

**APPENDIX 6 Vale District Council's performance 1 January 2021 to 31 June 2021 <sup>1</sup>- quality of decisions – major appeals allowed (overturned)**

To accompany Table 5

<b>Application Reference</b>	<b>Site Address</b>	<b>Description of Development</b>	<b>Decision Process</b>	<b>Appeal Process</b>	<b>Appeal Decision</b>	<b>Costs</b>
<a href="#">P19/V0301/RM</a>	Greensands, Reading Road, East Hendred	Erection of 75 dwellings	Delegated refusal	Written representations	Appeal allowed 6 January 2021.	N/A
<p>SUMMARY: Refused by officers on 19 December 2019 for the following reasons: 1. concentration of affordable housing; 2. density out of keeping; 3. harm to the AONB; 4. Inappropriate housing mix; and 5. harm to mature Poplar tree due to drainage proposals.</p> <p>The Inspector considered that as the clusters of affordable housing were in groups no greater than 8 they would be dispersed through the site. He noted the support for the arrangement from the council's Housing Officer and a Registered Provider. The Inspector considered that whilst the mix of housing did not fully align with the target sought in the SHMA, it would nevertheless make a meaningful contribution to the supply and mix of housing in the area. The Inspector found no harm to the character and appearance of the area or the AONB. Finally, he was satisfied that alternative drainage solutions were available which would protect the tree. The appeal was allowed on 6 January 2021.</p>						
<a href="#">P20/V0921/FUL</a>	Botley Centre, Botley	Demolition and redevelopment of existing buildings for new commercial floorspace (Use	Committee overturn	Written representations	Appeal allowed 12 May 2021	Application for costs made by the appellant against the

<sup>1</sup> <https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>

		Classes A1-A5 and B1a) at ground floor level, with development above comprising 150 residential dwellings (C3). Associated car parking and landscaping are also proposed. The development proposal would create 30 more dwellings than the extant permission (P16/V0246/FUL).				Council. Refused.
<p><b>SUMMARY</b> - The development was refused by the Planning Committee on 2 December 2020 for the following reasons: 1. out of keeping with the character and appearance of the area; 2. harm to highway safety due to lack of on-site parking; 3. failure to provide 35% affordable housing; and 4. lack of S106 agreement securing affordable housing and infrastructure contributions. The Inspector considered the character and appearance of the area and the building heights. He did find that the height would lead to an adverse impact, but this would be limited due to the nature of some of the context and views being localised. The Inspector noted the height difference of 1.5m between the extant permission and the proposal and noted other similarities. As such he concluded the proposal would result in limited and localised harm and noted the conflict with the Botley Supplementary Planning Document (SPD) and the emerging North Hinksey Neighbourhood Plan (NP).</p> <p>In relation to parking and highway safety the Inspector noted the concerns of the council in the context of existing public transport connections with Oxford as well as car club access and cycling. The Inspector considered that parking could be managed by suitable measures to restrict the use of on-street parking as well as address concerns about the lack of allocated spaces for uses within the development. The Inspector therefore concluded on this issue that future residents of the</p>						

development would not be car dependant and highway safety problems arising from indiscriminate car parking would be unlikely.

However, the merits of the proposal including the highly accessible location of the development, economic benefits associated with an additional 30 dwellings, the provision of affordable housing (noting the one million pound contribution paid already and the one million pound additional payment due on occupation of the units) were sufficient to outweigh the conflict with both the SPD and the NP.

Costs: The appellant made an application for costs after the council submitted its statement on numerous grounds relating to unreasonable behaviour including the decision taken by the Planning Committee against the officer recommendation; no objections from the Local Highways Authority and the failure of the council to substantiate its refusal reasons. However, the Inspector did not agree with any of the grounds and the costs application was refused.



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## Appeal Decision

Site visit made on 23 November 2020

by **Ben Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 January 2021

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**Appeal Ref: APP/V3120/W/20/3246347**

**Greensands, Reading Road, East Hendred, Wantage OX12 8JE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mears New Homes and Sovereign Housing Association against the decision of Vale of White Horse District Council.
  - The application Ref P19/V0301/RM, dated 31 January 2019, was refused by notice dated 19 December 2019.
  - The development proposed is details of access, appearance, landscaping, layout and scale following approval of outline permission, reference P15/V2328/O.
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### Decision

1. The appeal is allowed, and planning permission is granted for the details of access, appearance, landscaping, layout and scale following approval of outline permission, reference P15/V2328/O at Greensands, Reading Road, East Hendred, Wantage OX12 8JE, in accordance with the terms of application Ref P19/V0301/RM dated 31 January 2019, and subject to the conditions within the attached schedule.

### Procedural matter

2. The description of development was changed by the Council to add the details of the outline application. The appellant explains, in Section E of the appeal form, that the description has not changed but has nevertheless used the Council's revised description. I do not have confirmation that agreement was sought for this change and I am satisfied that the original description clearly describes the proposal. Accordingly, I have retained the original description.
3. Amended plans have been submitted in support of the appeal. These show broadly minor layout and design improvements to parts of the refused layout (version 'P8') and a redistribution of some of the affordable housing units. Given these changes are minor in nature and do not materially change the substance of the proposal my consideration of the amended plans would not prejudice any party. I have therefore dealt with the appeal on the basis of the amended layout (version 'P10') and its accompanying plans.
4. The site, and an adjacent site at Mather House, was subject to outline planning approval for up to 75 dwellings<sup>1</sup> granted at appeal in 2017<sup>2</sup>. The approval included conditions that limited the total number of dwellings to 75, to two-stories on Greensands and single-storey on Mather House and limited the

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<sup>1</sup> Planning Application Reference P15/V2328/O

<sup>2</sup> Planning Appeal Reference APP/V3120/W/16/3145234

occupation type of the approved dwellings at Mather House. I have taken this into account in my decision.

## **Main Issues**

5. The main issues are:

- The mix and type of housing proposed, with particular regard to the distribution of affordable housing and the mix of open market dwellings and whether this would accord with local and national policy, and
- The effect of the proposed dwellings on the character and appearance of the area and the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and on-site trees.

