



Appeal Decision

Hearing (Virtual) held on 6 September 2022

Site visit made on 7 September 2022

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 20/10/2022

Appeal Ref: APP/C3105/W/21/3287556

Pakefield House-Fortescue House, St Johns Street, Bicester OX26 6SL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Churchill Retirement Living against Cherwell District Council.
 - The application Ref: 21/01818/F, is dated 21 May 2021.
 - The development proposed is redevelopment of the site to form 38 no. retirement living apartments and including communal facilities, access, car parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for redevelopment of the site to form 38 no. retirement living apartments and including communal facilities, access, car parking and landscaping at Pakefield House-Fortescue House, St Johns Street, Bicester OX26 6SL in accordance with the terms of the application, Ref: HGY/2020/0158, dated 21 May 2021, and the plans submitted with it, subject to the conditions set out in the attached Schedule A.

Preliminary Matters

2. The description in the banner heading above is taken from the appeal form as it is the revised description agreed by the parties, and reflects the revised scheme considered by the Council.
3. A new version of the National Planning Policy Framework (the Framework) was published in July 2021, and a new version of the Planning Practice Guidance on Flood risk and coastal change (the Flood risk PPG) was published in August 2022. The parties have had opportunity to comment on the engagement of these new documents in relation to the appeal, and so will not be disadvantaged by my consideration of them.

Main Issues

4. The main issues in this case are:
 - Whether the proposed development would be appropriately located and designed in respect of flood risk;
 - Whether the proposed development would adequately provide for biodiversity, with particular regard to river corridor habitat; and
 - The effect of the proposal on highway safety, with particular regard to the proposed access.

Reasons

Flood risk

5. The appeal site comprises several detached residential properties located towards the junction of St Johns Street and Queens Avenue. It is within a short walk of facilities and shops in the centre of Bicester, which is categorised as a main town in Cherwell. A green link including grassed areas, trees and footpath runs to the south-west of the site. A stretch of the River Bure flows along the north-eastern edge of the green link, alongside the rear garden perimeters of the appeal site. This stretch of river alongside the rear boundary of the appeal site, is relatively modest in depth and width, being, at the time of my site visit, around 4 to 5m wide, with water around ankle deep, below the typical bank height of around 1m. The proposed development site is located within Flood Zones 1, 2 and 3.
6. Policy ESD 6 of the Cherwell Local Plan 2011-2031 Part 1 (LP1) requires proposals to be assessed according to the sequential, and where appropriate, the exception test approach in the Framework and the Flood risk PPG. Policy ESD 6 limits the possibility of development in flood risk areas to only when there are no reasonably available sites in lower flood risk areas, and the benefits of the development outweigh risks from flooding. Paragraph 164 of the Framework defines that to pass the exception test, development should (a) provide wider sustainability benefits to the community that outweigh the flood risk, and (b) be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, reduce flood risk overall. Policy ESD 6 also states that development should, among other things, be safe and remain operational.
7. The appellant confirms that having interrogated the district's Local Plan site allocations and brownfield land register, they have been unable to identify similarly sized and conveniently located sites suitable for a minimum of around 30 retirement living apartments. The Council consider these search criteria as reasonable and that the sequential test has been satisfied. In the light of this, I accept that there are no reasonably available alternative sites in areas of lower flood risk locally, for the proposed development. This would satisfy the sequential approach part of LP1 Policy ESD 6.
8. Regarding the exception test part of LP1 Policy ESD 6, which encompasses safety and benefits, I find as follows. The proposal includes relocating two small areas of Flood Zone 3b and an area of Flood Zone 3a on a level for level, volume for volume basis to the central area of the site, to provide additional flood storage for all flood events up to the design storm event with an allowance for climate change on the site¹. I see no reason to doubt the expert view of the appellant's civil engineering consultant², informed by their site-specific Flood Risk Assessment (the FRA), that this re-engineering of ground levels would provide a slight increase in flood storage on the site, and would not increase flood risk elsewhere. In this respect, the proposal would satisfy the first sentence of paragraph 167 of the Framework, and paragraph 049 of the Flood risk PPG.

