



Appeal Decision

Hearing held on 11 December 2024

Site visit made on 12 December 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Appeal Ref: APP/C3105/W/24/3351778

Waverley House, Registrar, Queens Avenue, Bicester, Oxfordshire OX26 2PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by GG Oxford Investments Ltd against the decision of Cherwell District Council.
 - The application Ref is 23/02355/F.
 - The development proposed is the demolition of existing building and construction of 32no. apartments, together with landscaping, car parking, bin stores, secure cycle parking and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing building and construction of 32no. apartments, together with landscaping, car parking, bin stores, secure cycle parking and associated infrastructure at Waverley House, Registrar, Bicester, OX26 2PY in accordance with the terms of the application, Ref 23/02355/F, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development above has been altered from what was originally applied for, as the number of units were reduced from 33 to 32. This was amended prior to its determination of the proposal and therefore the LPA determined it on that basis. As such, so shall I.
3. Two separate legal agreements have been submitted. The first secures contributions towards sustainable transport and waste/promoting recycling. The second includes a viability review mechanism that seeks to secure a contribution towards affordable housing, community facilities, indoor and outdoor sport, and public art, should the scheme increase its profitability at a later date. These are discussed below.
4. The Government published in December 2024 a revised version of the National Planning Policy Framework (the Framework). I have had regard to the comments made by both main parties on this matter.

Main Issues

5. The main issues in this case are:

- the effect of the proposed development on the character and appearance of the area, having particular regard to the setting of the adjacent non designated heritage asset, curtilage listed wall and the Bicester Conservation Area (CA) and the loss of the building at the appeal site;
- whether the proposal would make appropriate provision for affordable housing, community facilities (community hall), indoor and outdoor sport and public art;
- whether the proposed development would make appropriate provision for sustainable transport; and
- whether the proposed development would make appropriate provision for waste/promoting recycling.

Reasons

Character and appearance

6. The appeal site is occupied by a large two storey detached building, previously used as the Bicester Magistrates Court, set within a large, landscaped plot. The building, known as Waverley House, forms part of a group of four two storey buildings previously in civic use located along the western side of the Queens Avenue.
7. These red brick buildings are similar in terms of their set back, front hipped roofs and brick finish, however all have been visibly extended to the rear to some degree. Whilst the separation between the buildings are not consistent in their scale, the large spacious landscaped plots provide a verdant and spacious character in this part of Queens Avenue. The immediate area beyond these buildings is surrounded by a mixture of two and three storey residential and commercial properties of varying designs and styles and playing fields associated with a school to the rear of the site. The area is mixed in character and does not have a clearly defined architectural character and palette of materials.
8. The site is located outside but nearby the Bicester Conservation Area (CA). The Bicester CA Appraisal Supplementary Planning Document (2011) (CAA) refers to the historic core of the settlement, which was historically surrounded by a rural landscape. Both main parties agreed at the Hearing that its significance in part derives from the historic street patterns in the centre of the settlement, its diverse historic architecture and street scenes, also within the town centre. I have reached the same finding.
9. Opposite the site lies the wall to the grounds of Bicester House. Bicester House is Grade II listed. Bicester House is an early 18th century manor house, constructed in limestone with Welsh slate roofs. Its significance, insofar as it relates to the appeal is due to its architectural detailing, with its listing identifying amongst other matters, symmetrical 5-window 2-storey entrance front, stone-architraved 12-pane sashes and a central doorway and stone Doric porch. The quality of the interior is also referenced.