## **Reasons**

### *Mix and type of housing*

6. The proposal relates to the provision of 26 affordable housing (AH) units and 39 open market housing (OMH) units. The proposed layout shows five residential blocks, separated by roadways, with a central area of public open space. Each block would be arranged in a perimeter block formation. This would place rear gardens adjacent to other rear gardens and frontages facing onto public space and the roadways.
7. The S106 Legal Agreement requires the mix of affordable housing to consist of 18 rented units and 8 shared ownership and be in clusters of no more than 15 units. The Tenure Layout Plan (ref: 0233-D5-P8) shows the distribution of affordable housing (AH). In broad terms this shows the AH units to be dispersed throughout the development area, albeit generally along the edges of the site facing Reading Road and Featherbed Lane. They would however be in groups no greater than 8 and would be interspersed with the OMH units.
8. This arrangement is supported by the Council's Housing officer<sup>3</sup> and the Registered Provider. Therefore, although the site is relatively small, it is nevertheless acknowledged that a wide distribution of AH units would present some management and maintenance difficulties to the provider. As a result, the proposed distribution includes clustering. However, these clusters would not exceed the relatively prescriptive parameters set by the Legal Agreement. Consequently, the proposed distribution would not result in the AH units being segregated from the OMH units. They would be reasonably well spread throughout the development whilst still meeting the management needs of the operator.
9. Policy CP22 of the Vale of the White Horse Local Plan 2031- Part 1 (LP) requires that a variety of dwelling types and sizes be provided to meet the district wide requirements. This is consistent with the National Planning Policy Framework (The Framework) in seeking the provision of a suitable size, type and tenure of housing for different groups within a community. The policy also requires that the mix is to be in accordance with the Council's Strategic Housing Market Assessment (SHMA). The 2014 SHMA seeks the provision of a range of house types that establishes a limited need for one bed units and the greatest need

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<sup>3</sup> Correspondence from Senior Affordable Housing Officer 13 August 2019

for three bed dwellings. The companion text for policy CP22 also states that it adopts a flexible approach to the implementation of the housing mix.

10. The OMH units, on the Greensands site, would include 5 two-bed, 13 three-bed and 21 four bed or greater units. The objective of the SHMA implies that the proportion should have more one and two bed properties and fewer larger dwellings. It is not disputed between parties that there is some variance between the proposal and the requirement sought by the SHMA. However, in my view the housing mix stated in policy CP22 is a strategic target over the whole district rather than a specification for individual developments.
11. Furthermore, the Greensands and Mather House sites were subject to a conjoined outline planning approval. This included the approval of 10 two bed dwellings, on the Mather House site, for specialist accommodation for older people. This site is subject to an approved reserved matters application for 10 two-bed units. These units are subject to condition 8 of the outline approval, that would provide small units for a specialist group. The Mather House site is therefore not a separate planning unit, it forms part of the application site that gained outline consent. This subsidiary site makes an important contribution towards the overall provision of dwellings across the outline site.
12. Therefore, although the proposal would not fully align with the target sought by the SHMA it would nevertheless make a meaningful contribution to the supply and mix of housing in the area. Accordingly, the range of sizes across both sites aligns sufficiently with the SHMA to address its requirements. As such, the proposed dwellings, across the combined sites, would deliver a range of house types that would provide a suitable and required mix of housing units to create a balanced community.
13. Accordingly, the proposal would comply with Policies CP22 and CP24 of the LP. These seek, amongst other things, for affordable housing to be evenly distributed across the site. The proposed development would also comply with principle DG65 of the Council's design guide which seeks new residential development to be inclusive with affordable housing pepper-potted throughout the site.

#### *Character and appearance*

14. The site is adjacent to the village of East Hendred. The village is a combination of traditional dwellings and several new estates mostly built along Reading Road. Therefore, various designs and density of dwellings are evident locally. The new estate, to the west of the site, is a relatively large housing development. This broadly consists of two-storey terraced and semi-detached dwellings. This medium density development has a limited number of detached properties and has a clear intention to make efficient use of the land. Existing recent development, whilst set back from the highway, are therefore more suburban than rural in character. The site itself was partially previously developed. It is bound by tree and hedge field boundaries. The boundaries and adjacent highways of Reading Road and Featherbed Lane provide a sense of containment to the site. This aligns with the previous Inspector's comments who found that the site has a domesticated appearance and was not part of the open countryside. The site makes a neutral contribution to the character and appearance of the area.

15. Highway improvements are proposed at the junction of Reading Road and Featherbed Lane. The proposal would deliver development that would reinforce the containment of the site. This coupled with the proposed highway changes would continue to evolve the appearance of the site. The southeast corner of the proposed development would present an important corner at the entrance to the settlement. The southeast blocks within the proposal would have a slightly greater concentration of built form, than those blocks set away from the highways.
16. The dwellings would consist of brick and render with tile roofs. These would include detailing such as splayed brick headers, stone windowsills and porch canopies. The more intensive part of the scheme, around the southeast crescent, would include projecting gables and several designs of porch to add interest and variety to this row. The southeast corner would therefore make a positive contribution to the proposal with robust detailing and strong articulation of form. Furthermore, by being set back from the highway it would create a clear sense of spaciousness and separation from the surrounding open countryside. As such, the crescent of development, with particular regard to its streetscene formed by the two southeast blocks, would create a high-quality character of design. Furthermore, the proposed development would have a unified design philosophy and material palette.
17. The design of the open market dwellings and affordable dwellings use a similar material palette. Several OMH units would be identical to AH units, such as in comparison between plots 37/38 and 39/40. These examples are indistinguishable. Nevertheless, some AH units would be of a style and grouping not seen within the OMH units. This is evident when considering the grouping and arrangement of plots 58-60 and especially 61-63. These are a terraced group and a maisonette above a car port with semi-detached dwellings either side. However, the majority of AH units are semi-detached and there some OMH units of this type. Furthermore, the AH units within the revised layout 'P10', are in groups of no more than 8 and in frontages no more than 8. Accordingly, this would not appear to visually segregate the AH units.
18. The southern and eastern facing blocks include a slighter higher density of built form including terraced and semi-detached blocks of housing with detached housing more prevalent in the blocks set away from Reading Road and Featherbed Lane. This enables the development to address with main roads with regimented and structured development whilst reserving more spacious plots to the centre and rear of the site. The south and east blocks would therefore be higher density than other blocks, although they would include designs that are evident within the OMH units. Accordingly, the higher density would be an appropriate design response to the site and would complement the character of the wider area. Furthermore, the design of the AH units would satisfy the Legal Agreement<sup>4</sup> in providing affordable housing that would be 'tenure blind' being materially indistinguishable from the OMH.
19. Reading Road forms a boundary to the AONB to the south of the site. The southeast corner of development marks the edge of the settlement and provides a vantage towards the AONB. The development would be set back from the highway and the field boundaries would be retained and enhanced through new planting. The development would therefore integrate well into the

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<sup>4</sup> Extract in appendix 8 of Appellant's Statement of Case



