

**Committee:** Planning Committee  
**Date:** Thursday 18 February 2010  
**Time:** 4.00 pm  
**Venue** Bodicote House, Bodicote, Banbury, OX15 4AA

### **Membership**

**Councillor Fred Blackwell**  
(Chairman)  
**Councillor Ken Attack**  
**Councillor Maurice Billington**  
**Councillor Colin Clarke**  
**Councillor Mrs Catherine**  
**Fulljames**  
**Councillor Michael Gibbard**  
**Councillor Eric Heath**

**Councillor Rose Stratford (Vice-Chairman)**  
**Councillor Alastair Milne**  
**Home**  
**Councillor David Hughes**  
**Councillor James Macnamara**  
**Councillor D M Pickford**  
**Councillor G A Reynolds**  
**Councillor Leslie F Sibley**  
**Councillor Chris Smithson**  
**Councillor Trevor Stevens**  
**Councillor Lawrie Stratford**  
**Councillor John Wyse**

### **Substitutes**

**Councillor Luke Annaly, Councillor Rick Atkinson,**  
**Councillor Nick Cotter, Councillor Mrs Diana Edwards,**  
**Councillor Andrew Fulljames, Councillor Timothy**  
**Hallchurch MBE, Councillor Russell Hurle, Councillor**  
**Kieron Mallon, Councillor George Parish, Councillor**  
**Nicholas Turner and Councillor Barry Wood**

## **AGENDA**

- 1. Apologies for Absence and Notification of Substitute Members**
- 2. Declarations of Interest**

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting

### **3. Petitions and Requests to Address the Meeting**

The Chairman to report on any requests to submit petitions or to address the meeting.

### **4. Urgent Business**

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

### **5. Minutes (Pages 1 - 11)**

To confirm as a correct record the Minutes of the meeting of the Committee held on 28 January 2010.

## **Planning Applications**

- |            |   |                     |
|------------|---|---------------------|
| <b>6.</b>  | <b>Bicester Town Centre Development, Manorsfield Road, Bicester</b><br>(Pages 14 - 47)          | <b>09/01687/F</b>   |
| <b>7.</b>  | <b>Orchard Way Shopping Parade, Orchard Way, Banbury,</b><br><b>Oxfordshire</b> (Pages 48 - 67) | <b>09/01776/F</b>   |
| <b>8.</b>  | <b>Land at Brookhill Way, Off Wildmere Road, Banbury</b><br>(Pages 68 - 80)                     | <b>09/01859/OUT</b> |
| <b>9.</b>  | <b>Land East of Network 11 Development, Thorpe Way, Banbury</b><br>(Pages 81 - 89)              | <b>09/01867/F</b>   |
| <b>10.</b> | <b>Longfield, Duns Tew</b> (Pages 90 - 95)  | <b>09/01881/F</b>   |
| <b>11.</b> | <b>Land at The Garth, Launton Road, Bicester</b> (Pages 96 - 102)                               | <b>10/00109/F</b>   |

## **Tree Preservation Orders**

- 12. Tree Preservation Order (No 11) 2009 Oak Tree at Hornton Primary School, Hornton, Banbury** (Pages 103 - 107)

Report of Development Control and Major Developments

### **Summary**

To seek the confirmation of an unopposed Tree Preservation Order relating to an Oak Tree at Hornton Primary School, Banbury (copy plan attached as Annex 1) Tree Preservation Order No. (11/2009).

## **Recommendation**

The Planning Committee is recommended to:

- (1) Confirm the Order without modification.

## **Review and Monitoring Reports**

### **13. Decisions Subject to Various Requirements (Pages 108 - 110)**

Report of Head of Development Control and Major Developments

#### **Summary**

This report aims to keep members informed upon applications which they have authorised decisions upon to various requirements which must be complied with prior to the issue of decisions.

An update on any changes since the preparation of the report will be given at the meeting.

#### **Recommendation**

The Planning Committee meeting is recommended to:

- (1) Accept the position statement.

### **14. Appeals Progress Report (Pages 111 - 112)**

Report of the Head of Development Control and Major Developments

#### **Summary**

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged, Public Inquiries/hearings scheduled or appeal results achieved.

#### **Recommendation**

The Planning Committee is recommended to:

- (1) Accept the position statement.

### **15. Exclusion of Public and Press**

The following item contains exempt information as defined in the following Paragraph of Part 1, Schedule 12A of Local Government Act 1972.

5– Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Members are reminded that whilst the following items have been marked as exempt, it is for the meeting to decide whether or not to consider each of them in private or in public. In making the decision, members should balance the interests of individuals or the Council itself in having access to the information. In considering their discretion members should also be mindful of the advice of Council Officers.

Should Members decide not to make a decision in public, they are recommended to pass the following recommendation: "That, in accordance with Section 100A (4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraph 5 of Schedule 12A of that Act."

## **16. Verbal Update - Bodicote Park**

Head of Development Control and Major Developments to report

### **Information about this Agenda**

#### **Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwell-dc.gov.uk](mailto:democracy@cherwell-dc.gov.uk) or 01295 221587 prior to the start of the meeting.

#### **Declarations of Interest**

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item. The definition of personal and prejudicial interests is set out in Part 5 Section A of the constitution. The Democratic Support Officer will have a copy available for inspection at all meetings.

**Personal Interest:** Members must declare the interest but may stay in the room, debate and vote on the issue.

**Prejudicial Interest:** Member must withdraw from the meeting room and should inform the Chairman accordingly.

With the exception of the some very specific circumstances, a Member with a personal interest also has a prejudicial interest if it is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.

### **Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates**

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

### **Queries Regarding this Agenda**

Please contact Alexa Coates, Legal and Democratic Services [alexa.coates@cherwell-dc.gov.uk](mailto:alexa.coates@cherwell-dc.gov.uk) (01295) 221591

**Mary Harpley**  
**Chief Executive**

Published on Wednesday 10 February 2010

# Agenda Item 5

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 28 January 2010 at 4.00 pm

Present: Councillor Fred Blackwell (Chairman)

Councillor Ken Attack  
Councillor Colin Clarke  
Councillor Michael Gibbard  
Councillor Eric Heath  
Councillor Alastair Milne Home  
Councillor David Hughes  
Councillor James Macnamara  
Councillor D M Pickford  
Councillor G A Reynolds  
Councillor Chris Smithson  
Councillor Trevor Stevens  
Councillor Lawrie Stratford  
Councillor John Wyse

Substitute Members: Councillor Luke Annaly (In place of Councillor Mrs Catherine Fulljames)  
Councillor Barry Wood (In place of Councillor Rose Stratford)

Apologies for absence: Councillor Rose Stratford  
Councillor Maurice Billington  
Councillor Mrs Catherine Fulljames

Officers: Jameson Bridgwater, Head of Development Control & Major Developments  
Bob Duxbury, Development Control Team Leader  
Jenny Barker, Major Developments Team Leader  
Nigel Bell, Solicitor  
Natasha Clark, Trainee Democratic and Scrutiny Officer

#### 140 **Declarations of Interest**

Members declared interest with regard to the following agenda items:

#### **11. Land at Colne Close, Bicester.**

Councillor Barry Wood, Prejudicial, as a member of Executive.

Councillor D M Pickford, Prejudicial, as a member of Executive.

Councillor G A Reynolds, Personal, as a member of Executive.

Councillor James Macnamara, Prejudicial, as a member of Executive.

Councillor Ken Atack, Prejudicial, as a member of Executive.

Councillor Lawrie Stratford, Personal, as a member of Bicester Town Council who may have previously considered the application.

Councillor Michael Gibbard, Prejudicial, as a member of Executive.

**12. Verge To Front of 2 to 12 Braithwaite Close, Banbury, Oxfordshire, OX16 0WN.**

Councillor Alastair Milne Home, Personal, as a member of Banbury Town Council who may have previously considered the application.

Councillor Barry Wood, Prejudicial, as a member of Executive.

Councillor Colin Clarke, Personal, as a member of Banbury Town Council who may have previously considered the application.

Councillor D M Pickford, Prejudicial, as a member of Executive.

Councillor G A Reynolds, Personal, as a member of Executive.

Councillor James Macnamara, Prejudicial, as a member of Executive.

Councillor Ken Atack, Prejudicial, as a member of Executive.

Councillor Michael Gibbard, Prejudicial, as a member of Executive.

**13. Request for a variation of the S106 Agreement relating to the proposed development at South West Bicester - Application 06/00967/OUT.**

Councillor Lawrie Stratford, Personal, as a member of Oxfordshire County Council.

**19. Bodicote Park.**

Councillor G A Reynolds, Prejudicial.

**141 Petitions and Requests to Address the Meeting**

The Chairman advised the Committee that requests to address the Committee would be dealt with at each item.

**142 Urgent Business**

There was no urgent business.

**143 Minutes**

The Minutes of the meeting held 10 December 2009 were agreed as a correct record and signed by the Chairman.

144 **Communications**

Councillor Reynolds made a further statement regarding comments he had made at the Planning Committee meeting of 19 November 2009. Councillor Reynolds extended his apology of 10 December 2009 to all rural and urban members of Banbury Civic Society, apologising for any offence he may have caused and providing assurance that his comments had not been intended to cause offence.

145 **Land Parcel, 2783 Main Street, Great Bourton**

The Committee considered a report of the Head of Development Control and Major Developments on an application for the erection of block of 6 no. stables (2 no. to be used as Tackroom and food/hay storage) and erection of barn and rest room with track from main gate and change of use of the land for the keeping of horses.

Members of the Committee commented that the proposed development would encroach on the countryside and was overdevelopment on the site.

In reaching their decision, the Committee considered the Officers' report and presentation.

**Resolved**

That application 09/01299/F be refused for the following reason:

- 1) The erection of the two proposed stables and barn/restroom buildings of the size and in the positions proposed would, if approved, be an intrusive development harming the topography and character of the landscape and erode the open character and appearance of the countryside contrary to policies C5 and BE5 of the South East Plan 2009, policies AG5, C7, C8, C13 and C28 of the Adopted Cherwell Local Plan 1996 and policies EMP11, EN30, EN31 and EN34 of the Non Statutory Cherwell Local Plan 2011.

146 **Church End, Church Street, Somerton**

The Committee considered a report of the Head of Development Control and Major Developments on an application for the for the demolition of a single storey, lean-to extension on the rear of the property, conversion of an existing rear outbuilding to provide ancillary living accommodation and erection of a glazed link/covered yard at the rear.

Mr Eastwood spoke in favour of applications 09/01411/F and 09/01412/LB as the applicant.

The Committee considered whether the proposal represented a minor and sympathetic addition to the existing building. Members also considered the visibility of the proposed glazed link from the churchyard and public footpath.



In reaching their decision the Committee considered the Officers' report and presentation and the presentation of the public speaker.

Councillor Macnamara proposed that application 09/01411/F be approved.  
Councillor Annaly seconded the proposal.

**Resolved**

That application 09/01411/F be approved subject to the following conditions:

- 1) That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- 2) That the development hereby permitted shall be constructed in accordance with a schedule of materials and finishes which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.
- 3) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: E09-06 and E09-08a.

147

**Church End, Church Street, Somerton**

The Committee considered a report of the Head of Development Control and Major Developments on an application for the for the demolition of a single storey, lean-to extension on the rear of the property, conversion of an existing rear outbuilding to provide ancillary living accommodation and erection of a glazed link/covered yard at the rear.

Mr Eastwood spoke in favour of applications 09/01411/F and 09/01412/LB as the applicant.

The Committee considered whether the proposal represented a minor and sympathetic addition to the existing building. Members also considered the visibility of the proposed gazed link from the churchyard and public footpath.

In reaching their decision the Committee considered the Officers' report and presentation and the presentation of the public speaker.

Councillor Macnamara proposed that application 09/01412/LB be approved.  
Councillor Annaly seconded the proposal.

**Resolved**

That application 09/01412/LB be approved subject to the following conditions:

- 1) That the works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.

- 2) That the development hereby permitted shall be constructed in accordance with a schedule of materials and finishes which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.
- 3) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: E09-06 and E09-08a.
- 4) All new works and works of making good shall be carried out in matching materials and detailed to match the adjoining original fabric except where shown otherwise on the approved drawings.
- 5) That full design details of the glazed lantern shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

148      **10 Strawberry Terrace, Bloxham, Banbury, Oxfordshire, OX15 4PA**

The Committee considered a report of the Head of development Control and Major Developments on an application for a rear two storey extension, with a single storey element adjacent to the shared boundary with the adjoined neighbour.

The Committee was satisfied with the evidence presented.

In reaching their decision the Committee considered the Officers' report, written update and presentation.

**Resolved**

That application 09/01522/F be approved subject to the following conditions:

- 1) 1.4A (RC2) [Full permission: Duration limit (3 years)]
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: P470/03c, P470/05d, P470/04c, P470/01, P470/02 and site and block plan.
- 3) 2.2BB (RC4A) [Samples of roofing materials] insert 'slate' 'extension'
- 4) 2.3EE (RC5B) [Sample panel of brickwork] insert 'extensions'
- 5) 5.19A (RC4A) [Conservation roof light]

149      **Holly Close, Main Street, Sibford Gower**

The Committee considered a report of the Head of Development Control and Major Developments on an application which proposed the erection of a

detached dwelling and the creation of an opening in the stone boundary wall for vehicular access from the highway, and the erection of a new boundary fence. The application was a resubmission of application 09/00990/F.

Mr Oswyn Murray, Mr Christian Fletcher and Mr Christopher Job spoke in objection to the application.

Mr Philip Smith spoke in favour of the application as the Applicant's Agent.

Members of the Committee raised concerns about the impact of the proposed development on the conservation area.

In reaching their decision the Committee considered the Officers' report, presentation and written update and the presentations of the public speakers.

Councillor Reynolds proposed that application 09/01586/F be refused. Councillor Clarke seconded the proposal.

### **Resolved**

That application 09/01586/F be refused for the following reason:

- 1) The proposed house by reason of its design in a sensitive location within the Sibford Gower Conservation Area would be detrimental to visual amenity and harmful to the character and appearance of the area. It is therefore contrary to policies C28 and C30 of the Adopted Cherwell Local Plan and EN39 of the Non Statutory Cherwell Local Plan and the general thrust of PPG15-Planning and the Historic Environment.

150

### **Land at Colne Close, Bicester**

The Committee considered a report of the Head of Development Control and Major Developments on an application for the creation of 22 parking spaces, surfaced with permeable block paving, on an existing grass area.

The Committee was satisfied with the evidence presented.

In reaching their decision, the Committee considered the Officers' report, written update and presentation.

### **Resolved**

That application 09/01739/CDC be approved subject to the following:

- 1) SC 1.4A (Time – 3 years)
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the Drawing 'E4615-2' and the details outlined in the Design and Access statement, submitted with the application dated 29/09/09.

- 3) SC 4.13CD (Parking and manoeuvring area as plan, specification to be submitted and approved)
- 4) SC 4.0AB insert “first use” and “parking area” (Access to be constructed in accordance with the specification to be attached.
- 5) SC 3.13 (Retain trees) – remove reference to ‘effective screen’ from reason
- 6) No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:
  - a) a plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
  - b) the details of each retained tree as required at paragraph 4.2.6 of BS5837 in a separate schedule.
  - c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.
  - d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.
  - e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).
  - f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
  - g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).
  - h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).

- i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.
- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the Root Protection Areas of retained trees.
- l) the details of the working methods to be employed for the installation of drives and paths within the Root Protection Areas of retained trees in accordance with the principles of “No-Dig” construction.
- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
- o) the details of the method to be employed for the stationing, use and removal of site cabins within any Root Protection Areas (para. 9.2.3 of BS5837).
- p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- q) the timing of the various phases of the works or development in the context of the tree protection measures.

151

**Verge To Front of 2 to 12 Braithwaite Close, Banbury, Oxfordshire, OX16 0WN**

The Committee considered a report of the Head of Development Control and Major Developments on an application for the creation of 6 parking spaces, surfaced with permeable block paving, on an existing grass area.

The Committee was satisfied with the evidence presented.

In reaching their decision, the Committee considered the Officers' report, written update and presentation.

**Resolved**

That application 09/01740/CDC be approved subject to the following conditions:

- 1) S.C.1.4A (RC2) [Time]
- 2) S.C 4. 13CD (Parking and manoeuvring area as plan, specification to be submitted and approved)
- 3) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans: Drawing 'E4613' and the details outlined in the Design and Access statement, submitted with the application dated 14/12/09.

152

**Request for a variation of the S106 Agreement relating to the proposed development at South West Bicester - Application 06/00967/OUT**

The Committee considered a report of the Head of Development Control and Major Developments which detailed a request to vary the S106 Agreement in relation to the development at South West Bicester and request Members to determine whether or not to accept the variation of the Agreement.

The Team Leader Development Control and Major Developments advised the Committee that the proposed changes to the S106 Agreement maintained the overall level of affordable housing, infrastructure and facilities previously agreed. The main alterations proposed included a reduced percentage of affordable housing in the first phase (made up in later phases), a delay in the timing of delivery of the financial contributions which may have an impact on the timing of some infrastructure but the completion of the perimeter road would be brought forward.

Members of the Committee commented that in the current economic climate it was important for the Council to be flexible with regard to the request to vary the S106 Agreement. Members noted that the variation would assist in the delivery of affordable housing throughout the site.

Members of the Committee raised concerns about access through and in the vicinity of the site and about potential delays to the development of the Sports Village.

The Committee thanked Officers for their hard work in working with the developer to negotiate the modifications to the S106 Agreement.

**Resolved**

That, subject to agreement of the location of the 10% affordable housing, the variation to the S106 Agreement in accordance with the schedule of Heads of Terms and revised trigger dates for the submission for schemes of the open space as set out in the minute book be agreed.

153 **Tree Preservation Order (No 12) 2009 Lime Tree at 14 Main Street, Mixbury**

The Committee considered a report of the Head of Development Control and Major Developments which sought the confirmation of an unopposed Tree Preservation Order relating to a Lime Tree at 14 Main Street, Mixbury.

**Resolved**

That Tree Preservation Order No. (12/2009) be confirmed without modification.

154 **Quarterly Enforcement Report**

The Committee considered a report of the Head of Development Control and Major Developments which updated Members on the progress of outstanding formal enforcement cases and informed Members of various caseload statistics.

The Committee expressed their thanks to the Development Control and Major Developments team for their hard work in producing such a comprehensive report.

**Resolved**

That the report and the content of the appendices be accepted.

155 **Decisions Subject to Various Requirements**

The Committee considered a report of the Head of Development Control and Major Developments which updated Members on decisions which were subject to various requirements.

**Resolved**

That the position statement be noted.

156 **Appeals Progress Report**

The Committee considered a report of the Head of Development Control and Major Developments which updated Members on applications where new appeals had been lodged, public inquiries/hearings scheduled or appeal results received.

**Resolved**

That the position statement be noted.

157 **Exclusion of Public and Press**

**Resolved**

That, in accordance with Section 100A (4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraph 5 of Schedule 12A of that Act.

158 **Bodicote Park**

The Committee considered a joint report of the Head of Development Control and Major Developments and Head of Legal and Democratic Services.

**Resolved**

That the recommendation as set out in the exempt minute be agreed.

The meeting ended at 7.15 pm



## **CHERWELL DISTRICT COUNCIL**

### **PLANNING COMMITTEE**

**18 February 2010**

#### **PLANNING APPLICATIONS INDEX**

The Officer's recommendations are given at the end of the report on each application.

Members should get in touch with staff as soon as possible after receiving this agenda if they wish to have any further information on the applications.

Any responses to consultations, or information which has been received after the application report was finalised, will be reported at the meeting.

The individual reports normally only refer to the main topic policies in the Cherwell Local Plan that are appropriate to the proposal. However, there may be other policies in the Development Plan, or the Local Plan, or other national and local planning guidance that are material to the proposal but are not specifically referred to.

The reports also only include a summary of the planning issues received in consultee representations and statements submitted on an application. Full copies of the comments received are available for inspection by Members in advance of the meeting.

#### **Legal, Health and Safety, Crime and Disorder, Sustainability and Equalities Implications**

Any relevant matters pertaining to the specific applications are as set out in the individual reports.

#### **Human Rights Implications**

The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations are in accordance with the law and are necessary in a democratic society for the protection of the rights and freedom of others and are also necessary to control the use of property in the interest of the public.

#### **Background Papers**

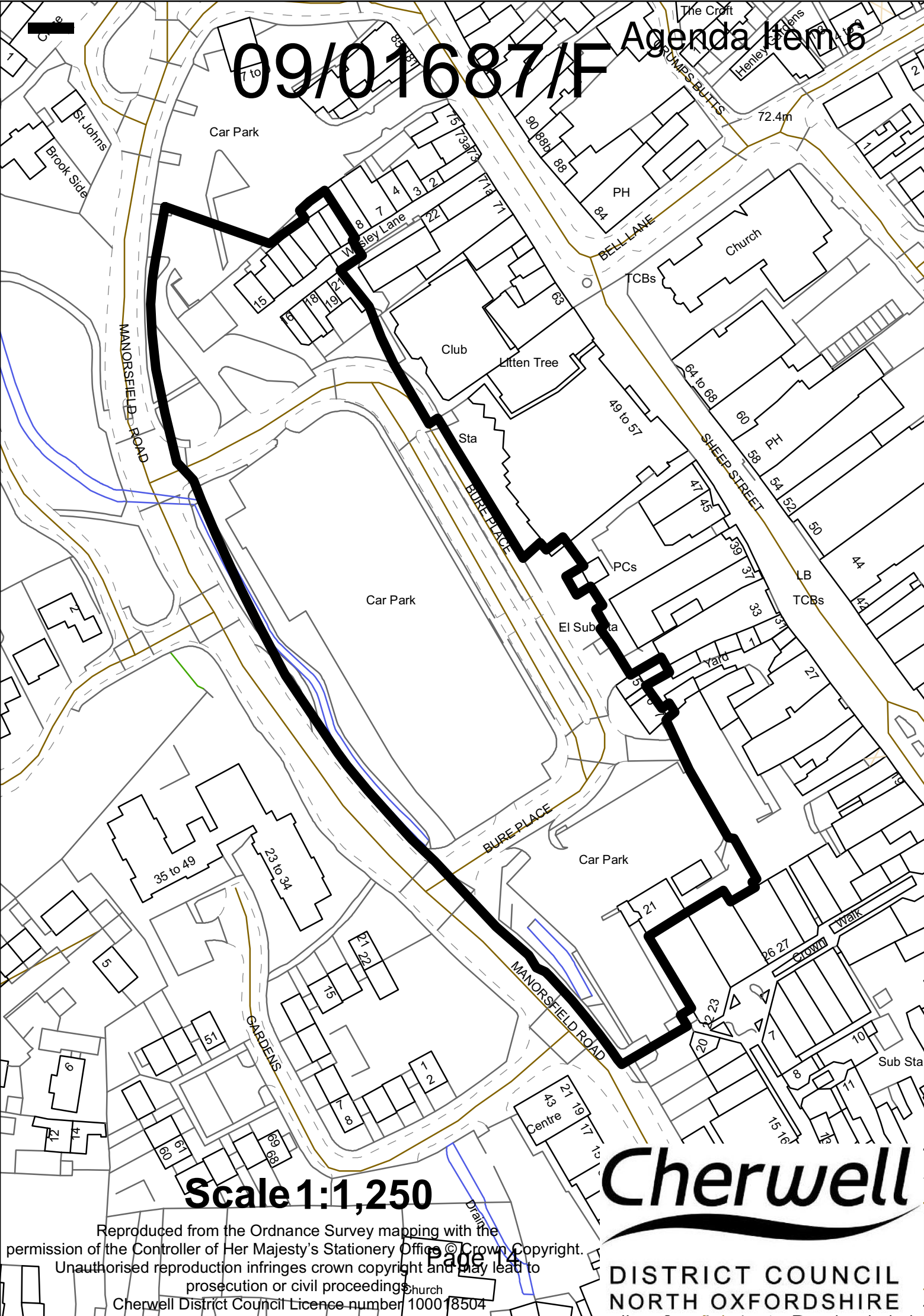
For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision notices or letters containing previous planning decisions relating to the application site.

## Applications

	Site	Application No.	Ward	Recommendation	Contact Officer
6	Bicester Town Centre Development, Manorsfield Road, Bicester	09/01687/F	Bicester Town	Approval	Bob Duxbury
7	Orchard Way Shopping Parade, Orchard Way, Banbury, Oxfordshire	09/01776/F	Banbury Ruscote	Approval	Tracey Morrissey
8	Land at Brookhill Way, Off Wildmere Road, Banbury	09/01859/OUT	Banbury Grimsbury and Castle	Approval	Laura Bailey
9	Land East of Network 11 Development, Thorpe Way, Banbury	09/01867/F	Banbury Grimsbury and Castle	Approval	Gemma Dixon
10	Longfield, Duns Tew	09/01881/F	The Astons and Heyfords	Approval	Andrew Lewis
11	Land at The Garth, Launton Road, Bicester	10/00109/F	Bicester Town	Approval	Simon Dean

09/01687/F

Agenda Item 6



Scale 1:1,250

**Cherwell**

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**DISTRICT COUNCIL  
NORTH OXFORDSHIRE**

09/01687/E

Scale 1:1,600

**Cherwell**

**DISTRICT COUNCIL  
NORTH OXFORDSHIRE**

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<b>Application No:</b> <b>09/01687/F</b>	<b>Ward:</b> <b>Bicester Town</b>	<b>Date Valid:</b> <b>24.11.09</b>
<b>Applicant:</b>	Town Centre Retail (Bicester) Ltd	
<b>Site Address:</b>	Bicester Town Centre Development, Manorsfield Road, Bicester	

**Proposal:** Foodstore, non-food retail, cinema, car park, servicing and other ancillary town centre uses (amendments relating to 07/00422/F approved 03.09.09)

## 1. Site Description and Proposal

- 1.1 This application relates to the majority of the site covered by the previous planning permission for this town centre development. It comprises the Bure Place car park, the Bure Place roadway and bus interchange, the Crown Walk car park and its northern service yard. It also includes parts of Evans Yard and Wesley Lane.
- 1.2 This application for full planning permission is an evolution of the previously approved scheme (07/00422/F). It is a revised scheme for the central part of the site. The surroundings in the form of the river diversion, associated highways, small retail units and alteration to Crown Walk, and the Franklins Yard part of the former site are not being considered as part of this application.
- 1.3 The applicants intend to undertake an initial phase one of the scheme (the 'enabling works') under the previously granted planning permission. This will include the diversion of the Town Brook to the opposite side of Manorsfield Road and necessary alterations to that road. This is intended to commence in February 2010. A small amount of demolition is necessary as part of this proposal (9-21 Wesley Lane; 5/7 Evans Yard; the Shopmobility unit, Pop-In Centre and rear of 22-25 Crown Walk). This demolition is covered by Conservation Area Consent previously approved (07/00428/CAC)
- 1.4 The current proposal is for amendments to the central two blocks of the approved scheme and proposes
  - 8,953 m<sup>2</sup> of A1 foodstore
  - 3,899 m<sup>2</sup> of other A1 non food retail
  - 2,2644 m<sup>2</sup> of cinema
  - 1,342 m<sup>2</sup> of other uses (service yard, plant, pop-in centre and shopmobility)

The foodstore is 1,539m<sup>2</sup> larger than previously proposed (this mainly being provided in an enlarged mezzanine area). There is a corresponding reduction in non-food retail units (1,416m<sup>2</sup>)

The cinema is slightly larger than previously proposed but is now proposed to be relocated centrally in the site rather than at the Franklins Yard end of the site. It replaces the former civic building. This latter building is now proposed to be located on the Franklins Yard car park but is not part of this application.



