

Case Officer: Gemma Magnuson

Applicant: LCP Estates Ltd

Proposal: Erection of 4 no residential dwellings (Class C3) with associated parking, access and landscaping

Ward: Bicester North and Caversfield

Councillors: Cllr Mawer, Cllr Pratt, and Cllr Slaymaker

Reason for Referral: Called in by Cllr. Pratt and Cllr. Mawer for the following reason:

- High level of public interest

Expiry Date: 9 December 2022

Committee Date: 8 December 2022

SUMMARY OF RECOMMENDATION: REFUSE

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site consists of an existing car park forming a part of Holm Square, a local centre facility accessed off Holm Way in a residential estate to the north-east of Bicester town centre. Southwold Primary School is situated to the south-west. A footpath and cycleway run alongside the northern boundary of the car park that provides access to the Southwold Community Hall with Southwold Play Area beyond. A number of commercial uses including Tesco Express, in closest proximity to the site, are positioned to the north. The wider area is residential in character.
- 1.2. The car park itself benefits from two vehicular access points, one of which is shared with the adjacent car park serving the school. There are 10 parking spaces in the car park at present. The car park is hard surfaced, with the exception of boundary landscaping consisting of low level hedgerows and a number of small trees.
- 1.3. Buildings in the vicinity are constructed from both buff and red brick with decorative banding at both ground and first floor levels. Dwellings in the vicinity consist of a mix of terraced, detached and semi-detached properties, with both pitched and hipped style roofs.

2. CONSTRAINTS

- 2.1. The application site is within 2km of the Stratton Audley Quarries Site of Special Scientific Interest. A minor aquifer and low-pressure gas pipeline have been identified within the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks planning permission for the erection of four terraced style dwellings upon the existing car park, together with associated access, parking areas and landscaping. Two of the dwellings would have two bedrooms, and two would have three bedrooms, with the third bedroom being accommodated in the loft space. The three bedroom dwellings would be positioned towards the centre of the block, with the two bedroom dwellings to either side. The block would have a hipped style roof, with eaves level dormer windows to serve first floor accommodation within the

two outer-most dwellings. Rooflights would be installed within the front and rear roofslopes of the central two dwellings to serve the loft accommodation. Each dwelling would have a lean-to canopy style porch upon the frontage. The dwellings would be constructed using brick and tiles. Decorative banding would run around the ground and first floor elevations, similar to the existing dwellings in the vicinity.

- 3.2. The parking and, apart from one dwelling, bin storage would be to the front of the properties. The remaining dwelling has bin and bicycle storage positioned to the side. Boundary treatments would consist of 2-metre-tall brick boundary walls along the northern, southern and western most boundaries, with the eastern boundaries remaining open to the street. This is with the exception of a 1-metre-tall brick wall sitting forward of the frontage of the southern-most dwelling running alongside the access to the adjacent car park, and a 2-metre-tall wall to the frontage of the northern-most dwelling enclosing the bin and bicycle store. Timber fencing at 2 metres in height would mark internal boundaries to divide the curtilages. The masonry walls would include decorative banding, similar to the existing brick walls in the vicinity of the site.
- 3.3. Each dwelling would have an area of private amenity space to the rear, with pedestrian access into these areas via the adjacent footpath and cycleway using a timber gate.
- 3.4. Existing hedgerow planting to the south of the site, and three of the existing trees, would be retained. The remainder would be removed to facilitate the development.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

Application: 90/00457/S

Erection of one large and three small shop units complete with living accommodation over

Application: 86/00483/SRM7

Proposed shopping element of local centre to residential development

Application: 86/00483/SRM5

Proposed shopping element of Local Centre to Residential Development

Application: 86/00483/S

Erection of 1,200 dwellings, Local Centre (to include shops, community hall, doctor's surgery and associated car parking), school, open space and the construction of associated road and drainage works (Outline)

- 4.2. A Section 52 Agreement was made as part of the original planning permission for the estate under reference CHS.483/86. This agreement requires that the car park, subject of this application, to be made available to members of the public for the purpose of parking their vehicles in connection with the use of the local centre facilities. Whilst the land is bound by this covenant, this does not form a material consideration in the assessment of this planning application and is a legal matter that would need to be addressed by the applicant outside of the planning process.
- 4.3. Obtaining planning permission gives no additional rights to carry out a development where that development is on someone else's land, or the development will affect someone else's rights in respect of the land.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

Application: 22/00951/PREAPP
Response Sent - 9 May 2022

The proposal seeks to provide 4 no. three storey dwellings that front Holm Way.

