

Case Officer: Rebekah Morgan

Applicant: Mr John Prpa

Proposal: Subdivision of land at 20 Almond Road to form site for 2 no. new detached dwellings with associated parking and gardens.

Ward: Bicester West

Councillors: Councillor John Broad, Councillor Harry Knight and Councillor Les Sibley

Reason for Referral: Called in by Councillor Les Sibley for the following reasons: Level of public interest, visual impact, impact on neighbouring properties and highway safety concerns.

Expiry Date: 19 February 2024

Committee Date: 15 February 2024

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. 20 Almond Road is a detached dwelling situated on a residential estate central to the town of Bicester. The application site comprises of a disused piece of land to the east of the 20 Almond Road (but does not include the dwelling itself) which is currently overgrown and contains no buildings. A railway line abuts the rear boundary of the site.
- 1.2. The surrounding area is residential, a mixture of house types including two storey dwellings and bungalows. There is a mixture of detached and semi-detached properties that have a variety of design features including front gable features, integral and external chimneys and integral garages. The dwellings have been constructed using a mixture of external materials including stone and timber cladding, but the predominant material is a buff brick finish.

2. CONSTRAINTS

- 2.1. The application site is not within a conservation area and there are no listed buildings within close proximity of the site.
- 2.2. The site is identified as potentially contaminated land given the proximity to a railway line.
- 2.3. There is a railway embankment to the rear of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks consent for the subdivision of the land adjacent to 20 Almond Road and the erection of two detached dwellings with associated access, parking at the front and gardens.
- 3.2. Dwelling 1 would be positioned to align with the orientation of the existing dwelling and dwelling 2 would turn the corner slightly to follow the curve of Almond Road. The

plans show that ground works are proposed to amend the ground level on parts of the site, this results in a step down of approximately 600mm between the dwellings.

- 3.3. The proposed dwelling on plot 1 is a two storey, detached building with accommodation within the roof space. The proposal is for a 5 bedroom dwelling. The proposal has been amended and the dwelling would be finished in brick with a plain tile roof. The dwelling would have a ridge height of approximately 8.6m from the proposed ground level; due to the change in levels the height would match the ridgeline of 20 Almond Road.
- 3.4. The proposed dwelling on plot 2 is a two storey, detached building with accommodation within the roof space. The proposal is for a 4 bedroom dwelling. The proposal has been amended and the dwelling would be finished in brick with a plain tile roof. The dwelling would have a ridge height of approximately 9.2m.

4. RELEVANT PLANNING HISTORY

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

16/02231/F - Erection of 3 No two storey blocks containing 6 No apartments – Withdrawn.

19/01834/F - Proposed two storey rear extension – Permitted.

20/03330/F - Erection of 2no detached, three-bedroom dwellings with associated parking and gardens – Withdrawn.

21/01400/F - 2 no new detached three bedroom dwellings and refurbish exiting 3 bed house with associated parking and gardens (resubmission of 20/03330/F) – Permitted.

23/01818/F - Variation of condition 2 (plans) of 21/01400/F - Having reviewed the design for the approved new dwellings and the refurbishment of the existing dwelling our client feels that the design can be improved, to enhance the accommodation provided and the amenities for the occupants of the dwellings – Withdrawn.

23/02412/F - Two storey front extension (bay window), two storey rear extension, roof side extensions (hip to gables), raise ridge height 900mm with attic conversion. Associated alterations – Refused.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, 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 **29 December 2023**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. Seven letters of objection have been received and the comments raised by third parties are summarised as follows:

- Overdevelopment of the site.
- Third storey out of keeping with neighbouring properties.

- Increases volume of previously approved houses.
- The proposal will have a greater height than the neighbouring properties.
- Highway safety concerns with cars potentially parking on the bend in the road.
- Insufficient parking provision.
- Design should complement and enhance the character of the area, which this does not.
- Render finish is not consistent with surrounding properties.
- Concerns the dwellings will be used as House's in Multiple Occupation (HMO).
- Impact on drainage/sewerage infrastructure.
- Proposals leave very little outdoor space.
- Structural concerns relating to proposed retaining walls.
- Will set a precedent to allow further development of existing dwelling.
- Impact of construction.

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

7. RESPONSE TO CONSULTATION

7.1. 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

7.2. BICESTER TOWN COUNCIL: No comments received.

CONSULTEES

7.3. OCC HIGHWAYS: **no objections**, subject to conditions.

The parking arrangement is largely similar to that approved under application no. 21/01400/F. Both the dimensions and the layout conform to OCC guidance set out within the OCC Street Design Guide and the Parking Standards for New Developments 2022 respectively.