- existing landscape and would preserve the setting of the AONB. As such the impact of the development on the AONB would be negligible.
20. The perimeter block layout would place parking spaces either to the side or in front of dwellings. For the larger detached dwellings, parking would be arranged in front of garages. Therefore, parking spaces located in front of dwellings is a characteristic found throughout the layout. Consequently, this arrangement is not exclusive to the southeast corner of the scheme or to the AH units. Furthermore, the majority of parking spaces for the AH units are to the side of dwellings. As such, the placement of parking throughout the development does not clearly signify which would serve AH units and does not therefore clearly distinguish the AH from OMH units.
  21. Furthermore, the parking areas in the southeast corner of the site would be arranged in groups of no more than two spaces and would have landscaped gaps between them. This would disaggregate the car parking and provide visual interest. Accordingly, the proposed parking configuration, including around the south eastern corner, would not dominate the adjacent frontages. Moreover, having found that the AH units would be indistinguishable from the OMH units and the car parking largely subdued, the AH units would be visually blended into the development as a whole.
  22. The preliminary drainage strategy includes the provision of an attenuation basin in the north east corner of the site. The attenuation scheme shows proposed drainage running close to a mature poplar tree within the grass verge of Featherbed Lane. This tree makes an important contribution to the character and appearance of the area. The appellant has offered a number of design solutions that would prevent root damage to the tree. I am satisfied that a revised drainage solution, or specification of works in connection with the existing drainage solution, would adequately address this issue. This can therefore be satisfied by the discharge of condition 12 of the outline approval.
  23. Accordingly, the proposal would comply with policies CP37 and CP44 of the LP. These seek development that creates a distinctive sense of place through high quality design and to protect the landscape from harmful development. The proposal would also satisfy principles DG20, DG29, DG76 and DG82 of the Council's design guide. These seek development to integrate buildings into the local topography, provide a positive edge adjacent to the countryside, take into account landscape character and setting and for front driveways to not dominate the streetscape through mitigating landscaping. The proposal would also accord with the Framework that seeks development to be sympathetic to local character and to recognise the intrinsic character and beauty of the countryside.

### **Other matters**

24. Around a quarter of the gardens are below the size requirement within the Council's design guide. However, these shortfalls are relatively marginal. They result from the perimeter block arrangement of the layout that assist in the achievement of a high quality streetscene. Furthermore, the development provides a significant provision of public open space and informal areas for future occupiers to enjoy. Consequently, the on-site provision of open space, both formal and less formal, would off-set the minor shortfall found. In this context, the proposed garden sizes would be sufficient to meet future occupier's day to day needs.



25. The appellant's Design and Access Statement explains that residents of dwellings, accessed from private drives without turning heads, would leave refuse within identified collection points on the public footway. Therefore, although recommended by the Council's waste management team, it is not necessary for the tracking plan to show suitable access to plots around the front crescent. Sufficient and adequate refuse collection points are indicated on the refuse management plan (version 0234 D5-P7).
26. The Council's drainage officers have raised no objection to the proposed sustainable drainage strategy. Therefore, although there is an outstanding concern from the Council in regard to the impact of the drainage proposal on the poplar tree, the strategy as a whole is acceptable and the outstanding concern can be adequately addressed by planning condition.
27. The proposal would provide access onto Featherbed Lane. This would enter where the highway is relatively straight and flat affording good visibility in both directions. Furthermore, the scheme shows a pedestrian link to the existing footway to the west of the site. The proposal raised no objection from the County Highway Engineer. As such, despite the concerns raised by interested parties, I am satisfied that the proposal would be well connected to the village and would not have an unacceptable impact on highway safety.
28. An appeal decision in evidence explains that large clusters of affordable housing resulted in a clear and noticeable concentration of units with a limited connection to the rest of the site. Although it is necessary to consider each case on its own merits, there are nevertheless significant differences between the proposal and the proposal in regard to the size of the clusters.
29. The noise of any increased traffic using the adjacent highways in the future would be unlikely to be significant. In any event, suitable noise attenuation would be provided through the discharge of condition 11 of the outline approval.
30. Furthermore, any variance in design from the illustrative masterplan of the outline application has been adequately addressed through the appellant's design and access statement. These illustrate that the proposal would accord with the character and appearance of the area.
31. Finally, payments towards infrastructure improvements and mitigation are matters that were fully addressed during consideration of the outline scheme.

### **Conditions**

32. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance (The Guidance). The Council has suggested the imposition of 19 conditions. The appellant has commented on several of these and I have taken all comments into account. I have applied those conditions that are directly related to the reserved matters details provided. I have adjusted the trigger points for suggested conditions 5 and 7 to prior to first occupation and prior to above ground works respectively as these would not be required prior to the commencement of development.
33. Furthermore, suggested condition 2, with respect to levels is not necessary as the site is relatively flat and set away from neighbouring boundaries. Suggested condition 3 is unnecessary as it would repeat condition 14 of the outline approval. Similarly, suggested condition 6 is also unnecessary,

regarding drainage, as this would repeat condition 12 of the outline approval. Suggested conditions 10 and 11 would duplicate the requirements of condition 15 of the outline approval. External finishes are defined by plan 0231-D5-P9, these are acceptable and listed within the 'approved plans' condition. Therefore, suggested condition 14, that relates to compliance with external materials, is unnecessary.

34. A condition requiring details of the Local Equipped Area of Play (LEAP) is necessary to ensure that a satisfactory design can be agreed prior to its installation. Although the Council have requested these details prior to determination, I see no reason why these cannot be required by planning condition.
35. Furthermore, the appellant has requested that the Council's suggested condition 12, in regard to vision splays, be reworded to require access details to be in accordance with plan '10691C - 204(E) - S278 Works - Extent of Works & Visibility'. However, although the access and its design has been agreed by the County's Highway Engineer, further details were requested in regard to the northward vision splay along Featherbed Lane. I have no further detail to suggest this matter has been further resolved. As such, I shall impose the Council's version of the condition as being necessary in the interests of highway safety.
36. Suggested condition 16, with respect to vehicle charging points, has been questioned by the appellant. However, this condition is necessary to satisfy policies CP33 and CP35 of the LP. The Council's suggested conditions 17, 18 and 19 are advisory notes that would not therefore be necessary to make the proposal acceptable in planning terms.
37. Condition 2 requires the submission of an arboricultural method statement prior to the commencement of development. A tree protection plan was submitted within the suite of plans. However, there is insufficient detail or method statement to ensure that these trees would be suitably protected during construction. I consider this pre-commencement condition to be so fundamental to the development that it would have been otherwise necessary to refuse permission. The appellant has agreed to the imposition of this, following formal notification under Regulation 2(4) Notice of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018.
38. I have applied a condition that lists the approved plans to accord with the Guidance. The further conditions are necessary in the interests of the character and appearance of the area [2, 4, 5, 8 and 9], in the interests of highway safety [3 and 7] and to promote sustainable travel and connectivity [6 and 10].

