

**Case Officer:** Clare Whitehead

**Applicant:** Churchill Retirement Living

**Proposal:** Redevelopment to form 30 No apartments for older people (60 years of age and/or partner over 55 years of age), guest apartment, communal facilities, access, car parking and landscaping

**Ward:** Kidlington East

**Councillors:** Cllr Maurice Billington; Cllr Carmen Griffiths; Cllr Ian Middleton

**Reason for Referral:** Major development

**Expiry Date:** 19 June 2020

**Committee Date:** 4<sup>th</sup> June 2020

---

## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT**

#### **Proposal**

Full planning permission is sought for the redevelopment of the Kidlington Green Social Club site to create 30 apartments for older people (60 years of age and/or partner over 55 years of age) to replace an existing social club building. The proposal of 30 apartments comprises 19 x 1 bedroom units and 11 x 2 bedroom units. The development will also include a guest apartment, communal facilities, access, car parking and landscaping.

#### **Consultations**

The following consultees have raised **objections** to the application:

- Kidlington Parish Council

The following consultees have raised **no objections** to the application:

- CDC Arboricultural Officer, CDC Building Control, CDC Ecology, CDC Economic Development, CDC Environmental Protection, CDC Health Protection, CDC Landscape Officer, CDC Legal Rights of Way Officer, CDC Planning Policy, CDC Recreation and Leisure, NATS Safeguarding, OCC Local Lead Flood Authority, OCC Highways, Thames Valley Police, Thames Water

7 letters have been received from third parties. Of these 2 are letters of objection, 1 is a letter of support and 5 offer comments only with no expression of objection or support

#### **Planning Policy and Constraints**

The site is not allocated but is an existing community facility within the built-up limits of Kidlington, a Category A village. There is a public right of way running along the full length of the northwest boundary of the site.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

## **Conclusion**

The key issues arising from the application details are:

- Principle of development and loss of the social club
- Visual amenity, design/layout and impact on the character of the area
- Residential amenity
- Highway safety, access and parking
- Trees and landscaping
- Ecological/biodiversity issues
- Flood risk and drainage
- Crime prevention and security measures
- Sustainability and energy efficiency
- Developer contributions and affordable housing

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions and a satisfactory S106 agreement including recreation and leisure, affordable housing and waste and recycling contributions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located in the centre of Kidlington and is currently occupied by the Kidlington Green Social Club with a small area forming part of the garden to 13 Green Road. The site measures approximately 0.43ha and is surrounded by residential properties on all sides.
- 1.2. It is accessed off Green Road to the south of the site and lies to the east of the busy Oxford Road and main thoroughfare through Kidlington.
- 1.3. To the southwest boundary are a number of mature and well established cypress trees. There are a number of existing trees on or adjacent to the site, some of which provide screening on the boundaries. To the northwest of the site public footpath no. 265/4/10 runs the full length of the boundary. It is separated from the site by fencing and some planting.
- 1.4. The site is largely flat and level with no unusual topographic constraints to development.

### **2. CONSTRAINTS**

- 2.1. The application site is within the confines of Kidlington. A public right of way runs along the northwest boundary for its full length. The site is not located in a conservation area or any specially designated area. None of the trees are covered by preservation orders. There is an electricity sub-station adjacent to the access.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The application seeks full planning permission for the demolition of the existing social club building and the redevelopment of the site to provide apartments for

older people. The proposal provides 30 apartments for older persons aged 60 years plus (and partners aged 55 years plus). Of these apartments 19 are proposed to be 1 bedroom units and 11 to be 2 bedroom units.

- 3.2. The apartments would be sold by the applicant (Churchill Retirement Living) with a lease containing an age restriction which ensures that only people of 60 years or over (or those with a partner of at least 55 years) can live in the development. The applicant has stated that the average age of purchasers of their apartments is 80 years old and typically 70% of the apartments are single occupancy, more often occupied by a widow.
- 3.3. In addition to the apartments themselves a guest apartment is included, communal facilities including a lounge and outside space, refuse storage facilities, an area for mobility scooters and bicycles to be stored and charged, access off Green Road and parking for 15 vehicles including 1 disabled space.
- 3.4. The apartment building itself is designed to be mostly 2 to 2.5 storeys in height with the third floor accommodated in the roof. A secure gate is proposed to connect to the public right of way to the rear of the site. The existing cypress trees along the boundary of the site are to be retained.

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

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

#### **5. PRE-APPLICATION DISCUSSIONS**

- 5.1. A pre-application submission was made by Kidlington Green Social Club for redevelopment of the site to form 9 dwellings and a social club (ref: 17/00301/PREAPP). Officer's considered that the two uses proposed on the site would not be compatible and the scheme was not pursued further.
- 5.2. In July 2019 another pre-application enquiry was submitted (ref: 19/01329/PREAPP) for the redevelopment of the site with apartments for older people. In summary, the officer stated that, subject to addressing the loss of the social club, it was considered that the site was suitable for the use proposed. The pre-application advice did however, raise a number of concerns regarding the scale and design of the building and the impact on visual and residential amenity which required more careful consideration.
- 5.3. In addition, comments were given about the relationship with the public footpath and the need to utilise this to provide links to the village centre and Oxford Road. The applicant was advised to enter discussions with the County Council as to whether any enhancements could be made (such as lighting, CCTV etc). It was also advised that the proposed flats themselves should provide surveillance through orientation and positioning of the building which may result in the building providing an active frontage to the public footpath.
- 5.4. In terms of the design concept, the advice given was that officers would be willing to consider something more contemporary in this location where the local vernacular is less well defined. The applicant wanted to pursue a more traditional approach and officers advised that this can sometimes be difficult to authentically achieve in a more suburban environment. It was commented that the current design (at pre-app stage) appeared a little confused and changes were required to window proportions, roof design, dormer design, more contemporary balconies alongside traditional features and materials. Advice was given during a pre-application meeting on how to refine this and the applicant was advised to consider the design further and provide

an explanation as to its concept within any submission for planning permission. Advice was also given on crime prevention and design.

## **6. RESPONSE TO PUBLICITY**

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **03 December 2019**, although comments received after this date and before finalising this report have also been taken into account.

6.2. The comments raised by third parties are summarised as follows:

- Overall the redevelopment of the site as a retirement complex is positive and would be beneficial to the local community.
- Provision of 15 parking spaces seems inadequate for 30 flats to include residents, visitors, staff and visiting services.
- Green Road has on street parking issues already and any likely additional on-street parking would cause a significant safety concern as well as being inconvenient for blocking driveways of local residents. Additional car park spaces within the complex should be provided.
- Contractors should not park on Green Road or leave mud and mess on the road during the construction phase.
- Working hours during construction should be restricted so as not to affect the neighbours.
- The height of the building is a concern. 2.5 storey high development would be out of character compared to the rest of Green Road.
- Reduction in neighbour amenity in terms of privacy and increased overlooking to gardens and rear facing windows due to the height of the new building.
- Request a reduction in height of the building.
- Additional information requested as to how contractors will minimise noise and disruption during the construction phase.
- Questions about maintenance of fencing and screening plans.
- Request that the conifer trees remain in situ.
- Swift bricks should be incorporated within the structure of the building (approximately 10 as recommended by Cherwell Swifts).

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

## 7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. KIDLINGTON PARISH COUNCIL: No objection in principle but **object** on the grounds of insufficient car parking spaces on site. The Parish Council also request that any off-site financial contributions should be retained to be used within Kidlington Parish Council.