The conclusion of the pre-application advice was that the principle of the erection of four dwellings upon the site was acceptable. However, there were concerns regarding the design of the scheme and the impact of the development upon highway safety and the highway network. The impact of the development in terms of the standards of amenity and privacy were considered to be acceptable.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **26 September 2022**.

- 6.2. 102 responses were received: 98 objecting to the application, 3 commenting on the application and 1 in support of the application. The comments raised by third parties are summarised as follows:

- Highway safety concerns due to loss of parking for school drop off, use of shops and community centre – increased on-street parking, difficulty for lorries manoeuvring, impact on visibility
- Downgrade area
- Harm to privacy and amenity
- Nuisance from construction traffic
- Loss of trees
- Impact on biodiversity
- Noise pollution
- Air pollution
- Visual impact – out of character with area
- Not affordable housing
- Inaccurate plans
- Loss of open space
- Question accuracy of parking survey
- Design not in accordance with CDC Residential Design Guide
- Insufficient rear garden sizes
- Overlooking of nursery
- Sustainable construction not addressed
- Not enough facilities in area at present

- Infrastructure will not cope
- Impact on businesses

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. BICESTER TOWN COUNCIL: **Object** on the grounds of impact upon neighbouring school, proposed dwellings being out of keeping with street scene and out of character with the rest of the properties in the close due to being three stories where all other properties are two stories, contrary to Policies B96 Part III, C28 Sustainable Development in amenity space, Policy B159 and Policy ESD 15.

CONSULTEES

7.3. OCC HIGHWAYS: **Object** on the grounds of severe impact on the highway network: loss of car park and unable to safely accommodate spaces on street; inadequate cycle parking provision for two dwellings and not demonstrated adequate pedestrian and vehicular vision splays.

7.4. CDC ARBORICULTURE: No response received at time of writing.

7.5. CDC BUILDING CONTROL: Building Regulations application will be required.

7.6. CDC ENVIRONMENTAL HEALTH: No comments to make regarding odour and light. Electric vehicle charging is now part of Building Regs. Conditions required regarding contaminated land. A noise survey was requested due to the proximity of the shop, this was subsequently received, and Environmental Health were satisfied with this.

7.7. CDC LAND DRAINAGE: No comments to make regarding drainage or flood risk.

8. RELEVANT PLANNING POLICY AND GUIDANCE

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE 4 – Improved Transport and Connections
- BSC 2 – Effective Use of Land and Housing Density

- ESD1 – Mitigating and Adapting to Climate Change
- ESD 3 – Sustainable Construction
- ESD 6 - Sustainable Flood Risk Management
- ESD 10 - Protection and Enhancement of the Natural Environment
- ESD 15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control
- ENV1 – Environmental pollution
- ENV12 – Contaminated land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide 2018 SPD

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety
- Sustainable construction

Principle of Development

9.2. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

9.3. Paragraph 10 of the NPPF states that so sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 defines the presumption in favour of sustainable development as approving development proposals that accord with up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

9.4. Paragraph 12 of the NPPF also advises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

- 9.5. Policy PSD1 contained within the CLP 2015 echoes the requirements of the NPPF relating to 'sustainable development' and states that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 9.6. Cherwell's position on five-year housing land supply is reported in the Council's 2021 Annual Monitoring Report (AMR). The 2021 AMR concludes that the District can demonstrate a 3.5 year supply for the current period 2022-2027, a shortfall equal to 2,255 houses for the period 2022-2027. Paragraph 11d of the NPPF therefore applies, meaning the Development Plan policies for housing provision are to be considered out of date, and the presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.
- 9.7. Policy ESD1 of the CLP 2015 states that measures will be taken to mitigate the impact of development on climate change and deliver the goals of sustainable development. This includes distributing housing growth to the most sustainable locations as defined in the Local Plan and delivering development which reduces the need to travel. The local plan has a strong urban focus with large amounts of housing planned at Bicester and Banbury. Paragraph B.88 of the CLP 2015 states that by focussing development in and around the towns of Bicester and Banbury, we aim to ensure that the housing growth which the District needs only takes place in the locations that are the most sustainable and most capable of absorbing this new growth. Policy BSC2 of the CLP 2015 encourages the efficient use of land in sustainable locations.
- 9.8. The site is positioned within an existing residential estate, in the built-up limits of Bicester, with good access to local shops and amenities. The application proposes the erection of four dwellings upon an existing car park a sustainable location. The development would also contribute four additional dwellings to the Cherwell housing land supply at a time when the District is unable to demonstrate a 5-year supply of housing.
- 9.9. It is the opinion of Officers that the principle of the erection of four dwellings in this location is acceptable in accordance with Government guidance contained within the NPPF and Policies PSD1, ESD1 and BSC2 of the CLP 2015. The provision of four additional dwellings would also make a small contribution to the Cherwell housing land supply.

