

**Committee:** Planning Committee  
**Date:** Thursday 1 April 2010  
**Time:** 4.00 pm  
**Venue** Bodicote House, Bodicote, Banbury, OX15 4AA

### **Membership**

|   |  |
|---|--|
| <b>Councillor Fred Blackwell (Chairman)</b> | <b>Councillor Rose Stratford (Vice-Chairman)</b> |
| <b>Councillor Ken Attack</b>                | <b>Councillor Maurice Billington</b>             |
| <b>Councillor Colin Clarke</b>              | <b>Councillor Mrs Catherine Fulljames</b>        |
| <b>Councillor Michael Gibbard</b>           | <b>Councillor Eric Heath</b>                     |
| <b>Councillor Alastair Milne Home</b>       | <b>Councillor David Hughes</b>                   |
| <b>Councillor James Macnamara</b>           | <b>Councillor D M Pickford</b>                   |
| <b>Councillor G A Reynolds</b>              | <b>Councillor Leslie F Sibley</b>                |
| <b>Councillor Chris Smithson</b>            | <b>Councillor Trevor Stevens</b>                 |
| <b>Councillor Lawrie Stratford</b>          | <b>Councillor John Wyse</b>                      |

### **Substitutes**

|                                    |  |
|------------------------------------|--|
| <b>Councillor Luke Annaly</b>      | <b>Councillor Rick Atkinson</b>          |
| <b>Councillor Nick Cotter</b>      | <b>Councillor Mrs Diana Edwards</b>      |
| <b>Councillor Andrew Fulljames</b> | <b>Councillor Timothy Hallchurch MBE</b> |
| <b>Councillor Russell Hurle</b>    | <b>Councillor Kieron Mallon</b>          |
| <b>Councillor P A O'Sullivan</b>   | <b>Councillor George Parish</b>          |
| <b>Councillor Nicholas Turner</b>  | <b>Councillor Barry Wood</b>             |

## **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 - 14)

To confirm as a correct record the Minutes of the meeting of the Committee held on 11 March 2010.

## **Planning Applications**

- |     |   |                     |
|-----|---|---------------------|
| 6.  | <b>Land at Brookhill Way , Off Wildmere Road, Banbury</b><br>(Pages 17 - 29)                                    | <b>09/01859/OUT</b> |
| 7.  | <b>Former Little Bourton Service Station Site, Southam Road, Little Bourton</b> (Pages 30 - 39)                 | <b>10/00002/F</b>   |
| 8.  | <b>Bryan House, Chapel Street, Bicester, Oxfordshire</b><br>(Pages 40 - 57)                                     | <b>10/00106/F</b>   |
| 9.  | <b>Bryan House, Chapel Street, Bicester, Oxfordshire</b><br>(Pages 58 - 62)                                     | <b>10/00122/CAC</b> |
| 10. | <b>7 Colesbourne Road, Bloxham</b> (Pages 63 - 66)  | <b>10/00273/F</b>   |
| 11. | <b>Former Spiceball Park Sports Centre, Spiceball Park Road, Banbury, Oxfordshire, OX16 2PG</b> (Pages 67 - 72) | <b>10/00290/CDC</b> |
| 12. | <b>Westgate Development, Oxford, Oxon</b> (Pages 73 - 75)   | <b>10/00371/ADJ</b> |

## **Review and Monitoring Reports**

### 13. **Decisions Subject to Various Requirements - Progress Report** (Pages 76 - 78)

Report 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.

## **Recommendations**

The Planning Committee is recommended to:

- (1) Accept the position statement.

## **14. Appeals Progress Report (Pages 79 - 81)**

Report of 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.

### **Recommendations**

The Planning Committee is recommended to:

- (1) Accept the position statement.

## **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 221554 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 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 Michael Sands, Legal and Democratic Services [michael.sands@cherwell-dc.gov.uk](mailto:michael.sands@cherwell-dc.gov.uk) (01295) 221554

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

Published on Wednesday 24 March 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 11 March 2010 at 4.00 pm

Present: Councillor Fred Blackwell (Chairman)

Councillor Ken Attack  
Councillor Colin Clarke  
Councillor Mrs Catherine Fulljames  
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

Substitute Members: Councillor Russell Hurle (In place of Councillor Michael Gibbard)  
Councillor Barry Wood (In place of Councillor Maurice Billington)

Apologies for absence: Councillor Rose Stratford  
Councillor Maurice Billington  
Councillor Michael Gibbard  
Councillor Lawrie Stratford  
Councillor John Wyse

Officers: Jameson Bridgwater, Head of Development Control & Major Developments  
Bob Duxbury, Development Control Team Leader  
Nigel Bell, Solicitor  
Linda Griffiths, Senior Planning Officer  
Caroline Ford, Assistant Planning Officer  
Michael Sands, Trainee Democratic and Scrutiny Officer

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### **Declarations of Interest**

Members declared interest with regard to the following agenda items:

#### **6. Park Farm, Heyford Road, Middleton Stoney, OX25 4AL.**

Councillor Mrs Catherine Fulljames, Personal, as the applicant was known to her.

**8. Bicester to Oxford Rail Link.**

Councillor D M Pickford, Personal, as a Member of Bicester Town Council.

**9. Garage area rear of Buchanan Road, Upper Arcott.**

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

Councillor Colin Clarke, Prejudicial, as the father of a Buchanan Road resident.

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.

**11. 45 St Annes Road, Banbury, Oxfordshire, OX16 9EA.**

Councillor Colin Clarke, Personal, as a Member of Banbury Town Council.

173 **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.

174 **Urgent Business**

There was no urgent business.

175 **Minutes**

The Minutes of the meeting held on 18 February 2010 were agreed and signed as a correct record by the Chairman, subject to revised wording on Executive Members' declarations of interests.