### CONSULTEES

- 7.3. CDC ARBORICULTURE: **Comments.** From Desk based assessment the Arboricultural plans appear to be considerate to trees on site. Removal of T1/T2 will not be detrimental to the sites amenity. Appropriate measures to protect retained trees during development appear to have been considered.
- 7.4. CDC BUILDING CONTROL: **Comments.** A building regulation application with an access statement and fire engineers design will be required.
- 7.5. CDC ECOLOGY: **Comments.** The ecological report is sufficient in scope and depth however it has insufficient detail in terms of any biodiversity enhancements.
- 7.6. Suggestions made for biodiversity enhancements include bat and bird boxes/bricks, invertebrate "hotels", swift bricks and hedgehog highways. A method statement for enhancing biodiversity on site should be submitted and approved prior to the construction reaching slab level. A condition is recommended to secure this.
- 7.7. The suggested landscaping is fine although the inclusion of some species rich/flowering grassland areas would be preferable to amenity grass alone. A full landscaping and management scheme is required to ensure future management is appropriate and this can be secured by condition.
- 7.8. The net gain for biodiversity in terms of habitats is achievable at a reasonable level. An external lighting strategy will be needed.
- 7.9. CDC ECONOMIC DEVELOPMENT: **Comments.** Whilst the fabric of the building is now dated, the Kidlington Green Social Club and Institute Ltd has clearly provided a highly-valued community facility over many decades – supporting events and activities that contribute to society. The impact upon the wider local economy and community is unclear from the documents submitted. However, the content of the letter (Appendix C) from the Club's Agent illustrating the changing membership pattern and reduced viability of the operation/service is generally accepted. The desire to seek alternative premises locally to support the membership and, in so doing, to enhance the viability of this and potentially other such facilities is noted.

In terms of the long-term economic benefits of the proposed sheltered home development, it is expected that the development will - via its residents - generate additional expenditure in nearby shops and facilities as briefly indicated in the Design and Access Statement. It is unclear whether or not a limited number of employment opportunities on site may possibly also arise.

#### 7.10. CDC ENVIRONMENT PROTECTION:

- Noise: **No comments**
- Contaminated Land: **Comments.** Due to the size and sensitive nature of the development (residential) the standard contaminated land conditions are recommended to be applied to any forthcoming consent.
- Air Quality: **Comments.** Measures should be in place to encourage the uptake of low emission transport including the provision of Electric Vehicle (EV) charging infrastructure. Ideally we would like to see EV charging points in place to allow for the uptake of EV's by visitors and residents to maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework.
- Odour: **No comments**
- Light: **No comments**

7.11. CDC HEALTH PROTECTION: **Comments.** The plans show a 'coffee bar' on the ground floor and if this is to be operated as a food business then the applicant must ensure compliance with relevant food safety and health and safety legislation.

7.12. CDC LANDSCAPE OFFICER: **Comments.** Landscape visual mitigation of this development is important for surrounding residences. The existing boundary hedges (SW and NW boundaries) will contribute to this goal. These hedges must be retained and protected during the construction period (under BS5837) and incorporated in with the landscape masterplan proposal. A minimum maintenance height of 3 m will provide reassurance that resident's ground floor level/eyeline will be shielded. Obviously the development will be seen from 1st floor windows.

7.13. The building is somewhat out of scale with the surrounding residencies. The building footprint, the 'L'-shape, and orientation means that the northerly elevations will cause an uncomfortable cold, shady experience for residents using the garden. The 'L' should be rotated 180 degrees, and the build footprint reduced, to ensure a sunny aspect courtyard for the retired residents, a reduced visual impact, and an appropriate 'fit' for the site.

7.14. Multifunctional garden spaces are proposed that include fruit, vegetation and herb growing in sunny areas, seating areas, and a water feature. The trees and shrubs proposed on the JBA plan Sept 2019 are generally acceptable. Once the layout is revised hard and soft landscape proposals are required for our consideration.

7.15. CDC LEGAL RIGHTS OF WAY OFFICER: **Comments.** The proposal will not require any diversion to the public footpath (265/4) which extends along the rear of the development site and which is being retained along its current alignment.

7.16. CDC PLANNING POLICY: **No objection** in principle. However, detailed consideration of the impact on surrounding residential properties, affordable housing provision and the loss of the social club is required.

7.17. CDC RECREATION AND LEISURE: **Comments.** As the new residents will not benefit hugely from using off-site outdoor sports provision no contribution for this is being sought. With regards to other contributions please refer to paragraph 9.110 of this report for details.

7.18. NATS SAFEGUARDING: **No objection** to the proposal.

- 7.19. OCC HIGHWAYS: **No objections** subject to standard conditions in respect of width of the access, surfacing, drainage and visibility splays and an obligation to enter into a S278 agreement.
- 7.20. OCC LOCAL LEAD FLOOD AUTHORITY: **Objection.** Insufficient drainage, flood risk, SuDS usage data provided to enable a full technical assessment and audit of the proposal.
- 7.21. On receipt of further information the LLFA confirmed **no objection subject to conditions.**
- 7.22. THAMES VALLEY POLICE DESIGN ADVISOR: **No objection.** Offered advice on designing out crime and requires a standard condition for an application to be made for Secure by Design accreditation.
- 7.23. THAMES WATER: With regards to foul water **no objection.** As the application indicates that surface water will not be discharged to the public network Thames Water has no objection. However approval should be sought from the Lead Local Flood Authority. In regards to the water network and water treatment infrastructure capacity there is no objection.
- 7.24. CDC STRATEGIC HOUSING: **No objection.** Require a financial contribution in lieu of on-site affordable housing provision, recognising the proposed development is not suitable to accommodate affordable housing on site.

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLPP1)

- PSD1: Presumption in Favour of Sustainable Development
- BSC1: District Wide Housing Distribution
- BSC3: Affordable Housing
- BSC4: Housing Mix
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1-4: Relating to Sustainable Development
- ESD7: Sustainable Drainage System (SuDS)
- ESD13: Local Landscape Protection
- ESD15 - The Character of the Built and Historic Environment
- Policy Villages 1: Village Categorisation
- Policy Villages 2: Distributing Growth Across Rural Areas

## CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP1996)

- C28 – Layout, design and external appearance of new development
- C30: Design control
- S29: Loss of existing village services

### 8.3. Other Material Planning Considerations

- Kidlington Masterplan
- Cherwell Residential Design Guide Supplementary Planning Document (SPD) (July 2019)
- Developer Contributions Supplementary Planning Document (SPD) (Feb 2018)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

## **9. APPRAISAL**

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

- Principle of development and loss of the social club
- Visual amenity, design/layout and impact on the character of the area
- Residential amenity
- Highway safety, access and parking
- Trees and landscaping
- Ecological/biodiversity issues
- Flood risk and drainage
- Crime prevention and security measures
- Sustainability and energy efficiency
- Developer contributions and affordable housing

#### Principle of Development (including loss of the social club)

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 2 of the National Planning Policy Framework (NPPF) makes clear that it does not change the statutory status of the development plan as the starting point for decision making. However, the NPPF is a significant material consideration.

#### *Housing - Policy Context*

#### **The Development Plan**

- 9.3. The development plan comprises the saved policies of the 1996 adopted Cherwell Local Plan (CLP1996) and the 2015 adopted Cherwell Local Plan 2011-2031 – Part 1 (CLPP1). The Cherwell Local Plan was formally adopted by Cherwell District Council on 20<sup>th</sup> July 2015 and provides the strategic planning policy framework for



the District to 2031. The policies important for determining this application are referenced above.

- 9.4. Policy BSC2 of the CLPP1 encourages the re-use of previously developed land in sustainable locations.
- 9.5. Policy BSC4 of the CLPP1 encourages the provision of extra care, specialist housing for older and/or disabled people and other supported housing for those with specific living needs in suitable locations close to services and facilities. Para B.121 states that there is a need to provide a mix of housing in Cherwell that reflects the needs of an ageing population.
- 9.6. Theme 2 of the Kidlington Adopted Masterplan is 'Creating a sustainable community' with an objective to "build a sustainable community with opportunities for all and access to housing, jobs and high quality community facilities". Opportunities for the provision of extra care, specialist housing for older and/or disabled people and those with mental health needs and other supported housing for those with specific living needs will be encouraged in suitable locations close to services and facilities.
- 9.7. Kidlington is classified as a Category A village in Policy Villages 1 of the CLPP1. The development proposed is within the village's built up limits. Paragraph C. 262 of the CLPP1 assists in gauging whether development can be considered to be minor. Criteria to be considered include the size of the village and level of service provision, the site context and the scale of development. Generally, Policy Villages 1 seeks to manage small-scale developments (usually of fewer than 10 homes). The current proposal does not comply with the type of development identified as being appropriate under this policy as it does not represent minor development being significantly over 10 dwellings.
- 9.8. Policy Villages 2 is therefore also of relevance. Policy Villages 2 identifies the Category A villages as being where planned development to meet District housing requirements to help meet local needs should be directed, subject to a detailed assessment as to the proportionate impact of development proposed upon the settlement in question (given the category A settlements vary in size and sustainability) and an assessment of the suitability of the specific site proposed.
- 9.9. The intention of this approach is to protect and enhance the services, facilities, landscapes and the natural and historic built environments of the villages and rural areas whilst recognising the need for some development. Policy Villages 2 advises that these sites would be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable and through the determination of applications for planning permission. A number of criteria are listed and particular regard must be had to these criteria when considering sites, whether through plan making or the planning application process.