It is a requirement for all new dwellings to have covered and secure cycle parking facilities. Cycle parking must be provided at a rate of 2 spaces per bedroom and have direct access to the highway. Cycle parking access must not be stepped.

It is also a requirement for all new dwellings to have a minimum of 1 E/V charging space per dwelling in line with Policy EVI 8 of the Oxfordshire Electric Infrastructure Guide.

7.4. THAMES WATER: **No objections**

The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network.

If the developer follows the sequential approach to the disposal of surface water we would have no objection.

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

7.5. NETWORK RAIL: No comments received.

7.6. LOCAL LAND DRAINAGE OFFICER: **no objections**

No objections in principle. There are pockets of surface water flood risk shown at the site. This is where surface water is liable to pond by becoming trapped. This can be readily overcome by ensuring the site infrastructure design includes a safe drainage route.

7.7. CDC ENVIRONMENTAL PROTECTION: **no objections**

Noise: I have reviewed the Noise Impact Assessment submitted by Hawkins Environmental on behalf of the applicant, and am satisfied that, providing the recommendations in the report are followed, that the noise from the nearby railway will be adequately mitigated. All recommendations from this report should be followed.

Contaminated Land: No comments

Air Quality: No comments

Odour: No comments

Light: No comments

7.8. CDC ECOLOGY OFFICER: The submitted Phase 1 habitat survey is from 2016. CIEEM advises that surveys between 18-months and 3-years old should be supplemented with an updated walkover survey. Surveys more than 3 years old are not usually valid and should be redone entirely. However, due to the scale and nature of the site, an updated walkover survey would likely be sufficient here. This survey should ideally be undertaken prior to a decision being made on this application.

Should the application be permitted despite this issue, I would recommend that we attach precautionary conditions to ensure protected species are safeguarded during the works. It looks like the site is overgrown and could be suitable for reptiles or nesting birds. There are also recent records of hedgehogs in the immediate vicinity. The railway embankment provides some connectivity to the wider landscape, increasing the likelihood that protected species use the site in some capacity.

Considering the above, I would recommend that we attach a condition for ecological supervision during vegetation clearance (not just during breeding bird season). The ecologist will be able to check the site for hedgehogs, nesting birds, and reptiles prior to clearance. Any hedgehogs or reptiles can be translocated to a safe location prior to commencement; however, nesting birds will need to remain in situ until all young have fledged. For this reason, I would still recommend that the works are undertaken outside of breeding bird season.

We should also condition a biodiversity enhancement plan (BEP). The plan should include at least one integrated bird/bat brick per dwelling, one bee brick per dwelling, and high nectar native planting around the development. I would recommend a hedgerow is incorporated into the landscaping, either at the rear of the development or between the dwellings (or both).

7.9. CDC BUILDING CONTROL: The proposal will require a Building Regulations application.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. 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 2015)

- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC4: Housing Mix
- PSD1 – Presumption in favour of Sustainable Development
- ESD1 – Mitigating and adapting to Climate Change
- ESD3 – Sustainable Construction
- ESD5 – Renewable Energy
- ESD7 – Sustainable Drainage Systems (SuDS)
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment
- SLE4 – Improved Transport and Connections

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 - Design of New Residential Development
- ENV1 – Development likely to cause detrimental levels of pollution
- ENV12 – Development on contaminated land

- 8.3. 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)

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway Safety
- Ecology and biodiversity
- Contaminated Land
- Other matters

Principle of development

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the CLP 2015 and the saved policies of the CLP 1996.
- 9.3. Paragraph 10 of the NPPF states that at its heart is a presumption in favour of sustainable development. 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 are interdependent and need to be pursued in mutually supportive ways.
- 9.4. Policy ESD1 of the CLP 2015 states measures will be taken to mitigate the impact of development on climate change and deliver the goals of sustainable development. This includes distributing housing growth to the most sustainable locations as defined in the Local Plan and delivering development which reduces the need to travel. The local plan has a strong urban focus with large amounts of housing planned at Bicester and Banbury, with rural housing growth therefore more restrained.
- 9.5. Policy BSC2 also encourages the efficient use of land in sustainable locations, which weighs in favour of the proposal. Further, the emphasis of the NPPF is very much on the efficient use of land, providing a good mix of house types and on creating new dwellings in sustainable locations.
- 9.6. The application site is located within the built-up area of Bicester and consists of a substantial side garden (alongside No.20 Almond Road) and is located within an area of established residential development. The application is considered to represent infill development within an established urban area.
- 9.7. The principle of development is therefore considered to comply with the provisions and aims of Policies ESD1 and BSC2 of the CLP 2015. Thus, the overall principle of development, in sustainability terms, is acceptable. However, the overall acceptability of the proposal is subject to other considerations such as the impact of the proposal on the visual amenity of the site and surrounding area, impact on neighbours and highway safety, which are addressed below.