### **Conclusion**

39. For the above reasons the appeal is allowed, and planning permission is granted subject to the attached conditions.

*Ben Plenty*

INSPECTOR

## Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:

RREH-MCB-ZZ-ZZ-DR-A-0200-D5-P1 Site location plan  
200D S278 works  
204E S278 works – Extent of works and visibility plan  
8473-T-01. Tree survey drawing  
8473-T-02. Tree retention plan  
RREH-MCB-ZZ-ZZ-DR-A-0105-D5-P4 Type A, Plans and Elevations  
RREH-MCB-ZZ-ZZ-DR-A-0107-D5-P1 Type E.  
RREH-MCB-ZZ-ZZ-DR-A-0108-D5-P2 Type E, Elevations.  
RREH-MCB-ZZ-ZZ-DR-A-0111-D5-P2 Type F, Plan.  
RREH-MCB-ZZ-ZZ-DR-A-0112-D5-P3 Type F Elevations.  
RREH-MCB-ZZ-ZZ-DR-A-0113-D5-P2 Type H. Plan.  
RREH-MCB-ZZ-ZZ-DR-A-0114-D5-P3 Type H Elevations  
RREH-MCB-ZZ-ZZ-DR-A-0115-D5-P2 Type J Plans.  
RREH-MCB-ZZ-ZZ-DR-A-0116-D5-P2 Type J Elevations  
RREH-MCB-ZZ-ZZ-DR-A-0117-D5-P4 Type C2 (rear) Plans and Elevations.  
RREH-MCB-ZZ-ZZ-DR-A-0118-D5-P4 Type C2 (side) Plans and Elevations.  
RREH-MCB-ZZ-ZZ-DR-A-0137-D5-P2 Type A+AF1 MAIS+A Plans.  
RREH-MCB-ZZ-ZZ-DR-A-0138-D5-P3 Type A+AF1 MAIS+A Elevations.  
RREH-MCB-ZZ-ZZ-DR-A-0141-D5-P2 Type A terraced. Plan.  
RREH-MCB-ZZ-ZZ-DR-A-0142-D5-P2 Type A terraced. Elevations.  
RREH-MCB-ZZ-ZZ-DR-A-0143-D5-P1 Type AF3+A. Plan.  
RREH-MCB-ZZ-ZZ-DR-A-0144-D5-P1 Type AF3+A. Elevations.  
RREH-MCB-ZZ-ZZ-DR-A-0160-D5-P1 Garages. Plan and Elevation  
100 K Preliminary drainage Strategy  
101(1F) refuse vehicle tracking plan  
REH-MCB-ZZ-ZZ-DR-A-0106-D5-P5 Type C, Plans and Elevations.  
RREH-MCB-ZZ-ZZ-DR-A-0109-D5-P3 Type E+ Plan.  
RREH-MCB-ZZ-ZZ-DR-A-0110-D5-P4 Type E+ Elevations.  
RREH-MCB-ZZ-ZZ-DR-A-0130-D5-P5 Type A Plans and Elevations.  
RREH-MCB-ZZ-ZZ-DR-A-0131-D5-P6 Type A (front gable) Plans and Elevations.  
RREH-MCB-ZZ-ZZ-DR-A-0132-D5-P5 Type B Plans.  
RREH-MCB-ZZ-ZZ-DR-A-0133-D5-P3 Type B Elevations.  
RREH-MCB-ZZ-ZZ-DR-A-0134-D5-P5 Type B (gable end) Elevations.  
RREH MCB ZZ ZZ DR A 0230-D5-P10 site layout plan.  
RREH MCB ZZ ZZ DR A 0231-D5-P9 materials and boundaries plan.  
RREH MCB ZZ ZZ DR A 0232-D5-P11 surface finishes plan.  
RREH MCB ZZ ZZ DR A 0233-D5-P8 affordable tenure plan.  
RREH MCB ZZ ZZ DR A 0234-D5-P7 refuse management plan.  
RREH-MCB-ZZ-ZZ-DR-A-0260-D5-P7 illustrative street-scenes.  
Landscape & Sculpture Design Partnership 1207.01 Rev H Landscape Proposal 1 of 2.  
Landscape & Sculpture Design Partnership 1207.02 Rev H Landscape Proposal 2 of 2.

- 2) No development shall commence until an arboricultural method statement has been submitted to and approved by the Local Planning Authority. The arboricultural method statement shall ensure the protection of trees on the site during construction. All works shall be carried out in accordance with the approved tree report. No works shall be carried out on site before the arboricultural protection and safeguarding methodology has been implemented. At all times during

- construction, the tree protected areas shall not be used to park or manoeuvre vehicles, site temporary offices or other structures, store building materials or soil, mix cement/concrete or light bonfires.
- 3) Prior to first occupation the existing vehicular site accesses on A417 Reading Road shall be permanently closed up. The specifications for the closure of the existing access roads shall be submitted to and approved by the Local Planning Authority prior to occupation.
  - 4) Prior to commencement of any above ground development details of the play area equipment, surfacing and boundary fencing, and other open space features such as bins and benches, and root barriers to highway boundaries shall be submitted to and approved by the local planning authority. Thereafter, prior to the occupation of the first dwelling the play area shall be laid out and constructed in accordance with the approved plans.
  - 5) Prior to commencement of any above ground development hard and soft landscape details shall be submitted to and approved in writing by the Local Planning Authority. These details shall include schedules of new trees and shrubs to be planted, noting species, plant sizes and numbers/densities, the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread), details of hard surfacing, tree pit details and an implementation programme. Any trees or shrubs which die or become seriously damaged or diseased within 5 years of completion of the soft landscape works shall be replaced by trees and shrubs of similar size and species to those originally planted.
  - 6) No dwelling shall be occupied until a route for pedestrians and cyclists within the site extending fully to the western boundary of the site has been completed and the physical site boundary removed to enable a connection through to the adjacent residential development to the west.
  - 7) No residential unit shall be occupied until details of the vehicular access to the site and visibility splays to show access on Featherbed Lane have been submitted to and approved by the Local Planning Authority. Thereafter the site shall be formed, laid out and constructed in accordance with the approved plans and, the visibility splays shall be permanently maintained free from obstruction to vision.
  - 8) Prior to occupation of the final residential unit a plan showing land transferred to Oxford County Council, the registered provider, the management company or any other interested parties shall be submitted to and approved by the Local Planning Authority.
  - 9) External lighting will only be permitted in accordance with a lighting scheme to be submitted to and approved in writing by the local planning authority. Any such lighting shall be directed downwards to prevent nuisance to adjoining residential occupiers from light spillage.
  - 10) All garages serving open market housing shall include a dedicated charging point for the recharging of electric vehicles.