¹ As set out in paragraph 3.3 of the Flood risk Planning Appeal Statement Addendum by CEP, 2 September 2022.

² As per paragraph 10.1.1.3 of the Flood risk Planning Appeal Statement by CEP, 25 May 2022 (PAS).

9. Also, I find no reason to doubt the view of the appellant's civil engineering consultant that the re-engineered site, with its future functioning Flood Zone 3a and 3b areas, would be safe in terms of flood risk³. Suggested planning conditions would further cover flood risk mitigation and storage detailing.
10. Moreover, as indicated by paragraph 10.1.1.5 of the PAS, the proposed building would be located outside future Flood Zone 3a area, and the car parking would be beyond future Flood Zone 3b area, and thus in future these parts of the development would be within suitable flood zones.
11. Furthermore, I accept that, as set out in the FRA, within the site, parts of the development that would experience highest impact from a flood event have been located in the areas of lowest flood risk. This would accord with paragraph 167(a) of the Framework. Also, the substantial combination of wider sustainability benefits to the community, as set out in the Planning Balance and Conclusion of this decision, would outweigh the flood risk in this case.
12. Thus, in respect of future flood risk areas on the site, safety and associated likelihood of remaining operational, wider sustainability benefits, avoiding increasing flood risk elsewhere, and, reducing flood risk overall the proposal would accord with the required exception test approach, and with LP1 Policy ESD 6.
13. That said, the existing categorisation of the location of some of the proposed carparking as within a small area of Flood Zone 3b would result in conflict with the guidance⁴ that car parks should not be permitted in Flood Zone 3b. In this respect, the proposal would not accord with the exception test approach part of LP1 Policy ESD 6.
14. Also, whether part of the proposed apartment block 'might stray' into part of the site in existing Flood Zone 3b was raised by the EA in discussion at the hearing. Such an incursion is neither described nor illustrated in the putative reasons for refusal, nor various key appeal documentation in relation to flood risk. Also, the extent of Flood Zone 3b in the rear part of the site is indicated as being slight⁵. Thus, on the evidence before me, I find as follows. If such an incursion occurs, this would conflict with the guidance in the Flood risk PPG that such 'more vulnerable' residential building part of the development should not be permitted in Flood Zone 3b. Albeit tempered by the considerations that a) such incursion is likely to be, at most, slight, and b) future functioning Flood Zone 3b area of the site would be suitably located for the lifetime of the development, as indicated by the flood risk Planning Appeal Statement by the appellant's civil engineering consultant⁶.
15. Drawing the strands together, I conclude that in terms of locating a relatively small amount of development within a relatively small area of the site categorised as existing Flood Zone 3b, the proposal would conflict with the approach of LP1 Policy ESD 6 and underpinning guidance of the Framework's policies and PPG's approach on flood risk. That said, the proposed development would function effectively and safely in terms of future flood risk, and so be appropriately located and designed in respect of it, in accordance with several

³ As per paragraph 12.6 of the PAS.

⁴ In Flood risk PPG Table 2.

⁵ As per 'Flood Zone 3 extends slightly into the site boundary to the rear of the existing properties', in the EA's letter to the Council, 23 June 2021.

⁶ As per paragraph 10.1.1.5 of the PAS.

aspects of LP1 Policy ESD 6, and of underpinning guidance of the Framework's policies and PPG's approach on flood risk.