- 1.5 The main foodstore (Sainsburys) will have a sales area of 4,842m<sup>2</sup> It will be provided on ground floor and a part mezzanine floor accessed by travelators, lifts and stairs. This level will provide mainly non-food comparison goods with a small café. This store would be served from the service yard located to the south of the unit, accessed directly from a new roundabout at the junction of Manorsfield Road and Hanover Gardens.
- 1.6 Six further A1 retail units will be provided along a new pedestrian street along Crown Walk to Wesley Lane. Each of these units has the opportunity for mezzanine trading/storage levels. They are of sufficient size to accommodate larger multiple retailers. The applicants seek a degree of flexibility to allow A3 (restaurant café uses to be accommodated in some of this floorspace. Servicing to these units is provided from a central service yard accessed of Manorsfield Road. Three retail kiosks are proposed alongside the proposed Shopmobility unit and Pop-In Centre on the Manorsfield Road frontage of this block alongside the new bus facilities.
- 1.7 The proposed cinema is also proposed in this central block. It is now proposed at ground floor level accessed from the new public square by the new foodstore. It is proposed that the cinema will have 7 screens ranging from 85 seat to 312 seats.
- 1.8 The proposed location of the shopmobility facility on the Manorsfield Road frontage allows direct access to the dedicated Dial-a-Ride bus bay and is also convenient with direct access via lifts to the two floors of car park above with dedicated parking spaces on the first level of parking above..
- 1.9 Existing public parking on the site (368 spaces) will be replaced by car parking over two floors above the facilities described above. They will be accessed via spiral ramps from Manorsfield Road. The parking over the two principle buildings are linked at each level. A total of 566 spaces are to be provided. Lift and stair access is provided to street level , together with travelator access from both levels to the foodstore.
- 1.10 The application is accompanied by a planning statement, a design and access statement; a public realm statement; phasing method statement; landscaping and visual impact information; drainage study; contamination and geotechnical statement; addendum transport assessment; energy efficiency statement; air quality report and FRA.

## **2. Application Publicity**

- 2.1 The application was publicised by means of site notices, newspaper advertisement and individual letters to all surrounding properties.
- 2.2 5 letters have been received on behalf of local businesses and from local residents. These are all available on the Council's website.
- 2.3 Firstly Nigel Moor (planning consultant acting for the proprietor of Broadribbs makes the following comments
  - Council is blurring and confused over its role as landowners/developer and

local planning authority

- Scheme has departed from 3 of the aims of the Supplementary Planning Guidance – comprehensive, self-financing and deliverable
- Does not deliver all required in and is contrary to Policy S14 of the Non Statutory Cherwell Local Plan
- Properties blighted by development brief/developer selection process, and now not included within proposal. Are there others who would be prepared to go ahead with the current scheme at a better price for the public purse?
- Lack of comprehensive scheme; this may lead to isolation of the northern end of Sheep Street, proposals for Phase 4 sketchy and not secured; may present servicing difficulties for Franklins Yard; will continue the blight and difficult trading conditions
- Traffic impact will be different and has not been fully assessed, predicting huge levels of congestion
- This scheme does not allow the previously proposed off street servicing and secure parking for the Sheep Street property and residents
- Additional parking to be provided will be insufficient to serve the new development and remainder of town
- New proposal dominated by superstore (70% of new retail floorspace). Will overwhelm the small retailers and provide little linkage or footfall for the remainder of the town. Severe impact on small independent traders
- Disruption to town centre during construction- adequacy of the car parking provision throughout build is questioned – no temporary deck to Claremont Car park to be provided
- No opportunity taken to employ the most sustainable building techniques and some renewable energy generation
- Brutal bulk and massing to Manorsfield Road
- Re-siting cinema and civic building does not create the desirable circular shopping routes envisaged in the SPD
- High Street is being impacted by internet shopping and diversification of food retailers into non-food products. The additional impact of this development will adversely impact upon already struggling traders
- Are six cinema screens necessary? A wider more diverse selection of shops should be encouraged

2.4 West Waddy ADP (planning consultants) acting for Taloncross Ltd (the owners of Wesley Lane) make the following representations and objections

- Seriously concerned that the current application does not relate to the whole site and has a significantly altered emphasis
- Does not provide all the services and facilities specified in the approved scheme
- Concerned about the timing of works in and south of Wesley Lane
- Movement of cinema means that the focus of 'Wesley Square' is lost
- Taloncross has planning permission for a redevelopment of part of Wesley Lane that would have been attached to the previously approved scheme
- Wesley Square will be a half-finished poorly-conceived space
- Change from definite proposal for cinema/A3 to civic building with vague use and no timetable is a massive change with significant implications for the future visibility of land remaining is control of Taloncross

2.5 A local resident suggest that considerable effort is needed to improve conditions for

cyclists in the town in the light of this application, proposed Market Square improvements and the Eco-Town designation. A review of the impact upon cyclists is urged with particular regard to the use of Sheep Street by cyclists; the use of Wesley Lane similarly; the provision of cycle lanes on Manorsfield Road; plus suggested changes further afield.

- 2.6 Two local residents have written expressing concern about disturbance during construction; impact upon trading patterns in the town, large scale development more appropriate out of town; impact upon quiet residential areas adjacent; proximity of roundabout and large scale buildings to nearby residential property

### **3. Consultations**

- 3.1 Bicester Town Council has no objections. Whilst welcoming the application they call for a taxi rank to be provided and asked for this to be a condition of approval. In respect of the car park they seek assurances that landscape measures will be undertaken to soften the edges of the car park
- 3.2 Ambrosden PC welcomes the proposal, and comments that it is long overdue.
- 3.3 Chesterton PC raise no objections
- 3.4 Launton PC has no observations to make
- 3.5 Wendlebury PC given a positive response with no objections
- 3.6 Oxfordshire County Council as strategic planning authority originally commented that  
“The proposal fits with the South East Plan strategy for Central Oxfordshire in that Bicester is identified as a main location for growth and the development is also consistent with policy TC2 which looks at the redevelopment of town centres that may have an important role in meeting local needs. However we have concerns about the delivery of the library and provision of transport infrastructure, neither of which form part of this particular application but which are both necessary parts of the overall redevelopment of the town centre. Demands for the library service will continue to grow as major housing developments in and around Bicester come on stream. If the district is minded to permit the application we would want to be assured that they are confident of a suitable alternative site being found which meets the library service’s requirements and that timely delivery can occur. The development, if permitted, would be contrary to the aims and terms of the S106 for the whole redevelopment if development commenced prior to land necessary for transport works being secured”

It therefore formally stated that from a strategic policy perspective

- a) it supports in principle development would deliver key town centre user to support growth in Bicester in line with policy CO1 of the South East Plan.
- b) it considers the phasing of the development comprises the delivery of comprehensive town centre development including provision of essential community infrastructure and therefore submits a holding objection to the development pending the searching of
  - i) a planning permission to serve an appropriate civic building and library



commensurate with the already permitted scheme to satisfy the objectives of policy S6 of the SE Plan

ii) a planning obligation to secure provision of local highway improvements and transport infrastructure. Contribution to the ITS would also be required (for RTI equipment)

c) If the Council is intend to approve the proposals the developers should be encouraged to achieve BREEAM “very good” standard and to ensure that the best energy and resource efficiency practises be incorporated in all aspects of the development.

The Council has more recently received a letter indicating that following written communication with the Council’s Head of Economic Development and Estates which provides a commitment by this Council to delivering a second phase of the town centre development comprising district offices and a new library, and an indication of a willingness to work with OCC and other parties to achieve a much better outcome for Bicester, that the County Council formally withdraws its holding objection in respect of our requirement for a planning permission which secures an appropriate civic building. The holding objection in respect of securing the local highway improvements still stands but hopes that the outstanding issues can be resolved.

- 3.7 OCC highways initially commented that  
“A Transport Assessment (TA) was submitted, assessed and accepted by the Local Highway Authority for the previously approved development. However, with the proposed amendments for the submitted planning application it has been agreed that an Addendum to the approved Transport Assessment (ATA) would be acceptable for this application.

The submitted ATA assesses the likely affect/impact the revised proposal will have on the traffic flows to and from the site and sets out the proposed amendments for the parking and servicing arrangements for the development. The other aspects of the redevelopment covered within the approved TA remain unchanged and have not been repeated.

The trip movements likely to be generated by the proposed redevelopment (traffic movements) to and from the site have been calculated using the same methodology as the approved TA for 07/00422/F and have been compared to the approved scheme. Having assessed these figure the conclusion that the proposed amendments to the redevelopment are likely to result in approximately 9 fewer trips in the PM peak and Saturday peak to that of the permitted redevelopment overall appear reasonable.

It is noted that with the additional 40 parking spaces proposed the main entrance into the site (multi-storey car park) will have an increase in traffic movements. However in my opinion such an increase should be considered a minor one when 526 parking spaces have already been approved i.e. increase of only 7% in car parking spaces.

Although there is likely to be a minor reduction in the expected traffic movements attracted to the site from the proposed amended scheme; the secured highway and transport improvements fro the permitted application remain essential to accommodate the Bicester town centre redevelopment as do all the necessary

temporary arrangements including public transport services and infrastructure (temporary bus stops etc)

The alterations to the servicing arrangements for the retail units and cinema should reduce the potential for delivery vehicles and pedestrians coming into conflict and are deemed acceptable.

Taking into consideration the information provided within the ATA, the site already having received planning approval for a food store, cinema, car park etc and the required highway improvements being secured via an S106 Agreement; it would, in my opinion be inappropriate and unsustainable at appeal to recommend refusal to this application on highway safety grounds.

However, looking through the submitted Phasing Plan and Outline Method Statement the applicant is proposing to phase the town centre redevelopment with the essential transport works being split into two phases – Phases 1 and 3; with the construction of the cinema and food store being in Phase 2. In addition to this proposal the applicant is seeking to vary conditions 3,27 and 57 (recently submitted planning application 09/01686/F) attached to the permitted redevelopment to allow work on Phase 1 to commence prior to other measures being in place. Such proposals are unacceptable to the Local Highway Authority and are objected to for the following reasons:

1. If this application (Phase 2 in particular) were to be granted permission the delivery of key transport infrastructure would be divorced from the remainder of the site creating an unsustainable development i.e. one of the roundabouts on Manorsfield Road has been allocated to Phase 3, this roundabout is required to accommodate traffic movements to/from development, but more importantly it is key in enabling buses to turn round and use the new public transport facilities associated with the redevelopment.

2. Under the S106 Agreement (clause 10) associated with the permitted application the applicant and owners must secure an interest in the land for the whole of the site associated with 07/00422/F before work can commence on the redevelopment. This is required to ensure the entire transport infrastructure can be provided for the redevelopment.

It is my understanding that there are issues surrounding the control of the required land which is allocated for the redevelopment in proposed Phases 1 and 3. This raises concerns about the ability of centre redevelopment and is key to provide a healthy and thriving community with better public services.

Without the required transport infrastructure being provided in accordance with the planning conditions imposed for the permitted application 07/00422/F and the associated S106 Agreement the Local Highway Authority cannot support this proposal”

And hence they recommended refusal of the application.

However, this objection has also just been withdrawn subject to conditions and a legal agreement that only the enabling works element of the town centre redevelopment (phases 1A TO 1C) can go ahead and no further development is to

take place until the land known as the Judd land (or the gym) has been acquired, formally transferred and confirmed by CDC to be in their ownership.

- 3.8 OCC Fire and Rescue Service comment that further discussions will be necessary with regards to fire mains; fire service vehicle access and access route dimensions and will be picked up at Building Regulation stage.
- 3.9 OCC Developer Funding Officer has confirmed that other than highways no other funding contributions will be sought.
- 3.10 SEEDA comments that  
“The Regional Economic Strategy (RES) identifies Bicester as forming part of the Oxfordshire Diamond for Investment and Growth. Within the Diamonds there are concentrations of people, employment, leisure and transport that give the potential to be economic catalysts for the region. This application will redevelop the Bicester Town Centre by providing an improved retail and leisure offer which will help deliver the Diamond Concept. SEEDA therefore supports the application.
- We note that the development will seek to achieve a BREEAM ‘Good’ assessment and the Energy Efficient Assessment (6.0) identifies that renewable/low carbon energy could be incorporated within later phases of the development or as part of decentralised energy initiatives ongoing around Bicester. SEEDA would encourage the developers to deliver a scheme that meets the highest environmental standards. This will complement the RES Objective that seeks to deliver Sustainable Prosperity and the proposed urban extension to Bicester that will be built to Eco-Town standards”
- 3.11 The Environment Agency remain pleased with the scheme to enhance Town Brook, and raise no objections subject to 4 conditions concerning compliance with the Flood Risk Analysis; SW drainage submission required; precise details of the Town Brook works and site contamination matters
- 3.12 Thames Water Ltd have commented upon surface water drainage; public sewers that cross the site; the use of petrol/oil interceptors; sewerage infrastructure and water supply, but raise no objections.
- 3.13 The Head of Urban and Rural Services notes that this application and the proposals for Market Square need to take full account of the need for accessible hackney carriage vehicle ranks. Cherwell District Council is seeking additional rank space following the delimitation of HCVs. Ranks need to be appropriately located so as to be directly accessible from the main areas of ‘evening economy’ as well as being close to retail/leisure properties for daytime use. Specifically they would seek the layby shown on Sheep Street to be designated as a taxi rank, and possibly an additional facility on Manorsfield Road.
- 3.14 The Head of Building Control and Engineering Services expresses concern about the replacement of the two bridges that link the Sainsburys building to the other retail building. The tunnel replacement will not be an inviting environment for the public, and facing east/west there is a strong possibility that it will act as a wind tunnel. He considers that the bridges were a better solution even if car parking space is lost.

3.15 The Council's Urban Designer comments

"The approved scheme was the product of many months of detailed negotiations. I understand it has been revised for commercial reasons. There are a number of changes to the master plan and the elevations. There are a number of areas which cause me concern from an urban design point of view and also in terms of the impact on the setting of the conservation area.

The matters include;

- The design of the car park ramps, including the width of the access opening, the level and height of the tops of the ramps and the visibility of the ramps from the north and from Bure Place.
- The height of central block with no set back of parking storeys and no vegetation screen
- Bridging the car park over the pedestrian route between Sainsburys store and the cinema, which creates an internal environment
- Sainsburys elevation to Manorsfield Road, including the altered elevational treatment and the loss of the masonry screening to the car park
- The indicative civic building footprint, which does not achieve the urban design objectives in this prominent location
- The loss of Wesley Square frontage development due to the relocation of the cinema and the loss of the new building on the south side of the square and also the circular shopping route
- Short to medium term views into the interior of the car park from the north, as these are no longer screened by development
- The siting of pedestrian crossings over Manorsfield Road need looking at again given the altered master plan
- Need for verified viewpoints as previously submitted
- Need to check whether the conservation area consents were linked to the originally approved proposal
- The relocation of the pedestrian egress from the car park onto Bure Place
- Loss of residential units
- The design of the WCs no longer accords with Secured By Design

I have itemised these, including suggestions as to the improvements that I am seeking, in a consultation response and on 8 January in a meeting with the applicants' agent, and I am awaiting a response

## **4. Relevant Planning Policies**

- 4.1 The Government has recently published new guidance covering town centre uses – PPS4 "Planning for Sustainable Economic Growth" This replaces PPG4 and PPS6 (together with parts of PPG5, PPS7 and PPG13). This contains town centre policies which relate to retail development, leisure and entertainment facilities (including cinemas, restaurants and health and fitness centres) offices and arts, culture and tourism development. The new policies require all applications for economic development to be assessed. Impact considerations including carbon dioxide emissions; accessibility; high quality and inclusive design; economic and physical regeneration; and upon local employment. The policies still require a sequential assessment for applications not in a town centre or in accord with a development plan, and the application of car parking standards

- 4.2 Elements of the advice contained in the following national guidance is also relevant
- PPS9 Biodiversity – re Town Brook
  - PPG13 Transport
  - PPG15 Planning and the Historic Environment –re Conservation Area and Listed Buildings
  - PPG16 Archaeology
  - PPS25 Development and Flood Risk
  -
- 4.3 South East Plan policies SP3, CC2, CC4, CC7, NRM4, TC2, S6, CO1 and CO2 are relevant
- 4.4 Adopted and saved Cherwell Local Plan S15 relates to redevelopment of Franklins Yard
- 4.5 Non-Statutory Cherwell Local Plan policy S14 states
- “S14 LAND TO THE WEST OF SHEEP STREET AND EAST OF MANORSFIELD ROAD, AS DEFINED ON THE PROPOSALS MAP WILL BE SAFEGUARDED TO FACILITATE THE PROMOTION AND IMPLEMENTATION OF A COMPREHENSIVE MIXED-USE DEVELOPMENT THAT COMPRISES USES FALLING INTO CLASS A1, A2, B1, D1 AND D2 OF THE TOWN AND COUNTRY PLANNING USE CLASSES ORDER 1987 (AS AMENDED) THAT WILL ENHANCE THE STATUS, VITALITY AND VIABILITY OF BICESTER TOWN CENTRE. DEVELOPMENT THAT PREJUDICES THE IMPLEMENTATION OF THIS POLICY, PARTICULARLY PIECEMEAL DEVELOPMENT WITHIN THE AREA WILL NOT BE PERMITTED.
- And is explained in more detail at pars 5.74-5.79
- 4.6 In November 2004 the Council adopted Supplementary Planning Guidance (SPG) on the redevelopment of this area

## 5. Appraisal

- 5.1 Members will obviously be aware that this application is a variation upon the proposal that was considered by South area Planning Committee in July 2007 and finally approved upon the completion of a legal agreement in September 2009. Before dealing with the key issues it is appropriate to briefly recount the background to the approved proposal. In 2003 the Council dealt with 3 applications for major out of town centre retailing with proposals to extend Tesco's on Oxford Road and proposals for superstores on the south side of Skimmingdish Lane, and adjacent to Caversfield. Those applications were the subject of an inquiry in 2004. The Secretary of State refused planning permission for all the proposals, and indicated that in his view it had not taken established there was not a sequentially preferable site available in the town centre. As a consequence of this clear direction the Council prepared and approved a supplementary planning guidance document for the area the subject of this application and went through a process to select a development partner. Following a further lengthy process of working with our selected partners, an application was subsequently submitted (07/00422/F).

In 2002, 2005 and 2006 applications were received from others which dealt with partly of the overall site, and were refused for prematurity, lack of comprehensiveness, design, and failure to provide a flood risk assessment.

5.2 As noted above the area is covered by an SPG which was adopted in November 2004

“The aim of this guidance is to amplify and elaborate on the provisions of Policy S14 of the NSCLP. This sets out the site context and characteristics, site history, cultural context, urban design context and landscape context. It then goes on to outline the land use components of the development, townscape components and transport and traffic components.

These are as follows;

Land use components

- Foodstore with net sales area of at least 3,250 sqm. Ideally to the north of Crown Walk with first floor uses above.
- Other retail and A3 units
- Cinema with 5-7 screens ideally to the north of the site, close to parking and bus interchange. Should be accessed from a new square and Sheep Street. Could be ‘wrapped’ in other uses to help minimise bulk. Flexible use for auditoria will be encouraged.
- Library with ground floor entrance in a convenient location with servicing.
- Bus interchange. Could be located adjacent to Manorsfield Road provided there are acceptable pedestrian linkages. Bays for two 15m buses and four bays for 12m buses are required. Need for covered waiting area with seating, bins, telephones and information points and toilets.
- Car parking for a minimum of 480 cars. Very careful attention must be paid to the appearance of a decked car park and its frontage to Manorsfield Road. Measures to integrate the appearance into the streetscape must be taken.
- Shopmobility
- Pop in Centre
- Residential with at least one parking space per unit
- Public Space. Two locations, one to the northern end and one between the foodstore and Sheep Street. High quality urban design will be expected with appropriate street furniture.
- Servicing. Several Sheep Street premises enjoy rear servicing and this will have to be incorporated within the scheme. Service yards should be enclosed by walls, be capable of being gated and accommodate a full size delivery vehicle in a 360 degree turn in forward gear.

Townscape Components

- Linkages – improvements needed and pedestrian links from Sheep Street should be maximised. A direct link from Hunts Close should be included.
- Views, vistas and landmarks – The cinema will be an important landmark at the northern entrance to the town. The frontage to Manorsfield Road should reflect the streetscape of the historic core in its massing. Internal views should focus on public spaces
- Gateways and arrival points – new gateway to be provided by bus interchange close to a new urban space. Provision of an inviting, safe and legible car park accessed from Manorsfield Road. Clear pedestrian

exits and attractive and user friendly design. Upgraded pedestrian linkages, well lit with high quality surfacing and active frontages. Demolition of part of Wesley Lane will be considered but it will need to be demonstrated that the proposal protects and enhances the character and appearance of the conservation area

- Scale and massing – buildings comparable with three storey height. Decked car park and circulation towers considered acceptable. Need to reflect visual interest and variety and contemporary interpretation of traditional development sought
- Local distinctiveness
- Corporate identity
- Public art incorporated at functional level such as surfaces, signage, street furniture etc. Exterior lighting.
- Landscape design – almost exclusively hard surfaced areas with street trees.
- Street furniture – contemporary, simple and robust design
- Daytime/evening activity – A3 uses to north of site

#### Transport and traffic components

- Access – from Manorsfield Road with ghost island right turn lane. Service access to rear of Sheep Street
- Bus interchange (see above) connected to Sheep Street. Separated from cars, taxis and delivery lorries.
- Servicing – could be reconfigured with agreement of landowners
- Private parking
- Taxi drop off lay by
- Car parking – 480 spaces. Pay and display preferable to prevent queuing on Manorsfield Road
- Cycle provision
- Off site highway improvements – Transport Assessment required, likely to need modifications at Manorsfield Road/St Johns junction and possibly at Queens Avenue/St Johns Street and London Road/Launton Road roundabout
- 

5.3 The site has planning permission for retail development, a cinema public, squares and walkways, a library, decked car parking and a new bus interchange, and is in a town centre location, and therefore our assessment of this proposal should concentrate on the changed elements. The key issues to be considered are

- The retail impact of the scheme
- The transport assessment
- Parking capacity of the scheme
- Design matters and public realm
- The comprehensiveness of the proposal
- Phasing matters including the adequacy of car parking
- Conservation area impact

More brief comments are also set out with regards to drainage, hydrology and flood risk, archaeology, contamination, energy efficiency, and ecology, the proposals for which and impacts of which are largely the same as previously and will need to be

dealt with by conditions to be attached to any consent.

#### 5.4 Retail Impact

The applicants have prepared a retail statement to accompany the application. The table below sets out the variation from the approved scheme

Land Use	Approved	Proposed	Change
<b>External Gross Floor Areas (m<sup>2</sup>)</b>			
Foodstore	7,414	8,953	+1,539
'Block A' Retail Units	5,315	3,899	-1,416
Wesley Lane Retail Units	1,122	-	-1,122
Tesco – Crown Walk Retail Units	2,249	Unaffected	0
Extended Retail Units	406	Unaffected	0
Demolished Retail Units	-2,651	Unaffected	0
Demolished Leisure	-238	Unaffected	0
Cinema	2,264	2,264	+67
Restaurants & Cafes	1,505	-	-1,505
Office/Retail/Leisure Unit	327	-	-327
Civic Building etc	2,021	Assume same	0
<b>Total</b>	<b>19,667</b>	<b>16,903</b>	<b>-2,764</b>

Although the floorspace of the foodstore is set to increase by 1.539m<sup>2</sup> this is off-set by a decrease in comparison floor area of an almost equal amount. The foodstores' extra space is provided in a mezzanine and will mainly sell comparison goods.