**End of schedule**



## Appeal Decision

Site visit made on 6 April 2021

**by J P Longmuir BA (Hons) DipUD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 May 2021**

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**Appeal Ref: APP/V3120/W/20/3265269**

**Botley Centre, West Way, Botley, Oxford OX2 9LP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Botley Development Company Phase 2 Limited against the decision of Vale of White Horse District Council.
  - The application Ref P20/V0921/FUL, dated 31 March 2020, was refused by notice dated 4 December 2020.
  - The development proposed is the demolition and redevelopment of existing buildings for new commercial floorspace (Use Classes A1-A5 and B1a) at ground floor level, with development above comprising 150 residential dwellings (C3). Associated car parking and landscaping are also proposed.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition and redevelopment of existing buildings for new commercial floorspace (Use Classes A1-A5 and B1a) at ground floor level, with development above comprising 150 residential dwellings (C3). Associated car parking and landscaping are also proposed at the Botley Centre, West Way, Botley, Oxford OX2 9LP in accordance with the terms of the application, Ref P20/V0921/FUL dated 31 March 2020, subject to the following conditions in the conditions schedule at the end of this Decision.

### Application for costs

2. An application for costs was made by Botley Development Company Phase 2 Limited against Vale of White Horse District Council. This application is the subject of a separate Decision.

### Main Issues

3. The main issues are:
  - the effects of the proposal in terms of its height, mass and scale on the character and appearance of the area including heritage assets;
  - whether the proposal would lead to parking problems to the detriment of highway safety and;
  - the extent of the affordable housing provision, contributions to public art and education.

## Reasons

### *Character and appearance*

4. Botley is a neighbourhood adjacent to the main A34 dual carriageway and is an outlying suburb of Oxford. It has an extensive range of facilities including various shops, a library, community hall, schools, churches, food/drink outlets, post office and good public transport.
5. The appeal site is on West Way, which is a main thoroughfare across Botley, and Westminster Way which runs alongside the A34. It is prominent along both these roads as well as various points on the A34, particularly up to and on its elevated interchange with the nearby A420. From Westminster Way and the A34, the site is seen against the adjacent Premier Inn and a couple of other tall buildings, which form a prominent skyline.
6. Another feature of the skyline is the Seacourt Tower, which is a tall vertical building with shallow roofs and projecting metal work akin to a spire, which is to the east of the A34. It also features prominently over West Way where it is seen with the appeal site and Elms Parade, a two-storey row of shops fronting a parking area and the brick built St Peter and Paul church, as well as, on the north side, largely residential dwellings including a four storey contemporary development near the A34.
7. The appeal site is dominated by two vacant and dilapidated buildings up to 5 storeys. These have a drab and forlorn appearance.
8. The appeal site is on low lying land, and the submitted LVIA shows the site is not prominent in the views from high points of the renown skyline in Oxford city centre. This skyline includes listed buildings and their distinctive towers and spires. The Seacourt Tower is also a feature.
9. The proposed building would be visible from various viewpoints, including the A34, West Way and Westminster Way and a pedestrian thoroughfare to the south within a neighbourhood centre. The Council's concern about the impact of the building does not refer to a particular viewpoint but rather implies the general character of the area.
10. The proposal involves the demolition of the two existing buildings and replacement with a building which would follow around the sites confines.
11. The proposed building would be lowest on the north west, by West Way. This would respect the context of Elms Parade (which the Council considers as a non-designated heritage asset), the church and the residential area on the north side of West Way.
12. The building would be highest on the east/south side at 8 storeys, with the top floor being particularly high, akin to a double (ninth) storey. The building would dominate the human scale particularly at the street level on Westminster Way. The close proximity of this viewpoint means the scale would be overly apparent, creating a sense of overbearing enclosure. However, the building would be experienced in conjunction with the adjacent tall buildings and also the Seacourt Tower, which would give some rationale for its scale. The tallest part of the building also would only occupy part of the floor area; a quarter is estimated in the committee report.



13. Additionally, the A34 is an assertive feature of the area due to its elevated offshoots and form, which demeans the attractiveness of Westminster Way and the views of the appeal site. Moreover, the height, size and hard surfaces of the A34 give an urban context, which provides some justification for a tall building.
14. The LVIA shows the site in relation to the Oxford skyline. An earlier (and lower) scheme is incorporated into the imagery, which could not be updated for this scheme due to access limitations during the pandemic. Nonetheless due to the distances involved, the proposal would not appear significant on this skyline, even allowing for the accumulative effect of the adjacent buildings. The individual towers and spires of the Oxford skyline as well as the background of tree cover would not be undermined. I note the comments from Oxford Preservation Trust and the photograph taken from St George's Tower. I have not been advised about the focal length of the lens, but in any event find that it does not lead me to a different conclusion.
15. I therefore find that the height would lead to an adverse impact, but this would be limited due to the nature of some of the context and views being localised.
16. The Council's decision notice also refers to the mass and scale of the proposal. However, the roof would be broken into various heights and forms as one element would be pitched in contrast to other flat roof elements. The building would also be broken into various segments, changing along the four sides of the site and a fifth formed by a chamfered cut away section. This fifth side would allow the building to orientate and address the facing view from West Way.
17. The elevations show variations in the arrangement of glazing and pattern of walling which would again break up the massing and the perception of the scale. Balconies too are proposed on some elevations which would also break up the walling.
18. The appeal site is part of a wider scheme for redevelopment, permitted in June 2016. This is an extant permission having been partly implemented. The Council do not suggest any impediment and the scheme has a real prospect of being implemented. Accordingly, I give this extant permission significant weight.
19. The main difference between the proposal and the extant scheme is that the building would be 1.5m metres higher, thereby adding another storey. The increased height would have limited impact for the reasons above. The elevations and form of the appeal proposal would reflect the concept of the extant scheme. The massing of the now proposed building would be similar.
20. I therefore conclude that the proposal would result in limited and localised harm to the character and appearance of the area due to the increased height.
21. The site was included in the Botley Supplementary Planning Document (SPD) adopted 2016. This provides an analysis of the context of the site and acknowledges it is a landmark location and notes the influence of the Seacourt Tower. It envisages re-development up to 8 storeys on the site but also states the need to break up massing and consideration of the surroundings.
22. North Hinksey Neighbourhood Plan (NP) is pending referendum. Policy GS3 highlights the importance and analysis of impacts on local views which includes



