

**Case Officer:** Rebekah Morgan

**Applicant:** Mr John Prpa

**Proposal:** Two storey front bay extension, two storey rear extension, hip-to-gable roof extensions, roof conversion and associated alterations - (re-submission of 23/02412/F)

**Ward:** Bicester West

**Councillors:** Cllr. John Broad, Cllr. Harry Knight and Cllr. Les Sibley

**Reason for Referral:** Referred by Assistant Director for Planning for the following reasons: The application is considered to be controversial due to the planning history on the site and the objections raised.

**Expiry Date:** 15 April 2024

**Committee Date:** 11 July 2024

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**SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS.**

**1. APPLICATION SITE AND LOCALITY**

1.1. The application site is a detached dwelling situated on a residential estate central to Bicester. The existing dwelling is two storey in height and constructed from Bradstone under a tiled roof with timber framed opening. There is a driveway to the front of the house with space for two cars to park. The surrounding area is residential in nature with a mixture of house types that are predominantly constructed from brick. There have been a number of alterations to dwellings within the area that results in a varied street scene.

**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. There is a railway embankment to the rear of the site.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The application seeks planning permission for extensions and alterations to the existing dwelling. The proposed works include:
- Two storey front extension (bay window)
  - Two storey rear extension
  - Roof side extension (hip to gables)
  - Conversion of roof space to provide additional accommodation
  - Associated alterations
- 3.2. The two storey front extension comprises an alteration to the existing bay window at ground floor and first floor. The alteration would alter the bay window feature into a front gable feature and extend forward approximately 0.5m.

- 3.3. The two storey rear extension would measure approximately 7.5m (width) and extend to the rear of the existing property by 4.8m. The extension would have an eaves height of approximately 4.8m and a ridge height of approximately 8.2m.
- 3.4. The proposal includes hip to gable roof extensions on both sides of the property with a ridge height of approximately 8.2m. This would enable the conversion of the roof space to provide additional accommodation. This element includes the insertion of rooflights.
- 3.5. Associated alterations are proposed to the site to provide parking spaces at the front of the property and including alterations to the dropped kerb.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1. There is no planning history directly relevant to the current proposal:

23/03397/CLUP: Certificate of Lawfulness of Proposed Development for rendering existing external Bradstone block walls using Weber monocouche through coloured render (colour of render 'buff' similar colour/appearance to existing Bradstone block). REFUSED

23/03400/CLUP: Certificate of Lawfulness of Proposed Development for 'hip to gable' extension to existing roof with conversion of roof attic. APPROVED

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

19/01834/F: Proposed two storey rear extension. APPROVED

- 4.2. The following applications relate to the dwelling and the vacant land adjacent to the dwelling:

23/03109/F: Subdivision of land at 20 Almond Road to form site for 2 no. new dwellings with associated parking and gardens. REFUSED

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

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). APPROVED

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

16/02231/F: Erection of 3 No two storey blocks containing 6 No apartments. WITHDRAWN

#### **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 **12 March 2024**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. The comments raised by third parties are summarised as follows:
- Overdevelopment of the site (especially when combined with the adjoining land and proposals for new dwellings)
  - The size, mass and footprint will be greatly increased
  - Out of keeping with the character of the area
  - Overlooking of neighbouring properties
  - Insufficient parking provision for size of the property
  - Impact on highway safety if cars park on the bend
  - Impact of construction traffic
  - No details of cycle parking spaces
  - No information on the air source heat pump
  - Impact on sewerage and drainage due to number of bathrooms
  - Concerned it will be used as a House in Multiple Occupation (HMO)
- 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.
- 7.2. BICESTER TOWN COUNCIL: **Strongly object**, due to overdevelopment of the site and being out of character with the street scene.
- 7.3. NETWORK RAIL: **No objection** in principle to the proposal but lists requirements which must be met as the proposal includes works within 10m of the railway boundary and an interface with the railway boundary.
- 7.4. OCC HIGHWAYS: **No objection**, this application is largely similar to the proposal submitted under 23/02412/F, OCC Highways responded with no objections to this proposal. The Parking Standards for New Developments stipulates up to two parking spaces for a dwelling of this size in a town setting, so the proposed provision is acceptable. The spaces as shown will be very tight, but there is additional area that will allow vehicles to be parked at an angle or where the driveway area is deeper.

The amendment to the dropped kerb is subject to an S184 agreement.

- 7.5. CDC ENVIRONMENTAL PROTECTION:

Noise: Protection would make no adverse comment regarding the proposed heat pump subject to it meeting the Ministers recommendation in respect of noise as determined for the nearest window serving a noise sensitive room at the nearest neighbouring property as detailed in S8.4 to s8.6 & s9.1 of The Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2011 No. 2056 (i.e. 42 dB. LAeq, 5 min noise limit, as measured 1 metre from the window of a habitable room in the facade of any neighbouring residential property. The applicant should therefore be required to provide a copy of an appropriate certificate issued upon installation which demonstrates that whichever heat pump model is installed that

it satisfies standards specified in Microgeneration Certificate Scheme MCS 020(b) in terms of the noise limit stipulated in the Explanatory Memorandum to Permitted Development Order 2011 No. 2056.