Biodiversity

16. Policy ESD 10 of the LP1 seeks to ensure that development protects and enhances biodiversity and the natural environment through, among other things achieving a net gain in biodiversity, retaining and where possible enhancing features of nature conservation value, and ensuring habitat connectivity, with ecological corridors an essential component of green infrastructure. This is within the context of rivers being categorised as a habitat type of principal importance in England under Section 41 of the Natural Environment and Rural Communities Act 2006, for the purpose of conserving biodiversity. And it echoes the promotion of habitat connectivity in paragraph 010 of the national Natural Environment Planning Practice Guidance.
17. The appeal site comprises four houses and their associated gardens and outbuildings, near Bicester town centre. A rear boundary mix of garden walling and fencing acts as a barrier between the appeal site and the adjacent stretch of the river Bure corridor. Against a baseline of the relatively limited ecological value of these urban residential properties and their existing disconnect from the river, there is scope to enhance the biodiversity value of the appeal site and the river corridor.
18. In removing the appeal site's existing riverside walling and fencing barrier, the development would improve permeability between the riverside and the site for flora and fauna. Furthermore, as set out in the Ecological Technical Note by the appellants' ecological consultant⁷, there is scope on the site for nature-friendly measures including native species planting, using fencing that is permeable to small animals, bird/bat boxes and habitat piles. Also, the biodiversity metric calculation by the appellant's ecological consultant indicates that the development would deliver gains in habitat and hedgerow units.
19. Furthermore, the retention of the small river tributary of Waterbody 1 is to be secured by planning condition. And the removal of the ornamental garden pond Waterbody 2, which is of low ecological value would be reasonable on grounds of future residents' safety, as part of the reconfiguration of the site from individual dwellings to apartments for older people, and would not prevent overall biodiversity enhancement. Also, given the proposed apartment block's location to the north-east of the river, and the relatively open green space to the south-west, the proposal is unlikely to significantly alter receivable light, or associated biodiversity levels, to the river.
20. Furthermore, a suite of planning conditions covering site clearance, species protection, landscaping, watercourse buffer zone conservation and enhancement, and a landscape and ecological management plan will help secure a suitably holistic, nature-sensitive approach to the development.
21. Thus, even without a Modular River Physical (MoRPh) survey of the river before me, I conclude that the proposed development would adequately provide for biodiversity, with particular regard to river corridor habitat. As such, it would accord with Policy ESD 10 of the LP1, and the Framework's approach to conserving and enhancing the natural environment.

⁷ Ref: 13819_R04b, by Tyler Grange, dated 1st February 2022.

Highway safety

22. St Johns Street and Queens Avenue are apparently busy roads near Bicester town centre, in the vicinity of the proposed development. During my site visit, albeit a snapshot in time, I saw a fairly steady flow of traffic, including cars, buses and cyclists using these roads, together with some pedestrian use of pavements. By contrast, the service road, which is neither public highway nor a public right of way, and is located adjacent to St Johns Street, and forms the approach to the proposed development's site access, is apparently lightly trafficked, with, for example, little traffic using the service road over a couple of hours around the middle of a weekday, during my site visit. Furthermore, the expert highway analyses in this case point to a relatively low indicative speed of around 10mph on the service road.
23. Also, I saw cyclists travelling to and from the town centre, using St Johns Street as an evidently more direct and well-surfaced route instead of the parallel service road. Parking of residents' cars on the service road is likely to encourage any occasional traffic that might use it to travel more down the centre of it rather than to hug its inner kerb. Judging by these factors, I anticipate that there is unlikely to be a significant future volume of traffic use of the service road, passing the development's entrance. And those who may use it are unlikely to travel especially close to its inner kerb. Also, several pedestrian crossings help to provide safe routes across roads in the vicinity of the appeal site, and to calm traffic in the locality.
24. The additional volume of traffic generated by the proposed development is likely to be limited by the following combination of factors. The development's proximity to town centre facilities, including the range of regular bus services to various urban locations from the locality provides realistic alternatives to private car use for future residents and staff. Together with the anticipated more elderly profile of future residents of the retirement apartments, this is likely to limit additional car use arising from the development.
25. Within this context, it is likely that any cars, motorcyclists and cyclists would be travelling relatively slowly along the service road, and due to the one-way working nature of it, would be likely to travel more centrally along it. This would allow oncoming service road vehicle users to be visible to cars waiting to exit the development. Given the above, I anticipate that the proposed access with its visibility splays would be acceptably safe, travelling to and from the site, including looking to the right when emerging from the access onto the likely relatively lightly-trafficked, low-speed service road.
26. Paragraph 7.7.2 of the Manual For Streets (MFS) allows for the possibility of setting visibility splays from a point other than the centre line of the access point. That the proposed splays are set from the left-hand side of the access and not from the centre line of the access point thus does not in itself contravene the MFS nor render the access unsafe.
27. Highway users of Queens Avenue, St Johns Street and the roundabout intersection of the two, in the vicinity of the appeal site, are required to travel in a vigilant and careful way as is to be expected on the approach to the town centre. Pavements and pedestrian crossings in the locality provide for relatively comfortable walking routes. Also, cyclists are able to take advantage of the area's relatively flat terrain to cycle in and around the town centre, including on the road along St John's Street. Given the above, I anticipate that the proposed