- the appeal site. It also acknowledges the above SPD. Policy HS1 requires new development to respect and enhance the character and area, whilst H3 seeks to avoid adverse effects.
23. Policies CP37 and CP44 of the Vale of White Horse Local Plan 2031 (LP) require high quality townscape and positive response to a site and its surroundings, in terms of height, scale and massing as well as protection of the important views and the skyline.
  24. Paragraph 127 of the National Planning Policy Framework (the Framework) requires that proposals are sympathetic to local character and history. Paragraph 130 highlights that design quality should not be eroded in a revised scheme and makes reference to the importance of SPDs. The National Design Guide similarly lists respect for context as one of the components of good design. It also stresses height needs to be considered in relation to the surroundings and can create enclosure.
  25. The proposal would be in conflict with the above which is considered further in the planning balance below.
  26. Historic England's Conservation Principles, Policies and Guidance advises on the components of significance: evidential, historical, aesthetic and communal. Paragraph 197 of the Framework requires that the significance of the non-designated heritage asset is taken into account and a balanced judgement is required. Historic England Advice Note 4: Tall Buildings emphasises the need to consider the wider surroundings and accumulative impact. Paragraph 193 of the Framework affirms that great weight should be given to the significance of the assets and 194 emphasises the importance of the asset's setting. The proposal would not be contrary to the above.

*Parking and highway safety*

27. The decision notice refers to the potential highway safety problems arising from the suggested shortfall of car parking and cycle storage: the proposal would create 30 more dwellings than the extant permission, but these would not have any parking spaces.
28. The site has frequent and quick bus connections to Oxford, which together with extensive facilities within easy and pleasant walking, mean it would not be essential for the residents to have a car. Furthermore, provision could also be made for car club access. Cycling would also be feasible to Oxford city centre bearing in mind the distance and flat terrain.
29. A car park management strategy is suggested as a condition whereby the 30 additional occupiers would be forewarned that they cannot park a car on the site. Some of the adjacent streets have demarcated restrictions to prevent unsafe parking. There are also some payable parking spaces in the area, which would meet the needs of visitors. The appellants confirm that £87,000 has been paid to the highway authority for part of the earlier (adjacent) development to implement a Controlled Parking Zone here if parking became an issue.
30. I acknowledge the concerns about the existing problems arising from commuters described in the Council's statement, and the concerns expressed by local residents, but this situation could be managed by suitable measures to restrict the use of on street parking. Similarly, such management would

address concerns about the lack of allocated spaces for the particular land uses of the earlier wider redevelopment.

31. Appeal decisions<sup>1</sup> are provided by the Council which supported car parking provision. However, the appropriate level of parking will be dependent upon the nature of the area, its accessibility and the range of neighbourhood facilities. I have not been given evidence these parameters are comparable to this situation.
32. Within the new building, provision would be made for storage of 150 cycles, which would equate to one cycle space per dwelling. Cycle access would be provided on Westminster Way.
33. I therefore conclude that the residents would not be car dependent and highway safety problems arising from indiscriminate car parking are unlikely. Similarly, adequate cycle parking would be provided.
34. Policies CP33 and CP35 of the LP seek to minimise impacts on roads, promote sustainable travel and provision of adequate parking. Similarly, policies TR1 and TR2 of the NP require cycle parking and off-road car parking. The Oxfordshire County Council Parking Standards for New Residential Development document does allow for car free development where facilities and accessibility exist. Whilst the appeal site is outside the City jurisdiction, it is nonetheless close by and shows the validity of the approach. Paragraph 110 of the Framework promotes non private vehicle use and the minimisation of conflicts between pedestrians, cyclists and vehicles. Paragraph 108 of the Framework seeks suitable access for all users and the promotion of sustainable transport. The proposal would not be in conflict.

#### *Affordable housing and other requirements*

35. The extant scheme has already made a payment of £1million for off-site affordable housing. The appellant has submitted a viability assessment, which concludes that the viability is below accepted norms. The committee report acknowledges that various options for affordable housing were explored but the finalised position is for an additional £1million for affordable housing provision off site.
36. The Council accepts the viability but does not consider the scheme should go ahead without making the 35% contribution requirements of the policy, whilst acknowledging the obligations of the extant scheme. Whilst this is a matter for the planning balance, an allowance must be made for the viability of the current scheme in the current circumstances.
37. Indeed, Policy CP24 of the LP states the Council will seek 35% affordable housing, with 75:25 split for rental and intermediate, but this can be waived if the viability proves otherwise. Similarly, paragraph 62 of the Framework raises viability issues. Paragraph 63 emphasises the difficulties of provision on brownfield sites. Given the viability, the proposal would not be in conflict and I therefore find that the proposed additional £1million for affordable housing would be an appropriate contribution.

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<sup>1</sup> APP/G5180/W/18/3202245, APP/G5180/W/18/3202258

38. A signed additional unilateral undertaking has been submitted which provides contributions to secondary and sixth form education as well as public art. This also is satisfactory provision.
39. These provisions are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development.

### **Planning Balance**

40. The proposed building would be in part at a height which is out of keeping with some viewpoints of the area, and the proposal is contrary to those particular policies. However, as I have found above that harm would be limited. The extant scheme is also a consideration.
41. The site is also in a highly accessible location whereby the occupants would be able to meet their needs without car dependency. It is therefore appropriate to maximise the use of such a site. The site is also previously developed land being occupied by two existing buildings. Again, such land should be optimised as paragraph 118 in the Framework advocates substantial weight should be given to the reuse of brownfield land within settlements for housing.
42. Whilst the affordable housing payment would not meet the target in the policy, some provision would be made, which would be a notable benefit.
43. The proposal would provide 30 additional dwellings and assist in the implementation of the extant scheme of 120. Such housing delivery would have substantial economic benefits.
44. The above material considerations indicate that the decision can be made otherwise than in accordance with the relevant development plan policy.
45. Paragraph 8 of the Framework sets out that achieving sustainable development involves three overarching objectives. The economic objective would be met by the construction benefits of the building, the social objective would be met by the addition of new dwellings and the ability of the occupants to use community facilities and the environmental objective would be satisfied by the location of the new dwellings in an accessible brownfield location.
46. The Council suggests it has a 5+ years housing land supply. However, the appellants argue it is exactly 5 years and is dependent upon the delivery of the extant permission on this site. Whilst I do not have all the evidence before me to quantify the land supply, it would be very desirable to achieve an increase and these 30 additional dwellings and the reassurance of implementation of the extant permission for 120, would be a significant factor for land supply. In any event, paragraph 60 of the Framework states housing land supply policies determine the minimum number of homes needed. Paragraph 59 confirms the Government's objective of significantly boosting the supply of homes without causing harm.
47. Whilst there is conflict with Local Plan Policy in terms of the building height, I have considered the Development Plan as a whole and the Framework. In overall balance the merits of the development outweigh the conflict with the Development Plan policy.

