensure that the impacts of development upon infrastructure including transport, education, health, social and community facilities can be mitigated. The Authority is also required to ensure that any contributions sought meet the following legislative tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):
- Necessary to make the development acceptable in planning terms;
 - Directly relate to the development; and

- Fairly and reasonable related in scale and kind to the development

8.76. The table in Appendix 1 sets out the required Heads of Terms and the justification for those requests.

Other Matters

8.77. Officers noted in the representation received from Kidlington Parish Council that one of their concerns related to the ownership of the amenity space the applicants are proposing, in the northeastern part of the application site.

8.78. Whilst land ownership disputes are not materially relevant to the consideration of the application, there are procedural matters that are associated with land ownership that must be adhered to, for the application to be valid.

8.79. The role of the Local Planning Authority in land ownership is to ensure that where the applicant does not own all of the land within the red-edged site location plan, appropriate notices are served on any landowners. Accordingly, the applicant has signed Certificate B of the application forms, stating that they are not the sole owner of the land and have listed the other parties that have been notified of the planning application. This list amounts to one additional interested party, with notice having been served on 9 August 2024.

9. PLANNING BALANCE AND CONCLUSION

9.1. The delivery of housing is high on the Government and District Council's agendas. Having regard to the above, the proposal would secure additional housing provision, in a sustainable location on brownfield land, thereby optimising the use of the site.

9.2. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

10. RECOMMENDATION

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

I. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND

II. IN ACCORDANCE WITH APPENDIX 1 (HEADS OF TERMS), 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 (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- a) Off-site outdoor sports facilities provision at Stratfield Brake - £14,485.82
- b) Off-site indoor sports facilities provision at Kidlington and Gosford Leisure Centre - £36,306.54
- c) Community Hall Facilities (Exeter Hall) - £19,831.18
- d) Waste and Recycling Facilities - £1,834
- e) Traffic Regulation Order - £6225
- f) Public Transport Services (for retention and/or improvement of bus services between Kidlington and the Eastern Arc (Hospitals/Brookes). - £23868

- g) Off-site affordable housing contribution (Subject to viability review mechanism)
- h) CDC - £1,500 towards monitoring fees
- i) OCC - £730.00 towards monitoring fees

FURTHER RECOMMENDATION: IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED BY 12TH NOVEMBER 2024 AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies PR2, PR4a, PR4b, PR5, PR8 and PR12 of the Cherwell Local Plan Partial Review, Policies BSC7, BSC10, BSC11, BSC12, SLE4 and INF1 Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework

Time Limit

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.

Approved Plans

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

- 18112 -LP010 -A - Location Plan dated 30.10.2023
- 18112 0011 C – Site Layout
- 18112-PP0010-B – Block Plan
- 18112-PP1030-B – Block A Floor Plans
- 18112-PP2031- Block B Floor Plans
- 18112-PE1011-B – Block A Elevations
- 18112-PE2012- Block B Elevations
- 18112-PS0013-A – Site Sections
- Biodiversity Enhancement Plan – updated October 2024

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.

Landscape Scheme

3. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include: -

- details of the proposed tree and shrub planting including their species, number, sizes, and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),
- 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,
- details of the hard landscaping including hard surface areas, pavements, pedestrian areas, and steps.

Such details shall be provided prior to the development progressing above slab level, other than demolition works, or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The development shall be carried out in accordance with the approved details and the hard landscape elements shall be carried out prior to the first occupation of the development and shall be retained as such thereafter.

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: To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Materials

4. No development shall commence above slab level unless and until full details of the materials to be used in the construction of the external walls and roof of the building (including samples) as well as how these materials are to be applied on each building have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: In the interests of the visual amenities of the area, to ensure and retain the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Doors and windows details

5. No development shall commence above slab level except for demolition unless and until 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, have been 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 and shall be retained as such thereafter.

Reason: In the interests of the visual amenities of the area, to ensure and retain the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Access

6. No development shall commence except for demolition unless and until full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing, lighting, and drainage, have been 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 and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Car Parking

7. No dwelling shall be occupied until car parking space to serve that dwelling has been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter, unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To ensure appropriate levels of car parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

Drainage

8. No development shall commence except for demolition unless and 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
- Sizing of features - attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS - (in a treatment train approach to improve water quality)
- Network drainage calculations.
- Phasing
- Flood routes in exceedance.

Reason: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policies ESD6 and

ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Contaminated Land Risk Assessment

9. Once the site has been cleared and the existing buildings demolished, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Contaminated Land Risk Assessment

10. If contamination is found by undertaking the work carried out under condition 9, prior to the commencement of the development hereby permitted, other than demolition works, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Contaminated Land Remedial Works

11. If remedial works have been identified in condition 10, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 10. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Contaminated Land Remediation Strategy

12. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Cycle Storage Design

13. Prior to the first occupation of the dwellings hereby approved, full design details of the cycle storage area, including elevations and materials, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the approved cycle storage area shall be erected in accordance with the approved details, prior to the first occupation of those dwellings.

Reason: To encourage sustainable modes of transport, to ensure the satisfactory appearance of the completed development and to comply with Policies ESD1 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Waste Management

14. Prior to the occupation of the development hereby approved, a waste management strategy including details of how waste would be collected from the site, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out and maintained in accordance with the approved details.

Reason: In order that proper arrangements are made for the disposal of waste, in the interests of highway safety and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Boundary Treatments

15. No development shall commence above slab level except for demolition unless until details of the boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Thereafter, boundary treatments shall be implemented prior to the occupation of any unit on the site and retained in accordance with the approved details. Any close boarded fencing shall have hedgehog holes provided.