10. The existing building on the site is a non-designated heritage asset (NDHA). Considered in isolation, the existing building is an attractive if typical civic building of its era, and its significance in part lies in its grouping with the other three civic buildings, reflecting the period in which they were erected.
11. This is also the case for the neighbouring building to the north, the Police House, which is also identified as NDHA. This building has similarities to the appeal site in terms of its scale and brick finish, and is another example of a typical civic building of its era. Its significance, for the purpose of this appeal, lies in its grouping with the other three civic buildings, particularly the appeal site, reflecting the period in which they were erected.
12. The area around the CA and the listed buildings is formed of a mixed urban grain and typical 20th century development, including large modern residential estates and significant commercial development/car parks. As such, the setting of the CA and the listed building does not contribute to the significance of the heritage assets other than to allow an appreciation of them and their historical importance in the streetscene. Important views outside the CA are noted within the CAA, however, these do not include Queens Avenue around the appeal site.
13. The appeal site is part of the mixed urban form outside the CA and therefore, whilst some views of the CA may be possible in glimpses from the site, the experience and appreciation of the CA from the appeal site is limited and consistent with the surrounding mixed urban form. The appeal site also therefore makes a very minor positive contribution to the significance of the CA. This is also the case for the listed building, given that the appeal site is part of the mixed urban context surrounding these heritage assets, including recent and under construction residential development.
14. The proposal would result in a three storey development. Whilst larger than the existing two storey building, it would retain the set back of the existing building and its immediate neighbours.
15. The width of the proposed hipped element is comparable to the existing building, and the additional gable elements break up the roof line and limit the massing of the building. The building is set away from each boundary and it would sit comfortably within the plot. Its scale would not appear incongruous in the context of the mixed surroundings.
16. Whilst extending further towards the southern boundary than the existing building, there would remain a visible gap with views through the site possible and would retain some landscaping. As such, it would not compromise the existing sense of openness nor pattern of development in this particular location. The additional height would also therefore not dominate the building to the south or appear incongruous in this setting. There would remain a significant separation distance between the northern side gables and the Police House building on the other side of the access road to the rear. Therefore, whilst views of both are visible from a certain vantage point on the opposite side of Queens Avenue, the loss of any symmetry between the roof forms is not harmful to the wider street scene.
17. The main entrance to the building, whilst not centrally sited, is of a scale and design which invokes the stepped entrance of the existing building, and provides a clear, easily identifiable access to the building and legible front

elevation. The use of profiled edging of brickwork, a variety of red brick colours and differing protruding bricks add texture and depth. The use of metal copper surrounds on the front and northern side windows, and the main entrance, accentuate the building features and add interest and unify the two elements of the frontage.

18. The proposed building would therefore sit comfortably within the surroundings and would not harm the character and appearance of the street scene. It would also sit comfortably within the existing mixed built form and urban context of the setting of the CA and listed buildings. It would preserve the character and appearance of the CA and would not be harmful to the setting and significance of the nearby listed building.
19. The proposal would result in the total loss of a NDHA. I observed that, in common with the other buildings within the group, the building has been extensively altered in terms of materials, such as the UPVC windows, and single storey extensions have diminished the aesthetic value of the building. Moreover, the civic use of the building as a Magistrates Court has long since ceased, with the current building in a deteriorated condition, severing any link in this respect with the Police House next door. As such, the historic relationship and grouping of these buildings is also diminished.
20. I therefore conclude that the significance of the appeal building as a NDHA is low and the scale of the proposed loss would also therefore be low. It is noteworthy that the previous Inspector for development on this site¹ concluded similarly. In addition, there is an established fallback position that the existing building can be demolished, following the approval of a prior notification application². I give this substantial weight. For the same reasons, the effect of the loss of the building and its replacement with the proposed scheme on the setting of the neighbouring (NDHA) Police House is also limited, and it would not lead to harm to its significance.
21. Nevertheless, the loss of the NDHA would lead to some, albeit limited, harm and adverse effect to its significance.
22. The proposal would secure 32 new dwellings in an accessible location on previously developed land delivering a housing mix that is supported by Policy BSC 4 of the Cherwell Local Plan 2011-2031 Part 1 (2015) (LP). A further important consideration is the contribution that medium sites like this can make to meet the housing requirement of the area, and the need to use land effectively to meet the need for homes. The Framework also indicates that decisions should support the development of windfall and brownfield sites, giving great weight to the benefits of using suitable sites within settlements, for homes. I therefore give the benefit of new housing moderate weight.
23. The proposal would preserve the character and appearance of the area and the setting of the CA and the listed buildings, in accordance with Policies C28 and C30 of the Cherwell Local Plan (1996) (CLP). Nonetheless, it would conflict with LP Policy ESD 15 due to the loss of the NDHA only, which seeks to conserve, sustain and enhance designated and non-designated heritage assets. However, I conclude that the harm identified to the NDHA would be outweighed by the benefits of the proposal.

¹ Appeal reference APP/C3105/W/22/3309064

² Reference 23/03441/DEM

Affordable housing, community facilities (community hall), indoor and outdoor sport and public art.