## Conditions

48. Paragraph 55 of the Framework and the Planning Practice Guidance (PPG) provide the tests for the imposition of conditions. The Council has suggested conditions and the appellants have confirmed their agreement except for the timing for submissions of details on conditions 6 and 17. The revised timings do not affect implementation and have been adjusted accordingly. Condition 14 is considered unnecessary due to other legislation to control such highway works. An additional condition on the submission of parking management is suggested to address the parking issue and imposed accordingly.
49. Conditions on the commencement and approved plans help certainty. The CEMP, noise insulation, external plant, lighting, ventilation, and highway, deliveries, waste, CCTV and the security plan will promote quality living standards during and after construction. The bicycle parking, Framework Travel Plan, visibility, site access, all ensure highway safety. Submission of samples, architectural details, tree planting and landscaping will all help the final appearance. The archaeological condition reflects the significance of that element on the site. The employment plan offers a benefit from the development process. Details of the wording of unless otherwise agreed is removed in the interests of certainty.

## Conclusion

50. I therefore conclude that the appeal should be allowed subject to the conditions in the conditions schedule below.

*John Longmuir*

INSPECTOR

## CONDITONS SCHEDULE

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed below: Existing Site Plan / Site Location Plan (drawing no: AP-000 (REV02)); Masterplan - Lower Ground Floor (drawing no: AP-099 (REV02)); . Masterplan - Ground Floor Plan (drawing no: AP-100 (REV02)); Masterplan Sections J-J & K-K (drawing no: AP-135); Block A Plans - Sheet 1 of 3 (drawing no: AP-200 (REV02)); Block A Plans - Sheet 2 of 3 (drawing no: AP-201 (REV04)); Block A Plans - Sheet 3 of 3 (drawing no: AP-202 (REV03)); Block A elevations (drawing no: AP-220 (REV06)); Block A Elevations (drawing no: AP-227 (REV01)); Block A - Detail Elevations (drawing no: AP-230 (REV06)); Illustrative Landscape Masterplan (drawing no: 1085-2-R-000 (REVP2) Block A - Externals - Ground Level GA (drawing no: 1085-2-000 (REVP3)); Block A - Externals - Ground Level GA (drawing no: 1085-2-001 (REVP2)); Block A - Courtyard - First Floor Podium GA (drawing no: 1085-2-002 (REVP2)); Block A - Outdoor Kitchen Dining - Seventh Floor Podium - GA (drawing no: 1085-2-009 (REVP2)); Block A - Courtyard - First Floor Podium - Planting Plan (drawing no: 1085-2- 202 (REVP2)); Block A - Outdoor Kitchen Dining - Planting Plans (drawing no: 1085-2-203 (REVP3)); Except as controlled or modified by conditions of this permission and in accordance with

the following documents: Landscape & Visual Impact Assessment Dated 1 July 2020; Addendum daylight and sunlight report for the proposed development at The Botley Centre Redevelopment, Oxford Dated 13 March 2020. Building A, Phase 2 West Way Square, Botley, Oxford Design & Access Statement March 2020; Desktop Wind Assessment Dated March 2020. Drainage Statement - Site-wide including Block A; CIBSE TM59 Dynamic Overheating Assessment Dated March 2020; Energy Statement Dated March 2019; Block A Landscape Assessment Dated 19 March 2020; Planning Statement Phase 2 / Block A. Statement of Community Involvement Dated March 2020 and Transport Statement V2 Dated March 2020.

3) Before development above slab level on block A begins, samples and details of the materials to be used in the construction of all external surfaces of the block shall be submitted to and approved in writing by the local planning authority (including sample reference panels erected on site). Development shall be carried out only in accordance with the approved details.

4) Before development above slab level on block A begins, full details of the design, materials and finish of all windows, window sills and lintels, external doors and rainwater goods and the treatment of all verges and eaves of this building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with the approved details

5) Before development above slab level on block A begins, full details of the design, materials and finish of all shop fronts and fascia details of all retail units within this building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with the approved details.

6) Prior to the installation of the tree pits, their detailed specification shall be submitted to and approved in writing by the Local Planning Authority. The trees must be planted into site specific tree pits with a crated pit design that incorporates technology that will enable trees to successfully grow in the hard surface environments. The pits must provide the significant quantities of growth required to allow long lived large canopied trees to become established and grow on to maturity. The tree pits must sustain the trees in a healthy condition and allow for ease of maintenance. The development shall be built in accordance with the approved details. Thereafter, all trees to be planted within hard surface areas shall be planted in the first planting season after the first use and occupation of block A. If any of the trees planted die or are seriously damaged or destroyed within 5 years of the completion of the development, a new tree of a species first approved by the Local Planning Authority shall be planted and properly maintained.

7) All hard landscaping shall be implemented in accordance with the scheme approved under application P18/V0120/DIS prior to the development being brought into use.

8) The landscaping shall be managed in accordance with the operational management plan approved under application P18/V0120/DIS.

9) No development shall commence on block A until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority in consultation with Highways England and the Highway Authority. The CEMP shall include: a) Proposed earthworks and the raising of land levels (if required); b) Construction vehicles to use the A420 and A34 only, and not Cumnor Hill, Westminster Way (other than the section between West Way and the



site) or Eynsham Road for site access and egress. c) Contractor's access arrangements for vehicles, plant and personnel including the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures; d) Details of haul routes to the site from the national highway network, including details of number of vehicles; e) A plan specifying the area and siting of land to be provided for parking, turning, loading and unloading of all vehicles visiting the relevant parts of the site and siting of the contractors compound during the construction period to be agreed on a phased basis; f) Collection and delivery times for construction purposes; g) Dust management and wheel washing or other suitable mitigation measures such as lorry sheeting, including the consideration of construction / engineering related emissions to air, to include dust and particulate monitoring and review and the use of low emissions vehicles and plant / equipment; h) Noise and vibration (including piling) impact / prediction assessment, monitoring and recording protocols / statements and consideration of mitigation measures in accordance with the provisions of BS5228 (2009): Code of practice for noise and vibration control on construction and open site - Part 1 and 2 (or as superseded); i) Where relevant results of a noise assessment of the potential impact of construction noise on the proposed residential properties on the adjacent site and details of suitable mitigation measures as appropriate (in accordance with relevant standards and best practice); j) Full details of mitigation measures to be employed to protect species from adverse impacts for each phase of the development (where appropriate); k) Details of best practice measures to be applied to prevent contamination of the water environment during construction; l) Measures for soil handling (where appropriate), including appropriate storage and re-use of higher value soil resources displaced during construction within gardens, parks and recreational grounds and disposal of any surplus soils in a sustainable manner in accordance with the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (DEFRA 2009) or as superseded. m) Site lighting for the relevant part of the site; n) Screening and hoarding details. o) Access and protection arrangements around the site for pedestrians, cyclists and other road users; p) Procedures for interference with public highways; q) External safety and information signing notices; r) Liaison, consultation and publicity arrangements, including dedicated points of contact; s) Complaints procedures, including complaints response procedures; t) Membership of the considerate contractors' scheme; u) The provision of safe walking and cycling routes through the construction site including routes serving completed phases of the development; v) A Travel Plan setting out measures to encourage site operatives and visitors to travel to and from the site using sustainable means of transport; and w) On-site waste management and off-site disposal. All construction activities shall be carried out in accordance with the approved CEMP to which they relate.