- 5.5 At the time of dealing with the 2007 application, and at the submission of this scheme the main national guidance on retail matters was contained in PPS6, but in December 2009 the Government published PPS4 "Planning for Sustainable Growth" which replaces the previous guidance on retail development. Policy EC10 says that all planning applications for economic development should be assessed against the following impact considerations

"All planning applications for economic development should be assessed against the following impact considerations:

- whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change
- the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured
- whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions
- the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives



e) the impact on local employment”

These matters are largely picked up within following sections of the report

- 5.6 Policy EC14 of the new PPS4 makes it plain that sequential assessments are still necessary and that there is still a focus on ensuring the economic well-being of town centres by concentrating new town centre development (retail, leisure entertainment facilities (including cinemas and restaurants), offices and arts, culture and tourism development) in town centres. This development complies with such advice, and specific impact assessment (as required for other type of sites) is not necessary.
- 5.7 In 2006, as part of the evidence base for preparation of the LDF, the Council appointed consultants to undertake an assessment of future retail capacity in the district, together with an overview of town centre matters. It assessed the quantitative and qualitative need for new retail floorspace. In respect of Bicester the study addressed the capacity for new convenience and comparison retail floorspace, taking into account the potential for a major mixed use scheme on this site. This was obviously done before the Eco-town designation but nevertheless indicated that significant retail floorspace (both convenience and comparison) would be required. The consultants specifically noted with regard to a new foodstore in Bure Place that it was realistic to assume that a new Sainsbury store would draw trade from existing facilities (i.e. the out of town Tesco) but that if the proposal were of appropriate scale they did not believe that this impact would be harmful. This was taken into account in granting the permission for the 2007 proposal. This scheme does not propose a significant enlargement of the convenience floorspace. Bicester has a potential significant shortfall in comparison floorspace which will only partially be met by the current proposal. Whilst the concern of the local trader about increased trade diversion to the superstore is noted the increased number of shoppers in the town centre can also be seen as an opportunity for linked trips and therefore could benefit independent traders. The scheme, with greater comparison floorspace and a cinema as a draw is likely to enhance the attractiveness of the town centre
- 5.8 It is also necessary to consider whether an increase in floorspace of this order is likely to have an impact upon other centres. With regards to convenience shopping studies indicate that this is already mostly retained within the Bicester catchment, so there will be little diversion from outside the catchment to this store. For comparison shopping there is considerable leakage to Banbury, Oxford and Milton Keynes but in no one place is any diverted trade likely to be significant to that centre.
- 5.9 Transport assessment
- A supplementary transport assessment has been submitted, which addresses the change in the scheme from that approved. At para 3.7 above the highway authority note that the assessment has been correctly undertaken and that the generation figures (a small reduction in PM and Saturday peak hours) is agreed. Hence they seek the replication of the off-site mitigation previously agreed through a Section

106 agreement. Their concerns about phasing are dealt with below.

- 5.10 The HDCMD is obviously aware of press reports of disquiet over the level of traffic congestion in south Bicester. This scheme is unlikely to affect that. In any event it should be emphasised that the current proposals will generate less movements over that already approved. Local reported concern about the installation of a mini-roundabout in Launton Road (at the junction with Victoria Road) is also noted. This is a requirement of the County Council to facilitate the provision of the additional car parking at the cattle market which will be provided early in the construction programme to ensure the adequate provision of car parking throughout the construction phase.
- 5.11 Parking
- The permitted scheme has 526 car parking spaces (including disabled spaces (31) and parent & child spaces (11) replacing the 368 spaces currently on site. The revised scheme proposes 566 spaces (a net increase of 40) including 35 disabled spaces (6%) and 14 parent & child spaces (2.5%). Overall the town centre parking capacity will increase by 198 as a direct function of this development. Members are also reminded that the Council intends to implement a planning permission granted in August 2009 (09/00828/CDC) for the creation of a public car park as Phase two of the Cattle Market which will increase the number of spaces by a further 152. These spaces should be provided before the Bure Place.Crown Walk spaces are removed from use.
- 5.12 As this scheme has only limited impact upon Franklins Yard car park , it is intended to ensure that a minimum of 75 spaces are available in that location throughout the build period and beyond until the implementation of Phase 4 (the civic building). Given this provision, it is no longer the Council's intention to provide a deck over the Claremont car park as a temporary measure.
- 5.13 It is inappropriate to attempt to assess the intended provision against car parking standards, as the adopted County-wide standards only require operational car parking for town centre retail or cinema development. The County Council are content with the provision of car parking.
- 5.14 **Design Matters**
- It will be noted that the Council's urban designer has a serious concerns over elements of the design. Negotiations have been held with the scheme's designers but their clients have declined to make any significant alterations .
- 5.15 Whilst the Head of Development Control and Major Developments notes and understands our design adviser's concerns it is necessary to balance these concerns against the significant advantages that the scheme will bring to the economic well being of the town and by providing much needed additional floorspace and employment at this time.
- 5.16 The scheme remains a high quality development providing alternative new public realm spaces, significant new buildings which will contribute to the attractiveness of

the town centre without detracting from its Conservation Area status, and an efficient new bus interchange facility, and still provides the opportunity to provide the civic building as a later phase

- 5.17 The overall site layout, whilst moving the cinema to the centre of the site, and replacing it with the formerly centrally located civic building, retains the same basic footprint positions. As a consequence the degree of permeability to Sheep Street, Market Square and Manorsfield Road remains as previously. This allows easy access from those points, and between them through the new centre, and also allows circular shopping patterns to develop, to the benefit of both the new scheme, but also to Sheep Street, Wesley Lane and Crown Walk, and Evans Yard traders
- 5.18 The Head of Development Control and Major Developments is satisfied that the car park access, the new internal road and the bridged space between the cinema and Sainsburys will all be acceptable spaces which are satisfactory in their context. The elevation of the foodstore to Manorsfield Road is also considered to be acceptable. Overall the appearance to Manorsfield Road probably has more coherence as a single piece of design without the former civic building. That building will be able to take an appropriate high quality (and potentially different form) on the prominent Manorsfield Road/St Johns Street junction.
- 5.19 There is an issue of the relationship of the new northern square ("Wesley Square") relative to the undeveloped areas adjacent at Franklins Yard and Wesley Lane, and to the back of buildings on Sheep Street which are outside of the scope of this application or the ownership of the developers.

In particular I refer to (i) 7/8 Wesley Lane, which is due to be removed and is intended as the re-location site of the gym use on Franklins Yard. (ii) the rear of 71 Sheep St. where a poor single storey prefabricated building will become exposed to view (iii) the ex-servicemens club which will front onto the new roadway and (iv) Tesco's yard. The HDCMD is currently seeking confirmation of the applicants intention with regards to each of these sites. Confirmation is also sought of the timing of other buildings proposed along the new road to the south east of Tesco's.

5.20 Comprehensiveness and Phasing

As mentioned previously the Council adopted a supplementary phasing guidance document for the land between Manorsfield Road and Sheep Street in late 2004. It sought to ensure that a comprehensive redevelopment of under-utilised land in the town centre was promoted to positively contribute to the vitality and viability of the central shopping area. The required elements have already been set out in Para 5.2 above.

- 5.21 The submitted scheme relates to Phase II of the overall scheme. Phase I commenced recently and utilises the planning permission already granted to undertake "enabling works". This involves works to move Town Brook to the western side of Manorsfield Road and undertake works to Manorsfield Road itself.
- 5.22 A further phase (III) will also utilise permissions already granted for further retail shops on the eastern side of the new pedestrian street between Crown Walk and Tesco's. The development agreement between the Council (as landowner) and the developers secures the timing of this phase

- 5.23 The submitted scheme has been criticised for not including the civic building. This is intended to provide new offices for the Council and a new library for OCC. It is understood that the County Council remain committed to a new library. The submitted scheme leaves the Franklins Yard land (owned substantially by this Council) outside of the development, but does not inhibit its development for the above uses. It is probable that this site can be laid out and developed in a way which will be more effective than the previously approved building which somewhat constrained the amount of space available. The Head of Development Control and Major Developments suggest that an opportunity exists to prove a high quality prominently positioned building (which may be able to contain residential development as well) which suits the needs of both Councils and would provide a fitting final phase. The proposal therefore allows the fulfilment of the SPG's suggested requirements
- 5.24 It will be noted that the County Council, as local highway authority, had concerns about the timing of the necessary highways infrastructure in particular the northern roundabout on Manorsfield Road. At the time of writing these matters are still being discussed, but a way forward has been identified.
- 5.25 **Impact on the Conservation Area**  
The Conservation Area boundary runs along the back boundaries of properties fronting Sheep Street, and therefore the majority of the site except for an area at Wesley Lane, lies outside of the Conservation Area. Appropriate Conservation Area consent for demolition of selected buildings in the Conservation Area was granted in 2007 and remains current, as does a listed building consent for some works to the rear of 27 Sheep Street (required as a part of Phase 3).
- 5.26 The Conservation Officer has sought some verified photographic viewpoints to enable an accurate assessment of the visibility of the tallest elements of the proposal from places within the Conservation Area. The previous proposal satisfied these concerns, but it is appropriate to re-check this with regard to the latest scheme. Subject to the above the Head of Development Control and Major Developments is satisfied that the scheme will not cause harm to, and will preserve ,the character and appearance of the Conservation Area and will not cause harm to the setting of any listed building.
- 5.28 **Archaeology**  
The archaeological impact will be identical to the last scheme, and those interests will be protected by condition.
- 5.29 **Land Contamination**  
This issue is as dealt with by the previous application/permission and any permission will be conditioned appropriately
- 5.30 **Energy efficiency**  
PPS 4 requires all commercial development to which it relates to be the subject of an assessment to ascertain whether the proposal has been planned over the life of the development to limit carbon dioxide emissions and minimise vulnerability and

resilience to climate change. Its central siting, and the provision of a high quality bus interchange, and cycle provisions, seeks to achieve the transportation elements of sustainable development, and does so satisfactorily. The flood risk assessment has assured that the site is not subject to future flooding. The application is accompanied by an energy efficiency assessment which demonstrates the developers commitment to sustainability with the specification of high efficiency plant and equipment. Notwithstanding the comments of SEEDA this issue is considered to have been satisfactorily addressed.

### 5.31 Taxi Provision

One final issue raised by contributors is the matter of taxi ranks. As noted in para 3.13 the Head of Urban and Rural Services asks for consideration of taxi provision. The approved plans show a provision on Sheep Street (to the front of 71 Sheep Street, near the top end of Wesley Lane). The applicants intention is understood to be to retain that proposal.

## 6. Recommendation

### Approved subject to

- (i) the applicants entering into a legal agreement to secure the same highway infrastructure as secured through the legal agreement related to 07/00422/F, and to ensure that no works commence, other than the 'enabling works' (as defined), until land has been acquired to enable the northern roundabout on Manorsfield Road to be constructed at an appropriate stage in the construction process and
- (ii) the following conditions

1. SC 1.4A That the development to which this permission relates shall be begun not later than the expiration of three years beginning with 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. Notwithstanding the details shown on the approved plans all external walls and roofs of the buildings and all boundary/screen walls hereby permitted shall be constructed in accordance with a schedule of materials and finishes, including samples and sample panels of all materials and finishes, which shall have been submitted to or constructed on site and approved in writing by the LPA prior to the commencement of development. The development shall be carried out in accordance with the approved details.

**Reason -** To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and

**Policy C28 of the adopted Cherwell Local Plan.**

- 3 No development shall commence on site until a schedule of materials and finishes, including samples, to be used on all hard surfaces including pavements, pedestrian areas, crossing points and steps has been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved schedule of materials and finishes.**

**Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.**

- 4 No commercial units shall be occupied until seats, benches, litter bins, bollards, planters and other street furniture have been installed/erected in accordance with details that have previously been submitted to and approved in writing by the LPA. All street furniture shall be retained in accordance with the approved details at all times thereafter.**

**Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.**

- 5 No commercial unit shall be occupied until fingerpost and directional signage has been erected/provided within the site in accordance with a scheme which has previously been submitted to and approved in writing by the LPA. The signage shall be retained in accordance with the approved details at all times thereafter**

**Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.**

- 6 No commercial unit shall be occupied until boundary treatments within and around the site, including all gates around and within the site and all railings (including those around the decked car park) have been erected in accordance with details that have previously been submitted to and approved in writing by the LPA. The approved boundary treatments, gates and railings shall be retained in accordance with the approved details at all times thereafter.**

**Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.**

- 7 No shop front advertising material shall be installed, constructed or displayed until full design details have been submitted to and approved in writing by the LPA. The shop front advertising shall be constructed, installed or displayed in**

accordance with the approved details.

**Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.**

- 8 The public information display panels to be erected on the ground floor of the foodstore facing Manorsfield Road as shown on the approved plans shall be erected in accordance with details which have first been submitted to and approved in writing by the LPA and shall be completed before the foodstore is first brought into use and retained in accordance with the approved details at all times thereafter.**

**Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.**

- 9 The development of each building shall not commence until detailed construction drawings comprising all external elevations and accompanying floor plans at a scale of 1:100 and all external joinery details at a scale of 1:50 for each building have been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved drawings and details.**

**Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.**

- 10 Prior to their construction full structural details of any canopies or building overhangs of the existing or proposed highway shall be submitted to and approved in writing by the LPA. Prior to first occupation of the development any canopy or building overhang shall be completed in all respects in accordance with the approved details and maintained as such at all times thereafter.**

**Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.**

- 11 No part of the development shall be occupied until external lighting (including security lighting and street lighting) has been erected/installed in accordance with details that have been previously submitted to and approved in writing by the LPA. The approved scheme shall be operational before the first occupation of the development and shall be maintained as such at all times thereafter.**

**Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and**

	<p><b>Policy C28 of the adopted Cherwell Local Plan.</b></p>
<b>12</b>	<p><b>No external lighting within the site shall exceed the following limitations at any time unless otherwise approved in writing by the LPA;</b></p> <ul style="list-style-type: none"> <li>- <b>5.0% Sky Glow ULR</b></li> <li>- <b>10 Ev (Lux) Light Trepass before 23.30hours or 2 Ev (Lux) after 23.30hrs</b></li> <li>- <b>10 I (kcd) before 23.30hrs or 1.0 I (kcd) after 23.30hrs</b></li> <li>- <b>10 L (cd/m2) Average</b></li> </ul> <p><b>All as advised in the Institute of Lighting Engineers Guidance Notes for the Reduction of Obstructive Light 2005.</b></p> <p><b>Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</b></p>
<b>13</b>	<p><b>No development shall commence on the land east of Manorsfield Road, including any excavation in Area 4 as identified in the Archaeological Mitigation Strategy, as submitted with the previously approved scheme 07/00422/Funtil the applicant has secured the implementation of a staged programme of archaeological investigation in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the LPA.</b></p> <p><b>Reason - To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in PPG16: Archaeology and Planning and Policy BE6 of the South East Plan 2009.</b></p>
<b>14</b>	<p><b>The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by BT&amp;P Hyder, dated February 2007, ref: GD04001-01 and the following mitigation measures detailed within the FRA:</b></p> <ol style="list-style-type: none"> <li><b>1. The realigned section of the Town Brook shall be designed to contain the modelled 1 in 100 year flows (with a consideration of climate change) within its banks, as outlined in Section 3.48 of the FRA.</b></li> <li><b>2. Surface water drainage system shall be designed to attenuate discharge rates in storm events up to and including the 1 in 100 year event with an allowance for climate change, so that the development reduces surface water flood risk, as outlined in Sections 4.7 and 4.20.</b></li> </ol> <p><b>Reason:</b></p> <ol style="list-style-type: none"> <li><b>1. To prevent flooding by ensuring that the realigned section of the Town</b></li> </ol>



**Brook is of adequate capacity.**

**2. To prevent flooding by ensuring satisfactory storage of/disposal of surface water from the site.**

- 15 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

**The scheme shall also include details of how the scheme shall be maintained and managed after completion**

**Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the scheme.**

- 16 The development hereby permitted shall not be commenced until such time as details of the scheme to realign the Town Brook has been submitted to, and approved in writing by, the local planning authority.**

**The scheme shall also include:**

- details of all crossings of the brook.**
- a full method statement including details of a contingency to be in place to safely accommodate flows in the absence of the Back Brook and details of the route of the diverted Town Brook downstream of the new bifurcation.**

**The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.**

**Reason: To ensure that the development does not cause an increase in flood risk, whilst providing environmental enhancements.**

- 17 No development approved by this planning permission shall begin (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), until the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:**

**1) A preliminary risk assessment which has identified:**

- all previous uses**
- potential contaminants associated with those uses**
- a conceptual model of the site indicating sources, pathways and receptors**
- potentially unacceptable risks arising from contamination at the site.**

**2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.**

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The desk study associated with this application identified that contamination may be present at this site. Intrusive investigations have identified some contamination at this site. Any risk identified in the supplied contamination assessment or any further contamination assessment would need to be adequately resolved, this is may include site remediation.

- 18 Prior to occupation of any part of the permitted development , a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To protect Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard.

- 19 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters.

- 20 The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved

in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: Run off from areas such as chemical/oil storage, areas associated with waste activities, lorry and car parking areas could contaminate controlled waters. We would require details of the surface water drainage arrangements, outlining how any contamination risks will be mitigated.

- 21 Prior to the commencement of the development hereby permitted, a detailed scheme for foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government advice in PPS25: Development and Flood Risk, Policy NRM4 of the South East Plan 2009 and Policy ENV1 of the adopted Cherwell Local Plan.

- 22 No development shall commence on site (including demolition and enabling works) until a Construction Management Plan (CMP) providing full details of the phasing of the development and addressing each construction activity within each phase has been submitted to and approved in writing by the LPA . The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received by the LPA on 21 May 2006 and shall include the mitigation measures outlined in the Environmental Statement as follows;

1. Paragraph 6.170 of chapter 6 - Landscape and Visual Context
2. Paragraph 6.1.2 of chapter 13 - Contamination and Geotechnical issues
3. Paragraph 12.2, 12.3, 12.4, 12.5, 12.6, 12.7 and 12.8 of chapter 16 - Transport Assessment
4. Paragraph 6.3 of chapter 17 - Noise and Vibration Assessment
5. Paragraph 6.3 of chapter 18 - Air Quality Assessment In addition, the CMP shall include details of;
6. The proposed pedestrian routes to be provided across the site to enable

access between Manorsfield Road and Sheep Street during construction.

7. The proposed phased arrangements for the parking of construction traffic and the storage of plant, machinery and building materials during construction. 8. The site protection measures (including hoardings) to be erected 9. Details of all temporary lighting to be in place during construction

Reason - To mitigate the impacts of the development during the construction phase and to protect visual and residential amenity in accordance with Policy C31 of the adopted Cherwell Local Plan.

- 23 No development shall commence on the demolition of the building to the rear of 27 Sheep Street or the building of EY2A until a schedule and timetable of structural support for 27 Sheep Street (including details of proposals to make good any structural movement which may occur as a result of the adjacent development) has been submitted to and approved in writing by the LPA. The demolition and making good of the building to the rear of 27 Sheep Street and development of unit EY2A shall be carried out in accordance with the approved details at all times.

Reason - To safeguard the preservation and retention of the existing historic building(s) to comply with Government advice in PPG15: Planning and the Historic Environment, Policy BE6 of the South East Plan 2009 and Policy C18 of the adopted Cherwell Local Plan.

- 24 No part of the development shall be occupied until cycle parking facilities (relevant to that part of the development to which it relates) have been provided within the site in accordance with details that have been previously submitted to and approved in writing by the LPA. The approved facilities shall be retained in accordance with the approved details at all times thereafter.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policy T5 of the South East Plan 2009.

- 25 A Green Travel Plan for staff of the foodstore, the cinema and retails units, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the planning process to secure travel plans", shall be submitted to and approved in writing by the Local Planning Authority within 3 months after the first occupation of the relevant building. The approved Green Travel Plan shall thereafter be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policy T5 of the South East Plan 2009.

- 26 All public parking facilities shall achieve the Park Mark ® 'Safer Parking Award' before the first commercial unit is occupied.

	<p><b>Reason -To ensure the car parking facilities are properly managed and secured in the interests of public safety in accordance with Policy D5 of the NSCLP.</b></p>
<b>27</b>	<p><b>The vehicular access within the site from Wesley Lane (at its junction with Manorsfield Road to the new road indicated as Bure Place, and Bure Lane (to its junction with Manorsfield Road shall be closed to vehicular traffic other than for their use by service vehicles only, and use by service vehicles shall be restricted to outside the hours of 9am to 4pm daily. Access shall be controlled by the installation of rising bollards across the access points in accordance with British Standard PAS 68 and PAS 69 or other measures which have been previously submitted to and approved in writing by the LPA.</b></p> <p><b>Reason - To provide adequate servicing whilst protecting public safety, amenity and highway safety and to ensure the bollards are adequate to prevent lorries entering the site when the bollards are raised, in accordance with Policies TR2 and TR5 of the CLP.</b></p>
<b>28</b>	<p><b>Following the completion of development the pedestrian accesses onto Sheep Street comprising Wesley Lane, Evans Yard and the access between Nos. 39 and 43 Sheep Street (three in total) and Manorsfield Road (two in total) and at the junction of Crown Walk and Wesley Walk shall remain open at all times and public access should not be prohibited by any gate, fence, wall or other means of enclosure.</b></p> <p><b>Reason - To ensure public access and linkages are retained and to comply with Policy S14 of the NSCLP and the Council's SPG for this site.</b></p>
<b>29</b>	<p><b>Prior to first occupation of the development, the proposed service yards shall be constructed and surfaced in accordance with details which have previously been submitted to and approved in writing by LPA. The service yards shall be retained free from external storage of materials that restricts appropriate turning of large vehicles and shall remain unobstructed and available for use for servicing at all times.</b></p> <p><b>Reason - In the interests of highway safety, to ensure a proper standard of development and to comply with Government advice in PPG13: Transport.</b></p>
<b>30</b>	<p><b>That within SIX months of the completion of the Sainsburys superstore retail units C1-C4, EY1-EY4, WEB1 and ET1 together with kiosks 1-3 along the new street shown on the approved plans as Bure Place shall be constructed and completed in accordance with the details approved under planning permission ref no. 07/00422/F</b></p> <p><b>Reason – To ensure the satisfactory appearance and character of the new development and to comply with Policy S14 of the NSCLP and the Councils SPG for the site.</b></p>

31	<p>That within six months of the completion of Block A the intended improvements works to the external appearance of the Ex-Servicemens Club and its forecourt shall be undertaken and completed in accordance with precise details to be submitted to and approved by the LPA</p> <p>Reason – To ensure the satisfactory appearance and character of the new development and to comply with Policy S14 of the NSCLP and the Councils SPG for the site.</p>
32	<p>That prior to the first use of any retail unit or the Sainsbury unit hereby approved the intended walls to the new street known as Bure Place which are to screen the service road to Tesco (49-57 Sheep Street) and the rear of 72 Sheep Street shall be constructed in accordance with precise details to be submitted to and approved by the LPA</p> <p>Reason – To ensure the satisfactory appearance and character of the new development and to comply with Policy S14 of the NSCLP and the Councils SPG for the site.</p>
33	<p>No development shall commence until there has been submitted to and approved in writing by the LPA a scheme for landscaping the site which shall include details of all proposed tree and shrub planting including species, number, sizes and positions, together with all grass seeded areas.</p> <p>Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
34	<p>That all planting, seeding or turfing comprised in the approved details of landscaping in respect of Condition 33 above shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.</p> <p>Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
35	<p>No part of the development shall be occupied until details of the means of refuse storage and disposal/collection and recycling provision (arising from the development hereby approved) for that part of the development have been</p>

	<p>submitted to and approved in writing by the LPA. Details shall include receptacles for refuse, siting of such receptacles and arrangements for their removal. The approved scheme shall be put in place before first occupation of the units to which the approved provisions relate and the refuse/recycling storage, collection and disposal shall be carried out in accordance with the agreed strategy at all times thereafter.</p> <p>Reason - In order that proper arrangements are made for the disposal of waste, as well as to ensure the creation of a satisfactory environment free from intrusive levels of odour/flies/vermin/smoke/litter in accordance with Policy ENV1 of the adopted Cherwell Local Plan.</p>
36	<p>The development shall be undertaken in general accordance with the energy efficiency statement proposed by Synergy and submitted with the application (as subsequently amended)</p> <p>Reason - To ensure energy and resource efficiency practices are incorporated into the development in accordance with Government advice contained in the draft PPS 'Climate Change'.</p>
37	<p>The proposed foodstore and civic building shall be constructed to at least a BREEAM 'good standard'.</p> <p>Reason - To ensure energy and resource efficiency practices are incorporated into the development in accordance with Government advice contained in the draft PPS 'Climate Change'.</p>
38	<p>All unfixed external seating and tables shall be removed outside of the trading hours of the premises with which they are associated.</p> <p>Reason - To limit the potential for anti social behaviour and crime and disorder and to protect residential amenity in accordance with Policy D5 of the NSCLP.</p>
39	<p>No external seating or tables shall be provided within the site unless and until details of the extent and nature of the demarcation of the seating areas has been submitted to and approved in writing by the LPA. The areas shall be defined and operated in accordance with the approved details at all times they are in use.</p> <p>Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
40	<p>Prior to the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced within the site in accordance with</p>

details to be first submitted to and approved in writing by the LPA.

Reason - To secure the provision of essential community infrastructure on site in accordance with Policy CC7 of the South East Plan.

- 41 No development shall commence until details of the proposed temporary bus interchange facilities to be provided during construction, including details of bus stands, signage and shelters, have been submitted to and approved in writing by the LPA. The approved temporary arrangements shall be put in place and be available for use before the use of the existing bus station ceases and the temporary bus interchange facilities shall be retained until such time as the permanent bus interchange facilities hereby approved are completed and available for use unless otherwise approved in writing by the LPA.

Reason - To secure appropriate public transport infrastructure during the course of development and to accord with Policies T1 and T2 of the South East Plan and TR4 of the adopted Cherwell Local Plan.

- 42 No externally mounted plant or equipment (except within the service yard of Building A) shall be installed or erected unless details have first been submitted to and approved in writing by the LPA.

Reason - In the interests of visual and residential amenity and to comply with Policies C28 and ENV1 of the Cherwell Local Plan.

- 43 Notwithstanding the details shown on the submitted plans, details of the type, location, design, screening and acoustic performance of all internal and external plant and machinery (including coolers, air conditioning plant and plant or ventilation) to be provided in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and operation. The development shall be carried out and thereafter be permanently retained, maintained and operated in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development in the interests of amenity and to ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Policy ENV1 of the CLP.

- 44 That prior to the first use of the Sainsburys superstore or any other retail unit a taxi rank shall be provided within the highway on Sheep Street in a position and at a size to be agreed with LPA prior to the works being undertaken.