Contaminated land: 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.

No comments with regards to air quality, odour and light.

- 7.6. 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)

- ESD1: Mitigating and Adapting to Climate Change
- ESD15: The Character of the Built and Historic Environment

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- 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 Design Guide (2018)
  - Home Extensions and Alterations Design Guide (2007)

## **9. APPRAISAL**

- 9.1. The key issues for consideration in this case are:
- Design and impact on the character of the area
  - Residential amenity
  - Highway safety
  - Other matters

Design and impact on the character of the area

- 9.2. 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.
- 9.3. 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 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.
- 9.4. Policy ESD15 of the CLP 2015 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.
- 9.5. The previous application (23/02412/F) was for a similar proposal and was refused for the following reason:

*Due to the height and mass of the proposed roof extension and the proposed materials, the proposed extension would result in an incongruous addition to the street scene causing significant visual harm. The proposal would therefore be contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained with the National Planning Policy Framework.*

- 9.6. The case officer's report stated: *'the proposed roof extension and increase in height would be highly visible from the street scene. 20 Almond Road already has the tallest ridge height of any dwellings in the surrounding area, and the proposal to further increase this height is not sympathetic to the surrounding area. Furthermore, the hip to gable extension of the roof form exacerbates this issue by making the increased ridge height more visually prominent and appear bulkier from the street. The development would create a visual impact that will lead to a visually overbearing and overly prominent building when viewed in relation with the surrounding street scene'*. Concerns were also expressed regarding the materials which proposed a large quantity of render on the side and rear elevations.
- 9.7. The existing street scene consists of a variety of house types and materials, and it is these differences that form the character of the area. The existing dwelling occupies a prominent position upon a bend in the road.
- 9.8. The current application differs from the previous application as it is no longer proposing an increase in the overall height (the previous scheme proposed a 0.9m increase in the ridge height) and the proposed materials for the extension have been changed from the previously proposed render to brick. The current application has increased the rear projection of the extension by 0.8m (from 4m to 4.8m).
- 9.9. The roof alterations still include the hip to gable extensions on both sides. A Certificate of Lawfulness Proposed (23/03400/CLUP) has been issued which confirmed these works could be carried out by utilising permitted development rights for the property. The previous case officer was concerned the hip to gable extensions would exacerbate the visual prominence of the roof, however as this work could be undertaken without the requirement for planning permission and the proposal no longer includes the overall increase in ridge height, officers do not consider a reason for refusal on this basis could be reasonably sustained.

- 9.10. The application proposes the extensions to be constructed in brick which is the prominent material in the area.
- 9.11. The application also proposes to replace the existing bay window with splayed returns with a two-storey front extension. This front extension does not significantly impact the street scene and remains consistent with the character of the existing building.
- 9.12. The proposed rear extension is larger than previously proposed extending 4.8m to the rear of the property. Given the positioning of the properties on the road, the rear extension would not be a visually prominent feature within the street scene and would have a similar appearance to the previously approved extension. The extension is in keeping with the character of the property and the wider residential area.
- 9.13. The proposed development would not be detrimental to the character and appearance of the area and as such, complies with Policy C28 of the CLP 1996, Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF.

#### Residential amenity

- 9.14. Both the NPPF and Policy ESD15 of the CLP 2015 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. This is reflected in Policy ESD15 of the CLP 2015, which states that new development proposals should: consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.
- 9.15. The Council's *Home Extensions and Alterations Design Guide (2007)* provides informal guidance on how the Council will assess proposed extensions to houses, including guidance on assessing the impact on neighbours. This includes assessing whether a proposed extension would extend beyond a line drawn at a 45° angle, as measured horizontally from the mid-point of the nearest habitable room window.
- 9.16. Due to the position and orientation of the closest neighbouring property (No. 22 Almond Road) the extension would only project approximately 1.5m beyond the rear of this neighbour. The extension would not be harmful to the general outlook from this neighbouring property.
- 9.17. The first-floor bedroom windows, in the rear elevation, would have some views of the neighbouring gardens, however this would be similar to the existing relationship between the residential properties in this area and is not considered to be harmful.
- 9.18. The proposed side elevation facing No. 22 Almond Road does include first floor windows. However, these serve a bathroom and staircase and therefore conditions have been recommended that these windows are obscurely glazed to ensure that there is no loss of privacy.
- 9.19. With regards to impacts on the approved new dwellings to the east (ref: 21/01400/F), the only first floor windows on the facing side elevation provide light for a stairwell and an en-suite, which would also be obscurely glazed. The approved properties on the adjacent site are very slightly angled away from the application site, as they start to follow a bend in the road, therefore the proposed rear extension would not extend beyond a line drawn at a 45° angle, as measured horizontally from the mid-point of the nearest habitable room window on the approved dwelling. Therefore, the proposal would not have a detrimental impact on outlook or loss of light to the future occupiers of these properties.
- 9.20. Third party comments have raised concerns about potential overlooking of other properties within Almond Road. However, given the relationship with the surrounding

properties and the distance between properties, other than the immediate neighbours (who are considered above), there would be no harm to neighbouring amenity.