Reason: In order that proper arrangements are made for the disposal of waste, in the interests of highway safety and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Noise Levels

16. Prior to the development commencing, except for demolition, a report should be provided and approved in writing by the local planning authority that shows that all habitable rooms within the dwelling will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) for indoor and external noise levels (if required then the methods for rating the noise in BS4142:2014 should be used, such as for noise from industrial sources). Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.

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

CEMP

17. The development shall be carried out in accordance with the approved Construction Environmental Management Plan, dated 30 April 2024

Reason: In the interests of the residential amenities of the area, to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework

Lighting

18. Prior to the first use of the development hereby approved details of the external lighting and security lighting including the design, position, orientation, and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the development hereby approved the lighting shall be installed and operated in accordance with the approved scheme at all times thereafter. No additional lighting shall be added without the approval of the Local Planning Authority.

Reason: In the interests of the residential amenities of the area, to ensure and retain the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Obscure to Eastern Windows of Block A

19. The windows at ground floor, first floor, second floor and third floor level in the eastern side elevation that serve the habitable living areas of flats 101, 201, 301, 401 and 403, as shown on 18112-PP1030-B – Block A Floor Plans, shall be permanently retained with purpose made obscure glazing and shall only have operable parts that are above 1.7m above the floor level of the room in which the window is installed.

Reason: To safeguard the amenity of the occupiers at Mulberry Court, former 3 Bicester Road, to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Privacy Screen

20. Prior to the commencement of development, details of a privacy screen to be installed to the northern elevation of the balcony area, which serves flat 403, shall be submitted in writing to the Local Planning Authority for its approval, and unless the approved privacy screen is constructed prior to the first occupation of the building,

the use of the balcony area shall cease until such time as the approved privacy screen is constructed. Once erected, the privacy screen shall thereafter be retained.

The details of the privacy screen shall include:

- confirmation of the height of the screen, as measured from the surface on which it is mounted. It will need to be at least 1.8 metres in height for the entire length of the screen.
- confirmation of the exact length and position of the screen, by showing it on a scaled plan.
- confirmation of the construction of the screen. Obscured glass must comply with same level of Pilkington Level 3 or higher. There should be no gaps in the screen.

Reason: To safeguard the amenity of the occupiers at Mulberry Court, former 3 Bicester Road and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Water Usage (110 litres) – PC

21. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

APPENDIX 1 – Heads of Terms for Section 106 Agreement/Undertaking

Planning Obligation			
Detail	Amounts (all to be index linked)	Trigger Points	Regulation 122 Assessment
Off-site affordable housing contribution	Tbc but would be equivalent to the cost of providing 6 affordable units on site which is 35% of the total, to be delegated to Officers.	To be confirmed in the viability review mechanism	<p>Necessary – as would provide housing for those who are not able to rent or buy on the open market pursuant to Policy BSC3 of the Cherwell Local Plan</p> <p>Directly Related – the affordable housing would be provided off-site due to relatively small-scale of the proposal and requirements for registered providers to take on affordable housing on site. The requirement is directly generated from the proposal, above the affordable housing threshold set out in Policy BSC3.</p> <p>Fairly and reasonably related in scale and kind – the contribution will be based upon the Cherwell Local Plan requirement for the percentage of affordable housing and the associated cost of providing this off-site.</p>
Off-site outdoor sports facilities provision at Stratfield Brake	£14,485.82	Prior to the occupation of any unit on site	<p>Necessary - the proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12,INF1 and advice in the Developer Contribution SPD.</p>
Off-site indoor sports facilities provision at Kidlington and Gosford Leisure Centre	£36,306.54	Prior to the occupation of any unit on site	<p>Directly Related – the future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – calculations have been based on the final mix of housing proposed and the likely number of occupants as set out in the Developer Contributions SPD.</p>
Community Hall Facilities (Exeter Hall)	£19,831.18	Prior to the occupation of any unit on site	
Waste and Recycling Facilities	£1,834	Prior to the occupation of any unit on site	<p>Necessary – the dwellings will require adequate recycling facilities and waste collections for future occupants and in accordance with the advice in the Developer Contributions SPD.</p> <p>Directly Related – the need for these comes from the provision of new residential accommodation.</p> <p>Fairly and reasonably related in scale and kind – costs in accordance with the advice in the Developer Contribution SPD.</p>
Traffic Regulation Order	£6225	Likely prior to the occupation of any unit	Necessary – the proposal will place an additional demand on street parking and further management through the provision of double yellow rules around

		on site, to be delegated to Officers.	<p>Oxford Road/Bicester Road are required to mitigate any harm from off-site parking.</p> <p>Directly Related – the need for this arises from the provision of new residential accommodation and a reduction in on-site parking below OCCs standards.</p> <p>Fairly and reasonably related in scale and kind – the costing of this TRO is directly related to the scale of additional yellow lines that required as a result of the scale of the proposed development and reduction in parking below the standard required.</p>
Public Transport Services (for retention and/or improvement of bus services between Kidlington and the Eastern Arc (Hospitals/Brookes).	£23868	Likely prior to the occupation of any unit on site, to be delegated to Officers.	<p>Necessary – A financial contribution towards public transport services is required to ensure a credible and attractive bus service remains in place to provide residents with transport to the village centre, Oxford and the Eastern Src (Hospitals/Brookes) to enable:</p> <ul style="list-style-type: none"> • private car journeys to be minimised to an acceptable level; and • those without access to a car to be able to reach local services. <p>Directly Related – Financial contributions are always used to maintain or improve bus services operating in the vicinity of the site so that they are directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – the cost is £1,326 per dwelling and based on the amount required to improve the bus service per average occupancy residential apartment.</p>
CDC and OCC Monitoring Fees	CDC - £1,500 OCC - £730.00	On completion of S106	The CDC charge is based upon its recently agreed Fees and Charges Schedule which set.