24. The supporting text to LP Policy BCS3 sets out that Cherwell has a high level of need for affordable housing, based on Strategic Housing Market Assessments, and that securing new affordable housing on site as part of larger developments is the most significant way in which homes can be provided. LP Policy INF1 seeks to ensure that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
25. LP Policy BCS3 requires development of more than 10 dwellings in Bicester to deliver 30% affordable housing provision. However, in accordance with paragraph 64 of the Framework, it allows for a *'reduced amount of affordable housing to be delivered if it is demonstrated that the viability of a scheme would be compromised through affordable housing provision.'*
26. There is no dispute between the parties that the viability assessment submitted³ by the appellant, and independently assessed for the Council, shows that the scheme is not sufficiently viable to provide a contribution towards affordable housing, community facilities, indoor and outdoor sport, and public art.
27. A legal agreement has been submitted in relation to the provision of a viability review mechanism. This would secure a contribution towards affordable housing, community facilities, indoor and outdoor sport and public art should the scheme increase its profitability at a later date.
28. However, the Planning Practice Guidance (PPG)⁴ points out that *'plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles.'*
29. LP Policy BSC3 states that *'where development is demonstrated to be unviable ... further negotiations will take place. These negotiations will include consideration of: the mix and type of housing, the split between social rented and intermediate housing, the availability of social housing grant/funding and the percentage of affordable housing to be provided'*. The policy nor its supporting text makes no reference to viability review mechanisms and includes little further detail on this matter. It was agreed at the Hearing by the main parties that no other policy is relevant in this regard. There is no reference to viability review mechanism either in LP Policy INF1, and I have not been directed to any other relevant policy the other proposed contributions that refers to such a mechanism.
30. In terms of affordable housing, given the submission of viability details and its independent assessment it is evident that negotiation in terms of the percentage of affordable housing to be provided has taken place.
31. The Council's supplementary planning document (SPD) 'Developer Contributions' (2018) sets out that, *'in exceptional circumstances'* (paragraph

³ By RCA, dated August 2023, independently reviewed by Pathfinder, dated October 2023

⁴ Paragraph: 009 Reference ID: 10-009-20180724

3.18), *'it can be a requirement of the S106 Agreement for there to be a second viability appraisal at some point during the course of the development'*.

32. The SPD is guidance and not policy, and in this specific case, there is nothing unusual about the scale of the development nor the time that it may take to build, and there is no compelling information before me setting out any 'exceptional circumstances' that would require a second viability appraisal. Moreover, it is not clear as to the process and terms of engagement regarding how and when viability will be reassessed.
33. Based on the evidence before me therefore, the need for a viability review mechanism has not been demonstrated. I am satisfied that, due to viability the lack of provision for affordable housing, community facilities (community hall), indoor and outdoor sport and public art does not conflict with LP Policies BCS3 and INF1. Accordingly, the legal agreement submitted to provide a viability review mechanism is not necessary to make the development acceptable in planning terms.

Sustainable transport

34. LP Policy INF1 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of transport.
35. LP Policy S013 seeks to reduce the dependency on the private car as a mode of travel and increase the attraction of and opportunities for travelling by public transport, cycle and on foot. LP Policy S014 seeks to create more sustainable communities by providing high quality, locally distinctive and well-designed environments.
36. Policy 1 of the Oxfordshire County Council- Local Transport and Connectivity Plan 2022 – 2050 (LTCP) sets out that walking and wheeling and cycling and riding are at the top of the transport user hierarchy. LTCP Policy 2 seeks to ensure that all new developments have safe and attractive walking and cycling connections to the site.
37. A legal agreement has been submitted which would secure a total of £46,880. This money will be spent on continuous footways (£20,000 each) and 43 metres of new traffic-free routing across the property frontage (£160 per metre).
38. The submitted regulation 122 compliance statement (compliance statement) identifies that Oxfordshire County Council is developing a scheme to deliver up-to-date cycle facilities along the central corridor in Bicester in line with the approved Bicester Local Cycling & Walking Infrastructure Plan (LCWIP). The elements of the overall corridor treatment that relate directly to the site frontage would be in scale and kind to bring facilities up to current standards and connect with other shared provisions.
39. These sums are set out in the LCWIP and are based on provision of a shared use path segregated from the highway along Queens Avenue and the access to the rear at an appropriate width to be suitable for both cyclists and pedestrians. It would also provide for continuous movement across two of the neighbouring junctions in order to provide a safe passage for cyclists. Without the contribution the proposal would not encourage walking and cycling as an alternative to the car. There would therefore not be an appropriate provision for sustainable transport.

40. I am satisfied therefore that it has been demonstrated that the financial contribution would meet the tests set out in the Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 58 of the Framework.
41. As such, the proposal makes an appropriate provision for sustainable transport and would comply with the sustainable travel goals of LP Policies S013 and S014.