Design, and impact on the character of the area

- 9.10. Government guidance contained within the NPPF requires development to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive, sympathetic to local character and history, and establish or maintain a strong sense of place. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
- 9.11. Policy ESD15 of the CLP 2015 requires development to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards and should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and significant trees. It should also respect the traditional pattern routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings and should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.

- 9.12. Saved Policies C28 and C30 of the CLP 1996 seek a standard of layout, design and external appearance, including the choice of external finish materials, that are sympathetic to the character of the context of the development. The Cherwell Residential Guide SPD builds on the above policies and provides a framework to deliver high quality locally distinctive development.
- 9.13. The site currently consists of a car park which forms part of a local centre made up of associated commercial, community and educational buildings immediately to the west, north-west and north of the site, inclusive of the car parks serving these uses. An area of public open space lies beyond these nearby buildings that links to Banbury Road to the west, although aside from this, the local centre is surrounded by residential dwellings. Residential dwellings in the vicinity of the site are two storeys in height, consisting of a mix of detached, semi-detached, and terraced properties. Roofs are both hipped and pitched roof in design, and where present, garages are both attached and detached, and positioned to the side of dwellings. Each dwelling has a front garden area demarcated by landscaping or low fencing. Rear gardens are enclosed by brick walls. Characteristic features of these nearby dwellings are lean-to porch canopies, eaves height dormer windows and decorative banding running around the ground and first floor levels.
- 9.14. Further afield, there are a number of differing design features, such as rendered panels, timber clad oriel windows, pitched roof porches and close boarded timber fencing to enclose rear gardens.
- 9.15. The existing car park is landscaped with hedgerows and a number of small trees, and when combined with the landscaping in the immediate vicinity of the site, the streetscene at this location is leafy in character.
- 9.16. The proposed development would involve the erection of four dwellings in the form of a terraced block. The block would have a hipped style roof and takes design cues from dwellings in the immediate vicinity through the use of eaves level dormer windows, lean-to porch canopies and the decorative banding at ground and first floor levels. The boundary treatment enclosing the rear gardens would consist of a brick wall with decorative banding, and the frontages would be marked by landscaping, which is also in-keeping with boundary treatments in the area. The final choice of construction materials could be controlled via condition in order to ensure a close match to those existing.
- 9.17. Whilst the overall height of the dwellings would be higher than those in close proximity to the site, the dwellings would be read as part of the local centre alongside the taller commercial building to the north, avoiding this height difference drawing undue attention to itself.
- 9.18. Officers acknowledge that the pitch of the dormer windows is shallower than those in the vicinity, and the minimum 40-degree pitch sought by the Design Guide. Instead, the pitch would be similar to the shallow eaves feature above the porch canopies of 45-47 Holm Way. However, the site forms a part of the local centre with associated commercial, community and school buildings that all possess variations in design from nearby dwellings, and it is therefore considered that the dwellings would be in a location where some difference can be tolerated without causing significant harm.
- 9.19. Whilst the loss of three trees from within the site is regrettable, three trees would be retained within the rear gardens of the proposed dwellings. In addition to the retention of the existing hedge and tree to the south of the site, and the use of planting to the frontages, it is considered that the leafy character of the area would be retained.