Reason – To ensure that there is adequate permission for the uses of taxis as an alternative to the private meter car in accordance with Policy TR1 and TR4 and TR10 of the NSCLP



## **Planning Notes**

- 1** Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- 2** Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 020 8507 4321.
- 3** There are public sewers crossing the site, and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Should a building over/diversion application form, or other information relating to Thames Waters assets be required, the applicant should be advised to contact Thames Water Developer Services on 0845 850 2777.
- 4** Thames Water would recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourses.
- 5** The applicants attention is drawn to the advice from the Environment Agency contained in their letter date 18.1.10
- 6** It is the responsibility of the developer to ensure that the proposed development will not have a detrimental effect on any protected species on the development site.
- 7** All British birds, their nests and eggs are protected in law. It is an offence to take, kill or injure any wild bird or to take, damage or destroy any nest (whilst in use or being built) or egg of any wild bird under Part 1 of the Wildlife \_ Countryside Act 1981 (as amended).
- 8** Natural England welcomes any developments which consider opportunities to enhance biodiversity, including the installation of nest boxes for birds and the provision of green roofs and walls into the design. The Town and Country Planning Association (TCPA) booklet: Biodiversity by Design - A guide for Sustainable Communities provides some very useful guidance in this respect. The TCPA are contactable at:- Town and Country Planning Association, 17 Carlton House Terrace, London SW1Y 5AS, Tel:- 020 7930 8903, Web address - [WWW.tcpa.org.uk](http://WWW.tcpa.org.uk)
- 9** The abandonment and filling of the existing River Bure channel and the

	creation of the new diverted channel will technically need consent under the Land Drainage Acts from both Cherwell District Council and the Environment Agency.
10	The developers are encouraged to use energy efficient lighting throughout the scheme.
11	All glazing in the public realm should be laminated glass (minimum thickness of 6.4mm in residential and office premises and 11.3mm for shop windows and other major expanses of glass) in the interests of public protection and in accordance with the recommendations of the National Counter Terrorism Security Office.
12	The applicant is advised to contact Oxfordshire County Council's area office in Kidlington prior to commencement to establish appropriate stopping up orders, highway condition survey and temporary site signage and Health and Safety arrangements.
13	An over sailing licence may be required for cantilevered bus shelters along Manorsfield Road. The applicant should contact Oxfordshire County Council (Highways) for further advice.
14	The Applicant is reminded that the premises should be made accessible to all disabled people, not just wheelchair users, in accordance with the provisions contained within the Disability Discrimination Act 1995. This may be achieved by following recommendations set out in British Standard BS 8300: 2001 - "Design of buildings and their approaches to meet the needs of disabled people - Code of Practice", or where other codes may supersede or improve access provision. Where Building Regulations apply, provision of access for disabled people to the premises will be required in accordance with Approved Document M to the Building Regulations (2004) - "Access to and use of Buildings", or codes which contain provisions which are equal to or exceed those provisions contained within Approved Document M.
15	Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
16	The applicant is advised that all works to which this permission relates must be carried out strictly in accordance with the plans, drawings and other relevant supporting material submitted as part of this application and hereby approved. The Planning Department must be immediately advised of any proposed variation from the approved documents and the prior approval of this Council obtained before any works are carried out on the site. This may require the submission of a further application. Failure to comply with this advice may render those responsible liable to enforcement proceedings

which may involve alterations and/or demolition of any unauthorised building or structures and may also subsequently lead to prosecution.

- 17 Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
- 18 The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
- 19 For the purposes of satisfying the requirements of Condition 56, fire hydrants should be provided and retained (including access for fire-fighting) to the standard detailed in Approved Document B(2006) of the Building Regulations.
- 20 The applicants are advised of the need to obtain planning permission and advertisement consent (where necessary) for the shop fronts, other than for the proposed food store and main retail block A1-A6, details of which are shown on the approved plans.

#### **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

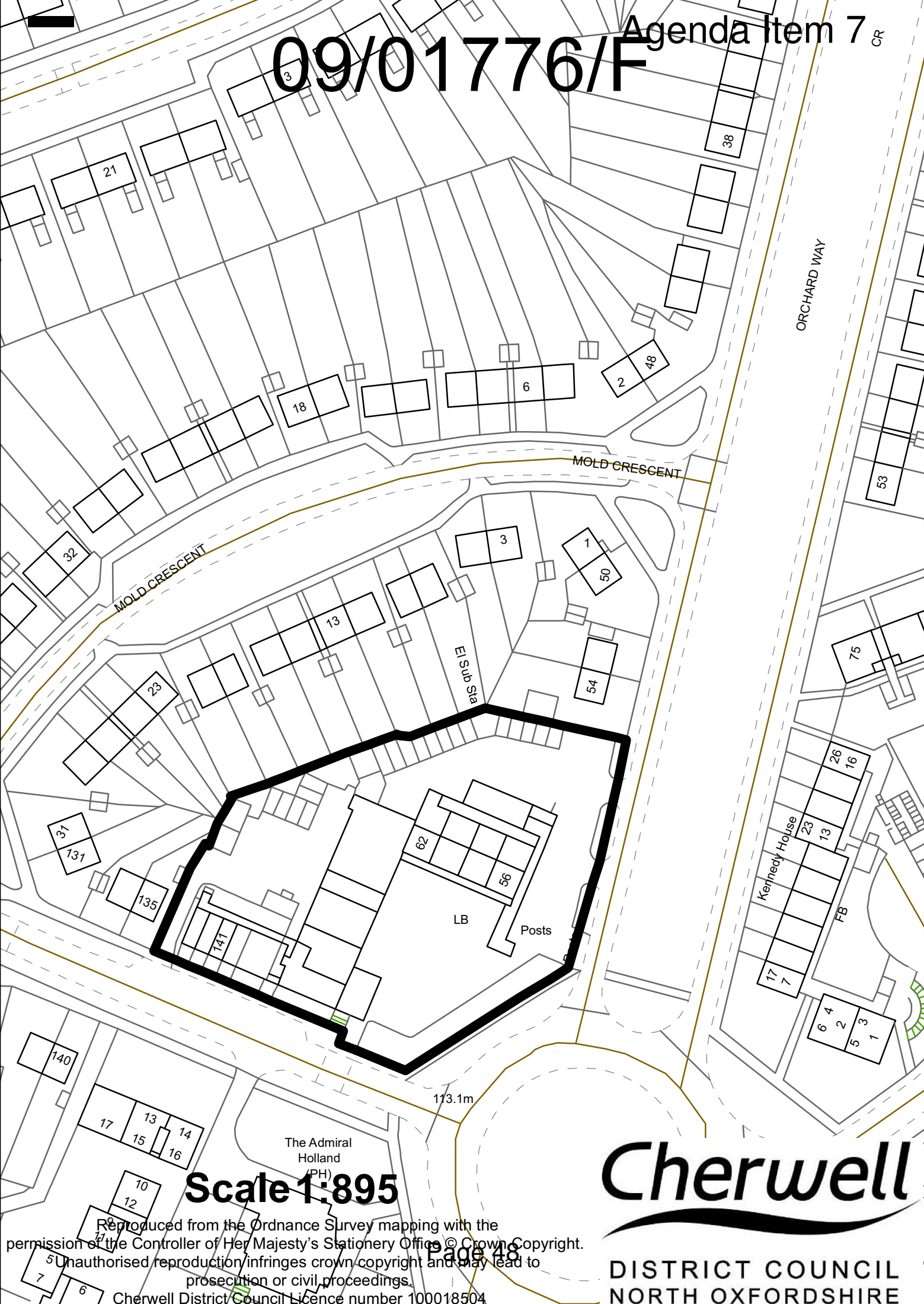
The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal constitutes redevelopment of a previously developed site within the town centre in a location which is accessible to a range of people by a range of modes of transport other than the private car. Development of this site for a mixed use development of appropriate town centre uses, incorporating retail and leisure, accords with the principles of sustainable development as set out in Government

guidance contained within PPS1, PPS4, PPG13 and other advice and accords with Policies SP3, CC2, CC4, CC7, NRM4, TC2 and CO1 and CO2 of the South East Plan and Policies TR1, TR2, TR4, TR5, R12, C20, C22 and C28 of the adopted Cherwell Local Plan. In addition, the proposed development complies with Policy S14 of the Non-Statutory Cherwell Local Plan 2011 and the Council's adopted Supplementary Planning Guidance. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions and a section 106 agreement, as set out above.

**CONTACT OFFICER:** Bob Duxbury

**TELEPHONE NO:** 01295 221821

09/01776/F

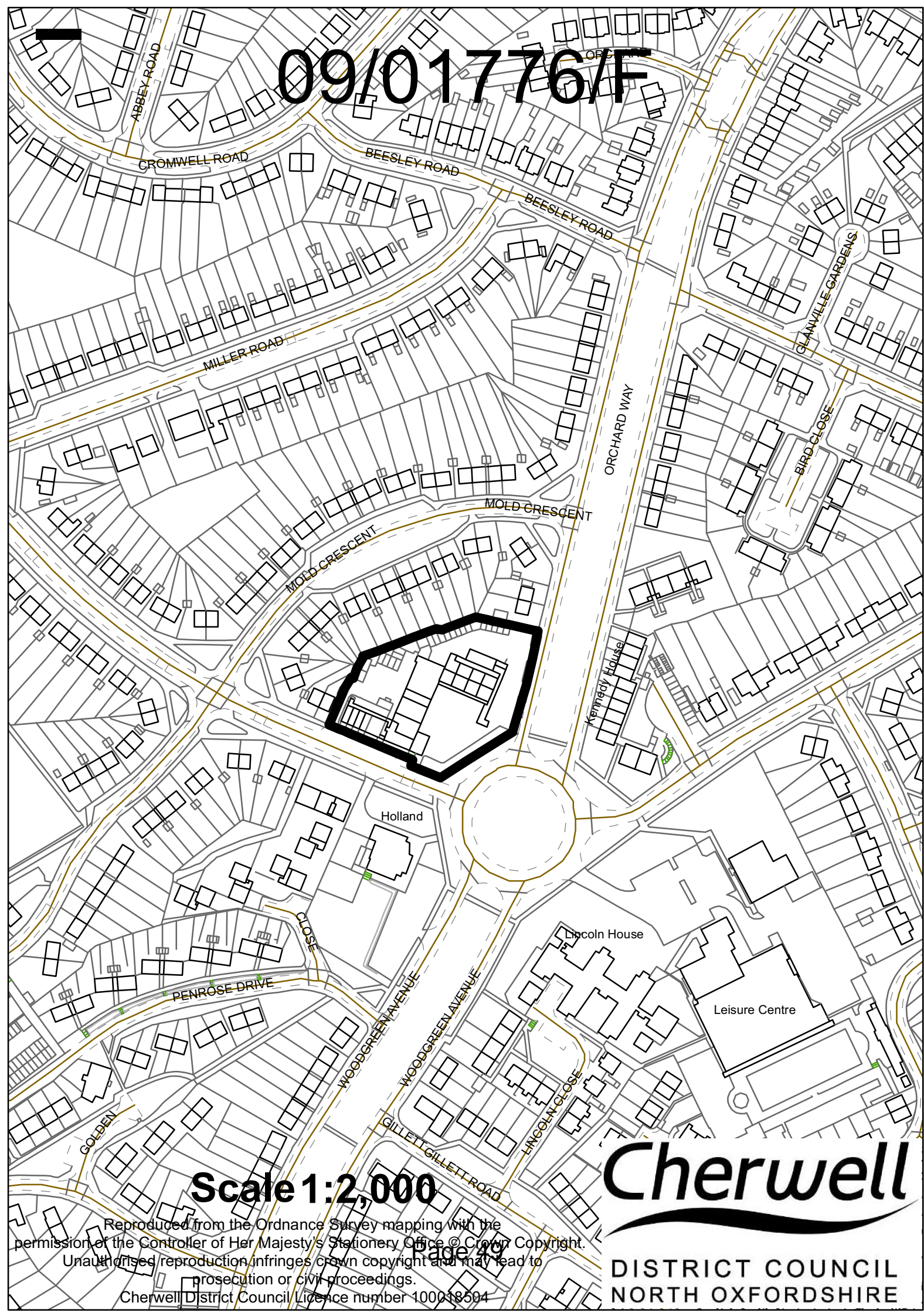


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09/01776/F



Scale 1:2,000

**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

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<b>Application No:</b> 09/01776/F	<b>Ward: Banbury</b> <b>Ruscote</b>	<b>Date Valid:</b> 10/12/2009
<b>Applicant:</b>	Sanctuary Housing, Hindle House, Trinity Way, Adderbury, Banbury, Oxfordshire, OX17 3DZ	
<b>Site Address:</b>	Orchard Way Shopping Parade Orchard Way, Banbury, Oxfordshire	

**Proposal:** Proposed mixed use development including 4 shops and 33 social housing units

## 1. Site Description and Proposal

- 1.1 The site is located on a prominent corner of, and intersection roundabout linking Orchard Way and The Fairway, within the Bretch Hill residential area of Banbury. The site is 0.6 miles (1km) west of and within walking distance of Banbury Town Centre and is well positioned to benefit from various local amenities including parks, leisure centre, shops, restaurants, and public transport.
- 1.2 The Bretch Hill estate was constructed during the 1950's and 1960's. The area contains buildings of a predominantly residential scale (up to two storeys) although there are a number of taller flats interspersed within. The residential buildings tend to have low pitched or mansard roofs with grey and brown concrete tiles. Principle façade materials vary from buff and terracotta bricks through to render and tile cladding. Windows and doors in this area tend to be made from materials including aluminum, wood and uPVC.
- 1.3 The neighbouring properties are both two storey semi-detached houses set back from the main road. These properties have white rendered walls up to first floor level with the second storey enclosed by a mansard roof covered with grey concrete pantiles. Directly opposite the site there is a significant four storey block of flats (Orchard Way) and the Admiral Holland public house (The Fairway). The flats have walls covered in London stock (buff/yellow) brick and small grey/terracotta tile cladding. The public house also has this brick up to first floor above which the walls are timber clad (painted white). Both buildings have relatively low pitched roofs covered with grey and brown tiles.
- 1.4 The site has a net area of approximately 4291m<sup>2</sup> (0.43ha) and contains buildings of a mixed use, constructed during the 1960's. There are 8 no. separate commercial shops comprising a total floor area of approximately 844m<sup>2</sup>, ranging from 46m<sup>2</sup> to 250m<sup>2</sup> and 4 no. separate maisonettes above the shops off Orchard Way and 9 no. separate one-bedroom flats off The Fairway. In addition to the living accommodation on the site, there are a number of garages to the rear of the shops.
- 1.5 Topographically the site slopes down from South to North. The roundabout just beyond the south east corner of the site is approximately 1.6m above the level of the shops. As a direct result the shops are largely obscured from view when approached via car from the dual carriage way to the south.

- 1.6 The proposed scheme involves the entire demolition of the existing shopping and residential parade and the construction of a mixed use development comprising 4 no. shops and 33 no. social housing units, associated parking areas, bin and cycle stores, landscaped areas and shared residential amenity area.

- 1.7 The development takes the form of:

**Ground Floor**

4 no. shops	unit 1 – 302.7m <sup>2</sup>
	unit 2 – 91.2m <sup>2</sup>
	unit 3 – 92.1m <sup>2</sup>
	unit 4 – 103.9m <sup>2</sup>

**First Floor**

12 no. units made up of:	8 no. 2 bed 4 person flats (67.5m <sup>2</sup> - 70.4m <sup>2</sup> )
	2 no. temporary flexible flats (44.3m <sup>2</sup> - 78.7m <sup>2</sup> )
	2 no. 1 bed 2 person flats (45.6m <sup>2</sup> )

**Second Floor**

12 no. units made up of:	8 no. 2 bed 4 person flats (70.2m <sup>2</sup> - 70.5m <sup>2</sup> )
	2 no. temporary flexible flats (44.3m <sup>2</sup> - 78.7m <sup>2</sup> )
	2 no. 1 bed 2 person flats (45.6m <sup>2</sup> )

**Third Floor**

9 no. units made up of:	4 no. 2 bed 4 person flats (68.2m <sup>2</sup> - 73.4m <sup>2</sup> )
	1 no. 2 bed 3 person flat (65m <sup>2</sup> )
	5 no. 1 bed 2 person flats (46.5m <sup>2</sup> - 61.3m <sup>2</sup> )

Density of residential development proposed equates to 77 dwellings/ha.

- 1.8 The layout provides 27 parking spaces including 4 disabled spaces, bin and cycle stores and shared residents amenity space (approx 12.5 m<sup>2</sup>), with 2 no. of the 3 no. existing vehicular accesses being maintained and the Orchard Way access being widened.

## 2. Application Publicity

- 2.1 The application has been advertised by way of site notice, neighbour letter and press notice. The final date for comment was 14 January 2010. A public exhibition day also took place during the consultation period in December 2009.
- 2.2 One letter has been received which expresses interest in one of the new shop units.

## 3. Consultations

- 3.1 Banbury Town Council - No objections to the principle of redevelopment of this area. However we are concerned that the development is too tall and imposing and that the proposed materials are out of keeping with the street scene.
- 3.2 Oxfordshire County Council Highways - Due to the reduction in retail floor space (from 845m<sup>2</sup> to 590m<sup>2</sup>) for the site it has been estimated that the increase in the number of flats (20) will generate a similar level of traffic movements to the existing uses on site, which was agreed by the Local Highway Authority at the pre-application stage of this proposed redevelopment.



The proposed redevelopment will see the continued use of The Fairway access and the furthest access point serving the site off Orchard Way. Both entrances have been assessed as acceptable, the closure of the existing access by the roundabout in my opinion will be a benefit to highway safety.

There are good pedestrian links to the site from the existing footway network and crossing points from The Fairway and Orchard Way crossing. Vegetation/trees are to be planted along the site's boundary with Orchard Way – this is acceptable as long as such planting does not obstruct the visibility splay for drivers when looking up the road.

The parking levels for the site do not strictly accord with the adopted parking standards in the Local Plan or is located within the town centre boundary. However, due to the site being located in a local centre and having close access to a reasonable bus service the proposed parking standards for the 1 – 2 bed units of 1 space per unit is acceptable for this proposal. However, I would like to see units of 2+ beds provided with 2 off-street parking spaces. I suspect it could be argued that during the evening and early mornings the parking area for the retail units could be use as an overspill parking area for the residents.

The dimensions and space behind the proposed parking spaces are acceptable. The tracking plan shown for the servicing vehicles is also acceptable. Servicing vehicles leaving via the residential parking area is undesirable, but in my opinion not a refusal reason. I would suggest that time restrictions for deliveries are considered by the Local Planning Authority.

The gates into the rear parking area are set back at an acceptable distance from the back-edge of the public highway (The Fairway) to deter vehicle overhang and an obstruction. Servicing vehicles I understand will only be exiting from this point. Entrance will be taken from Orchard Way, which is acceptable as servicing and deliveries are generally low in number throughout the day.

Cycle parking – the number being proposed is acceptable as are the shelters. However, the actual stands being proposed are not of the recommended Sheffield style and are unlikely to be well used. Using a Sheffield stand style should increase the number of spaces that can be used.

The comments also set out expected sum for financial contributions of £16,500 (index linked @ Jan 2009 prices) towards public transport and recommended conditions.

- 3.3 Oxfordshire County Council Developer Funding Team – expect implementation of this proposal will increase the population in net terms by 47 people including 3 pensioners and 5 children of statutory school age.

The County Council will wish to seek to secure sums via a legal agreement before planning permission is granted to mitigate the cumulative impacts of growth caused by this development. This will enable progressive strains on existing infrastructure not to get any worse.

The comments go on to set out expected sums for financial contributions of £12,467

broken up as follows:

Library = £4,190

Social and Healthcare = £3,421

Waste Management = £2,980

Adult Learning = £642

Museum Resource Centre = £282

Fire and Rescue = £702 (cost may vary – dependant on size required)

Administration and monitoring fee = £250

- 3.4 Thames Valley Police (Crime Prevention Design Advisor) - Amendments have been sought during the pre-application stage; therefore I have no further observations to make.

Thames Valley Police have also requested that a developer contribution of £6804 be paid towards funding additional police infrastructure needs generated by population growth arising from planned residential and business/commercial developments. Specifically towards the provision of new and enhanced police accommodation and to cover the set up costs associated with additional members of staff, including IT equipment, patrol cars and recruitment costs and training.

- 3.5 Thames Water – Waste Comments: With regards to sewerage infrastructure we would not have any objection to the planning application. It is the developer's responsibility to make proper provision for drainage to ground, water courses or a suitable sewer.

Water Comments: We advise that there is a Thames Water main crossing the site which may/will need to be diverted at the developers cost.

- 3.6 Head of Planning and Affordable Housing Policy - I consider the main policy issues are regarding the suitability of the location for residential development and the increase in shopping floor space in the area.

With respects to general housing policy, policy H9 in the Non Statutory Cherwell Local Plan (NSCLP) supports residential development within the built up limits of Banbury provided they make efficient use of land and there are no adverse impact on the existing character, residential amenity and highway safety. I understand there has been extensive consultation with the planning department over the proposed scheme which has included advice from the Design and Conservation Officer and these issues will have been discussed.

The scheme will provide for a significant number of affordable housing units which is considered to be positive in policy terms as there is a considerable lack of affordable housing in the district and this will help meet the need. Advice from the Housing department should be sought regarding the tenure mix of the affordable units proposed.

The Adopted Local Plan policy S28 and NSCLP policy S25 states that the proposals for small shops or extensions to existing shops within local shopping centres that are outside three main shopping centres of Banbury, Bicester and Kidlington, will be given *'favourably consideration'* and *'permitted'* as they provide a service for the local catchment.

The scheme appears to be consistent with policy and therefore there is no policy objection subject to detailed matters such as design, impact on neighbouring properties being satisfactory and tenure mix being resolved.

- 3.7 Head of Planning and Affordable Housing Policy (Urban Designer) – This application has evolved significantly from the initial design concept. I consider that the aspirations of the Informal Development Principles have now been largely achieved. One of the anticipated difficulties, circulation for both residents and deliveries, now works well, with the security problems of earlier schemes now designed out. The building will make the landmark statement sought and the retail units will be more visible than originally anticipated through the raising of ground levels.

Comments on individual elements include:

- The timber framing enclosing the balconies, particularly the louvres, has a somewhat delicate appearance. The louvres are likely to get a lot of use. The construction, particularly the roller mechanisms for the louvers, will need to be robust to withstand heavy use, particularly by residents of the emergency accommodation who will change frequently and who may not be familiar with them.
- The opaque enclosures to the balconies will enable any objects on the balconies to be visible. It is vital that the balconies are not used for outdoor storage. I understand that the RSL is satisfied that its tenancy agreement and site management can ensure that the balconies are not used for storage. The application should only be approved with a condition or legal agreement requiring the RSL to put in place an effective management regime that ensures that balconies are not used for storage in perpetuity.
- The colour of the terracotta appears to differ between drawings and this should be clarified. A true red, being a match for the local Banbury red brick, is preferable to the orangey hue in some illustrations. The grey brick at ground floor is somewhat dark and sombre and could invite light coloured graffiti. I recommend a slightly lighter colour be substituted.
- Public Art. The brief requests a piece of public art to be erected on the site to promote the shops and to increase their visibility from the round about. The proposed location is acceptable and in accordance with the development brief. However I consider the design should be assessed in conjunction with the overall scheme. I have made this point from the beginning. A condition requesting the details should be attached. As the proposal has altered the levels on site and it is proposed that the shop signage will be visible from the surrounding roads, the public art is of less importance and therefore I am happy to proceed with details of the art installation to be submitted as part of a

condition prior to the commencement of works on site.

- Relationship of the timber balcony frame with the shop layout below. I have previously mentioned that the timber frame above the shop element has little relationship with the shops below. I consider the uprights of the timber frame should align with the glazing and openings of the shops below. I consider this would provide a greater unity between the upper and lower elements.
- Security. Whilst it would appear to be an unlikely scenario I consider it important to stop any possibility of people climbing up the outside of the balconies. This is again an issue for the management plan. I do not consider that retro fitting security measures at a later date would be acceptable.
- Shop front shutters/ grilles: There appears from the submitted plans to be a suggestion that the shops are to have security shutters fitted, although this is not entirely clear. I consider this would create an extremely negative environment where, at night the ground floor was a complete blank. Whilst it may provide the shops with added security, I also consider it would create an atmosphere which suited unacceptable behaviour. If grilles are essential they should be mesh, so that they are see through and they should be located on the inside of the windows.

- 3.8 Head of Housing Services - happy with the proposed mix of type and tenures included in the above application including the 4 flexible temporary accommodation units. Standards need to comply with the Homes and Community Agency - Design and Quality standards as a minimum and also that units comply with Lifetime Homes Standards as far as possible within the constraints of scheme design.
- 3.9 Head of Building Control and Engineering Services - No comment on the principle. However, it is likely that one or more public sewers will need to be diverted to accommodate the redevelopment, so ensure that Thames Water is consulted.
- 3.10 Head of Safer Communities and Community Development (Anti-Social Behaviour Manager) - 3 of the 4 shop units appear to be of a size suitable for hot food takeaways. Initial concern about ventilation for take-away businesses, however it has been established that ventilation will be internally installed in the services void of the development Condition requiring prior approval of any mechanical extract ventilation installed to serve hot food or restaurant uses.
- 3.11 Head of Safer Communities and Community Development (Environmental Protection Officer) - No objections subject to a condition relating to potentially contaminated land.
- 3.12 Head of Environment and Community (Technical Project Manager - Information Services) – The initial assessment that we undertook when we put in the temporary camera will still be valid based on the submitted plans. There are various safeguards in place to ensure any cameras we deploy are fit for purpose and used according to various guidelines.

The comments go on to set out expected sums for financial contributions of £24,500 towards CCTV.

- 3.14 Head of Economic Development and Estates – Supports the application for the regeneration of this area.
- 3.15 Banbury Civic Society – Whilst there are members of the Banbury Civic Society who regret the loss of the existing ‘early new-town’ buildings on this site, we have been aware for a number of years that a succession of RSL’s have aspired to the intensification of development on this site.

Whilst we feel that the design of the proposal has features that are commended, we have one very significant observation to make. This is with regard to the corner block. In complete contrast to the visual interest of the remainder of the development, the elevation treatment of this visually dominant block lacks any visual interest, as well as being too contrasting, too tall and too bright as well as being ‘blocky’, bland and cheap. We believe that the ‘unrelieved self coloured render on concrete block’ appearance, whilst ‘contemporary’, is already starting to look hackneyed, overused and dated. The design guide demands a landmark feature on this corner, but we feel that this must be a positive and worthy landmark.