### **National Policy**

- 9.10. The NPPF confirms that there is a presumption in favour of sustainable development. For decision making this means approving proposals that accord with the development plan without delay. The Framework advises that there are three dimensions to sustainable development; economic, social and environmental. With regard to housing, the NPPF supports the need to boost significantly the supply of housing to meet the full, objectively assessed need for housing.
- 9.11. The Council's 2019 Annual Monitoring Report (AMR), approved by Members at the Executive meeting on the 6 January 2020, confirms that the District can

demonstrate a 4.6 year housing land supply (for the current period 2019-2024) with a 5% buffer and a 4.4 year housing land supply for the next 5 year period (2020-2025).

- 9.12. In the circumstances that a LPA cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer), there is a presumption in favour of sustainable development and ordinarily the circumstances at paragraph 11d of the NPPF are engaged – in short development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 9.13. However, in respect of the Oxfordshire Authorities including Cherwell there is a Written Ministerial Statement (“WMS”) made in September 2018 concerning the Housing and Growth Deal, which is a significant material consideration. This sets out the requirement for a 3 year supply of deliverable housing sites (with the appropriate buffer) from the date it was made (12/09/2018) until the adoption of the Joint Statutory Spatial Plan in each area, providing the timescales in the Housing and Growth Deal are adhered to.
- 9.14. Therefore in this case, the tilted balance set out by Paragraph 11d is not engaged because the Housing Supply requirement for the District should be taken to be 3 years in accordance with the WMS.

#### *Housing - Monitoring and recent appeal decisions*

- 9.15. The Council’s most recent AMR (December 2019) sets out that 953 dwellings have been identified for meeting the Policy Villages 2 requirement which are sites with either planning permission or a resolution to approve and are identified, developable sites. This is made up of 582 dwellings either complete or under construction, 333 dwellings with planning permission and 38 dwellings that are considered developable (this 38 is made up of two sites – one with a resolution for approval and one for which the planning permission has lapsed).
- 9.16. In recognition that not all sites will necessarily be developed or will not necessarily deliver the full number of dwellings granted, a 10% non-implementation rate has been applied to sites with permission but on which development has not yet started. This reduces the 333 dwellings (i.e. those with planning permission but not implemented) reported in paragraph 9.15 to 300 dwellings. This would give the number of dwellings identified under Policy Villages 2 either completed, under construction, with planning permission or developable as 920 dwellings. There was also a further resolution for approval granted for a site at Fritwell at the December 2019 Planning Committee for 28 dwellings, which would be additional to the 920 dwellings.
- 9.17. Five appeal decisions have been received over the past year which have considered the application of Policy Villages 2. These are for sites at Launton, Ambrosden, Bodicote, Sibford Ferris and Weston on the Green. The first four were allowed, and the numbers approved at those four sites are included within the figures. The key conclusions resulting from the Launton, Bodicote, Weston on the Green and Sibford Ferris appeals can be summarised as:
- The Policy Villages 2 number of 750 dwellings has not been ‘delivered’ yet.
  - The number of 750 has development management significance in terms of the Local Plan strategy.

- Not all dwellings approved might be delivered (hence the Council's inclusion of a 10% non-implementation rate in the most recent AMR)
- The number of dwellings proposed must be considered as to whether that number would undermine the strategy of the Local Plan
- There is no spatial strategy to the distribution of the 750 houses allocated in the rural areas under Policy Villages 2 beyond distribution to the Category A villages.
- Assessment of the sustainability of the settlement in question is required, and indeed this has been a primary consideration in a number of appeals relating to major housing development at Category A villages, with appeals at Finmere, Fringford and Weston on the Green having been dismissed, in each case the sustainability of the settlement being a key issue.

9.18. The Government aims to “significantly boost the supply of housing”; with there being a “critical” need to address the housing needs of older people. The recent update to the PPG (June 2019) states “where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need”.

#### *Housing needs*

9.19. The Council's Housing Strategy 2019-2024 notes that the life expectancy of people in Cherwell is higher than the national average and that the District is expected to see a substantial increase in the older person population. The age group that will see the greatest increase is people over 85, with an increase of 142%, resulting in a significant increase in the demand for accommodation that is suited to an older population and the need for associated care and support services. Oxfordshire as a whole is expected to see a substantial increase in the population of older people with the total number of people aged 55 and over expected to increase by 49% over 20 years.

9.20. The 2014 Oxfordshire SHMAA suggests that in Cherwell the 55+ population will increase by 58% - the highest of the Oxfordshire districts. Whilst the SHMAA suggests that one of the implications of this demographic change is likely to be a growing need for specialist older persons housing, such as sheltered or extra care provision, it is not specific about the types of specialist housing needed. It also recognises that there may be an option to substitute some of this specialist provision with a mix of one and two bedroomed housing aimed to attract ‘early retired’ older people which could be designated as age specific or not. Such housing could be part of the general mix of one and two bedroomed homes but built to Lifetime Homes standards in order to attract retired older people looking to ‘down size’ but perhaps not wanting to live in specialist retirement housing.

#### *Housing Assessment*

9.21. The proposed development falls to be considered in the above context. Kidlington is recognised as a ‘Category A’ village and is the largest settlement in the district after the towns of Banbury and Bicester. The application site is previously developed, surrounded by existing residential development and lies close to the village centre. There is a public right of way immediately to the rear which affords pedestrian access in either direction towards the village centre. This is a relatively short work on flat terrain. There are some local services (including the Parish Council offices and doctor's surgery) within a reasonable distance along Oxford Road. In addition,

there are bus stops nearby on Oxford Road affording travel both locally and further afield into Oxford.

- 9.22. Overall, Kidlington is considered to be the most sustainable of the Category A villages. The acceptability of the proposal therefore needs to be tested against the criteria listed in Policy Villages 2 of the CLP 2015, as well as other material planning considerations.
- 9.23. The position with regards to the Council's Housing Land Supply and progress against Policy Villages 2 is outlined above. The proposal would add to the number of dwellings that have been granted planning permission at Category A villages in exceedance of the 750 specified in Policy Villages 2. However, officers do not consider in this particular instance, given the scale of the development and its specific type of end user (i.e. it provides suitable accommodation for the elderly in the form of retirement apartments), and the sustainability of Kidlington, that the proposal could be regarded as a departure from the Council's housing strategy.
- 9.24. The criteria in Policy Villages 2 include consideration of whether the site is well located to services and facilities and also whether satisfactory pedestrian access/egress can be provided. The application site is located to the south of the village centre but within the existing built up area. It is close to a variety of local services and facilities as well as bus stops. It has good pedestrian connections with a public right of way running to the northern boundary. Improvements are proposed to the public right of way which are discussed in later sections of the report. The site is sustainably located within the built up area for the use proposed and the proposal assists with meeting overall Local Plan housing requirements.

#### *Loss of the social club – Context*

- 9.25. The site is occupied by a (currently) active social club and is therefore a brownfield site. The NPPF identifies at Paragraph 118(c) that decision makers should give "substantial weight to the value of using suitable brownfield land within settlements for homes". It is in this context in which it is considered that the proposal complies with Policy Villages 2. The proposal is appropriate in relation to the size of the settlement and the level of service provision.
- 9.26. However, the loss of a community facility is also a consideration. Policy BSC12 of the CLPP1 recognises the importance of community facilities and states that the Council will encourage the provision of community facilities to enhance the sustainability of communities and will seek to protect and enhance existing facilities. Policy S29 of the CLP 1996 states that "Proposals that will involve the loss of existing village services which serve the basic needs of the local community will not normally be permitted". In addition, paragraph 83 of the NPPF seeks to retain accessible local services and community facilities and paragraph 92 seeks to guard against the unnecessary loss of valued services and facilities.
- 9.27. The planning application is supported by a Planning Statement which includes information regarding the social club, its finances and its future. According to the planning statement the social club is facing significant financial difficulty which means it is facing closure. According to the planning statement there are less than 1500 similar clubs across the UK with approximately 2 to 3 closures per month. At its peak the Kidlington Green Social Club had 700 members however in the current age the club has a membership level of approximately 200 members of which 30 are actively regular. This is not sufficient to support the financial demands of running the club from the current premises.