Waste

42. The Framework clarifies that a key component of the environmental objective of sustainable development is minimising waste. As set out above, LP Policy INF1 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of community facilities.
43. The SPD Developer Contributions identifies that the Council is committed to a strategy of minimising domestic waste sent for disposal through the development of recycling services and the reduction and reuse of materials. It states that the Council will seek contributions for the provision of sorting facilities to deal with domestic waste at source.
44. Paragraph 4.153 of the SPD Developer Contributions states that the Council's current waste collection service is currently working at full capacity therefore future new development will need capital investment to ensure the service to the customer meets necessary requirements. Paragraph 4.165 clarifies that Oxfordshire County Council, as a Waste Disposal Authority, is required under the Environmental Protection Act 1990 (Section 51) to provide Household Waste Recycling Centres (HWRCs).
45. The submitted compliance statement identifies that Ardley Fields on Brackley Road, Ardley, is the nearest HWRC to the appeal site. The statement sets out that site capacity is assessed by comparing the number of visitors on site at a particular time (as measured by traffic monitoring) to the available space. The site capacity assessments indicate that Ardley Fields HWRC is over capacity by up to 40% during peak opening hours, and queues can reach the public highway resulting in cars being turned away and residents asked to return at another time. This pressure on existing facilities and reduced recycling leads to higher costs and an adverse impact on the environment.
46. A contribution of £3006.32 is required, based on trip generation estimates and a Building Costs Information Service indexed cost per dwelling, 32 units in this case. This is set out in detail within the submitted compliance statement.
47. Again, I am satisfied therefore that it has been demonstrated that a financial contribution would meet the tests set out in the Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 58 of the Framework.
48. As such, in this regard the proposal would make appropriate provision for waste/promoting recycling in accordance with LP Policy INF1.

Other Matters

49. The retention of the existing building is discussed above. There is no other proposed scheme before me in this regard and it was established at the Hearing that none has been submitted. The carbon cost of the demolition process is not measured or substantiated, and as stated above, permission

has been granted for this part of the proposal. Conditions set out below would ensure that the new building would address issues of sustainable design and energy efficiency.

50. Whilst the site is not allocated specifically for housing, the proposal would make use of a previously developed site with good access to services and facilities and would be of an appropriate density. This would meet the requirements of LP Policies B88 and BCS2. A condition, as set out below, would ensure that the trees at the frontage of the site would be retained and a suitable landscaping scheme would be provided. This will ensure that any verdant character to the site and surroundings will be retained.
51. The site is located within Flood Zone 1, and there is no information before me to suggest that the site is inappropriate for residential use in this regard. A condition would also secure appropriate drainage details. In terms of wheelchair access, building regulations would ensure appropriate standards in this respect. There is no planning policy requirement before me requiring spaces for charging of mobility scooters and E-bikes.
52. The proposal is described as 'car free' – in that no residents car parking spaces would be provided on site, only visitor car parking spaces. As set out above, the site would be well-related to day-to-day services and facilities in Bicester town centre. I observed that the site is accessible by a range of transport modes and pedestrian, cycling and public transport links, including the train stations in Bicester and a bus service passes the site along Queens Avenue.
53. Prospective residents of the proposed apartments would be encouraged to reduce their reliance on car use there would be a significant provision of bicycle parking spaces. Conditions set out below would secure a suitable parking management plan and travel information pack, setting out the parking restrictions and other transport options. These measures would reduce the possibility of residents requiring parking spaces. The submitted transport statement⁵ indicates that the development would generate substantially less traffic flows than the previous use as the magistrate court.
54. In addition, there is public car parking in the town centre that could be used for residents parking. Even if these car parks were too great a distance from the appeal site to be used regularly, I observed that there are some unrestricted on street parking spaces available nearby the site. Whilst limited, these provide some opportunity for parking. My visit was only a snapshot in time. However, there is no substantiated evidence before me that any limited on-street parking resulting from the occupation of the development, including with regards to Kingsclere Road and Queens Court, would lead to an unacceptable impact on highway safety, harm to the amenity of nearby residents or that the residual cumulative impacts on the road network would be severe. It is noteworthy that the Council's Highways Officer has no objection to the proposal in this regard.
55. The submitted Bat Roost Characterisation and Mitigation Report⁶ concludes that no bats were observed emerging from the building on either of the undertaken emergence surveys and the use of the site by foraging and commuting bats is not considered to be significant. However, given that a

⁵ by Banners Gate Highways & Transportation, August 2023

⁶ By Wharton Natural Infrastructure Consultants, March 2024

previous survey (2020) identified a single common pipistrelle bat emerging from a hole in the brickwork on the northern elevation of the building, mitigation measures are necessary and proposed.