development would not significantly alter this apparently workable highway situation, and would preserve highway safety.

28. In conclusion, the proposed development, including its site access would not harm highway safety. As such, it would not conflict with Policy ESD 15 of the LP1, which seeks to ensure that development contributes to, among other things, high quality and multi-functional streets and places in line with principles in the MFS. Also, the proposal would accord with paragraph 110(b) of the Framework in respect of safe and suitable access.

Other Matters

29. Some local residents have expressed other concerns that go beyond the putative reasons for refusal. These cover parking provision, character and appearance including Conservation Area setting, living conditions of neighbouring residents in terms of privacy, light, noise and disturbance, and health services. The Council and Local Highway Authority consider the proposed parking provision to be sufficient. Given the anticipated low parking demand of the development's future residents, space for delivery and servicing vehicles on the service road at the front of the site, and parking restrictions on non-residents in the area, I agree on this point, and find that the development would not cause harmful local parking pressure.
30. In terms of character and appearance, I agree with the Council's analysis that design factors including the stepped profile of the proposed building, the pivot effect of the curved facade at the junction of Queen Street and St Johns Avenue, and use of locally sympathetic materials would help the proposed development fit in within its evolved context of varying styles and heights of building. Proposed frontage hedge and tree planting would further soften the appearance of the development. Furthermore, given the assimilation of the development into its location on St Johns Avenue, and its separation from Conservation Areas, I also agree that the proposal would not harm the setting of heritage assets.
31. Regarding neighbours' living conditions, the limiting of flank windows in the proposed building's eastern elevation to a small secondary window would help safeguard privacy of the neighbouring dwelling to the east. The separation of the proposed block from dwellings to the north and east, and its orientation and location would help prevent harmful loss of receivable light to neighbouring residential properties. And additional activity and traffic arising from the 38 one and two bedroom retirement apartments is unlikely to generate a harmful level of noise and disturbance, within the urban context of the location near Bicester town centre, with the traffic on St Johns Street and Queens Avenue. As such, I agree with the Council's analysis that the proposal would not unacceptably harm neighbours' living conditions.
32. Also, the likely secure, warm and easier maintenance accommodation to be provided may well help improve health for some older people in the area. And there is no substantive evidence that local health services would be unable to cope with additional residents of the 38 retirement apartments

Conditions

33. The conditions suggested by the Council, in discussion with the other parties, have been considered against the tests of the Framework and advice provided

by Planning Practice Guidance. They have been found to be reasonable and necessary in the circumstances of this case. I have made modest drafting changes for clarity.