- 9.20. The positioning of bin and bicycle storage to the front of the proposed dwellings is unfortunate, although the final design of these structures can be controlled via condition in order to ensure that they are discreet and provide adequate screening.
- 9.21. It is the opinion of Officers that the design of the dwellings is acceptable in this context and would result in a development that is broadly sympathetic to its surroundings whilst maintaining the leafy character of the area, in accordance with, Policy ESD15 of the CLP 2015 and saved Policies C28 and C30 of the CLP 1996 and Government guidance contained within the NPPF

Residential amenity

- 9.22. Government guidance contained within the NPPF requires development to create places that are safe, inclusive and accessible, promoting health and well-being, and with a high standard of amenity for existing and future users. Policy ESD15 of the CLP 2015 requires all development to consider the amenity of both existing and future development. Saved Policy C30 of the CLP 1996 seeks standards of amenity and privacy acceptable to the Local Planning Authority. Saved Policy ENV1 of the CLP 1996 seeks to ensure that the amenities of the environment, and in particular of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation.
- 9.23. The proposed dwellings would sit at an oblique angle to the commercial building to the north of the site, with the closest distance between the two being 13.5 metres, just short of the minimum 14 metre distance normally sought. However, due to the angle at which the two would sit in relation to each other, this shortfall is considered acceptable. It is understood that the first floor of the commercial building to the north is within residential use. However, due to the separating distance and the angle at which the two buildings would sit in relation to each other, a significant loss of privacy would be avoided.
- 9.24. The front openings would face towards the frontages of dwellings on Holm Way at separating distances ranging between 15-17 metres. However, given that these are the less private frontages facing onto the public domain this relationship is considered acceptable.
- 9.25. Each dwelling would benefit from an area of private amenity space positioned to the north-west of the dwellings. The Design Guide advises that the amount of garden and outdoor space should be appropriate to the size of the property, with an expectation that larger properties will be located within larger plots with larger gardens, reflecting the likely needs of larger families. Amenity space must also be usable and receive sunlight for the majority of the year, with overshadowing prevented, particularly in north facing gardens. Privacy is also a consideration. There is no minimum size for private amenity space set by the Design Guide.
- 9.26. The proposed areas of private amenity space are modest in size, with the two larger areas serving the larger three bedroom dwellings. The north-western positioning of these areas should ensure that sunlight is received during the evenings, and the removal of the tree identified as T6 would assist with this. Whilst modest, the areas of private amenity space would be useable, and Officers consider these spaces to be acceptable.
- 9.27. Due to the position of the proposed dwellings in relation to each other and surrounding structures, they would not result in a significant loss of amenity for each other or neighbouring properties through a loss of outlook, overbearing appearance or shading.

- 9.28. The proposed dwellings would be positioned in close proximity to the Tesco Express store and the impact of this use upon the living amenities of future occupants is therefore a consideration. The Environmental Health Team requested a noise assessment. The submitted report addressed their concerns about the potential impact on the neighbouring residents. Officers therefore consider that the accommodation would benefit from acceptable standards of amenity.
- 9.29. The proposed development would not result in a significant loss of amenity or privacy for neighbouring properties and would provide acceptable standards of amenity and privacy for the future occupants of the dwelling, in accordance with Policy ESD15 of the CLP 2015, saved Policies ENV1 and C30 of the CLP 1996 and Government guidance contained within the NPPF.

Highway safety

- 9.30. Government guidance contained within the NPPF seeks to achieve safe and suitable access to sites for all users and requires development to be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.31. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should be designed to deliver high quality safe places to live and work in. Policy SLE4 of the CLP 2015 requires all development, where reasonable to do so, to facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement is also given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.
- 9.32. The proposed development would result in the loss of an existing public car park. The original permission for the estate included a Section 52 Agreement that required this land to remain available to members of the public for the parking of vehicles in connection with their use of the local centre facilities. The applicant's agent has sought to demonstrate during the course of the application that the parking spaces lost, and additional spaces required as a result of the development, could be accommodated on-street, and that local roads would not experience any issues with parking stress or highway safety during these periods.
- 9.33. The Highway Authority has described the area as heavily congested during peak hours and this description appears to be supported by a large number of comments from members of the public as a result of consultation. It is understood that the existing car park is used by members of staff at the school, parents dropping off/picking up school children, users of the community centre and commercial units, and nearby residents. The Highway Authority do not consider the car park to be parking surplus.
- 9.34. The applicant's agent has submitted diagrams to demonstrate where the spaces that would be lost from the car park, and the additional spaces required as a result of the development, could be accommodated on street. However, the Highway Authority do not agree that the suggested on-street parking spaces are safe, and consider that in some cases, people would be deterred from parking their vehicles within them for fear of blocking larger vehicles or obtaining damage to their own vehicle. Further, parallel spaces do not meet the requirements outlined in OCC's Street Design Guide and the Highway Authority consider that there is a requirement for additional parking spaces to make up for that lost within the car park.