## **4. Relevant Planning Policies**

- 4.1 PPS1: Delivering Sustainable Development
- 4.2 PPS3: Housing
- 4.3 PPS4: Planning for Sustainable Economic Growth
- 4.4 PPG13: Transport
- 4.5 South East Plan Policies: SP3, CC1, CC2, CC4, CC6, CC7, CC9, H1, H2, H3, H4, H5, H6, T4, W8, BE1, BE3, S1, CO2 and CO3
- 4.6 Adopted Cherwell Local Plan 1996 Saved Policies: H5, S28, TR1, C28, C30, C32 and ENV1
- 4.7 Non-Statutory Cherwell Local Plan 2011 Policies: H1b, H3, H4, H7, H9, S25, TR1, TR4, TR5, TR11, R9, R10a, D1, D2, D3, D5, D6, D7, D9 and D10a
- 4.8 Draft Planning and Design Guide: Proposed redevelopment of Orchard Way shopping parade Banbury, April 2008

## **5. Appraisal**

- 5.1 It is considered that the main issues for consideration include:- principle and evolution of the scheme, design, layout, scale, materials, parking provision and highway safety, impact on amenities of neighbouring properties and security/crime prevention.
- 5.2 Principle and evolution of the scheme

This development has been the subject of extensive pre-application negotiations for the preceding two years and was based on the formulation of CDC’s Informal

Development Principles document April 2008. The proposal forms a scheme involving funding from Sanctuary Housing and Cherwell District Council.

- 5.3 After discussion and negotiation of the first concept proposal with CDC and the Sanctuary Housing Association some significant changes/improvements were made to the scheme. The second proposal reconsidered the approach to topography of the site by working more closely with the existing levels. This allowed the shopping parade to occupy a more prominent position. The updated scheme still necessarily addressed both Orchard Way and The Fairway, occupying a similar footprint to the first concept. It is therefore, still as far from the buildings which it backs on to as is practicably possible (avoiding overlooking). In contrast to the first scheme this proposed building is one continuous structure (rather than separate residential units). This was principally to improve the functionality of the building and safety of its users. It is worth stressing that the underlying design drivers or rationale for this scheme were context, function, use and aesthetics.
- 5.4 The existing Orchard Way housing and shopping parade is currently in a poor state of repair and consequently the proposal represents an opportunity to significantly improve that environment, create a 'landmark feature' and provide a new form of development that increases the number of affordable and social housing units and new shopping parade for the residents of the locality.
- 5.5 The application site "is previously" developed land in PPS3 terms as defined in Annexe B. This is amplified at paragraph 40 of PPS3 where it states "a key objective is that Local Planning Authorities should continue to make efficient use of land by re-using land that has been previously developed". The site is in a sustainable location, that has potential for redevelopment and the proposal submitted seeks to make use of this land more efficiently in accordance with the government guidance.
- 5.6 With respects to general housing policy, policy H9 in the Non Statutory Cherwell Local Plan 2011 (NSCLP) supports residential development within the built up limits of Banbury provided they make efficient use of land and there are no adverse impact on the existing character, residential amenity and highway safety.
- 5.7 The proposal seeks to provide a significant number of affordable and socially rented housing units which include a mix of type and tenure with 4 no. flexible/temporary accommodation units which have been specifically designed in pairs, back to back, to allow their layout and accommodation to vary dependant on demand. Consequently these units can provide either 1 no. 2 bed flat and 1 no. studio flat, or 2 no. 1 bed flats. The proposal is positive in policy terms as there is a considerable lack of affordable housing in the district and this will help meet the need and therefore complies with policies H5 of the adopted Cherwell Local Plan, H7 of the NSCLP and H3 of the South East Plan 2009.
- 5.8 The Adopted Local Plan policy S28 and NSCLP policy S25 states that the proposals for small shops or extensions to existing shops within local shopping centres that are outside three main shopping centres of Banbury, Bicester and Kidlington, will be given '*favourable consideration*' and '*permitted*' as they provide a service for the local catchment.

- 5.9 In respect of the advice contained in PPS4 : Planning for Sustainable Economic Growth, specifically affecting shops and services in local centres, the guidance advises that due regard must be made to the importance of the facility to the local community, however small parades of shops of purely neighbourhood significance are not regarded as centres for the purposes of this policy guidance. Consequently, whilst the HDC&MD considers that this PPS is not essentially relevant to the proposed development, the general ethos of the guidance in terms of achieving sustainable economic growth has been taken into account during the consideration of regenerating this run-down site for the benefit of the local community.
- 5.10 The HDC&MD therefore considers that the density of development at a density of 77 dwellings/ha is appropriate for the site, makes more efficient use of previously developed land, provides for a significant increase in affordable and social housing stock and will enhance the area and create a landmark feature within this part of Banbury and consequently acceptable in principle and policy terms.
- 5.11 Design, scale and layout
- Scaling and design have been planned to respond to the requirements of CDC's Draft Planning and Design Guide and to provide a building and landscape fit for both use and location. The proposed building has been positioned to ensure that ground floor retail units are clearly visible to approaching cars and pedestrians and this has been achieved by in parts raising the land levels of the site. The overall effect is to create a clear, defined and attractive public open space which effectively meets all accessibility requirements.
- 5.12 One important feature of the sites layout proposal is the building's curved corner which is designed to address both Orchard Way and The Fairway. The curving corner also provides a valuable aid to the visibility of the retail units.
- 5.13 The proposed building is of a varied scale and is designed to graduate in height along both street elevations. The structure is deliberately and necessarily of a slightly larger scale than most of its immediate neighbours in order to help create a clearly identifiable landmark structure. It is also in line with the scale requirements of CDC's Draft Planning and Design Guidance. The proposed building is particularly designed to graduate in height towards the sites key corner at the roundabout linking Orchard Way and The Fairway.
- 5.14 The Orchard Way elevation starts at three storeys' (approx. 10.75m above ground level) and rises to four storey's (approx. 12.55m above ground level) towards its centre. The building then steps up again with a slightly higher façade line used to emphasise the prominent corner (approx. 13.03m and 13.60m above ground level respectively). Along The Fairway the building starts at two storey's (approx. 7.55m above ground level) near the existing dwelling (no. 135 The Fairway) and steps up to three storey's toward the corner of the site (9.30m above ground level). The ground is higher under this section of building allowing this smaller structure to integrate well with the larger Orchard Way facing structure.
- 5.15 Along each flank the building is designed to step back in elevation to soften its impact on the street scene. This together with careful consideration of the proximity to and scale of the neighbouring buildings has helped to ensure the proposal is contextually appropriate. The neighbouring two storey building at no. 54 Orchard

Way (approx. 6.5m tall) is just over 21m to the north. The building sits notably lower than the proposed building due to a sloped topography. Along The Fairway the neighbouring two storey house is just over 12m to the west (approx. 6.5m high). This again helps to soften the scale difference between the buildings. It should be noted that the taller four storey section along Orchard Way is opposite a significant four storey apartment block.

- 5.16 In respect of the layout of the development, 33 no. private residential parking spaces are to be located to the rear of the site accessed via a control gate and keypad system off The Fairway vehicular access. The widened Orchard Way access point allows parking for customers to the shops and entry for service vehicles to the unloading area to the rear of the site, which will then exit the site via The Fairway access.
- 5.17 Pedestrian access to the differing sections of the building occurs via five stair cores. A lift has been incorporated into the curved corner section of the building between retail unit no. 4 and The Fairway. All stair cores benefit from full height glazing which is designed in consultation with Thames Valley Policy Crime Prevention Design Advisor to improve visibility and safety for building users.
- 5.18 Well positioned service voids within the internal layout of the building will allow for internal extraction ventilation systems to be installed for use by a take-away/restaurant use within one of the retail unit, without compromising the overall appearance and design of the building.
- 5.19 In order to provide a form of security for the shop windows, the proposal seeks to install security shutter to the outside of the windows. HDC&MD considers that the inclusion of these to the building will have a negative impact on the overall design of the building and therefore further negotiation as part of a condition is necessary to overcome this issue.
- 5.20 Also proposed as part of the scheme is the inclusion of public art, this is to be in the form of signage for the site which is to be prominently positioned to ensure that it will be visible from the surrounding roads and paths. Details of the design are to be conditioned.
- 5.21 A comprehensive landscape scheme has been submitted as part of the application which includes the area between the roundabout and the southern aspect of the site. Essentially this area is to be maintained by CDC and combined with the hard landscaped paving and public art feature will enhance the locality.
- 5.22 From a policy perspective PPS1, Delivering Sustainable Development states that "Planning Authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not



be accepted” (paragraph 34).

5.23 PPS3, Housing states that “good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities” (paragraph 12). The guidance goes on to advise that “Local Planning Authorities should promote designs and layouts which make efficient and effective use of land, including encouraging innovative approaches to help deliver high quality outcomes” (paragraph 14)

5.24 Policies C28 and C30 of the adopted Cherwell Local Plan and Policy D3 of the Non-Statutory Cherwell Local Plan 2011 echo the advice contained in government guidance and seeks to ensure that design and layout of housing is informed by the wider context and that development should reflect the local distinctiveness of its setting and that standards of amenity are provided that are acceptable to the Local planning authority. The HDC&MD considers that the proposed contemporary design, scale and layout of the scheme is appropriate for its context and regenerates the site, making more efficient use of previously developed land and consequently accords with the provisions of national and local policy.

5.25 Materials and appearance of the development

The principle materials proposed for use in the buildings facades include through colour render, terracotta rain screen cladding and a dark facing brick (65mm Charcoal Smooth or similar) (up to first floor level). The remaining materials include timber (principle balcony frame and louvres), grey metal (windows, doors and balustrade (to residences and shop fronts) and glass (balustrade). The combination of materials, the clean lines, flat roofs and stepped facades used in this proposal all contribute to a distinctly contemporary architectural solution. A materials board has been submitted for consideration with the application.

5.26 The comments made by the Town Council and Banbury Civic Society are noted in respect of the materials to be used and the development’s overall appearance, however, this style of building is contemporary and whilst similar recently constructed buildings are seen elsewhere in Banbury there is nothing else like this in the immediate locality and therefore will be seen in isolation as a landmark statement building in stark contrast to the 1960’s surrounding development. The HDC&MD considers that whilst the principle of the appearance and materials considered to be acceptable and that the proposal accords with Cherwell Local Plan policy C28, further samples of the materials should be submitted for consideration.

5.27 Parking provision and highway safety

The building location ensures that the good parking provision serving these shops is logically sited, clearly defined and in an accessible position, it was essential as part of the development principles that this development met the requirements of both the retail and residential units and the movement of vehicles through the site.

5.28 A clear objective was the need to provide the required 33 no. parking spaces within a clearly defined and secure area. To this end the private parking was located to

the north west of the site and was designed to include secure residential access/egress from/onto The Fairway. Of equal importance was the need to create a clear area for service deliveries and to allow the movement of refuse and emergency vehicles through the site. In response, a clear access point for those vehicles has been provided off Orchard Way. Entrance from this secured route is phased to create a clearly defined shop unloading zone. The movement of vehicles on this route is planned to be one-way, efficient and non-obstructive with egress onto The Fairway. This exit is shared with residential users.

5.29 Oxfordshire County Council as local highway authority have considered the scheme acceptable in terms of highway safety with the proposed redevelopment seeking the continued use of The Fairway access and the furthest access point serving the site off Orchard Way. Both entrances have been assessed as acceptable in highway terms with the closure of the existing access by the roundabout of benefit to highway safety. The use of The Fairway access by service vehicles is not desirable, however in the opinion of the local highway authority a refusal of the scheme in respect of this matter could not be reasonably sustained at appeal.

5.30 In terms of parking provision, OCC consider that whilst the parking levels for the site do not strictly accord with the adopted parking standards in the Local Plan or is located within the town centre boundary, due to the site being located in a local centre and having close access to a reasonable bus service the proposed parking standards for the 1 – 2 bed units of 1 space per unit is acceptable for this proposal. And whilst the 2+ units should provide 2 off-street parking spaces, it is accepted that during the evening and early mornings the parking area for the retail units could be use as an overspill parking area for the residents. The dimensions and space behind the proposed parking spaces are also acceptable.

5.31 The HDC&MD therefore considers that the proposal provides sufficient parking provision for the development and is acceptable on highway safety grounds and complies with guidance contained in PPG13, NSCLP policies TR1, TR4, TR5 and TR11 and policy T4 of the South East Plan 2009.

5.32 Impact on amenities of neighbouring properties

The scheme has been designed in such a form that impact on the amenities of neighbouring properties is minimal. Specifically the position of the building and its relative distance to no. 54 Orchard Way (21m to the north-east), no. 135 The Fairway (12m to the west) and nos. 7-27 Mold Crescent (between 9-38m to the north. Side elevation windows facing onto no. 54 Orchard Way and no. 135 The Fairway are at high level serving kitchens and bathrooms. The HDC&MD considers that the separation distance is sufficient to safeguard the amenities of the occupiers of these properties in terms of overlooking and loss of privacy.

5.33 The height of the development in proximity to no. 54 Orchard Way and no. 135 The Fairway does not give rise to overbearing or overshadowing. Parking and manoeuvring of vehicles already takes place within the rear of the site and whilst the proposal is an intensification of the site, it is considered that the increase will not give rise serious harm caused as a result of vehicular activity in this area.

5.34 The HDC&MD considers that the proposal is therefore acceptable and complies with policy C30 of the adopted Cherwell Local Plan which seeks to control

development and provide standards of amenity and privacy acceptable to the Local Planning Authority.

5.35 Security and Crime prevention

The development has been designed in consultation with Thames Valley Police Crime Prevention Design Advisor who has been involved during the lengthy pre-application stage and the scheme has evolved taking into account comments made on the layout, design and physical security. Fully glazed stair cores are proposed along with clearly visible entrance doors into building, designed to be both safe and secure with natural surveillance, with the same principle applying to the shopping area that will be clearly visible by passing pedestrians and motorists. The Crime Prevention Design Advisor has stated that approval of the scheme will lead to the development being assessed for Secured by Design accreditation.

5.36 Combined with the crime prevention measures, CCTV will be installed at the development, financing of which is part of the S106 agreement. This additional measure is a further security element that has been proposed from the outset as part of the overall development.

5.37 Taking the above measures into account, the HDC&MD considers that the additional developer contribution requested by Thames Valley Police is unreasonable. Whilst it is appreciated that the proposal will provide new housing and a new shopping parade, it is not considered reasonable to mitigate the impact of the development on the police service as part of a planning obligation given the security and crime prevention measures designed as part of the scheme. It is considered therefore that the planning obligation sought does not directly relate to the proposed development as incidents of crime and targets for crime arising from the development will not increase as suggested, it is likely that the opposite will occur as the Orchard Way site will be completely changed from its current layout, there will be an increase in natural surveillance and less opportunity for crime to take place.

5.38 Sustainability

The scheme has been designed in accordance with the Code for Sustainable Homes with all dwelling units designed to meet a minimum level 3 of this standard. Maximization of solar gain benefits and sustainable materials are design features within the building, and include an array of roof mounted solar thermals, given the height of the building, these will not be visible from the immediate locality.

5.39 Affordable housing

The proposed scheme seeks to provide 33 no. social housing units, normally this would be secured as part of the S106 agreement, however given that all the units are proposed to be affordable/social the securing of this provision is a matter that could be conditioned if there is no agreement in place between CDC and Sanctuary Housing. This matter was still to be clarified and a verbal update will be given at the Committee meeting.

5.40 S106 Agreement

Policy CC6 of the South East Plan 2009 seeks to ensure that development creating a need for additional infrastructure is delivered through necessary contributions from the developer. Requests for contributions to be secured by way of a S106 Agreement include provision for off site indoor and outdoor sports, Library stock, museum resources, adult learning, social and healthcare, fire and rescue, CCTV, public art, public transport and waste and recycling contributions. The request from Thames Valley Police has been address in paragraph 5.37. The HDC&MD considers that this policy is complied with as the developer has agreed in principle to contributions requested, although the final figures are still being negotiated.

#### 5.41 Conclusion

Based on the assessments made above it is considered that this application is acceptable, makes more efficient use of previously developed land, provides a substantial increase to the affordable/social housing stock and regenerates an area with a form of development that will provide a landmark building with public art feature and will cause no serious harm to the amenities of any neighbouring property or highway safety and will financially contribute through a S106 the delivery of additional infrastructure. The proposal therefore accords with the Council's informal design principles document and the relevant development plan policies and national policy guidance.

## **6. Recommendation**

### **Approval subject to**

#### **a) the completion of a S106 agreement covering the following heads of terms;**

- **Library contributions**
- **Social and Healthcare**
- **Fire and Rescue**
- **Waste management and recycling contributions**
- **Adult learning contributions**
- **Museum resource contributions**
- **Public transport contributions**
- **Public Art**
- **Bins**
- **Landscape maintenance/informal open space**
- **Indoor sports contribution**
- **Outdoor sports/play contribution**
- **CCTV Contribution**

#### **b) the following conditions:**

### **Conditions**

- 1. S.C 1.4A (RC2) – [Time: 3 years]**
- 2. Prior to the commencement of the development hereby permitted a phased risk assessment shall be carried out by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Each phase shall be submitted to and approved in writing by the Local Planning Authority;**

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

Phase 2 shall include 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. If contamination is found by undertaking the Phase 2 investigation then Phase 3 shall be undertaken.

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use to be submitted to and approved in writing by the Local Planning Authority (LPA). The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority. In the event that gas protection is required, all such measures shall be implemented in full and confirmation of satisfactory installation obtained in writing from a Building Control Regulator.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV12 of the adopted Cherwell Local Plan.

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the schedule of drawings received 10 December 2009.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.

4. That prior to the first occupation of the development the existing means of access onto Orchard Way and The Fairway shall be improved (widened), laid out and formed to the approval of the Local Planning Authority and constructed strictly in accordance with the highway authority's specifications and that all ancillary works specified shall be undertaken. (RC13BB)
5. That, before proposed development is first occupied the existing access onto Orchard Way (closest to the roundabout) shall be permanently stopped up by the means of full face kerbing and the restatement of the footway to the approval of the Local Planning Authority and in accordance with the highway authority's specifications and shall not be used by any vehicular traffic whatsoever. (RC13BB)

- 6. That before the development is first occupied the parking and manoeuvring areas shall be provided in accordance with the plan (2007/1015/P03) hereby approved and shall be constructed, laid out, surfaced, drained (SUDS) and completed, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times. (RC15AA)**
- 7. That prior to the first occupation of the development, the cycle parking shall be provided in accordance with drawing 2007/1015/P03 and that Sheffield Cycle Stands shall be installed. (RC13BB)**
- 8. 8.11A (RC56A) mechanical ventilation. hot food takeaway/restaurant**
- 9. That samples of the balcony glazing, timber and sliding screen assembly and solar collectors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved. (RC4A)**
- 10. That samples of the surface finishes for the areas of hard standing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved. (RC4A)**
- 11. 5.5AA (RC4A) insert 'windows, doors, metal entrance and exit gates'**
- 12. That full design details of any lighting to be fixed on the buildings and on the ground shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved. (RC95A)**
- 13. That details of the public art scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved. (RC4A)**
- 14. That the external walls of the development shall be constructed not in accordance with the submitted brick sample EH Smith Charcoal smooth, but that a revised brick sample shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the sample so approved. (RC4A)**
- 15. That with the exception of the brick sample subject to condition no. 14, and component details of the shop front shutters, windows and balconies the development shall be constructed using the materials submitted with the application on sample board no. 2007/1015/P17. (RC4A)**

16. That no individual retail unit floorspace shall exceed 303 sq m.

**Reason:** To preserve the vitality and viability of Banbury Town Centre and to comply with advice in PPS4: Planning for Sustainable Economic Growth.

17. That the largest retail unit detailed unit 1 on drawing no. 2007/1015/P08 shall be used only for purposes falling within Class A1 specified in the Schedule of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever and that the other 3 no. retail units shall be used only for purposes falling within Classes A1, A3 and A5 specified in the Schedule of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever. (RC40AA)
18. That provision by means of suitably located waste bins both inside the retail premises and outside within the public areas shall be made, details of which shall be submitted to and approved in writing the LPA prior to the commencement of the development, the development shall be carried out in accordance with those details and thereafter retained for the disposal of litter. (RC57A)
19. That no deliveries to the retail units shall take place between the hours 9.00 p.m to 7.00 a.m Monday to Sunday (inclusive) (RC49A)
20. 2.13AA (RC8A) – demolition of buildings
21. 2.10A (RC7A) – floor levels – development
22. 6.7AA (RC4A) – no radio, TV aerials, satellite dishes
23. 3.1A (RC10A) – carryout landscaping
24. 3.7BB (RC12AA) – submit boundary enclosure details

#### **Planning Notes**

1. Q1 – legal agreement
2. A separate permission will be required from the Local Highway Authority to carry out any access works on the public highway; contact tel for Northern Area Depot is 0845 310 1111).
3. There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0845 850 2777 for further information.
4. The applicant is advised that signage for the retail units may require the

submission of a separate advertisement application that would need to be obtained from Cherwell District Council.

5. M – closure of public highway
6. U1 – construction sites
7. The applicant is advised that appropriate measures are to be incorporated into Sanctuary Housing's management regime to ensure that no outside storage should take place on the balconies of the flats.

#### **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

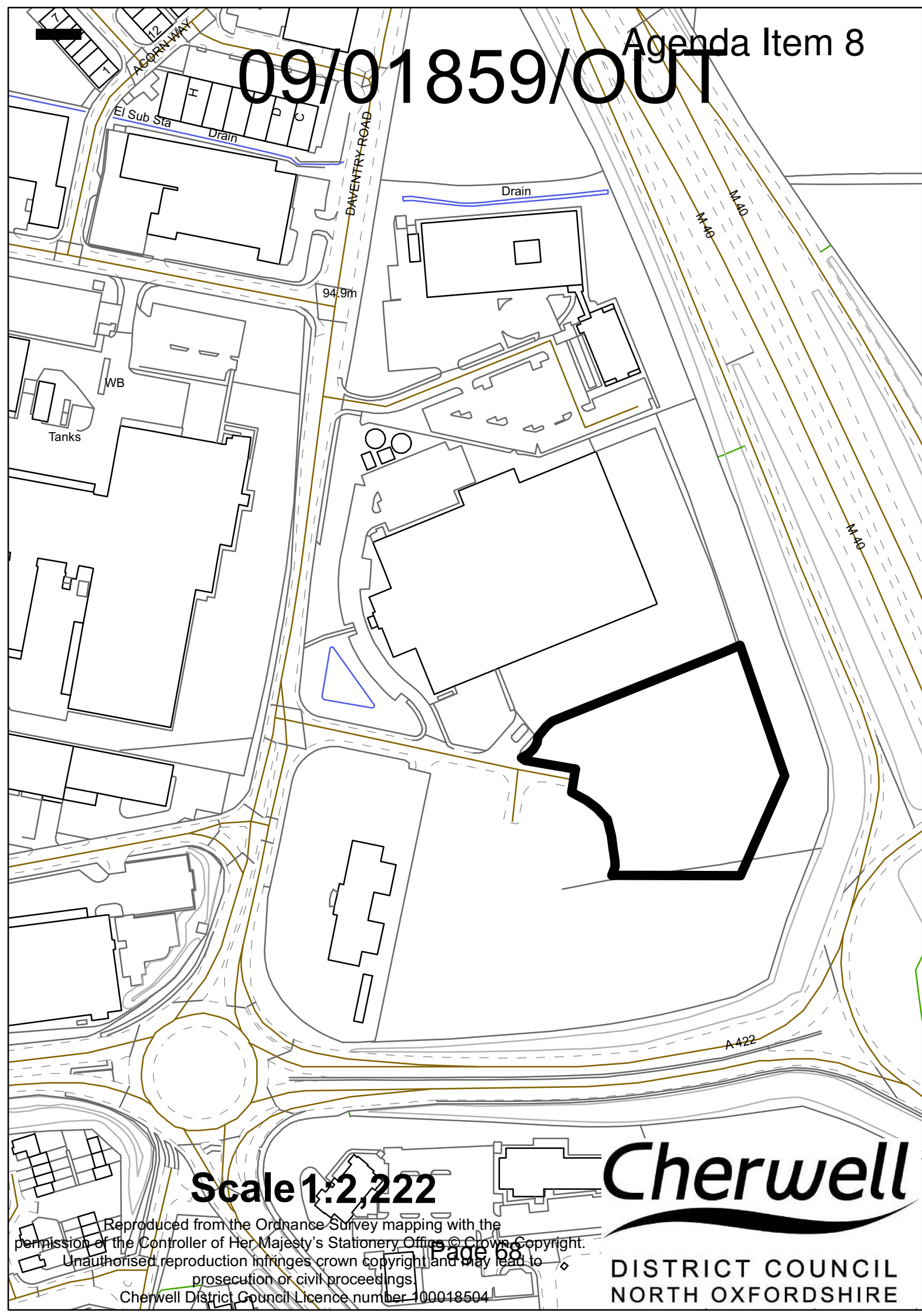
The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of the site and surrounding area and has no undue adverse impact upon the residential amenities of neighbouring properties or highway safety. As such the proposal is in accordance with Policies SP3, CC1, CC2, CC4, CC6, CC7, CC9, H1, H2, H3, H4, H5, H6, T4, W8, BE1, BE3, S1, CO2 and CO3 of the South East Plan 2009 and Policies H5, S28, TR1, C28, C30, C32 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained in PPS1, PPS3, PPS4 and PPG13 . For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

**CONTACT OFFICER:** Tracey Morrissey

**TELEPHONE NO:** 01295 221812



09/01859/OUT



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**Cherwell**

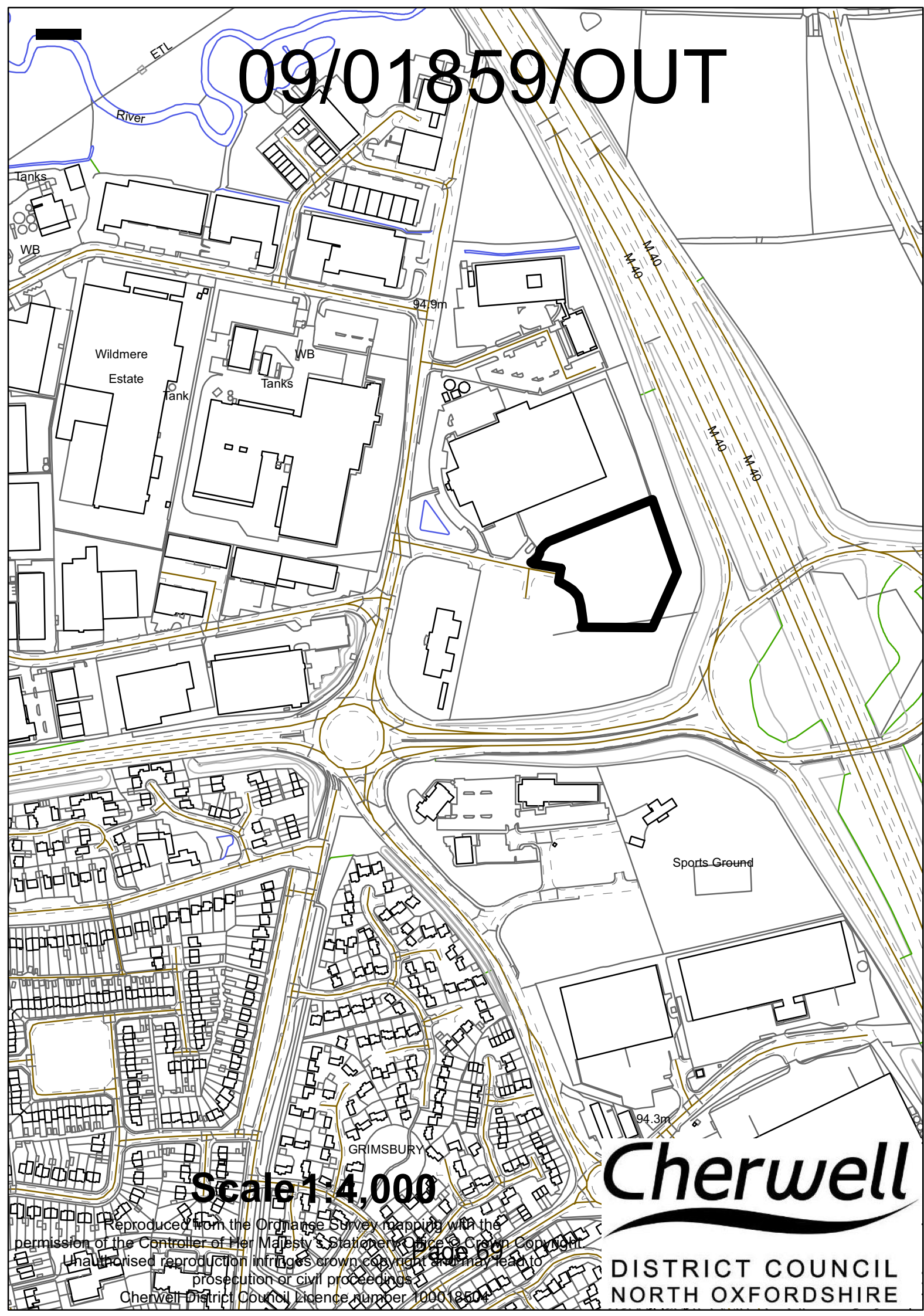
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**Application No:**  
**09/01859/OUT**

**Ward: Banbury**  
**Grimsbury and Castle**

**Date Valid: 12/01/10**

**Applicant:** AXA Reim (UK)

**Site Address:** Land at Brookhill Way, Off Wildmere Road, Banbury

**Proposal:** OUTLINE – Development of site for one or a combination of B1 (office) B2 (general industrial) B8 (warehousing and distribution) and sui generis (car showroom).