- 9.28. In 2013 the club was forced to close for a short period of time in order to sort out its indebtedness and it has lived “hand to mouth” ever since. The club has recently lost its Brewery Company because it was no longer fulfilling the barrellage commitments it gave in return for financial support and provision of equipment. The club cannot fulfil the barrellage commitments simply because of the drop-off in membership and attendance.
- 9.29. In addition, the premises are in a poor state of repair and are too large for the current membership. The club used to be used for weddings, birthdays and anniversary celebrations which all provided extra income. However, there is no longer such a demand, in part because the premises are no longer considered “fit for purpose” and also because of different venue choices and different aspirations from those who may have historically used such premises. The Planning Statement claims that the club is facing imminent and permanent closure at its current location.
- 9.30. The club aims to continue in premises more appropriate to the size of the current membership. However, no details of alternative premises have been put forward as part of the planning application as the applicants have not yet been able to secure such premises with no funds or a timescale to offer anyone any certainty at this stage. The proposal seeks to facilitate the future of the club by enabling its move to alternative premises by selling its existing asset; the land.

#### *Loss of the social club – Assessment*

- 9.31. Kidlington has a thriving town centre with many existing and well-established services and facilities for the community. It also has excellent connections to Oxford with regular bus services, cycle route connections and access via private motor vehicle. There are many more services and facilities in Oxford in addition to those provided in Kidlington. Considering the contents of the planning statement, including the letter from the social club’s representatives at Appendix C, officers are of the opinion that although the loss of the social club is regrettable, the intention to set up elsewhere is relevant and to enable this the applicant requires the land to be sold to be developed. Given the existing services and facilities available locally and the good access to further services and facilities in neighbouring areas, the loss of the social club does not outweigh the benefits the proposed development brings.

#### *Conclusion*

- 9.32. Overall, on balance, and having regard to the factors above it is considered that the principle of this scale of growth for retirement apartments could be acceptable in Kidlington in the context of the Council’s housing strategy. Regard also must be had to the proposal being assessed against the other relevant criteria of Policy Villages 2 and the other relevant policies and guidance, which is discussed below.

#### Visual amenity, design/layout and impact on the character of the area

##### *Policy Context*

- 9.33. Policy ESD13 of the Cherwell Local Plan advises that development will be expected to respect and enhance local landscape character and a number of criteria are highlighted including that development is not expected to cause visual intrusion into the open countryside, must be consistent with local character and must not harm the setting of settlements, buildings or structures.
- 9.34. Policy ESD15 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context

through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets.

- 9.35. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.36. The Framework highlights that the protection and enhancement of the natural, built and historic environment is part of the environmental role of sustainable development and one of the core planning principles also refers to recognising the intrinsic character and beauty of the countryside. The Framework also emphasises the importance of development responding to character and history with good design being a key aspect of sustainable development.

#### *Assessment*

- 9.37. The building has been designed to be 2-2.5 storeys in height with the second floor accommodated in the roof and the roof height kept as low as possible whilst complying with Building Regulations. The proposed building is at its highest points between 500mm to 800mm higher than the existing dwellings on Green Road. This is detailed on drawing no. 10105KT/PA09. Around the edges of the building the heights have been reduced to single storey in order to successfully reduce the scale, mass and bulk of the building overall. The landscaping officer has commented that the building is out of scale with the surrounding residences. However, it has been demonstrated (as stated above) that the careful design of the building mitigates the overall impact with a considered balance between the footprint and the overall height of the buildings. Reducing the build footprint would likely lead to an increase in height which would increase its impact in the surrounding area overall. The surrounding buildings are of a domestic scale where this is clearly not yet the visual impact from outside the site is not significant due to its positioning, orientation and screening from existing development and boundary trees. In addition, there is a requirement for a minimum number of units to make the scheme work. Considering the need for the communal lounge and spaces, the lodge managers office and back office spaces there needs to be around 30 units for the scheme to be deliverable.
- 9.38. A reasonable amount of screening of the site from Oxford Road is provided by the existing trees on the southern boundary. The trees are in the control of the landowners/developers and are proposed to be retained to ensure continued screening. A condition is recommended to retain the trees and to ensure a management and maintenance plan. This is not necessarily to ensure provision of screening of the building as its impact when viewed from Oxford Road is not considered significant, but more in relation to protection of residential amenity of neighbouring properties which is discussed in greater detail in following sections.
- 9.39. The landscape officer has recommended the building be rotated 180 degrees as the 'L' shape and proposed orientation means that the northerly elevations will cause an uncomfortable cold, shady experience for residents using the garden. The landscape officer comments that the rotation as well as reduction in build footprint, would ensure a sunny aspect courtyard for the retired residents, reduced visual impact and an appropriate fit for the site. Planning officers do not share the same concerns and are satisfied with the proposal as it currently stands. The reorientation of the building would likely cause unacceptable levels of overlooking to the private amenity space of properties on both Green Road and Sterling Road. Furthermore, the provision of shade is also considered a benefit given that residents are most likely to want to utilise the garden in warmer, sunnier weather. The outside space is sufficient for different aspects of sun and shade and the provision of a south facing garden is not considered necessary in this instance.

9.40. In terms of the detailed design and style, this is considered appropriate considering the backland site and surrounding development. This is a suburban area with a mix of ages, styles and design of development included more contemporary and more suburban buildings. Since the preapplication proposal the detailed design has been improved by way of a more holistic approach, changes as follows:

- More symmetrical front elevation with centrally positioned main entrance emphasized by a projecting stone portico.
- Feature gabled bays are now rendered and help to break up the elevation by adding vertical emphasis.
- Elevation facing towards Oxford Road has also been broken up by projecting bays so it appears as 3 “detached” buildings.
- The palette of materials has been reduced and the previously proposed boarding has been removed.
- Flat roof dormers are proposed rather than pitch roof which reduces the size and visual impact.
- Where possible the dormers have been replaced with roof lights.
- Matching brick window heads and cills are used throughout.

9.41. The scheme as currently presented reflects the local distinctiveness by reflecting detailing, ridge and eaves heights and the existing palette of materials used in the area.

9.42. The majority of the proposed building is predominantly brick with render and orange brick accents. Dorset Red Stock is proposed as the main facing brick with Leicester Orange Stock used for the window head, cills and banding to create contrast and emphasise proposed detailing and help break up the elevations between floors. In terms of the roofing, the main roof will be Marley Ashmore Old English Dark Red and Marley Ashmore Smooth Grey to the lower roofs at either end of the development. Windows will be white UPVC throughout. Dormer window cheeks and roofs will be grey and white GRP with white UPVC windows. Render will be ivory. Balconies will be black painted metal with blue grey toughened glazing. The proposed materials throughout are acceptable and compatible with the surrounding development. The materials will be conditioned as per the submitted design and access statement.

9.43. The pre-application advice given requested that improvements to the public right of way to the north of the site be investigated and included in the proposal. The proposed building has been orientated as such to provide active surveillance from the majority of the rear elevation of the building from ground floor and upper floor windows and some external balconies. Amended plans were received during the course of the application to include a pedestrian door and a ground floor window facing northwest to improve the active surveillance to the public right of way and its access gate.

9.44. In addition, the communal outside space has been designed and laid out so it is on the northern side of the proposed building again to provide some surveillance to the public right of way. A balance needs to be achieved by the proposed landscaping and planting in providing privacy and security to the future occupants of the development whilst not creating an increased sense of enclosure to users of the public footpath. This is discussed further at paragraphs 9.61 and 9.67.

### *Conclusion*

- 9.45. Whilst the proposed building is large and occupies the majority of the site, it has been sensitively designed and orientated to reduce its visual impact on the site and when viewed from the wider area. The detailed design and materials palette is appropriate for the backland suburban location. In summary, officers consider that the proposed development complies with the relevant plan policies as listed above.