Design and impact on the character of the area

- 9.8. 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.
- 9.9. Policies C28 and C30 of the Cherwell Local Plan 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 as well as compatible with the existing dwelling. New housing development should be compatible with the appearance, character and scale of existing dwellings in the vicinity.
- 9.10. 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.

- 9.11. The proposed layout of the development is similar to the previously approved scheme (21/01400/F) with the dwellings fronting the road in a linear form similar to the existing development along Almond Road. The properties are laid out so they follow the curve of the road, with plot 2 turning the corner slightly. The proposed parking spaces at the front of the dwellings also replicates the situation for many properties in this area.
- 9.12. The design of the dwellings is simple but include features such as front gable elements. This is reflective of the properties along Almond Road which have a variety of design features. The application has been amended to change the external finish from render to brick which would be more in keeping with the neighbouring properties. Planning conditions are recommended requiring samples of the proposed bricks and tiles to ensure the colour/texture is appropriate for the context.
- 9.13. Plot 2 includes a flat roof single storey section towards the rear of the property. This is to enable the property to turn the corner, allowing the front elevation to face the road. Given the position and scale of this design element, it would not be overly prominent within the street scene and would be significantly screened by the boundary fence treatment.
- 9.14. The proposed dwellings would be higher than the existing dwelling, when measured from the proposed ground level to the ridge, however, the new dwellings would be set down slightly so they would not appear higher than 20 Almond Avenue when viewed along the street scene. The existing site already has a change of levels sloping down to the east; therefore, the proposal will formalise this in sections. Planning conditions are recommended to ensure finished floor levels are in accordance with the proposed level changes.
- 9.15. The overall scale of the proposed dwellings is similar to the existing two storey dwellings in the area with the gaps between the properties replicating the general pattern of development along the street. Given the size of the application plot, the proposed dwellings would not appear cramped when viewed within the context of the existing street scene. The proposals do utilise the roof space for additional bedrooms, however this does not add significantly to the height or bulk of the buildings.
- 9.16. The proposal does not include detailed proposals for landscaping, however, in order to ensure the satisfactory integration of the development into its setting it is considered reasonable and necessary to impose a condition requiring submission and approval of details of hard and soft landscaping including boundary treatment and the submission and approval of a schedule of materials to be used on the external surfaces of the proposed dwellings. The site is of a sufficient size that appropriate landscaping can be easily accommodated without compromising the development.
- 9.17. Overall, the design of the development is considered to be appropriate for the context of the site and would not appear incongruous within the street scene, Subject to conditions detailed above, the proposal is considered to be acceptable in terms of design and impact on visual amenity of the area. In this regard, the proposal complies with Policy ESD15 of the CLP 2015, Policy C28 of the CLP 1996 and Government Guidance contained within the NPPF.

Residential amenity

- 9.18. Both the NPPF and Policy ESD15 of the Local Plan seek to ensure development proposals provide a good standard of amenity for both existing and proposed

occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space.

- 9.19. Policy ENV1 of the Cherwell Local Plan 1996 seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation.
- 9.20. The proposed development would provide a suitable standard of amenity for any future occupants of the site which each of the dwellings enjoying a substantial quantity of private amenity space in the rear gardens and side garden of proposed dwelling No. 2.
- 9.21. A Noise Impact Assessment was provided in support of the proposal. The Environmental Protection Officer has reviewed the report and has provided comment that provided the recommendations in the report are followed, they are satisfied that the noise from the nearby railway will be adequately mitigated.
- 9.22. Concerns have been raised about overlooking and privacy impacts on neighbouring properties. All windows above ground floor level on the side elevations of both dwellings are located to serve either bathrooms or stairwells. The proposal drawings state that all windows to the side elevations of the first and attic floors will be obscure glazed. Officers consider that this is acceptable to suitably address overlooking from the side elevation windows of the proposed dwellings. If approved, it is recommended that a condition is added to require obscure glazing for all side elevation windows above the ground floor of each dwelling.
- 9.23. Proposed dwelling No. 1 is oriented so that the front and rear windows would not cause any unacceptable levels of overlooking on the neighbouring dwellings. The layout of proposed dwelling No. 2 ensures no overlooking impacts on neighbouring properties. The front windows of proposed dwelling No. 2 may result in some minor overlooking of the driveway and parking area of Breacon House (No. 12) to the south of the site, however, the overlooking of a driveway only is not considered to cause unacceptable impacts on residential amenity. The proposed front window is located approximately 16 metres from a north-west facing window on Breacon House. Officers considered that this separation distance is suitable to ensure that the privacy and overlooking impacts do not significantly impact the residential amenity of Breacon House.
- 9.24. Furthermore, the proposed dwellings would not appear overbearing or impact the general outlook of the neighbouring properties. The narrowest distance between Breacon House and the nearest dwelling is approximately 14m with the dwelling being set at an oblique angle. This complies with the Council's guidance in the Cherwell Design Code (2018) and would be an acceptable relationship between residential properties.
- 9.25. Given the adjacent context, location, and design of the proposal it is unlikely to give rise to any significant amenity impacts in terms of overlooking, loss of daylight, enclosure or other environmental impacts.