10) No development above slab level shall commence on block A until a detailed scheme of noise insulation measures for this block has been submitted to and been approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233:2014 "Guidance on Sound Insulation and Noise Reduction for Buildings". The approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter.

11) Deliveries and service areas shall be managed in accordance with the agreed deliveries and servicing scheme approved under application P19/V2088/DIS.

12) Prior to the first occupation of the development hereby approved, the management of waste, refuse and recycling storage shall be implemented in accordance with the approved details under application P18/V0973/DIS and retained thereafter.

13) Prior to the commencement of development above slab level on Block A, full details of all external plant and machinery (to include any enclosure / screening details and ducting runs) for Block A shall be submitted to and approved in writing by the Local Planning Authority. The external plant and machinery for Block A shall be implemented in accordance with the approved details prior to the first occupation of the block and retained thereafter.

14) Prior to the first occupation of development, full details of all external lighting shall be submitted and approved in writing by the Local Planning Authority. The external lighting shall be designed in accordance with the following principles: The main beam angle is not directed towards any potential observers; lighting sources (bulbs and reflectors) shall not be visible from any adjacent properties; Luminaire's front glazing shall be kept as near to parallel to the ground surface as possible (facing downwards), and shall not exceed 20 degrees from the horizontal; Light trespass into the windows of any light sensitive premises shall not have a Vertical Illuminance greater than 10 Lux for pre-curfew periods (before 23:00) and 2 lux post-curfew (between 23:00 - 07:00) in accordance with the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light. Thereafter, the lighting shall be retained in accordance with the approved scheme.

15) No A1, A3, A4 or A5 unit shall be occupied until a scheme for ventilation of those premises, including extraction and filtration of cooking fumes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the height, position, design, equipment, materials of any chimney or extraction vent and a programme of maintenance, the acoustic characteristics of the extraction system (fan noise characteristics, sound power levels and octave band frequency analysis) and information relating to the proposed odour abatement techniques (filtration types, maintenance schedules). The approved scheme shall be carried out prior to the commencement of the premises to which it relates and shall be maintained at all times thereafter in accordance with the approved maintenance details.

16) Before development above slab level full details of all external lift overshoots, associated plant and machinery shall be submitted to and approved in writing by the Local Planning Authority. The lift overshoots and associated external plant and machinery shall be installed in accordance with the approved details prior to the first occupation of the development and retained thereafter.

17) Prior to the first occupation of block A, details of all CCTV and ANPR camera equipment shall be submitted to and approved in writing by the Local Planning Authority. The details shall include locations, swept areas and their design. The camera equipment shall be installed in accordance with the approved details.

18) The development shall be carried out in accordance with the archaeological watching brief (Ref: 16e225wb dated 2 Nov 2016) approved under application P18/V0398/DIS. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority.

19) Prior to the first occupation of development, the means of site access shall be formed and laid out and constructed in accordance with the Highway Authority's



specifications and all ancillary works specified shall be undertaken to the approval of the Local Planning Authority.

20) The development shall be carried out in accordance with the visibility splays approved under application P19/V1637/DIS. Thereafter the vision splays shall be maintained free from obstruction at all times.

21) Prior to the first use or occupation of block A, provision for parking bicycles on the site shall be made in accordance with the details shown on approved drawing title number: Block A Plans - Sheet 1 of 3 (drawing no: AP-200 (REV02)).

22) The Parking Management Strategy approved under application P19/V2425/DIS shall be amended to ensure that thirty of the units within Block A will not be allowed parking permits. A revised Parking Management Strategy shall be submitted to the local planning authority for approval prior to the occupation of Block A. Thereafter, the car parking within the site shall be provided in accordance with the approved plans prior to first occupation and be managed in accordance with the approved strategy.

23) The development shall be carried out in accordance with the Framework Travel Plan V3 approved under application P20/V1671/DIS. Thereafter and prior to the first occupation or operational use of any individual use element of block A a Supplementary Travel Plan or Travel Plan Statement shall be produced. Each Supplementary Travel Plan shall link back to the targets and objectives in the main Framework Travel Plan.

24) The development shall be carried out in accordance with the West Way service access details approved under application P19/V2241/DIS. Thereafter, the access point shall be formed and constructed in accordance with the approved details and the bollards or physical barrier shall be maintained and kept in place at all times.

24) The development shall be carried out in accordance with the Ground Investigation Report approved under application P18/V0698/DIS. Following implementation of the remedial measures identified in the report, a full validation report detailing the measures carried out to ensure compliance shall be submitted to and approved in writing by the Local Planning Authority. All implemented works shall be maintained in place thereafter.

25) The development shall be carried out in accordance with the Low Emissions Strategy approved under application P18/V0969/DIS.

26) No piling shall take place until a piling method statement detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The piling shall be undertaken in accordance with the terms of the approved piling method statement.

27) The development shall be carried out in accordance with the Community Employment Plan (CEP) approved under application P18/V0317/DIS.

28) All plant, machinery and equipment to be used by reason of the granting of this permission shall be so installed, maintained and operated so as to ensure that the rating noise level from the equipment shall be at least 5 dB below the pre-existing background noise level (L90) when measured at the nearest noise

sensitive premises with the measurements and assessment made in accordance with BS4142:2014 -'Methods for rating and assessing industrial and commercial sound'.

29) No deliveries shall be received at, or dispatched from, the site between the hours of 22:00 and 07:00 on 7 days a week.

30) The development shall be constructed in accordance with the proposed slab, finished floor and roof levels of the building in relation to existing and proposed levels of the site and the surrounding land and buildings as detailed on the approved drawings.

31) The hours of operation for construction and demolition works shall be restricted to 07:30-18:00 Monday to Friday and 08:00-13:00 on a Saturday. No work to take place on Sundays or Public Holidays without the prior written authority of the Local Planning Authority.

32) The site shall be managed in accordance with the site security management plan approved under application P19/V2497/DIS.

END OF CONDITONS SCHEDULE