### Residential amenity

#### *Policy Context*

- 9.46. Policy ESD15 advises of the need for new development to consider the amenity of both existing and future development and this reflects the Core Principle of the Framework, which confirms the need for a good standard of amenity for all existing and future occupants of land and buildings to be secured.

#### *Assessment*

- 9.47. The building has been orientated and window openings located so as to minimise the impact on the residential amenity of neighbours. The proposed building is large and does cover the majority of the land available to it but where it is closer to shared boundaries with residential properties the building steps down in height to one and two stories with hipped roofs to reduce the impact. Window openings have been arranged so they are set away from boundaries and where elevations are closer to the private rear gardens they do not have clear window openings at the upper levels. In addition, the flat roof dormer windows have been kept away from the boundaries to reduce overlooking and the roof design reduces their size and visual impact. Where possible dormers have been removed and rooflights used instead.
- 9.48. The separation distances between the proposed building and surrounding existing residential properties meet the requirements of the Cherwell Design SPD with a minimum distance of 22 metres provided back to back between properties. There is a separation distance of around 28 metres to 30 metres between the very rear of the properties on Sterling Road to the north and the proposed windows facing them. The north-western side elevation is 16.8 metres away from the rear properties on Sterling Road which is greater than the minimum 14m required by the SPD. In addition, no upper floor windows are within 7 metres of any neighbouring property.
- 9.49. The private gardens to the dwellings on Green Road are all in excess of 28 metres in length. Although there are facing windows at the upper levels it is considered that due to the offset to the boundaries (19.5metres) and the length of the private rear gardens that residential amenity in terms of reduction in privacy and overlooking is not significantly adversely affected. The separation distances are approximately 47 metres or more elevation to elevation. This also applies in terms of the buildings size and scale and it is not considered to be overbearing to neighbouring occupiers due to the separation distances and size of private rear gardens to properties along Green Road. The closest section of the proposed building to a boundary is the north eastern elevation which faces the private rear garden of no. 13 Green Road. The dwelling itself is over 38 metres from the built development but the elevation is 2.6metres from the side boundary to the private rear garden. This elevation has been designed to minimise the impact upon this section of garden by reducing its height to two storey and then one storey in a gradual fashion as it moves closer to the boundary, no upper floor windows facing the direction of the garden and a hipped roof design. As such there is no significant adverse impact on the amenity of no. 13 Green Road as a result of the proposed development.



- 9.50. The properties to the north on Sterling Avenue are orientated so as to be slightly offset to the proposed building and in conjunction with the set back of the development from the boundary there will be no significant adverse impact upon the enjoyment of the private rear gardens or internal living spaces from overlooking.
- 9.51. The properties to the south and southwest are along Oxford Road. These also have reasonably large rear gardens over 25 metres in length. The separation distances between the dwellings and proposed building are around 40 metres which is almost double the requirement of the SPD. More so they are protected from overlooking and other amenity issues by the presence of the existing bank of trees on the site which are proposed to be retained and managed as part of the sites overall landscaping scheme. A planning condition is recommended to ensure the trees are retained and maintained and should they die be replaced with mature or semi mature native species to retain the screening element of the trees. There are no significant issues in terms of overlooking or reduction in privacy to the neighbouring residential properties on Oxford Road.
- 9.52. In respect of noise impact upon existing residents it is considered that the proposed use would have less of an impact than the existing use. Being a social club and having hosted celebrations and gatherings previously there is an increased potential for anti-social noise disturbance than with a residential scheme. There are no concerns about noise impact on residential amenity once the development is operational and the flats occupied.
- 9.53. A condition is recommended for the submission and agreement of a lighting scheme prior to the development being occupied in order to minimise light disruption to neighbours and contribution to further light pollution.
- 9.54. To minimise the impacts during the construction phase a condition is recommended for a construction management plan to include details of dust management during construction and demolition of the existing building, hours of operation, contractor parking and delivery hours. In addition, a standard condition restricting the hours of construction is recommended with no working on Sundays or bank holidays to protect the amenity of existing residents.

#### *Conclusion*

- 9.55. Overall it is considered that the proposal complies with policy ESD15 and no significant detrimental harm is caused to neighbour amenity by the proposed development. Furthermore, the amenity of future residents has been considered and is also safeguarded.

#### Highway safety, access and parking

#### *Policy Context*

- 9.56. The National Planning Policy Framework is clear that transport policies have an important role to play in facilitating sustainable development with encouragement provided to sustainable modes of transport to reduce reliance on the private car. It is also clear that applications should be accompanied by a transport statement if the development would generate significant amounts of movement. This is reflected in Policy SLE4 of the Local Plan. Policy SLE4 and Villages 2, both emphasise the need for consideration to be given to whether safe and suitable access can be achieved.

## *Assessment*

- 9.57. The application is accompanied by a Transport Statement which has considered the existing use of the site as a social club. In order to do this the TRICS database has been reviewed for community centre uses in similar locations and when adjusting for the size of the Social Club building estimates vehicle trips as up to 10 two-way movements in the network peak hours and approximately 80 two-way movements daily. In comparison the same methodology has been used to estimate the number of vehicle movements associated with the proposed development which results in estimates of approximately 6 two-way movements in network peak hours and 60 daily movements. The Transport Statement further states that research suggests that Churchill developments have lower trip generation than suggested by the TRICS estimates. The proposed land use could have a different end user and so the future TRICS is considered more appropriate.
- 9.58. The Local Highways Authority (LHA) have assessed the submitted Transport Statement and are content with the conclusion that the proposed land use would generate a similar or slightly lower number of vehicle movements than the existing social club use.
- 9.59. Vehicle and pedestrian access is gained from Green Road. It is proposed for the access to be a shared surface and widened to a total of 6 metres with 1.2 metres provided as a footpath. The LHA has commented that the facilities for pedestrians are considered inadequate given this location. Pedestrians should be prioritised over other modes and a minimum of 1.8m should be provided to allow for wheelchair users. The LHA officer suggests that this could be accommodated with minimal amendments and be secured by planning condition.
- 9.60. As the proposed access is intended to be a shared surface all one level with no kerbing to separate vehicles and pedestrian, planning officers do not consider the widening to be strictly necessary. The use of the access will be lower and this is demonstrated by the submitted TRICS data. The likelihood of both pedestrians/wheelchair users and vehicles using the shared surface at the same time is lower because of the lower amount of hourly and daily movements along the access. In addition, there is a stretch of additional hard surfacing proposed as a passing place should the need arise. The grass verge as currently proposed is 0.9m in width and by widening the shared surface to provide 1.8metres of pedestrian access the grass verge will be reduced to 0.3metres. This is not an amount that is easily manageable for maintenance and would not likely survive or be retained as such the entire width of the access would be hard surfaced. This would have a detrimental impact upon the visual quality of the main entrance to the development which is not supported by officers. As such and on balance it is not deemed appropriate to request the widening of the access via condition and the proposal is satisfactory without causing detriment to highway safety as is currently presented.
- 9.61. A secondary pedestrian access is made from the public right of way to the North West which will be padlocked and opened on request for residents. Pre-application discussions were undertaken between the agent and the County Rights of Way Officer surrounding the public right of way. County Officers were approached by the agent as to potential improvements to the public right of way but no feedback was offered other than the suggestions were positive. These suggestions included designing the building to provide active surveillance and reducing the amount of hedgerow screening the length of the boundary. County Officers have made no other requests via the planning consultation period save for a recommended informative by the Local Highways Officer that the barriers be removed at either end of the public right of way as part of the highways works. This would come under a Section 278 agreement separate from the planning process.