34. Conditions relating to duration of permission and approved plans are necessary to provide certainty. Conditions are attached to safeguard archaeological assets. Conditions regarding solar photovoltaics and water efficiency are necessary in the interests of environmental sustainability. Conditions regarding site clearance, species protection, ecological measures and a watercourse buffer zone scheme are attached in the interests of biodiversity. Conditions regarding landscaping, floor levels, materials and meter housings are attached to complement the character of the locality. Conditions covering drainage, flood risk, flood storage and boundary treatment are necessary to ensure safe and sustainable water management.
35. I attach conditions relating to construction management to safeguard residents' living conditions. A condition regarding vehicle access is required in the interests of highway safety. Conditions covering travel information packs and parking are necessary in the interest of sustainable and safe transport. A condition regarding ages of occupants is attached to help safeguard supply of housing for older people.

Planning Balance and Conclusion

36. For the purposes of making my decision, I take there to be a shortfall in supply of deliverable housing land in the district of around 1.5 years, as acknowledged by the parties.
37. The proposal would provide 38 retirement living apartments, and some communal facilities. This would help free up under-utilised, family-sized housing in the area, within the context of the district's housing shortfall. Also, it would contribute to meeting need for older people's housing that is recognised nationally⁸ as critical, and locally in Cherwell⁹ as in the region of between 696 and 1,436 units, within the context of a particular increase in the proportion of the population aged 65 plus in Cherwell in recent years¹⁰. This would contribute to independence of living, quality of life and health for older people in the district.
38. The proposed development would also provide its residents with accommodation on a brownfield site in a central location in Bicester with excellent access to town centre services and facilities. These include shops, a medical centre, and regular onward bus service connection to destinations including Bicester railway station and district, John Radcliffe Hospital and Oxford city centre. The above would provide associated socio-economic benefit in the community during and after construction, including patronage of local business, facilities and services, helping to sustain them.
39. The development would also help promote 'eco' efficient use of resources through its particular accessibility to the town centre, shared facilities for residents, and energy-efficient specification including photovoltaic panels and water efficient design. And the proposed increase in flood storage on the site would provide a modest betterment in terms of flood risk to the wider

⁸ In the Introduction to the Planning Practice Guidance on Housing for older and disabled people.

⁹ As per the Oxfordshire Strategic Housing Market Assessment (SHMA) 2014.

¹⁰ As set out in paragraphs 8.6 and 8.7 of the Statement of Common Ground.

catchment. The above together amounts to a substantial combination of benefits.

40. As a result of the housing land supply shortfall, the policies referred to earlier in this decision, which are those most important for determining the appeal, are out of date. Consequently, the tilted balance, under the terms of paragraph 11 of the Framework, is engaged. This tells us that planning permission should be granted unless the application of policies in the Framework that protect areas including those at risk of flooding provides a clear reason for refusing the development proposed, or adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.
41. As established under the first main issue, the proposal satisfies the flood risk sequential test. Also, the amount of development within part of the site categorised as existing Flood Zone 3b, and that part, are relatively small. And on the re-engineered site, the development would function effectively and safely in terms of future flood risk, and so be appropriately located and designed in respect of it. Furthermore, the wider sustainability benefits to the community would outweigh the flood risk.
42. Given this combination of factors, I find as follows. Harm in terms of flood risk would be limited to conflict with part of the approach of LP1 Policy ESD 6 and underpinning guidance of the Framework's policies and PPG's approach on flood risk, relating to locating a relatively small amount of development within a relatively small area of the site categorised as existing Flood Zone 3b. Also, I find that application of the policies in the Framework relating to flood risk do not provide a clear reason for refusing the proposed development.
43. As such, the proposal would not have significantly adverse impacts that would significantly and demonstrably outweigh the substantial totality of planning benefits, when assessed against the policies in the Framework taken as a whole.
44. Thus, the proposal benefits from the presumption in favour of sustainable development. I find that this consideration is of sufficient weight to indicate that planning permission should be granted, notwithstanding the conflict with the development plan. I therefore conclude that the appeal succeeds.