56. Based on what I observed on site and from the information before me, I am satisfied that the mitigation measures set out in this report and secured through the conditions discussed below, would ensure that bats and their habitats are adequately protected. It is noteworthy that the Council's ecologist came to the same conclusion. There is no conflict therefore with the protection of protected species requirements of the Framework, in addition to the Habitats Regulations.
57. There is no substantive evidence before me that the development would have an invasive impact upon any known archaeological sites or features, and the Council's Archaeology Officer has no objection to the proposal. Should an agreement with a landowner be necessary for the proposed access points this would be a matter for the developer.
58. Each proposal is considered on its own merits and given that I have found the scheme to be acceptable overall, this scheme does not set a harmful precedent for development elsewhere on Queens Avenue.

Conditions

59. A list of suggested conditions has been provided that the Council and/or the appellants consider to be appropriate. I have considered these in light of the PPG and the tests set out in the Framework. For clarity and to ensure compliance with the tests, I have amended some of the suggested wording.
60. In addition to the standard time limit condition, and those stated above, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
61. In order to ensure that the construction and development does not harm the retained trees on and surrounding the site, a condition requiring the submission of an arboricultural method statement is necessary. This condition is required to be pre-commencement, in order to ensure that all details are appropriate, finalised and secured prior to development starting on site. Similarly, given the potential for asbestos on site, a condition (with additional linked conditions) requiring a desk study and site walk over to identify all potential contaminative uses is necessary. This is also required to be pre-commencement in order to ensure adequate protection during any demolition work.
62. Given the scale of development and proximity to a busy highway and access to schools, a condition requiring the submission of a construction method statement is necessary, in order to ensure that the demolition/construction process does not cause undue harm to the free flow of traffic or to the wider surroundings. Again, this condition is pre-commencement, in order to ensure all details are appropriate, finalised and secured prior to development starting on site.
63. In order to ensure that the finished appearance of the development is appropriate, conditions requiring the provision and approval of a sample panel of materials, and window reveal details are necessary. In order to secure the use of renewable and low carbon energy, a condition requiring that details of

measures to increase energy efficiency and thermal performance, as set out in the submitted energy statement is necessary.

64. A condition requiring a Landscape and Ecology Management Plan is necessary to ensure that there is a biodiversity net gain on site. There is no requirement for this to be pre-commencement. A condition requiring details of a landscaping scheme is also required, in order to safeguard the character and appearance of the area.
65. A condition ensuring that the development is carried out in accordance with details of the submitted ecology report and roost characterisation assessment document are necessary in order to ensure the development does not harm protected species or their habitats. The roost characterisation assessment includes a recommendation for a site check and as such a separate condition in this regard is unnecessary.
66. Conditions requiring that the submitted bicycle storage area is provided and that bin storage details are agreed and provided are necessary to ensure that residents will have access to these facilities, and to support sustainable transport. A condition requiring details of external lighting to be agreed is necessary, in order to protect habitats of importance to biodiversity, as identified in the submitted ecology report. A condition requiring that drainage details are implemented as submitted is necessary in order to ensure that the principles of sustainable drainage are incorporated into the scheme.
67. Given the limited on-site car parking, in the interests of promoting sustainable transport modes, highway safety and the free flow of traffic, conditions relating to a final parking management plan and travel information pack are necessary. A condition is also necessary in relation to the conversion of the nearby existing zebra crossing to a parallel crossing. This is also in the interest of promoting sustainable transport modes.
68. A condition requiring adherence with building regulations in relation to sound insulation is not required as it repeats other legislation and would not therefore meet the test of necessity.

Conclusion

69. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.
70. The loss of the undesignated heritage asset would be harmful and would cause harm to heritage assets, and as such, the development conflicts with the development plan as a whole. However, for the reasons set out above, material considerations indicate that the decision should be taken otherwise than in accordance with it. I conclude that the appeal should be allowed.