- 9.62. In terms of parking, there are currently no parking standards for this particular type of use and so reference has been made to parking surveys undertaken at a number of other properties run by the developer which indicate a demand of 0.28 spaces per apartment. The proposed provision is higher than this with 15 non-allocated parking spaces (including 1 disabled space) allowing for 0.5 spaces per dwelling and so catering for staff, visitors and carers in addition. There is also a proposal for 6 electric mobility buggies and 2 external cycle spaces. The Local Highways Authority agree with the amount of parking provided given that the nature of this particular development means the level of car ownership is unlikely to be significant. A similar methodology has been used for the number of cycle parking spaces which has found a very low demand. Two spaces are to be provided which allows use by staff and residents. The likelihood of use of the electric buggies is considered higher on a site with this use and end user and so the provision for storage on site is welcomed.
- 9.63. Local residents have expressed concern about the quantity of parking provision on site and that this could lead to an increase in on-street parking which in this location could be problematic for highway safety. However, in the absence of an objection from the Local Highways Authority it is difficult for the planning authority to refuse the application on this basis. The Local Highways Officer comments that there is no evidence to suggest that the parking is likely to impact on local streets. Parking provision has primarily been based on surveys of other sites and the proposed figures fit with similar evidence from elsewhere. Given the location of this particular proposal is close to regular bus services, in walking distance of shops and other services then the requirement for additional onsite parking would be difficult to maintain and moving away from other wider strategies promoting sustainable travel options and reducing the reliance on the private motor vehicle.
- 9.64. In addition, strategies are in place to promote sustainable travel options and reduce the dependency on the private motor vehicle. Residents will be provided with a Travel Information Pack when they move in to the development which outlines the sustainable travel options for residents living in Kidlington. The Travel Plan provides details of local bus stops and routes as well as information on how to apply for a concessionary bus pass. In addition, the pack contains details on local train routes, senior railcards, taxi companies, walking routes as well as community transport options including Oxfordshire Comet, Bus Bartons and the Volunteer Community Connect Transport.
- 9.65. The Local Highways Authority do not object to the planning application on the grounds of parking provision, access arrangements or highway safety. The LHA request conditions for a Construction traffic Management Plan, pedestrian and vehicle visibility splays, provision of cycle parking and vehicle parking to be provided prior to occupation of the new development and that the development be restricted to retirement living only.

### *Conclusion*

- 9.66. In respect of the issues discussed above, officers consider that the proposal as presented is acceptable on balance. The proposed use of the site and the nature and circumstances of the end user mean the requirements in terms of access and parking are slightly adjusted. Whilst the LHA requests the access be widened to better accommodate pedestrians, in this instance due to the low traffic rates, the proposed shared surface of the access and the impact that would have on the visual quality of the main entrance planning officers do not consider this necessary on the basis of highway safety. In terms of parking, the requirements are reduced due to the village centre location, access to services and the likely reduced car ownership rate due to the circumstances of the prospective residents.

- 9.67. The improvements to the public right of way to the rear of the site are welcomed and increase the likelihood of residents using walking as a mode to and from the development.
- 9.68. In summary, the proposed development complies with the relevant planning policies and there are no sustainable reasons for refusal on highway safety, access or parking grounds.

#### Trees and Landscaping

- 9.69. Policy ESD10 of the Local Plan refers to the protection and enhancement of ecology and the natural environment. It requires the protection of trees amongst other ecological requirements. Policy ESD13 also encourages the protection of trees and retention of landscape features. Policy BSC11 sets out the Council's requirements for local outdoor space provision and play space.
- 9.70. The proposal will result in the loss of two small trees located on the eastern side of the existing access driveway. The arboricultural report advises that all the significant boundary tree cover will remain intact and no moderate quality trees need to be removed. The report outlines the precautions taken to protect retained trees during the construction period. The Arboricultural Officer confirms that the report and plans are considerate of the trees on site and that the removal of the two small trees will not be detrimental to the sites amenity.
- 9.71. For these reasons officers conclude that the proposed development would not cause an unacceptable impact on tree health or the contribution of tree character to the wider setting. Provided the adequate precautions to protect the retained trees as specified in the report are implemented then the development proposed will not cause an unacceptable or adverse impact on the long-term viability of the retained trees and therefore the character and appearance of the area.
- 9.72. Policy BSC11 states that development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and the size of development proposed and the community needs likely to be generated by it. The policy guidance requires the provision of open space for a development of the scale proposed (over 10 urban dwellings). The site provides a small area of open space in the form of the private amenity space for the retirement flats. However, given the nature of the proposed use and the potential end user it is considered that the community needs for this publicly accessible open space is not high and so the provision of the private amenity space is sufficient. The development of 30 residential units triggers the requirement for on-site play space however, once again, considering the nature of the proposal and the potential end user it is not deemed appropriate nor necessary to request this. The site does not exceed the threshold for the onsite provision of formal outdoor sports facilities or for allotments.
- 9.73. A Landscape Strategy Plan has been submitted as part of the planning application which is broadly acceptable. Officer's requested that the northern hedgerow bordering the public right of way be reduced in length and height to allow for active surveillance and this can be secured by condition. Details of the planting and maintenance of any shrubs and hedgerow along this boundary will be required by condition to ensure it remains well managed and the public right of way remains visible, open and appealing to potential users.

## Ecological/biodiversity issues

### *Legislative context*

- 9.74. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.75. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.76. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.77. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
  - (2) That there is no satisfactory alternative.
  - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.78. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

### *Policy Context*

- 9.79. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological

value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

- 9.80. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.81. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.82. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.83. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.84. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.85. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

#### *Assessment*

- 9.86. In this case the site is brownfield with an existing building in current use. There are a number of trees and hedgerow within and to the boundaries of the site. There are few ecological constraints on site in terms of protected species and habitats. The application was supported by an Ecological Assessment (report no. 12532\_R02\_SB\_MM) prepared by Tyler Grange. The Council's Ecologist has confirmed that the surveys within the assessment that have been carried out to date are satisfactory and permission should be granted.
- 9.87. However, whilst it appears a net gain for biodiversity in terms of habitats is achievable at a reasonable level there is insufficient detail contained within the

report to show where and what type of enhancements will be installed. The Council would expect at least some of the provisions to be integrated into the fabric of the new buildings which assists in their retention. In this location, swift bricks would be an ideal option given local records and the type of building proposed. Cherwell DC currently seek an equivalent of 1 integrated brick or box per residence. This should inform the Biodiversity Enhancement Plan which is required by condition.

- 9.88. In addition, the landscaping is generally acceptable although the Council's ecologist has suggested the inclusion of some species rich/flowering grassland areas would be preferable to amenity grass alone to increase biodiversity rates. A full landscaping and management scheme is required by condition.
- 9.89. The Council's ecologist has recommended conditions to ensure the development is undertaken in line with the recommendations set out in the submitted Ecological Assessment.

#### *Conclusion*

- 9.90. Officers are satisfied, on the basis of the advice from the Council's Ecologist that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged. As such, there are no objections to the proposal on the grounds of ecology and biodiversity.

#### Flood Risk and drainage

- 9.91. A drainage statement is submitted with the application in line with the requirements of Policy ESD6 of the Local Plan and the Framework. Given that the site is less than 1ha in area and is in Flood Zone 1 a Flood Risk Assessment is not required. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the District.
- 9.92. Oxfordshire County Council have been consulted and once further information was submitted the LLFA confirmed no objections subject to conditions. On this basis Officers are satisfied that flood risk and drainage will be suitably addressed and there are no sustainable reasons for refusal on this basis.

#### Crime prevention and security measures

- 9.93. The National Planning Policy Framework 2019, Section 12 'Achieving well-designed places', point 127 (part f), states that; 'Planning policies and decisions should ensure that developments... create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.
- 9.94. HMCLG's Planning Practice Guidance on 'Design', states that; 'Although design is only part of the planning process it can affect a range of objectives... Planning policies and decisions should seek to ensure the physical environment supports these objectives. The following issues should be considered: safe, connected and efficient streets... crime prevention... security measures... cohesive & vibrant neighbourhoods.'
- 9.95. The application is supported by a Design and Access Statement which contains a section headed 'Security, Boundaries' but this does not adequately address all of

the crime prevention and security measures discussed with the applicant at pre-application state. Nor does it provide a commitment to achieving Secured By Design accreditation as recommended previously.

- 9.96. The Crime Prevention Design Advisor has not objected to the application but, to ensure that the opportunity to design out crime is not missed, has offered advice on how to achieve SBD accreditation and a condition requiring evidence of such an application. Conditions are also included which are linked to crime prevention including the requirement for a lighting scheme, details of the bin and buggy store and details of boundary treatments including the security of the rear access gate to the footpath.
- 9.97. In light of the above, and in the absence of an objection from the Crime Prevention Design Advisor, the application proposal is considered to be acceptable subject to conditions in terms of the security and crime prevention design aspects.