## **1. Site Description and Proposal**

### **1.1 Site**

The 0.958 hectare site is located adjacent to Junction 11 of the M40 motorway, and comprises an open area with rough grassland, trees and low lying vegetation. The northern boundary of the site is defined by an approximately 2 metre high black fence defining the DHL site. The Alex Lawrie/Lloyds TSB building lies to the south west of the site and is similarly bound by a 2 metre high fence. The site is relatively flat, with the exception of the earth bund and steep banking which is evident along the eastern and southern boundaries to support the adjacent M40 slip road and A422 Hennef Way. Vehicular and pedestrian access to the site is available off the east end of Brookhill Way, which was constructed as part of the original outline permission for the whole site, granted in 1999.

### **1.2 Proposal**

This application seeks outline consent for the development of the site for one or a combination of B1 (Office, Research and Development and Light Industrial), B2 (General Industrial), B8 (Warehousing and Distribution) and sui generis (car showroom). The total maximum internal floor space created is proposed to be 4,645 square metres for B1 (Research and Development and Light Industrial), B2 and B8 uses, 3,438 square meters for B1 (Office) uses and 2,462 square metres for the car showroom use. As this application is in outline only, all details, other than the access, are reserved. Indicative elevations for the B8 use show a building of a

maximum of two storeys (12m in height maximum), and the indicative elevations for the B1 use show a building of a maximum of three storeys (12m in height maximum).

Whilst this application is in outline form, the applicants are nevertheless required to provide indicative layouts. Given that the application could theoretically involve a number of uses, with different floor space configurations, the applicants are producing additional, more comprehensive layout plans to adequately demonstrate a suitable and appropriate combination of uses or single use on the site.

### 1.3 **Relevant Planning History**

In July 2001, the Council approved (01/01002/REM) a two-storey B1 office development (2046m<sup>2</sup>), adjacent to the current proposed site.

In December 2002, a further approval was granted (02/01376/REM) for a 7432m<sup>2</sup> B8 distribution warehouse on this application site, which included 464m<sup>2</sup> of offices. The warehouse building was some 85 metres by 88 metres in size with an overall height of 12 metres.

Both applications were granted pursuant to the original outline consent granted in September 1999 (98/00160/OUT) for B1, B2 and B8 development on the site, which was also subject to a Section 106 legal agreement for highway contributions and landscape maintenance. Condition No. 22 of the outline consent specified the uses and the maximum amount of floorspace permitted on the site – 6317m<sup>2</sup> of B1 floorspace; 9476m<sup>2</sup> of B2 floorspace and 15793m<sup>2</sup> of B8 floorspace; or equivalent floorspace in B1, B2 or B8 usage which would generate similar peak hour traffic volumes. This was based upon a detailed assessment of the traffic generation from the site and the capacity of Hennef Way and Junction 11 of the M40 to cater for increased traffic flows. The legal agreement secured the improvement of Hennef Way and contributions towards other modes of transport.

In May 2004 planning permission was granted for two car dealerships as Units 1 and 2 on the southern portion of undeveloped land, within the current blue line site area (03/02118/F). These were 1302m<sup>2</sup> and 1160m<sup>2</sup> in size respectively. This

permission was released after a further application had been submitted (04/00716/F) to vary Condition No. 22 of the outline permission 98/00160/OUT for the B1, B2 and B8 development of the entire site. This was to reduce the scale of the approved B1/B2/B8 development to ensure no greater traffic impact on Hennef Way and Junction 11 and this allowed the car dealership application (03/02118/F) to be issued. The permission on 04/00716/F was released on 21 May 2004.

In March 2005, the Council approved a full application (04/02792/F) for the development of two buildings for 3 No. car dealerships on around 1 hectare of land (2.44 acres) on the southern portion of the remaining undeveloped plot, within the blue line. The consent involves the construction of one single-storey building (778m<sup>2</sup> of floorspace) for a single car dealership and one two storey building (1541m<sup>2</sup> at ground floor and 309m<sup>2</sup> at first floor) for a dual car dealership. The dealerships were also proposed to have ancillary outbuildings for valet, cleaning and refuse purposes. This permission expires in March 2010.

## **2. Application Publicity**

- 2.1 The application has been advertised by site notice, neighbour letter and press notice. The final date for comment was 18 February 2009. At the time of compiling this report, no letters have been received.

## **3. Consultations**

- 3.1 To date, no response received from Banbury Town Council.
- 3.2 To date, no response received from Oxfordshire County Council Highway Authority.
- 3.3 The Council's Landscape Architect, raises no objection to the application.
- 3.4 The Council's Head of Planning and Affordable Housing Policy and the Council's Head of Building Control and Engineering Services have not yet responded to the application.

- 3.5 The Highways Agency, Thames Water and Environment Agency have not yet responded to the application.
- 3.6 A written update will be provided for those consultation responses received before the meeting.

#### 4. Relevant Planning Policies

National Policy Guidance -	Documents	PPS1 – Delivering Sustainable Development PPS4 – Planning for Sustainable Economic Development PPS6 - <b>Practice guidance</b> on need, impact and the sequential approach PPG13 - Transport
South East Plan 2009 -	Policies	RE3 – Retention of accessible, well located industrial and commercial sites C02 – Employment generating development should include range of accommodation for small businesses and innovation, skills development, business infrastructure and linkages within the knowledge based economy. T1 – Achieving sustainable pattern of development T2 – Promote sustainable modes of transport T5 – Requirement for travel plans for major travel generating development
Adopted Cherwell Local Plan 1996	Saved Policies	EMP1 – Supports employment generating development on this site C17 – Enhancement of urban fringe
Non-Statutory Cherwell Local Plan 2011	Policies	EMP1 - Supports employment generating development on this site EMP2 - Supports employment generating development on this site
URS Employment Land Review 2006	LDF Evidence base	Site BA1.2 is a large corner site that would offer a high profile location attractive to a number of different users. The site should be developed for B1 use of a high quality design standard that would complement the surrounding uses and bolster the gateway nature of the site both to the business



park and to the town itself.

## 5. Appraisal

5.1 Given that this application is in outline with all but access reserved, the key issues to consider are:

- Principle of the development
- Impact on neighbouring uses/properties
- Impact on highway safety
- Landscape impact
- Surface water drainage

5.2 **Principle of the development**

The proposal is for the development of the site for B1/B2/B8/sui generis (car showroom) uses in order to provide flexibility for the future tenants of the site. B2 and B8 uses are not normally compatible with other town centre uses and it would therefore not be expected for these units to be accommodated in the town centre. The introduction of trade counter uses would result in an element of retail which, if uncontrolled, has the potential to result in retail dominated units which should be located within the town centre as expressed in PPS4 and the PPS6 practice guidance. For this reason, it is considered necessary to impose a restrictive condition to prohibit the introduction of any trade counter or retail uses on the site.

5.3 PPS4 – Planning for Sustainable Economic Development supports the use of vacant land. It states that, due to the increasing demands on the land available for development, local planning authorities should seek to make the most efficient and effective use of land and buildings, especially vacant or derelict buildings (including historic buildings). They should also take into account changing working patterns, economic data including price signals and the need for policies which reflect local circumstances.

5.4 The site is shown on the proposals map of the adopted Cherwell Local Plan as a proposed site for employment generating development subject to Policy EMP1 of the Plan. The proposed use includes a car showroom which includes a number of elements such as sales, office and workshops. In considering the previous application (03/02118/F), a car dealership/showroom use was considered to result in employment generating development, and was an acceptable use in this location.

5.5 In the Non-Statutory Cherwell Local Plan 2011, the site remains allocated for

employment-generating within Classes B1, B2 and B8 development but the plan states that B1 will be the Council's preferred use. The Plan also states that the site is prominent at the approach to the town from the M40 and that it is important that a high quality development is achieved that gives a positive image for the town to those arriving by the M40. It is considered that the use of the site for the purposes proposed would comply with the allocation contained within the Adopted Cherwell Local Plan and Non Statutory Cherwell Local Plan subject to a suitable mix of uses and design for the prominent site.

**5.6 Impact on neighbouring uses**

The agents for the application have submitted an indicative plans indicating how a development of the scale proposed can be accommodated on the site. The site will be accessed via the existing Brookhill Way. None of the land uses around the site (mixture of B1, B2 and B8) will be adversely affected by the type of development proposed in this application. The existing uses are comparable to the proposal and the development will not result in any adverse impact on residential amenities.

**5.7 Highway Safety**

Whilst the County Highway Authority is still considering the applicant's Transport Assessment and Interim Travel Plan, it is not anticipated that they will raise any objections to the principle of development in view of the planning history of the site.

As part of Application No. 03/02118/F for two car dealerships on the site, the Transport Assessment submitted at that time addressed the total development of the site by a five unit motor dealership development utilising the land to the south west of the application site, contained within the blue line. The Transport Assessment envisaged a total of 5, 295m<sup>2</sup> of built development, which would generate traffic (along with existing or committed B1/B2 and B8 development on the site) in the order of 1-3% below the ceiling envisaged by the original B1/B2/B8 development on the entire Prologis Park site. With the implementation of the respective travel plans for the occupiers of the site, it is anticipated that traffic levels would be below the expected traffic generation ceiling.

It is on this basis it is anticipated that the County Highway Authority & Highways Agency will raise no objection to the proposal on traffic generation grounds.



## 5.8 **Landscape Impact**

Policy C17 of the adopted Cherwell Local Plan states that major areas proposed for employment generating development adjacent to the M40 should have a frontage to it to ensure that the appearance of the town from the M40 is enhanced by new development rather than damaged by it and as such no development should be within 20 metres of the boundary between the site and the motorway boundary with the intervening spaces landscaped to a very high standard. It also requires within the explanatory text for the design of new buildings adjacent to the M40 to be of a high standard both in terms of visual appearance and material.

As this application is in outline only, the plans and elevation drawings submitted as part of this application are illustrative, but closely follow the scale of the buildings approved around this site.

The plans as submitted also indicate a 20 metre wide belt between the development and the M40, which will be required for suitable landscaping.

The original outline consent for the development of the entire site (now partly occupied by DHL and Alex Lawrie/Lloyds TSB) was pursuant to a Section 106 legal agreement, which included a requirement to submit a landscaping scheme and 15 year management plan for the entire site, and to implement the approved scheme prior to the implementation of development.

In researching the complex planning history associated with the site, file correspondence confirms that a scheme was submitted and approved, but has only been partially implemented.

- 5.9 The Council's Landscape Officer has provided his comments on the existing landscaping around the site. The roadside woodland planting to the east is substantial and will provide screening to the development from M40 and feeder road. The roadside woodland planting along the A422 provides only partial screening from the A422 and M40 roundabout. He suggests that in order to integrate the site into the surrounding roadside woodland, standard trees, such as Oak, should be included to provide additional screening to the site from the A422. Ornamental planting will also be required adjacent to buildings to soften hard areas

within the development. As such, the applicants will be required to submit a suitable landscaping scheme for approval, prior to the commencement of development and maintain the planting once completed.

5.10 **Surface water drainage**

The site is not located within the flood zone and as such, there is no requirement for the submission of a Flood Risk Assessment. However, a watercourse & reed beds exist along the site boundary that runs parallel to the M40 slip road and A422. The surface water drainage of the entire site was considered as part of the original outline application, which required the submission and approval of a method statement for surface water drainage, its maintenance, implementation and construction. Previous file correspondence indicates that these details have been submitted, approved and implemented, but it is not clear which parts of the entire site this applies to. As such, it is considered reasonable and necessary to impose a suitable condition, which would require the submission and approval of a detailed scheme for surface water drainage on this site. This is subject to the comments of the Environment Agency.

5.11 **Section 106 Legal Agreement**

As mentioned above, the original outline consent granted in September 1999 (98/00160/OUT) for B1, B2 and B8 development on the site was subject to a Section 106 legal agreement for highway contributions and landscape maintenance. The contribution towards improvement of the highway infrastructure was received and the works have been implemented. However, the County Highway Authority are currently reviewing the applicants Transport Assessment to ascertain whether the proposed development would have any additional impact on the surrounding transport infrastructure that would require additional financial contributions over and above that of the original agreement. If additional contributions are considered reasonable and necessary as a direct result of the proposed development, then a new Section 106 legal agreement will be required between the applicants and the County Council.

- 5.12 In addition, the Council's Public Art Advisor has stated that the site is over the threshold requiring financial contributions towards the provision of piece of public art. Given the enclosed nature of the site and limited public access, an off site contribution is sought, which is likely to be used towards an iconic work of art on the A422 roundabout or bespoke entrance features. This is to be secured through a

Section 106 legal agreement.

- 5.13 If a S106 agreement to secure appropriate respective financial contributions is not completed by the determination date of 9<sup>th</sup> March 2010, it is recommended that Members resolve to refuse the application, on the basis that the application would fail to address the infrastructure requirements that result from the development.

## **6. Recommendation**

**Approval subject to:**

- I. The completion of a S106 agreement by 9<sup>th</sup> March 2010 to secure a financial contribution towards the Banbury Integrated Transport Strategy and Public Transport Services, if required by the Local Highway Authority**
- II. The completion of a S106 agreement by 9<sup>th</sup> March 2010 to secure an off site financial contribution towards the provision of public art**
- III. Comments being received from the Local Highway Authority and Highways Agency and the inclusion/alteration of appropriate conditions**
- IV. A full consultation response from the Thames Water and the Environment Agency and the inclusion/alteration of appropriate conditions**
- V. The receipt of suitable additional layout plans**
- VI. The following conditions and planning notes:-**

### **CONDITIONS**

- 1. SC 1.0A (RC1) (Time for submission of reserved matters)**
- 2. SC 1.1 (RC1) (Expiry of reserved matters)**
- 3. SC 1.2 (RC1) (Duration limit)**
- 4. SC 3.0 (RC10) (Submission of landscaping scheme)**
- 5. SC 3.1 (RC10) (Implementation of landscaping)**
- 6. SC 4.21AA (RC19AA) (Surface water drainage)**
- 7. SC 6.4AB (RC34AA) (Restriction on extensions)**
- 8. SC 6.4BC (RC65AA) (Restriction on mezzanine floors)**
- 9. That the development hereby permitted shall be used only for purposes falling within Classes B1, B2 and B8 specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for a car show room (sui generis), and for no other purpose whatsoever, including any trade counters. A maximum of 3438 square metres of B1(a) floorspace or as an alternative a maximum of 4645 square meters of B1 (b) , B1 (c) floorspace, B2 floorspace or B8 floorspace or a maximum of 2462 square meters of car show room floor space provided on the site as part of the development hereby permitted or such a mix of the above uses that can be satisfactorily accommodated on the site. .  
Reason: To ensure that inappropriate uses or levels of usage do not take place in this locality as the traffic impact assessment has been assessed at this level of development, in accordance with PPG13: Transport and Policy T1 of the South East Plan 2009.**
- 10. Notwithstanding the provisions of Class B of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent amendments there shall be no transfer or change of use between B1, B2 and B8 which exceed these respective maximum floorspace figures**

without the prior grant of planning permission in that behalf.

**REASON:** To ensure that inappropriate uses or levels of usage do not take place in this locality as the traffic impact assessment has been assessed at this level of development, in accordance with PPG13: Transport and Policy T1 of the South East Plan 2009.

11. Car parking and cycle parking shall be provided in accordance with the Council's car parking standards current at the time of the reserved matter submission.

**Reason:** In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government advice in PPG13: Transport and Policy T4 of the South East Plan 2009.

#### **PLANNING INFORMATIVES**

1. In the submission of reserved matter details for approval, a particularly high standard of architectural design in the external appearance of the building is expected in view of the prominence of the site.
2. A Trade Effluent Consent will be required for any effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes – toilets, showers, wash basins, baths and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London, SE2 9AQ. Telephone 020 8507 4321.
3. With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
4. Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. It is further recommended, in line with best practice for the disposal of fats, oil and grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 020 8507 4321.
5. Thames Water would recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourses.

6. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.

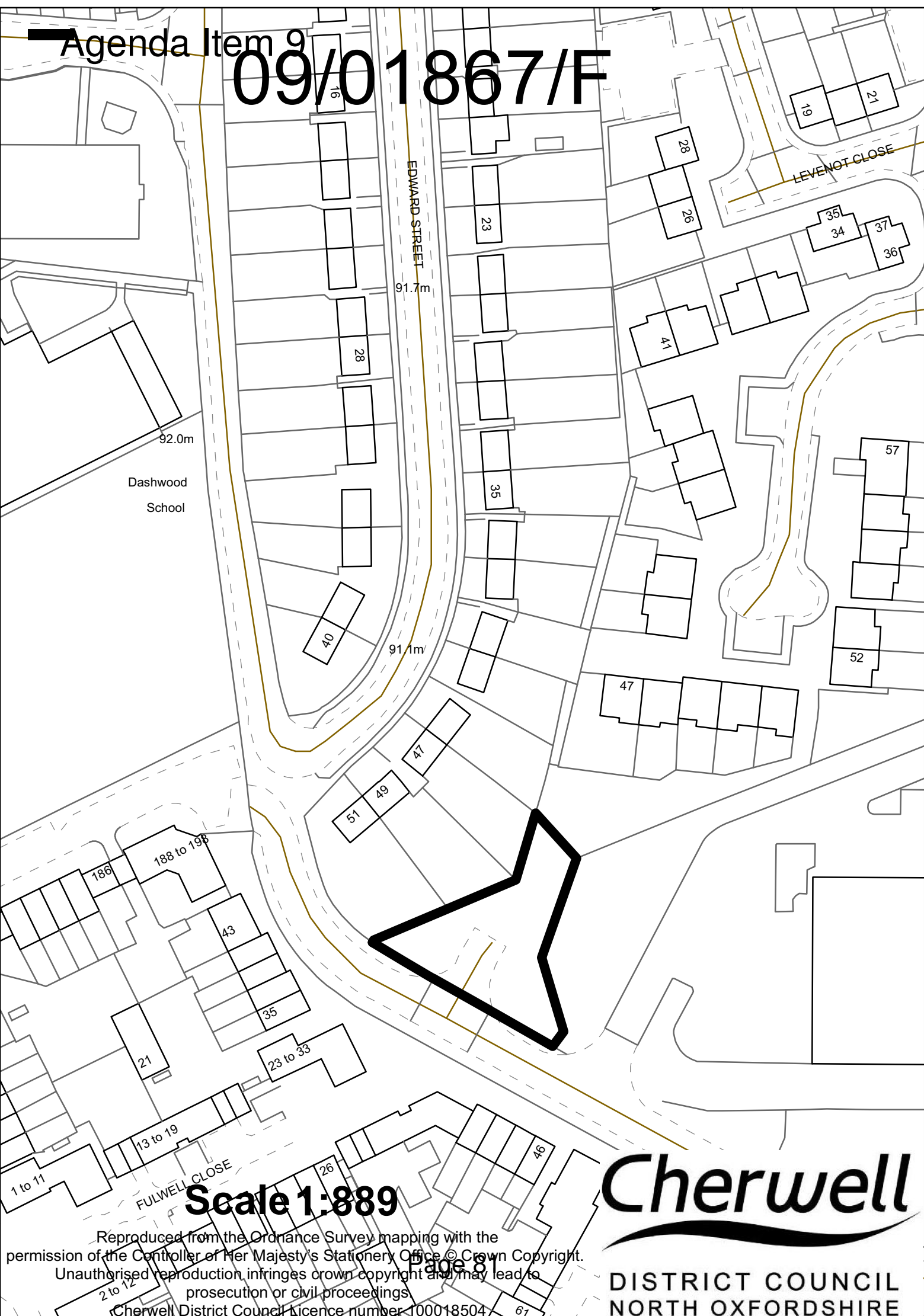
**SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of the site and surrounding area and has no undue adverse impact upon the residential amenities of neighbouring properties or highway safety. As such the proposal is in accordance with the Practice Guidance contained in PPS6, PPG13, PPS4, Policies RE3, C02, T1, T2 and T5 of the South East Plan 2009, Policies EMP1 and C17 of the Adopted Cherwell Local Plan and Policies EMP1 and EMP2 of the Non Statutory Cherwell Local Plan 2011. For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

**CONTACT OFFICER:** Laura Bailey

**TELEPHONE NO:** 01295 221824

09/01867/F



Dashwood  
School

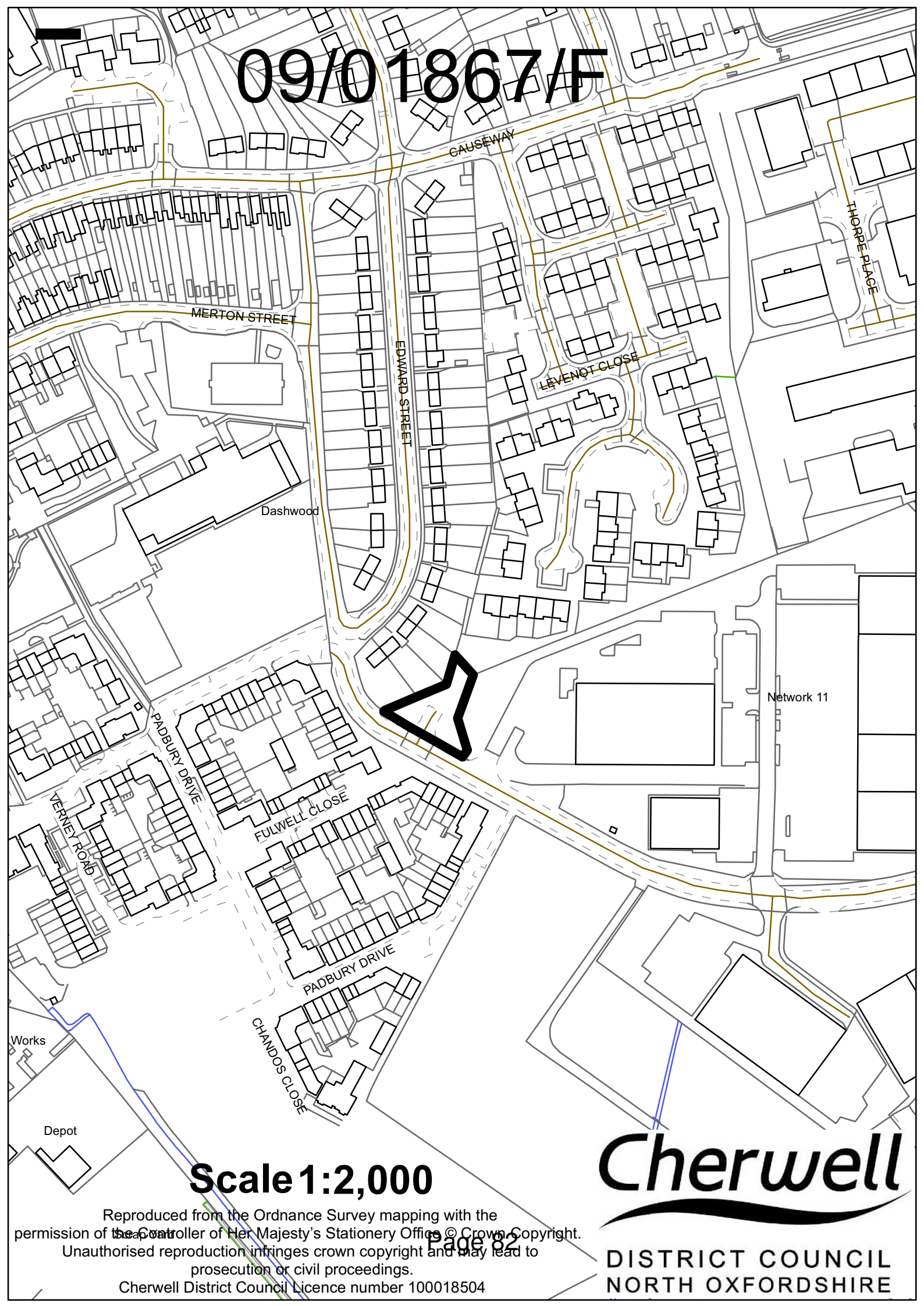
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**Cherwell**

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<b>Application</b> 09/01867/F	<b>No:</b>	<b>Ward:</b> Banbury Grimsbury and Castle	<b>Date Valid:</b> 21 December 2009
<b>Applicant:</b>	Charter Community Housing/Sanctuary		
<b>Site Address:</b>	Land East of Network 11 Development, Thorpe Way, Banbury		

**Proposal:** Erection of six one bedroom temporary accommodation flats with associated parking

## 1. Site Description and Proposal

- 1.1 The application seeks planning permission for the erection of a 3 storey, brick and rendered building to accommodate 6 no. one bedroom flats to provide short term temporary accommodation for Charter community Housing/Sanctuary Group at Thorpe Way, Banbury.
- 1.2 The site is positioned between the newly constructed residential area across the road to the south-west and the established industrial estate along Thorpe Way to the east. The rear gardens of 47, 49 and 51 Edward Street bound the site to the north, and an industrial unit occupied by Heraeus Amba Ltd. bounds the site to the east. Heraeus Amba Ltd. manufactures and distributes Ultra Violet lamp products.
- 1.3 The site is not in a Conservation Area and no listed buildings are in close proximity.
- 1.4 Mature vegetation and boundary fencing currently mark all boundaries, with the exception of the south-western (front) boundary that is marked by fencing only. A group of trees protected by Tree Preservation Orders abut the site to the east and south-east.
- 1.5 The application proposes to replace existing boundary treatments with a close boarded fence along the north, north-western and north-eastern boundaries to replace the existing fencing and vegetation. The mature vegetation, inclusive of the TPO'd trees, and the existing metal/concrete panel fence would be retained on the eastern and south-eastern boundaries.
- 1.6 Vehicular access to the site is via the Thorpe Way industrial estate and 6 no. parking spaces would be provided to the front of the proposed flats. A new pedestrian pavement would also be provided to the front of the site. A further 6 no. lockable bicycle stores are proposed within the rear communal garden.
- 1.7 2 no. bin stores would be supplied as part of the proposal, one either side of the proposed building.
- 1.8 6 no. solar panels are proposed upon the south-western (front) facing roofslope.