B Phillips

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawing nos:

Site location Plan PA 100; Proposed Site Plan PA 107 Rev A; Cycle Store Plan PA 119 Rev B; Proposed Ground Floor PA 108 Rev B; Proposed First Floor Plan PA 109 A; Proposed Second Floor Plan PA 110 A; Proposed Roof Plan PA 111 A; Proposed Elevations Plan 1 112 A; Proposed Elevations Plan 2 PA 113 A.
3. Prior to the commencement of development, an arboricultural method statement, which includes tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved statement.
4. Prior to the commencement of development, a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a suitably qualified contaminated land practitioner and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.
5. If a potential risk from contamination is identified as a result of the work carried out under condition 4, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterised the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a suitably qualified contaminated land practitioner and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
6. If contamination is found by undertaking the work carried out under condition 5, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a suitably qualified contaminated land practitioner and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

7. If remedial works have been identified in condition 6 the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 6. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
8. 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.
9. Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
10. Prior to the construction of the development above slab level, a sample panel of the materials to be used in the construction of the external surfaces, shall be prepared on site for inspection and approved in writing by the Local Planning Authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The approved sample panel shall be retained on site until the work is completed and the development shall be carried out in accordance with the approved sample panel.
11. Prior to the construction of the development above slab level, details of the window reveals, which shall be a minimum of 150mm deep, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and retained thereafter.
12. Prior to the construction of the development above slab level, details of the materials and measures to be used to increase energy efficiency and thermal performance and reduce carbon emissions including the provision of renewable energy measures, including Photovoltaics, shall be submitted to and approved in writing by the Local Planning Authority. These shall meet the targets outlined in the submitted energy statement (by Falcon Energy Limited, August 2023). The development shall be carried out in accordance with the approved scheme of materials and measures and the provision of renewable energy measures shall be installed prior to the first occupation of the development hereby approved and retained thereafter.
13. Prior to the construction of the development above slab level, a Landscape and Ecology Management Plan which demonstrates that a biodiversity net gain can be achieved, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme of biodiversity enhancement measures identified in the Landscape and Ecology Management Plan, which should include swift bricks and bird boxes, shall be carried out in accordance with the approved details prior to the first occupation of the building.

14. Prior to the first occupation of the development hereby approved, a Landscaping Scheme for the site shall be provided to and approved in writing by the Local Planning Authority. The Landscaping Scheme 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, details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

All planting, seeding or turfing comprised in the approved Landscaping Scheme shall be carried out in the first planting and seeding seasons following the occupation of the development hereby approved, or on the completion of the development, whichever is the sooner. All hard landscaping elements shall be provided prior to the first occupation of the development hereby approved.

The planting 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 which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

15. The development hereby permitted shall be carried out in accordance with the recommendations set out in Section 4.5 of the Updated Ecological Appraisal by Wharton dated, September 2023 and Bat Roost Characterisation Report and Mitigation Plan, dated, March 2024.

16. Prior to the first occupation of the development hereby approved, space shall be laid out within the site in accordance with drawing no. Cycle Store Plan PA 119 Rev B for bicycles to be stored, and that space shall thereafter be kept available for the storage of bicycles.

17. Prior to the first occupation of the development hereby approved, full details of the bin storage for the site, including the enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the building, the bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

18. Prior to the installation of any external lighting, a full lighting strategy to include an illustration of proposed light spill shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved document and retained thereafter.

19. Prior to the first occupation of the development hereby approved, the approved drainage system shall be implemented in accordance with the Detailed Design (BMC-LE-GEN-XXRP-CE-FRA01-FLOODRISKASSESSMENTREVB). Thereafter, the approved measures shall be retained for the development's lifetime.

20. Prior to the first occupation of the development hereby approved, an updated Travel Information Pack shall be submitted to the Local Planning Authority. The travel pack shall be provided to all residents upon first occupation.
21. Prior to the first occupation of the development hereby approved, a final updated Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved measures shall be implemented in accordance with the approved details and retained thereafter.
22. Prior to the first occupation of the development hereby approved, a plan outlining the conversion of the existing zebra crossing to a parallel crossing has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development hereby permitted.

End of schedule

APPEARANCES

FOR THE APPELLANT:

Joe Bennett – RCA Regeneration

Sian Griffiths – RCA Regeneration

Rob Csondor – RCA Regeneration

Sasha Hunter – Cotswold Archaeology

Nick Clewer – Align Architecture

FOR THE LOCAL AUTHORITY:

Carlos Chikwamba - Principal Planning Officer, Cherwell District Council

Rashid Bbosa - Transport Development Lead, Cherwell District Council

Richard Oliver - Senior Infrastructure Funding Negotiator,

Oxfordshire County Council

THIRD PARTY

Councillor Les Sibley – local Councillor

Councillor John Broad – local Councillor

Pastor James Adeyemi – local resident

Lawrie Stratford – local resident