Highway safety

- 9.26. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should: *be designed to deliver high quality safe...places to live and work in*. This is consistent with Paragraph 110 of the NPPF which states that: *developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles*.

- 9.27. Concerns have been raised about the parking situation for the proposal. As per the previous approval, two parking spaces are proposed near the road frontage for each dwelling. The proposed parking spaces are slightly re-orientated as part of this proposal, and a bin store area is shown located alongside or behind the parking spaces. OCC Highways has reviewed the proposal and provided comment that both the dimensions and the layout conform to OCC guidance set out within the *OCC Street Design Guide and the Parking Standards for New Developments 2022* respectively. As such, Officers consider that the parking arrangement is acceptable.
- 9.28. The proposed plans do not identify the proposed locations for secure cycle storage for the dwellings. However, there is ample space on site to provide this. OCC Highways has commented that cycle parking must have direct access to the highway and parking access must not be stepped. Officers consider that the number of steps to get the cycle from the street to the ground level where a cycle store would be located is minimal, and most people cycling from this location would be capable of moving their cycle up these few steps. Therefore, it is considered that only a condition for the details of the cycle storage structure is required.
- 9.29. OCC Highways has also requested a condition requiring electric vehicle charging. Officer's note that Electric Vehicle Charging is now handled under the Building Regulations, so it is not necessary to add as a condition to this approval.
- 9.30. In the absence of any objection from OCC Highways Officers, it is considered that the proposal would not have a significant detrimental impact on the safe and efficient operation of the highway network.

Ecology and biodiversity

- 9.31. 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.
- 9.32. Paragraph 186 states that when determining planning applications, local planning authorities 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.
- 9.33. 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.
- 9.34. 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.

- 9.35. These polices 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,
- 9.36. The Planning Practice Guidance 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 Local Planning Authorities 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.
- 9.37. The applicant has submitted an Extended Phase 1 Habitat Survey Report and this has been reviewed by the Council's Ecologist. The survey was prepared in 2016 and therefore does require updating. The survey concluded that the proposed development would not have an adverse impact on the habit of any protected species at the time it was undertaken, and this position was accepted on the previous application. There have been no significant changes to the site since the previous and therefore it would be appropriate in this instance to condition a new survey is undertaken prior to commencement of development and any required mitigation is agreed. It would also be appropriate to condition the requirement for a Biodiversity Enhancement Plan (BEP).

Other matters

- 9.38. A number of the objections raise concerns that the proposed dwellings would be used as Houses in Multiple Occupation (HMO). The application is seeking consent for two residential dwellings (Use Class C3). Small HMOs (up to 6 occupants) fall within Use Class C3 and therefore a change of use is not required to change a residential property to a small HMO as is the case with any of the properties on Almond Avenue. If the applicant intends to use the dwellings as a large HMO separate planning permission would be required and the implications of such a change of use would be assessed in such an eventuality.
- 9.39. Network Rail has not provided any comments on this application, however, the previous application (21/01400/F) included conditions to safeguard working adjacent to the railway and to ensure appropriate fencing is provided to the rear of the properties. Officers consider it appropriate to reimpose those conditions on this application.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2. The application proposes two additional dwellings in sustainable location within Bicester. The properties are well located within walking/cycling distance of local facilities and public transport links. The additional dwellings will make a small contribution to meeting the housing requirements for the district.
- 10.3. The design of the dwellings is in keeping with the surrounding residential area, the Local Highway Authority has no objections in terms of highway safety and the proposal would not have a detrimental impact on existing properties.