- 9.35. In addition, the Highway Authority consider that adequate vehicular and pedestrian vision splays are required to be demonstrated following concern that these may not be adequate. A Construction Traffic Management Plan (CTMP) would also be a requirement of any subsequent favourable decision given the narrow roads and anticipated difficulty accessing the site for construction vehicles, although this could be conditioned.
- 9.36. With regard to the proposed dwellings, the Highway Authority has accepted only one off-street parking space per dwelling, although given the recently adopted new cycle parking standards for new developments, cycle parking must be provided at a rate of two spaces per bedroom. Additional cycle parking is therefore required for the three bedroom dwellings, although this could be conditioned.
- 9.37. The Highway Authority has highlighted that OCC has a right of way across some of the land within the site boundary that cannot be altered without the agreement of OCC. However, as with the above-mentioned Section 52 Agreement, this is not a material planning consideration.
- 9.38. Officers are in agreement with the assessment of the Highway Authority. The existing car park is clearly well used, as witnessed during visits to the site and evidenced by the large number of responses from members of the local community objecting to its loss. The applicant has therefore failed to demonstrate that the development would not result in significant harm to highway safety.
- 9.39. It is the opinion of Officers that the loss of this public car park, together with the shortfall in off-street parking spaces to serve the dwellings, would result in significant harm to highway, contrary to Policies SLE4 and ESD15 of the CLP 2015 and Government guidance contained within the NPPF.

Sustainable construction

- 9.40. Government guidance within the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. It states that new development should be planned for in ways that:
- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
 - b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. The NPPF continues by stating, amongst other things, that in order to help increase the use and supply of renewable and low carbon energy and heat, plans should:
 - c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.
- 9.41. Policy ESD1 of the CLP 2015 states that measures will be taken to mitigate the impact of development within the District on climate change, including but not limited to, designing developments to reduce carbon emissions and use resources more efficiently, including water.

- 9.42. Policy ESD3 of the CLP 2015 covers the issue of sustainable construction and states amongst other things that all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy.
- 9.43. The Policy continues by stating that Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day. Further stating that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to minimising both energy demands and energy loss, maximising passive solar lighting and natural ventilation, maximising resource efficiency, incorporating the use of recycled and energy efficient materials, incorporating the use of locally sourced building materials, reducing waste and pollution and making adequate provision for the recycling of waste, making use of sustainable drainage methods, reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.
- 9.44. The proposed dwellings would be positioned in a south-east to north-west orientation, with each habitable room served by an opening to provide both light and ventilation. The south/north orientation would allow for both sunlight and shading. The development would not involve the demolition of an existing building and there is no opportunity to re-use materials on site. The final choice of construction material could be controlled via condition.
- 9.45. As a new build the development would need to comply with the current building regulations which will ensure that the development would be built to a high standard of sustainable build. Notwithstanding this, if supported, it is considered that a condition should be added to ensure that the development has a higher level of water efficiency than required in the Building Regulations as required under Policy ESD3 of the CLP 2015.
- 9.46. It is the opinion of Officers that the development would demonstrate sustainable construction methods, in accordance with Government guidance contained within the NPPF and Policies ESD1 and ESD3 of the CLP 2015.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The principle of the erection of four dwellings in this sustainable location in the built-up limits of Bicester is considered acceptable. The development would not result in significant harm to the visual amenities of the locality, or the living amenities and privacy currently enjoyed by neighbouring properties, or by future occupants of the dwellings. However, the development would lead to significant harm to highway safety.
- 10.2. The development would deliver social benefits through contribution of four dwellings to the District's housing land supply in a sustainable location. In addition, short-term economic benefits would be delivered through the initial construction of the dwellings, and these would not be at the cost of the environment. However, these benefits would not outweigh the harm that would be caused to the social dimension of sustainable development in terms of highway safety.

10.3. The proposal therefore fails to comply with the relevant Development Plan policies and guidance listed at section 8 of this report and is not considered to constitute sustainable development. The application is therefore recommended for refusal.

11. RECOMMENDATION

RECOMMENDATION - REFUSAL FOR THE REASONS SET OUT BELOW

1. The loss of the public car park would result in an increased demand for on-street parking provision that cannot be safely or realistically accommodated within the vicinity of the site, resulting in significant harm to highway safety. The proposal is therefore contrary to Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
2. Adequate pedestrian and vehicular vision splays from the off-street parking areas serving the proposed dwellings have not been demonstrated. In the absence of the required vision splays the proposal has the potential to cause significant harm to highway safety. The proposal is therefore contrary to Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.