## 2. Application Publicity

- 2.1 The application has been advertised by site notice, neighbour letter and press



notice. The final date for comment is 10 February 2010. To date, no comments have been received.

### 3. Consultations

- 3.1 Banbury Town Council – no comments received.
- 3.2 Oxfordshire County Council Highway Authority have **no objection** to the application.
- 3.3 Cherwell District Councils Environmental Protection Officer, Sean Gregory, recommends the attachment of a condition regarding contaminated land.
- 3.4 Cherwell District Councils Arboricultural Officer, Caroline Morrey, has **no objection** to the proposed development.
- 3.5 Thames Water – no comments received.

### 4. Relevant Planning Policies

- 4.1 Planning Policy Statement 1: Delivering Sustainable Development
- 4.2 Planning Policy Statement 3: Housing
- 4.3 Planning Policy Guidance 13: Transport
- 4.4 South East Plan 2009 – Policies SP3, CC1, CC6, H2, H5, BE1, T1 and CO1
- 4.5 Adopted Cherwell Local Plan 1996 – Saved Policies C28 and C30

### 5. Appraisal

- 5.1 The key issues to consider are the principle of the development, the impact upon highway safety, the impact upon neighbouring amenity and design of development and its impact upon the visual amenity of the wider locality.

#### Principle

- 5.2 PPS3 sets out the national planning policy framework for delivering the Government's housing objectives and states that the specific outcomes that the planning system should deliver include housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure, and a flexible, responsive supply of land managed in a way that makes efficient and effective use of land, including the re-use of previously developed land.
- 5.3 These objectives should be achieved by making effective use of land, existing infrastructure and include the consideration of the opportunity for housing provision

on surplus public sector land to create mixed use developments.

- 5.4 The HDC&MD considers that the proposal accords with PPS 3. The site is situated in close proximity to Banbury town centre adjacent to an established residential area, including a newly constructed residential development 'The Cattlemarket' and the Thorpe Way industrial estate. The site is also within short walking distance of Banbury railway station and various community facilities including Dashwood Primary School. Further, the application proposes to utilise an area of surplus public sector land for the construction of affordable housing. The principle of the proposed development is therefore considered acceptable by the HDC&MD.

#### Highway Safety

- 5.5 Oxfordshire County Council Highway Authority have assessed the proposal and do not consider that the development would result in detriment to the safety or convenience of highway users. The site is positioned in close proximity to Banbury town centre and is within walking distance of Banbury railway station. Vehicular access to the site is gained via Thorpe Way, a road specifically designed for large volumes of vehicular traffic serving the industrial estate. Pavements for use by pedestrians are provided either side of Thorpe Way along its length and pedestrian access to local amenities can easily be gained via the surrounding residential estates. 1 no. parking space is allocated to each flat and secure bicycle storage would be provided on site. The HDC&MD considers that the application accords with Government guidance contained within PPG13 and Policy T1 of the South East Plan 2009.

#### Neighbouring Amenity

- 5.6 2 no. blocks of residential flats lie directly opposite the site to the south-west and these are the neighbouring properties that are most likely to be affected by the proposal. The block containing 30 to 38 Fulwell Close is of three storey height and follows the corner of Fullwell Close so that it is partially set at an angle to the site. The block containing 23 to 33 Fullwell Close is of two and a half storey height and the north-eastern facing elevation contains windows and Juliet balconies.
- 5.7 The proposed development would face the road serving Fulwell Close rather than the windows of these neighbouring properties directly. Further, the distance between these neighbouring properties exceeds the 22 metre minimum distance guideline as stated in the Cherwell District Council Home Extensions and Alterations Guide (2007) that states that at least 22 metres should separate the habitable room windows of neighbouring properties to prevent overlooking and loss of privacy. Similarly, the rear elevations of neighbouring properties 47, 49 and 51 Edward Street are set further than 22 metres from the proposed development. Consequently, the HDC&MD does not consider that the proposed development would result in a loss of privacy for these neighbouring properties.
- 5.8 Further, due to the distances between the proposed development and neighbouring

properties the HDC&MD does not consider that the proposed development would result in over-domination, overshadowing or a loss of outlook for neighbouring properties. Saved Policy C30 of the adopted Cherwell Local Plan 1996 states that design control will be exercised to ensure, "That new housing development or any proposal for the extension ...or conversion of an existing dwelling provides standards or amenity and privacy acceptable to the Local Planning Authority."

- 5.9 The HDC&MD considers that the proposal accords with Policy C30 of the Cherwell Local Plan.

#### Design and Visual Amenity

- 6.0 The application seeks consent for a three storey building in an area that has three varied characteristics. The land to the east is industrial in character, comprising of large industrial units surrounded by car parking facilities. The land to the north and north-west is predominantly suburban in character, comprising of two storey semi-detached dwellings within spacious curtilages. The land to the south and south-west consists of a high density newly constructed residential development, comprising a mix of houses and flats with varying heights.
- 6.1 From a policy perspective PPS1, Delivering Sustainable Development states that "Planning Authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people". (paragraph 34).
- 6.2 PPS3, Housing advises that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities and that good design should contribute positively to making places better for people.
- 6.3 Saved Policy C30 of the adopted Cherwell Local Plan 1996 states that design control will be exercised to ensure, "that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity" The HDC&MD consider that the development would be compatible with existing residential dwellings in the vicinity.
- 6.4 Saved Policy C28 of the adopted Cherwell Local Plan 1996 echoes government guidance ensuring that control will be exercised over all new development, to ensure that the standards of layout, design and external appearance, including the choice of external finish materials, are sympathetic to the character of the context of the development.
- 6.5 The HDC&MD considers that the height, design and positioning of the proposed development is in-keeping with the character and appearance of the newly constructed residential development, the edge of which is situated directly opposite the site. The proposed brick and render construction materials would be similar to those found opposite the site on Fulwell Close. Whilst the proposed development

would be positioned adjacent to an established industrial unit, the character of the streetscene along this particular section of Thorpe Way is dense residential, inclusive of three storey blocks similar in style to that proposed.

- 6.6 A number of TPO'd trees are present within the neighbouring site to the east and these would be protected by condition requiring further details of works around them and the intended method of protection to ensure that the root protection area is not affected by proposed development and the longevity of the trees is not compromised.
- 6.7 In conclusion the HDC&MD considers that the layout, design and external appearance of the proposed development is sympathetic to the character of its context and that the development would not represent a prominent feature of the locality or draw undue attention to itself as a discordant addition to the existing built environment, in accordance with Policies SP3, CC1, CC6, H2, H5, BE1, T1 and CO1 of the South East Plan 2009 and Policies C28 and C30 of the Cherwell Local Plan and government guidance contained in PP1, PPS3, PPG13

<b>6. Recommendation</b>	
<b>Approve, subject to Conditions</b>	
<b>Conditions</b>	
<b>1.</b>	<b>1.4A - Full Permission: Duration Limit (3 years) (RC2)</b>
<b>2.</b>	<b>Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: 2008/1007/P01 Rev.C, 2009/1007/P05 Rev.A, 2008/1007/P06 Rev.A, 2008/1007/P02 Rev. A, 2008/1007/P03 Rev. A, 2008/1007/P04 Rev.A</b>
	<b>Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.</b>
<b>3.</b>	<b>That the external walls of the development shall be constructed in accordance with the material samples EH Smith Thorsby Buff and EH Smith Worcestershire Red Multi Brick, received in the department on 21/12/2009 and cream coloured render as stated on Drawing No. 2009/1007/P05 Rev. A and 2008/1007/P06 Rev. A. (RC4A)</b>
<b>4.</b>	<b>2.2B – Samples of Roofing Materials (RC4A) - *insert 'tiles' and 'development'</b>
<b>5.</b>	<b>That notwithstanding the plans hereby approved all windows shall include one horizontal glazing bar. (RC4A)</b>

6.	3.0A - Submit Landscaping Scheme (RC10A)
7.	3.1A - Carry Out Landscaping Scheme and Replacements (RC10A)
8.	No works or development shall take place until a scheme for the protection of the retained trees and the trees protected by the Tree Preservation Order No. 19/91 has been agreed in writing with the Local Planning Authority. (RC72A)
9.	4.13CD - Parking and Manoeuvring Area Retained (RC13BB)
10.	4.0BC - Access Specification Existing – (as plan Dwg No 2008/1007/P01) (RC 13BB) *insert ‘ <i>occupation</i> ’ and ‘ <i>building</i> ’
11.	4.8AA - Close Existing Access (RC13B) *insert ‘ <i>Thorpe Way</i> ’ and ‘ <i>provision of footway and full faced kerb across present opening</i> ’
12.	<p>Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's ‘<i>Model Procedures for the Management of Land Contamination, CLR 11</i>’ and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.</p>
13.	<p>If a potential risk from contamination is identified as a result of the work carried out under condition 10, 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 ‘<i>Model Procedures for the Management of Land Contamination, CLR 11</i>’ 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: as above</p>
14.	If contamination is found by undertaking the work carried out under

condition 11, 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: as above

15. If remedial works have been identified in condition 12, the remedial works shall be carried out in accordance with the scheme approved under condition 12. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority. Reason: as above

**REASON FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as local planning authority, has determined this application in accordance with the development plan, unless material considerations indicated otherwise. Incorporating and adhering to the above conditions, the development is considered to be acceptable on its planning merits as the proposed development is of a design, scale and density that is appropriate in its context and would not cause detriment to highway safety, amenities of neighbouring properties or the visual amenity of the wider locality. As such the proposal is in accordance with Government guidance contained within PPS 1, PPS 3 and PPG 13, Policies SP3, CC1, CC6, H2, H5, BE1, T1 and CO1 of the South East Plan 2009 and saved Policies C28 and C30 of the adopted Cherwell Local Plan 1996, and for the reasons given above and having regard to all other matters raised including third party representations, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

**CONTACT OFFICER:** Gemma Dixon

**TELEPHONE NO:** 01295 221827

137.5m  
GP

Works

Glendale

FIELD COURT

Cherry  
Mullion

The Old  
Post Office

137.8m

Long Ridge

Tabbys  
Nook

Far Lawn

**Scale 1:1,250**

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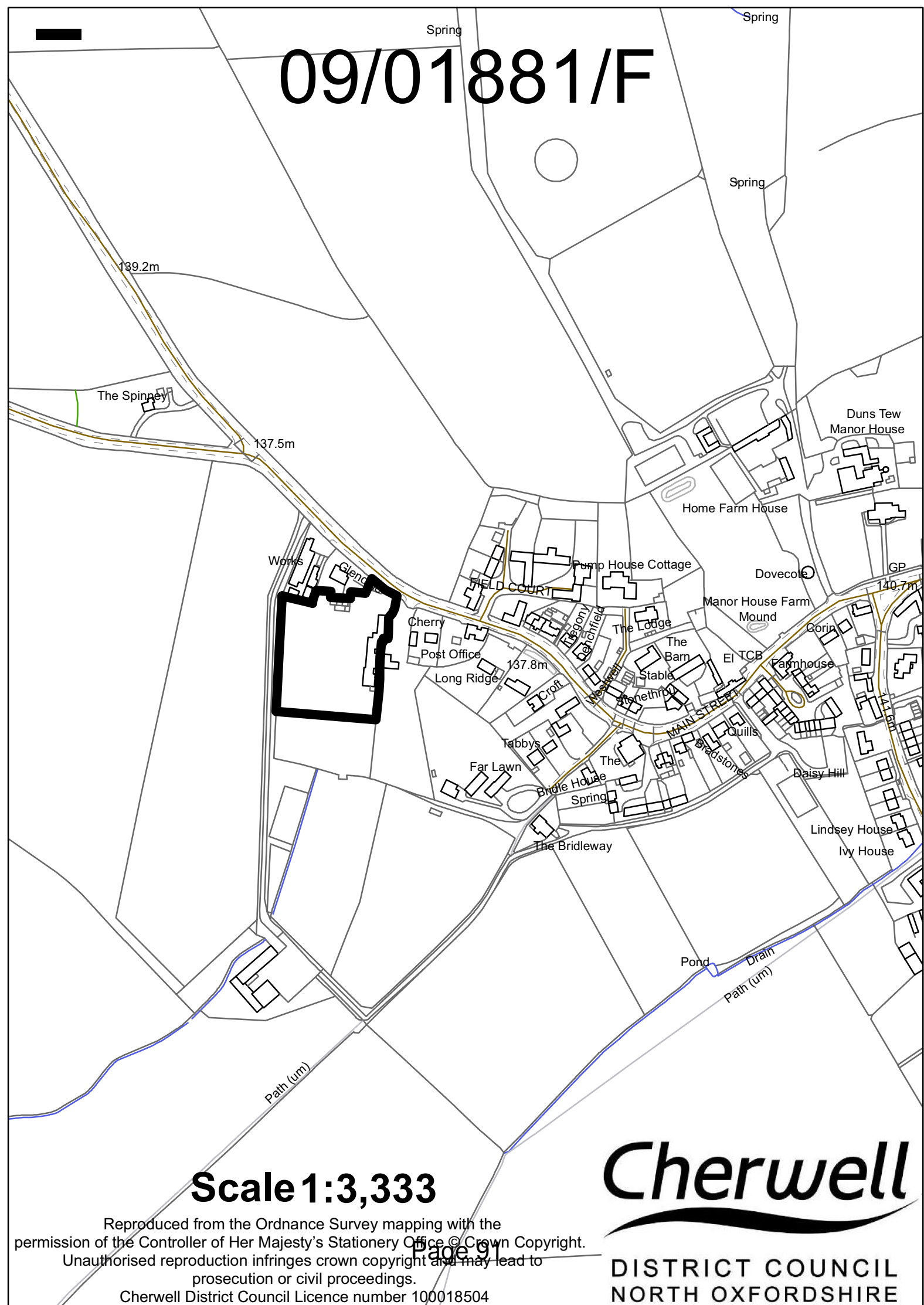
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09/01881/F



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<b>Application No:</b> 09/01881/F	<b>Ward:</b> The Astons and Heyfords	<b>Date Valid:</b> 21.12.09
<b>Applicant:</b>	J A Pye (Oxford) Ltd	
<b>Site Address:</b>	Longfield, Duns Tew	

**Proposal:** Demolition of existing commercial buildings and structures and construction of 5no. houses and 4 No. class B1 office buildings with associated garages and parking.

## 1. Site Description and Proposal

- 1.1 The application site is at the western end of the village of Dun's Tew, an area where residential and commercial uses have historically mixed, and just outside the conservation area for the village. All buildings on site have now been demolished but it has a lawful use as a soil processing operation. There have been a number of recent planning applications to redevelop the site and the present application is a renewal of application 07/00041/F. This was granted permission in January 2007 and on the current application all details remain identical.

## 2. Application Publicity

- 2.1 The application was advertised in the press, by site notice and by neighbour notification. It is clear for a decision on 5<sup>th</sup> February 2010.
- 2.2 Cherry Mullion point out the buildings have now been demolished

## 3. Consultations

- 3.1 The Highway Authority have no objection subject to conditions
- 3.2 Duns Tew Parish Council have no objection.
- 3.3 Natural England have no objection

## 4. Relevant Planning Policies

- 4.1
- PPS3-Housing
  - PPG4 Industry, Commercial Development and Small Firms
  - PPS7-Sustainable Development in Rural Areas
- 4.2 **The South East Plan May 2009**
- H5-Housing design and Density

- BE5-Village Management
- RE3-Employment and Land Provision

#### 4.3 **Adopted Cherwell Local Plan 1996 (ACLP)**

- H18-New dwellings in the countryside
- ENV1: resist development that causes environmental problems
- C31: Resist development in residential areas that may cause nuisance
- C28-Design Policy
- C27: Historic Settlement patterns
- C30: Design of new residential development

#### **Non Statutory Cherwell Local Plan (NSCLP)**

- H12-New Housing permitted in existing settlements
- H14-category 2 Settlement-Infilling and small scale development permitted
- EMP5-Protection of employment sites
- TR11-parking
- D1/D5-Design/public realm
- EN3: resist development that causes environmental problems
- D7: Retain and consolidate areas of mixed uses in villages
- TR5: Minimise conflict
- TR11: Parking and servicing to be accommodated on site and impact minimised

## **5. Appraisal**

- 5.1 The permission in 2007 was granted after considerable negotiation on the right balance and mix of development on this site. It was considered the proposal was in line with government policy PPS3 to reuse previously developed land for housing. Policy H14 of the ACLP 1996 also states residential development in Duns Tew will be restricted to small scale development in the settlement that secures significant environmental improvement. However, in line with PPS7 and policy EMP5 of the NSCLP 2011, in order to maintain employment in a rural area, it was agreed that office accommodation would be provided.
- 5.2 To remind members of the approved scheme, the existing access is utilised. The B1 office units would be at the front of the site with appropriate parking. The access road into the site would curve round to form an open green at the heart of the development with 4 of the 5 proposed houses facing on to it. The fifth fronts the new access road.
- 5.3 The buildings are all 2 storeys in scale, to be constructed of natural stone and/or brick with slate or tiled roofs, and of a design that is traditional and sympathetic to the character and appearance of the village. The houses are all substantial 4-bedroomed with detached double garages. They will have no impact on the amenity of occupiers of nearby residential property.
- 5.4 In conclusion, there has been no change in local policy since this scheme was last

considered. The proposed development follows the thrust of government policy to make best use of previously developed sites and conforms to the broad range of policies applicable from the Development Plan. It does not adversely affect neighbouring properties nor does it cause demonstrable harm or significantly impinge on the character or appearance of the village but, in any case, conditions can be used to minimise any such impact. It is therefore recommended planning permission be granted subject to largely the same conditions as before and which are laid out below.

## **6. Recommendation**

**Grant planning permission subject to the following conditions:**

- 1. 1.4A**
- 2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:  
Layout-656/p50  
Office elevations-656/p77;p78;79;p80  
Office floorplans-656/p60;p61;p62  
House 1-656/p51; p65;p66  
House 2-656/p52; p53;p67;p68;p69  
House 3-656/p70a;71a;p54;p55;  
House 4-656/p56; p57; p74; p73;p72  
House 5-656/p75a; p76a;p58;p59  
Street elevations-656/p63;p64  
Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.**
- 3. 2.3CC-dwellings and B1 offices**
- 4. 2.3EE-dwellings and garages**
- 5. 2.2BB-slates and tiles...dwellings, B1 offices and garages**
- 6. 4.0BC-dwellings and B1 offices**
- 7. 4.10AA**
- 8. 4.11AA**
- 9. 4.12AA**
- 10. 4.14AB- The proposed parking spaces for the B1 offices shown on the approved plan shall be laid out.....**
- 11. 3.0A**
- 12. 3.1A**
- 13. 3.7A**
- 14. 6.22A**
- 15. 6.3A**
- 16. 5.11A**
- 17. 4.21AA**
- 18. 4.30AA**
- 19. 4.31AA**
- 20. 8.13**
- 21. 6.15AA**

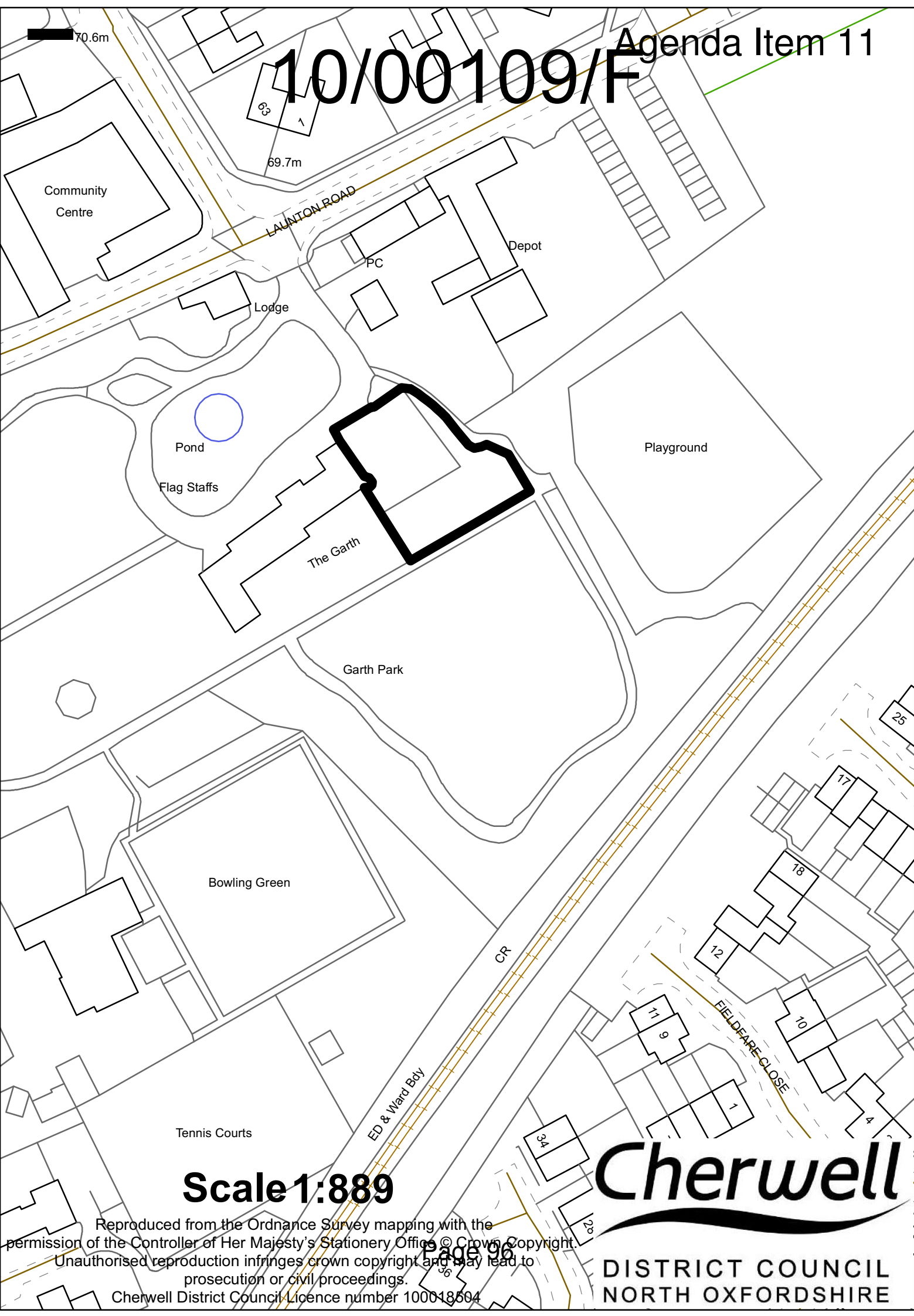
**SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

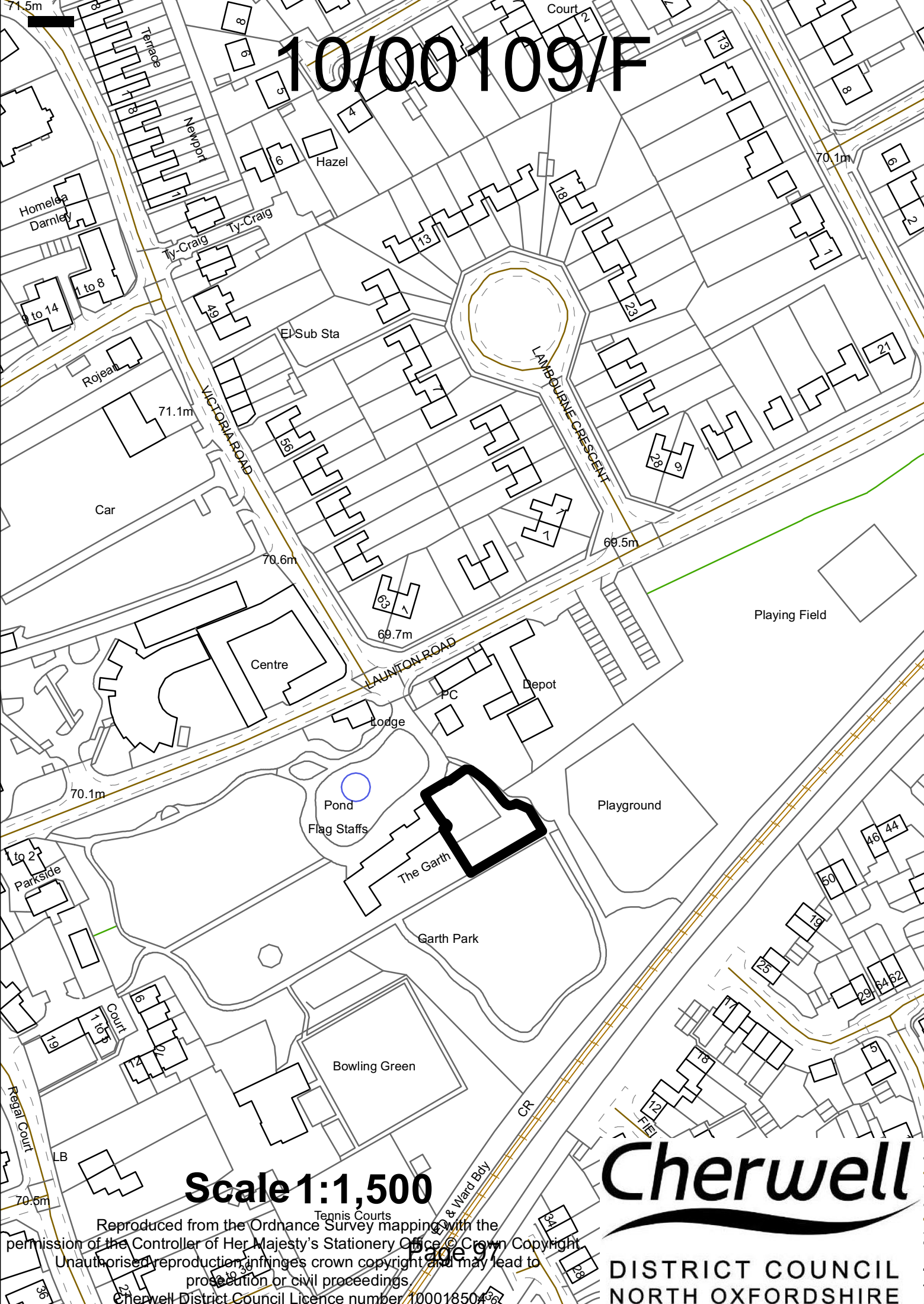
The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal does not harm the visual amenity of the area, has no undue adverse impact upon the residential amenities of neighbouring properties or highway safety. As such the proposal is in accordance with Planning Policy Statement 1 (PPS1): Delivering Sustainable Development, Planning Policy Statement 3 (PPS3): Housing, Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas, and Policies RE3, BE5 and H5 of The South East Plan and Policies ENV1, H12, H14, C27, C28, C30 and C33 of the adopted Cherwell Local Plan. For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted.