William Cooper

INSPECTOR

Schedule A) Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: 10113BS-PA00 Site Location Plan; Site Plan 10113BS-PA01 Rev E; Ground Floor Plan 10113BS-PA02 Rev C; First Floor Plan 10113BS-PA03 Rev C; Second Floor Plan 10113BS-PA04 Rev C; Third Floor Plan 10113BS-PA05 Rev C; Roof Plan 10113BS-PA06 Rev C; Elevations 1, 10113BS-PA07 Rev C; Elevations 2, 10113BS-PA08 Rev C; Elevations 3, 10113BS-PA09 Rev D.
- 3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a programme of archaeological work, consisting of a Written Scheme of Investigation and a timetable for that work. The development shall be carried out in accordance with the approved written scheme of investigation and timetable.
- 4) Following the approval of the Written Scheme of Investigation referred to in condition 3, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.
- 5) Prior to the first occupation of the development hereby permitted, roof-mounted solar photovoltaics (PV) shall be installed, in accordance with a scheme which shall have been submitted to and approved in writing by the local planning authority. The solar PV shall be retained thereafter.
- 6) Prior to the first occupation of the development hereby permitted, there shall have been submitted to and approved in writing by the local planning authority written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations.
- 7) All site clearance (including the removal of any vegetation or works to hedging) should be timed to avoid the bird nesting season during the months of March until August inclusive, unless alternative provisions have been previously agreed in writing by the local planning authority.
- 8) The development hereby permitted shall be carried out in accordance with the recommendations set out in the Protected Species Addendum (Ref: 13819_R02, dated 1 October 2021, prepared by Tyler Grange) and the ecological measures in paragraphs 2.1, 2.2, 2.3, 2.4, 2.5 and 2.6 of the Ecological Technical Note (Ref: 13819_R04b, dated 1 February 2022, prepared by Tyler Grange), unless otherwise agreed in writing by the local planning authority.
- 9) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme for the

provision, enhancement and management of a buffer zone alongside the watercourse, encompassing all remaining land between the development and the river. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include: (a) plans showing the extent and layout of the buffer zone; (b) details of habitat creation/ecological enhancements to the river, river bank and river corridor adjacent to the site; (c) details of any proposed planting scheme, using native species of UK genetic provenance; (d) details of proposed footpaths, fencing and exterior lighting on the development; and (e) details demonstrating how the buffer zone will be protected during development and managed over the longer term, including adequate financial provision and named body responsible for management. Measures (a) to (d) will be located, designed and specified to be appropriately sensitive to the nature conservation and ecological corridor function of the river corridor.

Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme.

- 10) A) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority the soft and hard landscaping scheme for the site. The landscaping scheme shall include: (i) 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); (ii) seed mixes; (iii) details of existing trees and hedgerows to be retained as well as any 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; and (iv) details of hard landscaping, including hard surfaced areas including pavements, pedestrian areas and steps.

B) Any planting, seeding, turfing and hard landscaping in the part of the site within 8m of its southern-western boundary shall be designed and specified to blend in sympathetically, both visually and ecologically, with the adjacent watercourse buffer zone that is stipulated in condition no 9. Waterbody 1, as illustrated on the Tyler Grange drawing Habitat Features within 8m of the River Bure, shall be retained and protected on site.

C) The approved landscaping scheme shall be implemented no later than the end of the first planting season following completion of the development. The scheme shall be maintained for a period of 5 years from the completion of the development. Any trees and/or 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 agrees any variation in writing.

- 11) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a landscape and ecological management plan (LEMP) for the site, and the

watercourse buffer zone. The LEMP shall include long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas on the site (except for privately owned domestic gardens), and the watercourse buffer zone. Thereafter the LEMP shall be carried out as approved, unless otherwise agreed in writing by the local planning authority.