- 10.4. Having regard to the report above, it is considered that the proposed development would be in accordance with the provisions of the relevant development plan policies and would therefore represent sustainable development, therefore, it is recommended that planning permission be granted.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

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:

- Site Location Plan
- Drawing number PRPA/S5/P/05 Rev A – [Proposed Site Layout]
- Drawing number PRPA/S5/P/06 Rev A – [Proposed Floor plans and Elevations Plot 1]
- Drawing number PRPA/S5/P/07 Rev A – [Proposed Floor plans and Elevations Plot 2]

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.

3. A schedule of materials and finishes to be used in the external surfaces shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2015, Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, a plan showing full details of the existing and proposed site levels (including details of the retaining walls) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy ESD15 of the Cherwell Local Plan 2015, Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Framework.

5. The windows above ground floor level in the side elevations of the development hereby permitted shall be obscurely glazed, using manufactured obscure glass, level 3 of above that is impenetrable to sight, (not an applied adhesive film). The window shall also be non-opening below a height of 1.7 metres when measured from the room's internal finished floor level. The window shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason - To safeguard the privacy and amenities of the occupants of the neighbouring properties adjoining premises and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. 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 to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

7. No development other than demolition shall take place until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
 - a) The parking of vehicles of site operatives and visitors;
 - b) The routing of HGVs to and from the site;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development;
 - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
 - g) Measures to control the emission of dust and dirt during construction;
 - h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
 - i) Delivery, demolition and construction working hours;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development

Reason: To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

8. The development shall be carried out in strict accordance with the Noise Assessment dated 14th June 2016 prepared by Hawkins Environmental.

Reason: To ensure the creation of a satisfactory environment free from intrusive

levels of noise and to comply with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

10. A revised Phase 1 Habitat Survey shall be undertaken prior to the commencement of the development. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2015 and Government guidance contained within the National Planning Policy Framework.

11. A Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2015 and Government guidance contained within the National Planning Policy Framework.

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

- a) 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),
- b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved scheme shall be implemented by

the end of the first planting season following occupation of the development.

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 2015, Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Section 14 of the National Planning Policy Framework, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- b) include a timetable for its implementation; and
- c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2015, Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

14. A method statement and risk assessment in respect of the railway line boundary shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works and shall be undertaken in accordance with the agreed details.

Reason: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway and to comply with Government guidance contained within the National Planning Policy Framework.

15. Details of any scaffolding works within 10 metres of the railway boundary shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works and shall be undertaken in accordance with the agreed details.

Reason: In the interests of protecting the railway and its boundary from over-sailing scaffolding and to comply with Government guidance contained within the National Planning Policy Framework.

16. Prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works and shall be undertaken in accordance with the agreed details.

Reason: To prevent any piling works and vibration from de-stabilising or impacting the railway and to comply with Government guidance contained within the National Planning Policy Framework.

17. Prior to the commencement of the development other than demolition details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works and shall be undertaken in accordance with the agreed details.

Reason: To protect the adjacent railway from the risk of flooding, soil slippage and pollution and to comply with Government guidance contained within the National Planning Policy Framework.

18. Prior to the commencement of the development other than demolition full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works and shall be undertaken in accordance with the agreed details.

Reason: To protect the adjacent railway and its boundary and to comply with Government guidance contained within the National Planning Policy Framework.

19. Details of appropriate vehicle safety protection measures along the boundary with the railway shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development other than demolition and shall be undertaken in accordance with the agreed details.

Reason: To prevent the design and layout of the road and parking spaces from impacting the adjacent operational railway with accidental vehicle incursion and to comply with Government guidance contained within the National Planning Policy Framework.

20. Prior to the first occupation of the development hereby permitted, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2015 and Government guidance in the National Planning Policy Framework.

Planning Notes

1. The applicant is advised that before the proposal progresses (should it be approved) they will be required to submit the development form to Network Rail's Asset Protection team and agree the BAPA before any works commence on site. Network Rail is a Government funded Organisation and we are expected to recover our involvement costs from this type of interface, to proceed in more detail with discussions a signed Basic Asset Protection Agreement (BAPA) would be required to be in place. Permanent impacts of development are usually material considerations (such as the position of permanent structures, or drainage design etc) and where these are likely to occur, requests for planning conditions or scheme amendments are requested to protect the existing railway infrastructure from the

impacts of the works on site and as a permanent arrangement. Controls on the temporary impact of construction to outside party land should also be picked up via building control, or in some cases a party wall surveyor.

2. Please note If works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council.
3. 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.

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