#### Sustainability and energy efficiency

- 9.98. The Cherwell Local Plan includes a number of energy policies in order to seek development which mitigates and adapts to the future predicted climate change. This relates to locating development in sustainable locations as well as seeking to reduce energy use, making use of renewable energy and sustainable construction techniques as well as achieving reductions in water use. Mitigating and adapting to climate change in order to move to a low carbon economy is a key part of the environmental role of sustainable development set out in the Framework.
- 9.99. The application is not accompanied by a Sustainability or Energy Statement but sustainability is important with regard to how development adapts to future climate change. A section of the design and access statement addresses the relevant policies in the local plan and is outlined below.
- 9.100. Policy ESD1 Mitigating and Adapting to Climate Change: The proposed development will reuse a previously developed site rather than an undeveloped greenfield site. Its location is sustainable as defined in the Local Plan. The site is in walking distance to Kidlington village centre and close to shops and other community facilities as well as bus stops. The location of the proposed development is well placed to reduce the need to travel and encourages sustainable travel options including walking, cycling and public transport. A condition is recommended for the installation of electric vehicle charging points; this has been agreed by the applicants.
- 9.101. Policy ESD2 Energy hierarchy and allowable solutions and ESD3 Sustainable Construction: Churchill have confirmed that all their schemes are designed and built beyond the national minimum standards as set within Building Regulations with particular emphasis given to an energy efficient fabric first approach. The scheme will maximise the benefits of service technologies adopted therein. Inclusive of the building's design is the emphasis on reducing exposed external wall areas and consequently improving thermal efficiency.
- 9.102. The development seeks to maximise passive solar lighting and natural ventilation. In terms of water, the proposal seeks to achieve a higher level of water efficiency at 110litre per person per day through the installation of water saving and water restricting appliances in all apartments. All areas of the building internally and externally will be lit using low energy lighting and where applicable utilise appropriate daylight and movement sensor controls. A condition is recommended for an external lighting scheme to ensure the lighting is appropriate for the location and considering climate change issues.



- 9.103. ESD5 Renewable Energy: Ground source heat pump technology is proposed. A high efficiency heat pump can provide up to four times as much heat as an electric heater using the same amount of energy.
- 9.104. In terms of waste and recycling, Cherwell DC require 1.4sqm of bin space per property so for 30 flats 42sqm of space is required.
- 9.105. In the Design and Access Statement Churchill Retirement claims that retirement schemes in general have occupancy rates which are typically 50% lower than open market housing. As such Churchill Retirement propose a waste and recycling scheme which differs from Cherwell DC requirements. The typical waste requirements of the retirement schemes are as follows:
- Total waste generation rate of 100 litres per week for one bed apartments is 19 x 100L = 1900L
  - Total waste generation rate of 170 litres per week for two bed apartments is 11 x 170L = 1870L
  - Total capacity required would be 3770L.
- 9.106. Churchill proposes the provision of 6 x 1100L bins totalling a capacity of 6660L capacity which would be more than sufficient based upon Churchill's understanding of the waste requirements of retirement living. Two bins for mixed recycling, one bin for paper, one bin for glass, one bin for food waste and one bin for residual general waste. These will be stored in a communal refuse store on site. This is to be located externally to the main building, at ground level and close to the car park.
- 9.107. Garden waste will be managed by the management Team who also manage the upkeep of the grounds. The entrance drive has been designed to allow a refuse vehicle to easily enter and exit the site in a forward gear. No comments have been received from the Council's Waste and Recycling Team. As such, and considering the applicants detailed analysis of waste and recycling practices across their schemes, on balance the provision proposed is acceptable.
- 9.108. In summary, the proposed development is considered to comply with the relevant development plan policies in regard to sustainability and energy efficiency.

#### Developer contributions and affordable housing

- 9.109. Should the application be approved, improvements to local infrastructure will need to be provided in order to mitigate the impact of the development and make it acceptable in planning terms. A S106 Legal agreement would be required to be entered into to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the Local Plan can be met, which seeks to ensure that the impacts of development upon infrastructure including transport can be mitigated. This also includes the provision of affordable housing. The Authority is also required to ensure that any contributions sought meet the following legislative tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):
- Necessary to make the development acceptable in planning terms;
  - Directly relate to the development; and
  - Fairly and reasonable related in scale and kind to the development

9.110. The following are sought through this application:

- Payment of a financial contribution, towards off site indoor sports and recreation provision in the locality, of £12,876.29. This is based on an occupancy rate of 38.4. This is towards improvements at Kidlington and Gosford Leisure Centre. The sports studies identified a need for increased pool space, fitness provision and additional sports hall space to meet the needs of residents as a result of the increased housing provision.
- Payment of a financial contribution towards community facilities being the refurbishment of Exeter Hall of £17,622.20. This is based on an occupancy rate of 38.4 and the requirement for 0.185metre square of community space required per resident.
- Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £106.00 per dwelling plus £5.00 per dwelling towards recycling banks. This based on an occupancy rate of approximately 38 people would total £4,218.00.

9.111. A contribution to off-side sports provision is not sought as it is considered that the new residents will not benefit from using facilities such as Stratfield Brake Sports Ground.

#### *Affordable Housing*

9.112. With regard to affordable housing, policy BSC3 requires development within locations such as at Kidlington to provide 35% affordable housing on site and provides detail on the mix that should be sought between affordable/ social rent and shared ownership. Where this policy would result in a requirement that part of an affordable home should be provided, a financial contribution of equivalent value will be required for that part only. Otherwise, financial contributions in lieu of on-site provision will only be acceptable in exceptional circumstances.

9.113. Officers accept that on-site provision is not suitable due to the management complexities and the potential unaffordability due to service charge costs. Strategic Housing Officers request a financial continuation in lieu of on-site provision of 40% of open market value for 35% of the units. This equates to £1,340,000. An affordable housing statement was submitted to accompany the application and sets out why the applicant supports the principle of the contribution, but in this instance claims the provision of a fully policy compliant affordable housing contribution would make the scheme unviable.

9.114. In terms of the proposed scheme, due to the fact that the affordable housing requirement is not met (on site or a contribution in lieu) the development is not technically policy compliant. A negotiated discussion and a thorough independent 'open book' analysis of the viability of the scheme has been undertaken by Bidwells. It is clear through the analysis of the viability of the scheme that officers are unable to secure a policy compliant scheme due to there not being enough funds to pay the full commuted sum. However, provided some contribution can be secured Officer's consider that the benefits of the scheme are enough to enable officer support. These benefits include redevelopment of a brownfield site, delivering much needed housing and retirement housing in one of the District's most sustainable settlements which is projected as highly relevant for the district and Oxfordshire area over the coming years, reduction in potential neighbour disturbances through a change of use from the social club and biodiversity net gain.

- 9.115. Following extensive negotiation, it has been agreed that a contribution of £348,147 is acceptable. This is based upon the money left available when a viable development is delivered. The agent and applicant are accepting of this requirement.
- 9.116. On this basis, Officers are minded to accept the proposed contribution of £348,147 as reasonable, taking into account the likely margins of viability for the proposed scheme.

#### Human Rights and Equalities

- 9.117. The Human Rights Act 1998 (“HRA”) sets out fundamental freedoms which have been laid out by the European Convention on Human Rights (“ECHR”). In making any decisions, Cherwell District Council (“the Council”) should have due regard to and take into account any implications that may arise under the HRA. As a public authority, it is unlawful for the Council to act in a manner which is incompatible with the ECHR.
- 9.118. The rights under the ECHR which the Council views as being the most likely to affect planning matters are: Article 6 (the right to a fair trial); Article 8 (right to respect for private and family life); Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (protection of property).

#### *Article 6*

- 9.119. Officers have considered these matters and have resolved that, whilst there are potential rights in play, these will not be affected by the application due to the application being publicised by way of neighbour letter, site notice and in the local press giving affected third parties the opportunity to comment on the application and their views taken into account when considering the application. In this case any comments/concerns raised by third parties are listed above and have been taken into account in assessing the application. In addition, third parties will be invited to the public meeting of the Planning Committee and have the opportunity to speak. Furthermore should a third party be concerned about the way the application was decided they could complain to the Local Government Ombudsman or if they question the lawfulness of a decision can appeal to the Courts for Judicial Review of the application.