- 12) Notwithstanding the requirement of condition 17, no development shall take place until there shall have been submitted to and approved in writing by the local planning authority details of all finished floor levels, in relation to existing and proposed site levels and to the adjacent buildings. The floor levels shall be implemented as approved during the construction phase of the development.
- 13) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a schedule of materials and finishes to be used in the external walls and roofing of the building. The relevant works shall be carried out in accordance with the approved details.
- 14) Prior to the construction of the building above slab level, there shall have been submitted to and approved in writing by the local planning authority details of the siting, appearance and colour of any electricity or gas supply meter housings to be located on building external elevations. The relevant works shall be carried out in accordance with the approved details.
- 15) No above ground works shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme for the provision and implementation of foul and surface water drainage. The drainage works shall be implemented in accordance with the approved plans before the first occupation of any of the apartments hereby permitted.
- 16) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a detailed drainage scheme to prevent surface water from the development being discharged onto the adjoining highway. The scheme shall be carried out in accordance with the approved details, prior to first use or occupation of the development hereby permitted.
- 17) The development hereby permitted shall be carried out in accordance with the submitted flood risk assessment (Version 1.3, dated 8 October 2021, prepared by The Civil Engineering Practice), including the following mitigation measures that it details: finished floor levels shall be set no lower than 71.75 metres above Ordnance Datum (AOD), in accordance with paragraph 7.2.3 in the FRA. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
- 18) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme to provide level for level and volume for volume floodplain storage

compensation. This should include details of existing and proposed external site levels, together with proposed building and car park locations in relation to the existing and proposed areas of functional and non-functional flood plain and their interconnectivity to the main river. The scheme as approved shall be fully implemented and subsequently maintained in accordance with its timing/phasing arrangements, or within any other period as may subsequently be agreed in writing by the local planning authority.

- 19) Any walls or fencing constructed within or around the site shall be designed to be permeable to flood water.
- 20) Prior to commencement of any construction or demolition works, there shall have been submitted to and approved in writing by the local planning authority a Construction Traffic Management Plan (CTMP). The CTMP should follow Oxfordshire County Council's template if possible. It should identify:
(i) the routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman; (ii) access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network); (iii) details of wheel cleaning facilities to prevent mud from migrating onto the adjacent highway; (iv) contact details for the Site Supervisor responsible for on-site works; (e) travel initiatives for site-related worker vehicles; (f) parking provision for site-related worker vehicles; (g) details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours; (g) engagement with local residents.
- 21) No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday, and 08.00 to 13.00 on Saturdays, and at no times on Sundays, Bank and Public Holidays
- 22) Prior to the commencement of above ground construction works, there shall have been submitted to and approved in writing by the local planning authority full details of the junction of the proposed vehicle access and the main carriageway of St Johns Street. The access and junction shall be completed in accordance with the details as approved, prior to occupation of the development.
- 23) A Travel Information Pack shall be provided to all new residents of the development within 1 month of occupation, for the first 5 years of its operation.
- 24) Prior to occupation of the development hereby permitted, the proposed vehicle and cycle parking shall have been completed and made available for use. The vehicle and cycle parking shall be maintained available for that use for the duration of the development unless otherwise agreed in writing by the local planning authority.
- 25) At no time shall the development hereby permitted be occupied by persons other than: (i) a person of aged 60 years or over; (ii) a person aged 55 years or older, who is living as part of a single household with the person identified in i) who is residing at the development; or (iii) a person aged 55 years or older who was living as part of a single household with the person identified in i) who was residing at the development and has since died.

APPEARANCES

FOR THE APPELLANT:

Julian Arthur
Laura Baker
Harry Cross
Nicholas Grant
Stuart Magowan
Matthew Shellum

Tyler Grange
Planning Issues Ltd
Paul Basham Associates
Landmark Chambers
The Civil Engineering Practice
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FOR THE LOCAL PLANNING AUTHORITY:

Wayne Campbell

Cherwell District Council

INTERESTED PARTIES:

Anita Appleby
Oliver Eden
Judith Montford
Helen Sanderson

Environment Agency
Oxfordshire County Council
Environment Agency
Environment Agency

DOCUMENTS SUBMITTED AFTER THE HEARING

Pakefield House Conditions (revised).