**CONTACT OFFICER:** Andrew Lewis

**TELEPHONE NO:** 01295 221813

10/00109/F





10/00109/F

Scale 1:1,500

**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

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<b>Application</b> <b>10/00109/F</b>	<b>No:</b>	<b>Ward: Bicester Town</b>	<b>Date Valid: 29/01/10</b>
<b>Applicant:</b>	Eco2Build Ltd		
<b>Site Address:</b>	Land at The Garth, Launton Road, Bicester		

**Proposal:** Single exhibition house constructed to “Passivhaus” standards

## 1. Site Description and Proposal

- 1.1 The proposal seeks permission for the construction of an exhibition house, to be sited within the grounds of Bicester Town Council at The Garth.
- 1.2 The house is to be sited on the green space to the rear (South) of the existing car park, with the gable end facing the main entrance to the site. The existing stone wall is to be removed.
- 1.3 The Garth is sited centrally within Bicester, close to the town centre, public transport links and parking, with easy public access.
- 1.4 The Garth sits within the Bicester Conservation Area, and the grounds are an area of maintained public open space, with a play area as well as space for public events. The site is locked from dusk until dawn.
- 1.5 The proposed exhibition house is 6.5 x 10.3m; the ground floor is proposed as an open plan area to allow the house to be used as an exhibition, display and meeting place. The first floor will be divided into three rooms and two bathrooms. The roof space will not be accessible in the exhibition house, but will feature windows to demonstrate externally the possibility of using the roof space as living accommodation.
- 1.6 The proposed exhibition house is likely to be installed on a reinforced concrete pad, with services and utilities from The Garth.
- 1.7 The house is proposed with cedar roof shingles, cedar cladding to the first floor and flint cladding to the ground floor.

## 2. Application Publicity

- 2.1 The application has been advertised by way of site notices and press notice. The final date for comment is 26 February 2010.
- 2.2 At the time of writing the report, one objection to the application had been received; this objection stated that the park is recreational space, of which there is a lack. The application should be refused as a result.
- 2.3 Any further objections or comments received will be reported at the Committee Meeting.

### **3. Consultations**

- 3.1 Bicester Town Council – no comments received at the time of writing the report; comments will be reported at the Committee Meeting
- 3.2 Local Highways Liaison Officer – no comments received at the time of writing the report; comments will be reported at the Committee Meeting
- 3.3 Conservation Officer - no comments received at the time of writing the report; comments will be reported at the Committee Meeting

### **4. Relevant Planning Policies**

- 4.1 National Policy:

PPS1 – Delivering Sustainable Development  
Planning and Climate Change Supplement to PPS1  
Eco Towns – A Supplement to PPS1  
PPG 15 – Planning and the Historic Environment

- 4.2 Regional Policy (in the South East Plan 2009):

CC1 – Sustainable development  
CC2 – Climate change  
CC3 – Resource use  
CC4 – Sustainable design and construction  
H5 – Housing and density  
M1 – Sustainable construction  
BE1 – Management for an urban renaissance

- 4.3 Policies C28 and C30 of the adopted Cherwell Local Plan 1996.

### **5. Appraisal**

- 5.1 The proposal is part of the portfolio of ‘early-win’ demonstrator schemes, proposed in the Council’s ‘Outline Bid for Start-Up Growth Funding’ (October 2009).
- 5.2 These schemes are designed to trial and showcase technology and lifestyle choices which will lead to more sustainable forms of eco development when the wider eco-development project moves forward to a larger scale and longer time frame.
- 5.3 The sustainability of this proposal is central to its acceptability in policy terms at national and regional level. PPS1 identifies the delivery of sustainable development as the core principle of the modern system and focuses on the protection and enhancement of the natural environment coupled with the prudent use of natural resources. This is reinforced by the later supplements to PPS1 (Planning and Climate Change, 2007) which emphasise the importance of sustainability to modern planning. The ‘Ecotown’ supplement to PPS1, which is a material consideration for the determination of planning applications, sets out more challenging targets for the standard of homes and housing within ‘eco-developments’ beyond those normally required for new development.



- 5.4 Specifically, the 'Ecotown' supplement to PPS1 requires that homes be built to Code for Sustainable Homes Level 4 or above; this design is capable of achieving Level 6. The supplement to PPS1 also requires that dwellings are completed to Lifetime Homes Standards; this standard is not relevant to this building, as the ground floor to be open plan to allow meeting and displays, but again, the design is capable of meeting this standard.
- 5.5 In regional policy terms, as set out in the South East Plan 2009, sustainable development, including sustainable methods of construction, resource use and energy efficiency are central for the delivery of new development, especially housing, across the South East.
- 5.6 As mentioned, this project aims to showcase the technology and principles of eco-development. As a result, this particular project is not likely to achieve the same environmental standards as the final larger scale development (because environmental standards such as Code for Sustainable Homes are calculated on more than the building alone; including transport factors, home working, surface water management, site-wide ecological improvements and other factors which arise when the development is scaled up).
- 5.7 The proposal has also been designed to accord with the Passivhaus standards. Whilst not mentioned in the relevant national or local policy this standard requires development with good levels of insulation, usage of solar energy (through passive heating and energy generation), energy efficient construction, low running costs as well as comfortable, healthy and sustainable finished developments. This further demonstrates that the proposal is in accordance with the purpose and direction of the national and regional policy
- 5.8 The materials are to be responsibly sourced; the main structure is to be constructed from sustainably sourced timber with a full chain of custody from managed forests, the wall will be insulated using material produced from recycled bottles and the internal boarding manufactured from clay rather than gypsum. It is intended that development on a larger scale would use more locally sourced and produced materials in order to further improve the sustainability of the scheme.
- 5.9 With regard to the objections received to the application it is acknowledged that The Garth is open space, but given the temporary nature of the proposal, and the relatively small space it will occupy within the grounds of The Garth, it is not considered unacceptable.
- 5.10 As the site is within the Conservation Area, the impact of the proposal on the character or appearance must be considered. Whilst the proposal will appear as a new element within the grounds of The Garth and the wider Conservation Area, it is a temporary addition, proposed in naturalistic materials, which does not compete with The Garth in terms of its scale or its relationship to the wider open space and the Conservation Area as a whole. The house is likely to be visible from the Launton Road entrance to The Garth, but it is not considered that the siting or appearance of the exhibition house will harm the legibility of The Garth as a lodge set in landscaped, largely open gardens and the proposal is therefore acceptable as it preserves the character or appearance of the Conservation Area.

- 5.11 In conclusion, this proposal is on balance acceptable; it is a temporary structure which will effectively demonstrate the range of sustainable construction and housing techniques which could be used in a larger 'eco-development', in accordance with the relevant regional and national policy. The impact on the historic environment is minimal and temporary; the building will appear clearly as a step-change from its context.

## **6. Recommendation**

**That, subject to the expiration of the consultation period on 26 February 2010, and the delegation of the authority to issue the permission to the Head of Development Control and Major Developments, the application be;**

**Approved, subject to conditions**

- 1) That at the expiration of two years from the date of this permission the building shall be removed from the site and the land shall be restored to its former condition on or before that date. RC42A**
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents including the materials schedules therein:**
  - drawing E008/01A**
  - drawing E008/02A**

**Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.**

- 3) That samples of the material to be used in the external walls and roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the samples so approved. RC4A**
- 4) That details of any boundary treatments, hard or soft landscaping required for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of such features. Any approved installations shall be removed when this permission expires, in accordance with the requirements of Condition 1 above.**

**Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.**

- 5) SC 6\_2AA (Removal of residential permitted development rights for extensions)**
- 6) SC 6\_3A (Removal of residential permitted development rights for new windows)**
- 7) SC 6\_7AA (Removal of residential permitted development rights for aerials/satellite dishes etc)**

**SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal is appropriate and will not unduly impact on public, private or other amenity, the character or appearance of the Conservation Area or the character of the context of the development. The proposal will allow the demonstration of sustainable methods of construction, housing delivery and other associated technologies and contribute to the effective delivery of sustainable development in the district as a whole and the delivery of the Eco-Town development in Bicester. As such the proposal is in accordance with government guidance contained within PPS 1 – Delivering Sustainable Development (and the Eco-Town and Climate Change supplements thereto), PPG 15 – Planning and the Historic Environment, Policies CC1, CC2, CC3, CC4, H5, M1 and BE1 of the South East Plan and Policies C28 and C30 of the adopted Cherwell Local Plan 1996. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

**CONTACT OFFICER:** Simon Dean

**TELEPHONE NO:** 01295 221814

## PLANNING COMMITTEE

18 February 2010

### REPORT OF HEAD OF DEVELOPMENT CONTROL AND MAJOR DEVELOPMENTS

#### PURPOSE OF REPORT

To seek the confirmation Tree Preservation Order no 11-09 with two objections relating to an Oak tree at Hornton Primary School, Hornton, Banbury (copy plan attached as Annex 1)

This report is public

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#### Recommendations

It is recommended that Tree Preservation Order 11/09 (Hornton Primary School, Hornton) be confirmed without modification in the interest of public amenity.

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#### Summary

##### Introduction

- 1.1 The District Council made an emergency TPO 27<sup>th</sup> November 2009 following a site visit to assess a section 211 (Town and Country Planning Act 1990) notification to fell the tree which lies within a conservation area
- 1.2 The tree is a young mature Oak tree in a prominent position, being visible from Church Street and the surrounding properties. It provides a significant amenity contribution as well as wildlife and environmental benefits to the local area. In addition it can be argued that the tree also provides educational opportunities.
- 1.3 Two letters objecting to the TPO has been received from:
  - i. Alan Carter, Clerk of and on behalf of Hornton Parish Council
  - ii. Mr Corke of The Cottage, Church Lane, Hornton, OX15 6BY who has included a petition of 14 signatures from 9 of the surrounding properties.

The objections are as follows:

- (a) A new school block is planned for the area and the parish

council considers the site of the tree the best position for the building

(b) The tree is in close proximity to power cables and requires regular pruning which will prevent the tree reaching its full potential and make it unbalanced

(c) The tree poses a health and safety risk due to its proximity to the power cables

(d) The tree poses a threat to the children playing beneath it e.g. in case of a sudden thunderstorm

(e) If the building is positioned to the front of the site, the removal of the tree will provide extra play space for the children which would be lost through construction

(f) The area below the tree is damp and muddy and full of leaves making the area slippery and restricting its use as a play area

(g) The tree will have limited amenity value following the construction of the new block as it will be partially obscured

1.4 Due consideration to the above objections has been given and are as follows:

a. No information on any development proposals were provided with the section 211 conservation area notification and the tree was assessed on its own merits in relation to increasing and improving the play space beneath the tree for the children at the school as was provided as the reason for removal.

b. The provider will periodically prune the branches growing toward the cables to maintain the gap between the tree and the cables. This will normally be the re growth from branches which have already been pruned since branches further up the tree are of sufficient distance not to require pruning. This will allow the remaining tree to continue to develop unhindered. Because these branches will be removed regularly on a relatively short cycle, the tree will not be put under excessive stress, either through a sudden shift in weight or the removal of large amounts of energy producing leaf matter.

c. The gap between the tree and the cables is maintained by the service provider to prevent contact and to reduce the risk of arcing from the cables.

d. The general management of the health and safety of the tree is undertaken by Oxfordshire County Council who has recently inspected the tree as part of their management of OCC tree stock and found it to be in reasonable condition. With regard to any danger posed by inclement weather, it is assumed that a competent, responsible adult will be supervising the children and remove the children from sudden hazards as they arise.

e. Permeable surfaces are available which will allow a hard surface to be installed with little effect on the trees as they allow for the permeability of water as well as gaseous exchange from and to the underlying soil.

f. As point 4 (e)

g. Government guidance on the amenity of the tree is provided in 'Tree Preservation Orders, a guide to the law and good practice' paragraph 3.2 – *"trees or at least part of them should therefore be normally visible from a public place, such as a road or footpath, although exceptionally the inclusion of other trees may be acceptable.* The tree is primarily visible from Church Road and surrounding properties. It is expected that the tree will be partially obscured if development takes place however a sufficient proportion of the tree will be visible to warrant a TPO.

- 1.5 The human rights of the objectors and others affected by the decision, i.e. Article 1 of the first protocol – right to peaceful enjoyment of possessions and Article 8 protection of the right to respect ones private and family life, home and correspondence, were taken into consideration by the amenity value checklist (TEMPO assessment) completed when the Tree Preservation Order was made. To confirm the Order does not place a disproportionate burden on the owner, who retains the right to make applications for works to the tree.

### **CONCLUSION**

1. All the issues raised by the objector can be addressed through the normal application process. Therefore it is recommended that the Local Area Committee confirm Tree Preservation Order 11-09 without modification.

### **Background Information**

1. Statutory powers are provided through :
- i. Section 198 Town and Country Planning Act 1990.
  - ii. Town and Country Planning (Trees) Regulations 1999
- 1.2 The Scheme of Reference and Delegation authorises the Head of Development Control and Major Developments to make Tree Preservation Orders under the provisions of Section 201 of the Town and Country Planning Act 1990, subject to there being reason to believe that the tree in question is under imminent threat and that its retention is expedient in the interests of amenity. The power to confirm Tree Preservation Orders remains with the Planning Committee.
- 1.3 The above mentioned Tree Preservation Order was authorised by the Head of Development Control and Major Developments and made on 27<sup>th</sup> November 2009. The statutory objection period has now expired and two objections were received to the Order.

## **Key Issues for Consideration/Reasons for Decision and Options**

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None

## **Implications**

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**Financial:** The cost of processing the Order can be contained within existing estimates.

Comments checked by Eric Meadows, Service Accountant PH & E 01295 221552

**Risk Management:** The existence of a Tree Preservation Order does not remove the landowner's duty of care to ensure that such a tree is structurally sound and poses no danger to passers by and/or adjacent property. The TPO legislation does contain provisions relating to payment of compensation by the Local Planning Authority in certain circumstances, but these relate to refusal of applications to carry out works under the Order and no compensation is payable for loss or damage occurring before an application is made.

Comments checked by Rosemary Watts, Risk Management & Insurance Officer 01295 221566

## **Wards Affected**

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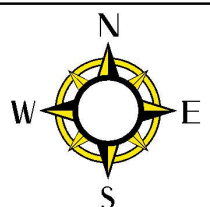
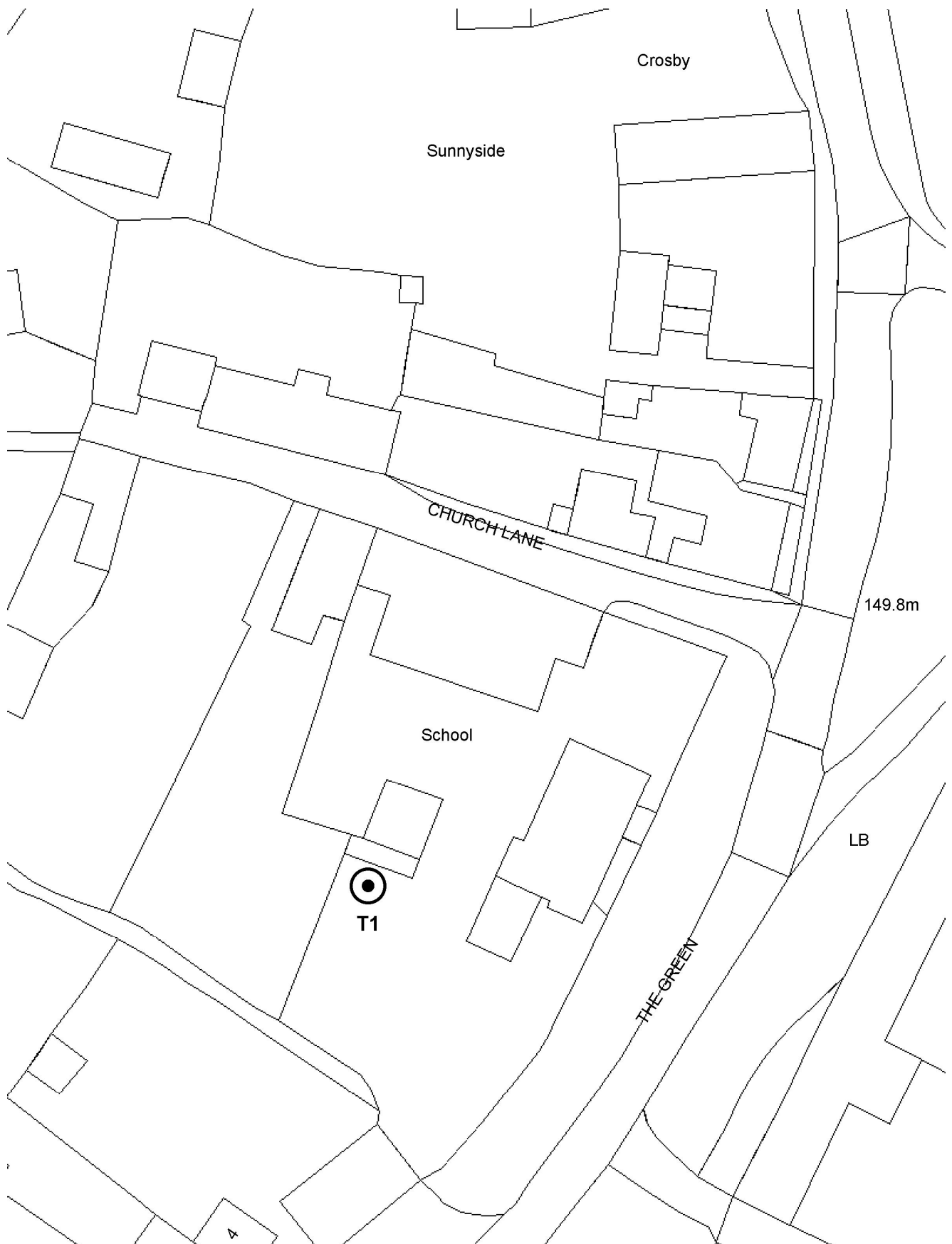
Banbury Hornton Ward

## **Document Information**

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<b>Appendix No</b>	<b>Title</b>
Appendix 1	Plan
<b>Background Papers</b>	
TPO file reference 11-09	
<b>Report Author</b>	Richard Hurst, Senior Legal Assistant
<b>Contact Information</b>	01295 221693 richard.hurst@Cherwell-dc.gov.uk

# Appendix 1





## Planning Committee

### Decisions Subject to Various Requirements – Progress Report

18 February 2010

#### Report of Head of Development Control and Major Developments

##### PURPOSE OF REPORT

This report aims to keep members informed upon applications which they have authorised decisions upon to various requirements which must be complied with prior to the issue of decisions.

An update on any changes since the preparation of the report will be given at the meeting.

This report is public

##### Recommendations

The Planning Committee is recommended:

- (1) To accept the position statement.

##### Details

**The following applications remain outstanding for the reasons stated:**

##### Subject to Legal Agreement with Cherwell District Council

- 1.1 01/00662/OUT Begbroke Business and Science Park, Sandy Lane, Yarnton

Subject to legal agreement re: off-site highway works, green travel plan, and control over occupancy now under discussion. Revised access arrangements refused October 2008. Appeal dismissed. New application for access to be submitted October/November 2009 – overdue. Further

discussions with applicant to be held.

- 1.2 07/01106/OUT Land to South East of A41 Oxford Road, Bicester
- Subject to departure procedures and legal agreements with Oxfordshire County Council re: off-site transportation contributions and HGV routing during construction. Redrafted agreement with other side.
- 1.3 08/01171/OUT Pow Wow Water Site, Langford Lane, Kidlington
- Subject to agreement re transport infrastructure payments.
- 1.4 08/02605/F Sainsburys, Oxford Road, Banbury
- Subject to legal agreement with Oxfordshire County Council re: highway infrastructure. Agreement with other side for signing.
- 1.5 09/01254/F Former USAF housing S of Camp Road, Upper Heyford
- Subject to legal agreement re public transport and education funding.

#### Subject to Other Matters

- 1.6 08/00709/F Former Lear Site, Bessemer Close, Bicester
- Subject to local agreement with Oxfordshire County Council

#### **Implications**

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- Financial:** There are no additional financial implications arising for the Council from this report.
- Comments checked by Eric Meadows, Service Accountant 01295 221556
- Legal:** There are no additional legal implications arising for the Council from this report.
- Comments checked by Pam Wilkinson, Principal Solicitor 01295 221688
- Risk Management:** This is a monitoring report where no additional action is proposed. As such there are no risks arising from accept the recommendation.

Comments checked by Rosemary Watts, Risk and Insurance Manager 01295 221560

### **Wards Affected**

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All

### **Document Information**

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<b>Appendix No</b>	<b>Title</b>
-	None
<b>Background Papers</b>	
All papers attached to the planning applications files referred to in this report	
<b>Report Author</b>	Bob Duxbury, Development Control Team Leader
<b>Contact Information</b>	01295 221821 bob.duxbury@Cherwell-dc.gov.uk

# Agenda Item 14

## Planning Committee

### Appeals Progress Report

**18 February 2010**

### Report of Head of Development Control and Major Developments

#### PURPOSE OF REPORT

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged. Public Inquiries/hearings scheduled or appeal results achieved.

This report is public

#### Recommendations

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The Planning Committee is recommended:

- (1) To accept the position statement.

#### Details

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##### New Appeals

- 1.1 **None**

##### **Forthcoming Public Inquiries and Hearings between 18 February 2010 and 11 March 2010**

- 2.1 **Inquiry starting at 10.00am on Tuesday 9 March 2010** in the Council Chamber, Bodicote House, Bodicote, Banbury to consider the appeal by Bolsterstone Innovative Energy (Ardley) Ltd against the refusal of application 08/02495/F for the erection of 4 no. wind turbines and ancillary development including a new site entrance, access tracks, a control building with sub station and underground cabling. Erection of 1 no. anemometer monitoring mast and temporary construction compound at land north of Willowbank Farm, Fritwell Road, Fewcott.

## Results

The Secretary of State has:

- 3.1 **Allowed the appeal by North Oxfordshire Consortium against the non-determination of 08/00716/OUT for an outline planning application for a new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, a school, playing fields and other physical and social infrastructure and 24 related conservation area applications for the demolition of buildings at Heyford Park, Camp Road, Upper Heyford – a further report to follow regarding the action to be taken regarding the outstanding enforcement appeals.**

## Implications

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**Financial:** The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.

Comments checked by Eric Meadows, Service Accountant 01295 221552

**Legal:** There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by Pam Wilkinson, Principal Solicitor 01295 221688

**Risk Management:** This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by Rosemary Watts, Risk and Insurance Manager 01295 221566

## Wards Affected

---

All

## Document Information

---

Appendix No	Title
-	None
<b>Background Papers</b>	
All papers attached to the planning applications files referred to in this report	
<b>Report Author</b>	Bob Duxbury, Development Control Team Leader
<b>Contact Information</b>	01295 221821 <a href="mailto:bob.duxbury@Cherwell-dc.gov.uk">bob.duxbury@Cherwell-dc.gov.uk</a>