#### *Article 8 and Article 1 of the First Protocol*

- 9.120. Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours’ property.

#### *Duty under The Equalities Act 2010*

- 9.121. S149 of the Equalities Act 2010 (“EA”) sets out what is known as the Public Sector Equality Duty (“PSED”). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who so not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.

9.122. Officers have considered the application and resolved that none of the protected characteristics

## 10. PLANNING BALANCE AND CONCLUSION

10.1. Paragraphs 7 and 8 of the NPPF state that the purpose of the planning system is to contribute to the achievement of sustainable development. This means the planning system has three overarching objectives – economic, social and environmental – which are interdependent and need to be pursued in mutually supportive ways.

10.2. The proposed development will contribute to the economic objective through the creation of jobs and - via its residents - additional expenditure generation in nearby shops and facilities. Whilst the loss of the social club is regrettable, this has been justified and given the availability of other community facilities within the local area, is not considered to cause significant harm to the social objective. The provision of much needed specialist accommodation for older people in one of the District's most sustainable settlements is considered a significant benefit of the scheme and contributes to meeting the social objective. The development will meet the environmental objective as outlined in this report, with limited impacts on the amenity of neighbours. The Local Highways Authority is satisfied that the proposal is acceptable in transport and parking terms, with limited environmental impacts anticipated in this regard.

10.3. All in all, the proposal is considered to be sustainable development and is recommended for approval, subject to the completion of a satisfactory S106 agreement and the conditions detailed below.

## 11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) **AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106** OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- a) Payment of a financial contribution towards affordable housing of £348,147.
- b) Payment of a financial contribution, towards off site indoor sports and recreation provision in the locality, of £12,876.29 (index linked).
- c) Payment of a financial contribution towards community facilities being the refurbishment of Exeter Hall of £17,622.20
- d) Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £111 per dwelling (index linked)
- e) Payment of the Council's monitoring costs of £3,819.46
- f) Improvements to the access (to be secured via a S278 agreement)

### CONDITIONS

#### TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason : To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory

Purchase Act 2004.

2. The development shall not be carried out otherwise than in complete accordance with the approved plans being drawing nos. 10105KT/PA10 received by the Local Planning Authority on the 22 October 2019 and drawing nos. 10105KT/PA01, 10105KT/PA02, 10105KT/PA03, 10105KT/PA04, 10105KT/PA05, 10105KT/PA06, 10105KT/PA07, 10105KT/PA08 all received by the Local Planning Authority on 17 February 2020 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reason : To clarify the permission and for the avoidance of doubt.

3. The development hereby permitted shall be carried out in accordance with the recommendations set out in sections 4.8 and 4.10 of the Ecological Assessment (reference 12532\_R02\_SB\_MM) prepared by Tyler Grange and dated 14th October 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason : To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

#### PRE-COMMENCEMENT CONDITIONS

4. No development shall take place until the existing tree(s) to be retained as identified on the 'Tree Protection Plan' drawing no. 19085-BT5 have been protected in accordance with the approved Tree Protection Plan and Arboricultural Assessment and Method Statement (reference 19085-AA2-PB) prepared by Barrell Tree Consultancy dated 4th October 2019 unless otherwise agreed in writing by the Local Planning Authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and demolition and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason : To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

5. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and has been 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.

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

6. If a potential risk from contamination is identified as a result of the work carried out under condition 5, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise 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 competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' 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.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

7. If contamination is found by undertaking the work carried out under condition 6, 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 competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' 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.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

8. No development shall take place, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:

- a) The parking of vehicles of site operatives and visitors;
- b) The routing of HGVs to and from the site;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials used in constructing the development;
- e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;

- g) Measures to control the emission of dust and dirt during construction;
- h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i) Delivery, demolition and construction working hours.

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

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

9. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in compliance with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

10. Prior to the first occupation of the development, a scheme for the provision of at least 10 vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the development and retained as such thereafter.

Reason – To comply with policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

#### CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

11. The external walls, dormers and roof(s) of the development shall be carried out in accordance with the schedule of materials and finishes referred to in the Design and Access Statement (page 30) prepared by Planning Issues and Churchill Retirement Living dated 12 February 2020 or in accordance with an alternative schedule of materials that have been first submitted to and approved in writing by the Local Planning Authority prior to the commencement of that work.

Reason : To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

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

(a) details of the proposed tree and shrub planting including their species, number,

sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

Such details shall be provided prior to the commencement of those works or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved scheme shall be implemented by the end of the first planting season following occupation of the development.

Reason : To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

14. Details of the external lighting/security lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason : To protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996

15. A method statement for enhancing biodiversity on site, to include features integrated into the fabric of the buildings and to include colonial provision for swifts and features for bats, shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

Reason : To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.



CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION

16. A schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule unless otherwise approved in writing by the Local Planning Authority.

Reason : To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. A plan detailing the proposed parking and turning/loading/unloading provision for vehicles to be accommodated within the site (including details of the proposed surfacing and drainage of the provision), shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The approved parking and turning/loading/unloading facilities shall be laid out and completed in accordance with the approved details before the first occupation of the building. The car parking, turning/loading/unloading spaces shall be retained for the parking, turning/loading/unloading of vehicles at all times thereafter.

Reason : In the interests of highway safety, to ensure the provision of adequate off-street car parking and turning/loading/unloading and to comply with Government guidance in Section 12 of the National Planning Policy Framework.

18. Prior to the first use or occupation of the development hereby permitted, a minimum of 2 covered cycle parking spaces shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

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

19. Prior to first occupation of the development hereby permitted, vehicular visibility splays shall be provided in both directions at the point of access from Green Road in accordance with submitted drawing 536.0006.001 E (Appendix F to the Transport Statement by Paul Basham Associates Ltd dated October 2019). Thereafter, the visibility splays shall be kept permanently free from obstruction to vision above 0.6 metres in height over the whole of each visibility splay area.

Reason : To ensure that adequate visibility is retained in the interest of road safety in accordance with Government guidance in Section 12 of the National Planning Policy Framework.

20. Prior to first occupation of the building the bins stores as shown on the approved plans shall be provided in accordance with those approved details and permanently retained as ancillary to the development and used for no other purpose whatsoever.

Reason: In the interest of well planned development and visual amenity of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1,

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

21. 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 7. 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.

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

22. No building or use hereby permitted shall be occupied or the use commenced until the sustainable drainage scheme for this site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in perpetuity in accordance with the agreed management and maintenance plan. A stand-alone Management and Maintenance document to be submitted

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

#### ONGOING REGULATORY CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

23. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason : In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996

24. None of the residential units hereby approved shall be occupied other than by a person of an age of 60 years or over (and partners aged 55 years plus).

Reason: In the interest of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in Section 12 of the National Planning Policy Framework.

#### NOTES TO DEVELOPER

1. In relation to condition 9, development shall be based upon the principles as laid out in the CEP Drainage Statement V1.1 dated October 2019, reference 23247 and as per drawing Preliminary Drainage Strategy Plan DS 04. Discharge to be limited to 2l/s at the 1:100 + 40% Climate Change Factor. Additional information required:
- Pre and Post development overland surface water flow plan required.
  - Safe ingress/egress needs to be demonstrated.
  - Sacrificial areas in the event of exceedance should be considered.
  - Further thought needs to be given to maximising use of green space on site for SuDS incorporation.
  - All hardstanding should be of a permeable construction, where this is not

considered

- practical full explanatory justification to be provided.
- Justification as to whether 10% Urban Creep allowance has been applied required.
- Phasing – to be detailed on plan including descriptive methodology as to how
- surface water will be managed during construction, the mobilisation of sediments
- and any contaminants.
- Exceedence – justification as to how surface water will be managed on site in event of failure or exceedance event.
- Evidence of safe ingress/egress to be provided.
- Justification that damaged pipework as identified in the Utility Surveys Ltd CCTV survey will be replaced where appropriate and abandoned where no longer required.
- Fully detailed numbered pipe network plan to be provided for assessment against MicroDrainage calculations.
- Stand-alone Surface Water Management Strategy document to be submitted.

CASE OFFICER: Clare Whitehead

TEL: 01295 221650