- 9.21. The proposed development would provide a good standard of amenity for any future occupants of the site with a substantial quantity of private amenity space retained.
- 9.22. Concerns have been raised regarding potential noise from a air source heat pump. The Council's Environment Protection Officer has raised no objections and confirmed there are guidelines relating to noise from heat pumps. It is recommended a condition is included to require the applicant to submit a copy of the relevant certificates to ensure noise restrictions are adhered to.
- 9.23. Given the adjacent context, location, and design of the proposal, it is unlikely to give rise to any significant residential amenity impacts in terms of overlooking, loss of daylight, enclosure or other environmental impacts. As such, the proposal complies with Policies C30 and ENV1 of the CLP 1996, Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF.

#### Highway safety

- 9.24. 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.*
- 9.25. Paragraph 115 of the NPPF states '*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.*'
- 9.26. The proposed development would result two additional bedrooms, creating a five-bedroom dwelling. Two parking spaces are proposed in front of the dwelling.
- 9.27. The Local Highway Authority has raised no objections to the proposal. The comments provided advise that the level of parking proposed accords with guidance set out within the *OCC Street Design Guide and the Parking Standards for New Developments 2022*. This stipulates up to two parking spaces for a dwelling of this size in a town setting. As such, Officers consider that the parking arrangement is acceptable.
- 9.28. The proposed parking spaces would each measure 2.6m x 5m. The Highways Officer has advised there is sufficient space to provide two parking spaces within the site and a condition is recommended requiring full details of the parking area. A Section 184 agreement will also be required separately to create the dropped kerb.
- 9.29. The proposal is not considered to be detrimental to the safety and convenience of highway users and therefore complies with Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF.

#### Other matters

- 9.30. A number of the objections raise concerns that the application property would be used as Houses in Multiple Occupation (HMO). The application is seeking consent for extensions and alterations to the existing property. 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.

9.31. Policy ESD1 of the CLP 2015 seeks to mitigate the impacts of developments on climate change. The current proposal is a householder development relating to an existing property. The scheme includes the provision of solar panels and an air source heat pump which will improve the energy efficiency of the property. Furthermore, the proposed extensions will be required to comply with current building regulations with regards to sustainable construction.

## **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 alterations to an existing dwelling in a sustainable location within Bicester. The property is well located within walking/cycling distance of local facilities and public transport links.

10.3. The design of the extensions and alterations are 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:

- Application form
- Design Statement
- Site Location Plan
- Block Plan
- Drawing number PRPA/S9/05 Rev A – [Proposed floor plans and elevations]

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. Notwithstanding the details submitted, no development shall commence above slab level until and unless a plan detailing the proposed car parking provision for two spaces to be accommodated within the site (including details of the proposed surfacing and drainage of the provision), has been submitted to and approved in writing by the Local Planning Authority. The approved parking facilities shall be laid out and completed in accordance with the approved details before the first occupation of the dwelling. The car parking spaces shall be retained for the parking [turning/loading/unloading] of vehicles at all times thereafter.

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

4. 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 Government guidance contained within the National Planning Policy Framework.

5. No development shall commence above slab level until samples of the bricks to be used in the construction of the walls of the extensions have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved samples.

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 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. The first floor windows in the east and west (side) elevations of the extension shall be obscure glazed, using manufactured obscure glass that is impenetrable to sight, (not an applied adhesive film) before the extension is first occupied and shall be permanently retained as such thereafter. The window shall also be non-opening, unless those parts which can be opened are more than 1.7m above the floor level of the room in which it is installed and shall be permanently retained as such thereafter.

Reason: To ensure that the amenities of the occupants of the neighbouring properties are not adversely affected by loss of privacy in accordance 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.

7. Prior to first use of the air source heat pump, a copy of the installation certificate (which demonstrates that the installed model satisfies standards specified in Microgeneration Certificate Scheme MCS 020(b) in terms of the noise limit stipulated in the Explanatory Memorandum to Permitted Development Order 2011 No. 2056) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Biodiversity Net Gain Condition**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Cherwell District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which **will not** require the approval of a biodiversity gain plan before development is begun because the following statutory exemptions or transitional arrangements apply.

#### *Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.*

The permission which has been granted is for development which is exempt being:

Development below the *de minimis* threshold, meaning development which:

- i) does not impact an on-site priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of on-site habitat that has biodiversity value greater than zero and less than 5 metres in length of on-site linear habitat (as defined in the statutory metric).

### **Notes**

#### *Irreplaceable habitat*

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

*The effect of section 73D of the Town and Country Planning Act 1990*

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the on-site habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that on-site habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

**PLANNING NOTES**

1. 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. This is separate from any planning permission that may be granted.
2. 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.

CASE OFFICER: Rebekah Morgan