176 **Park Farm, Heyford Road, Middleton Stoney, OX25 4AL**

The Committee considered a report of the Head of Development Control and Major Developments for the erection of a pig fattening shed, to replace the existing building, erection of a grain store and electrical control building.

The Committee considered the impact the proposal might have on the character and appearance of the countryside and the potential for odour nuisance.

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

**Resolved**

That application 09/01749/F be approved subject to the following conditions:

- 1) SC 1\_4A (Time 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:
  - TURNEY – PARK FARM 1
  - TURNEY/A090910/1
  - TURNEY/A090910/2
  - TURNEY/A090910/4
  - Materials schedule, including the details of the 'Corus Colorcoat LG Merlin Grey 18 B 25' roof-sheeting, received on 15 February 2010
- 3) No development shall commence within the application area until the applicant, or their successors in title, has secured the implementation of a staged programme of archaeological investigation and mitigation in accordance with a written scheme of investigation that shall first be submitted to and approved by the Local Planning Authority. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a fill report for publication. The work shall be carried out by a professional archaeological organization acceptable to the Local Planning Authority.

Councillor Mrs Fulljames left the meeting room for the item.

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**OS Parcel 1319 South of Paddington Cottage, Milton Road, Bloxham**

The Committee considered a report of the Head of Development Control and Major Developments for the erection of sixty one dwellings and associated access and landscaping.

Mr David Chapman, Mr Doug Eadie and Mr David Carr spoke in objection to the application.

Mr Andy Morris spoke in favour of the application as the Developer.

Mr Tony Clements spoke in favour of the application as the Applicants Agent.

The Committee considered the risk of flooding on the site and the potential effects on traffic volume. The Committee discussed the need to supply affordable housing in rural locations and the impact the proposed development may have to village amenities.

The Committee also considered the visual appearance of the proposed development and the parking provisions allocated to each property.

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

**Resolved**

That application 09/01811/F be approved subject to the following conditions:

- a) the completion/signing of a section 106 agreement
- b) the following conditions;
  1. That the development to which this permission relates shall be begun not later than the expiration of 2 years beginning with the date of this permission. (RC2)
  2. SC 2.2AA Samples of walling materials (RC4A) 'bricks and stone' 'new dwellings and garages'
  3. SC 2.2BB Samples of roofing materials (RC4A) 'slates and tiles' 'new dwellings and garages'
  4. SC 5.5 AA Submit New Design Details (RC4A) 'Doors, windows'
  5. SC 2.10A Finished floor levels (RC7A)
  6. SC 3.1A Carry out Landscaping Scheme and Replacements (RC10A)
  7. SC 3.10A Open Space (RC12B)
  8. SC 4.1AB Access, specification proposed (RC13BB)
  9. SC 4.5AA Vision Splay Dimensions (RC13BB) 'first occupation' 'proposed development' '4.5m by 90m'
  10. SC 4.9AB New Estate Roads (RC14AA)
  11. SC 4.10AA Estate Accesses, Driveways (RC14AA)
  12. SC 4.13CD Parking and Manoeuvring Area Retained (RC13BB)
  13. SC 4.14DD Green travel plan (RC66A)
  14. Prior to the first occupation of the proposed development the required off-site works are to be constructed, laid out and to the approval of the Local Highway Authority and constructed strictly in accordance with the highway authority's specifications and that all ancillary works shall be undertaken. (RC16AA)
  15. SC 9.3 Construction Environmental Management Plan (RC84)
  16. SC 9.4A Carry out mitigation in ecological report (RC85A) 'Sections 4 and 5' 'Ecological Appraisal' 'Diversity' 'July 2009'



17. 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 '*Model Procedures for the Management of Land Contamination, CLR 11*' 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. 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.
18. If a potential risk from contamination is identified as a result of the work carried out under condition w, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
19. If contamination is found by undertaking the work carried out under condition x, 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.
20. If remedial works have been identified in condition y, the remedial works shall be carried out in accordance with the scheme approved under condition y. 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.
21. SC5.9AA Archaeological Watching Brief (RC28AA)
22. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Dated November 2009, carried out by Stuart Michael Associates ref 3307.FRA&DS and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off rate generated by the development to 3.4l/s/ha so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- Providing sufficient attenuation for a volume of 697m<sup>3</sup> so that it will not exceed the run-off volume from the undeveloped site and not increase the risk of flooding off-site.
- All adoptable roads and parking areas will be permeable paving and all dwellings will have water butts.

23. Development shall not commence until a drainage strategy detailing any on or and off site drainage works, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

## 178 **Bicester to Oxford Rail Link**

The Committee considered a report of the Head of Development Control and Major Developments for improvements to the railway line between Bicester and Oxford, as part of the proposals by Chiltern Railways to provide a new route between Bicester and London.

The Committee considered the need for adequate parking facilities and requested that comment three in the report be amended to ensure this was taken into consideration.

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

### **Resolved**

That Chiltern Railways be advised that Cherwell District Council welcomes the proposed improved passenger rail service and supports the application in principle but raises the following issues:

1. The relocation of the aggregate depot into the open countryside and Green Belt north of the site is contrary to Policies SP5 and CO4 of the South East Plan, Policy GB1 of the adopted Cherwell Local Plan, Policy GB1 of the Non-Statutory Cherwell Local Plan and Central Government Guidance in PPG2 'Green Belts' and is therefore inappropriate development for which no very special circumstances have been put forward.
2. There are concerns about the design of the new bridge over the Tubbs Lane crossing and at Islip Mill in terms of its visual impact upon the amenities of the locality in general and impact upon the residential amenities of adjacent residential properties in terms of its size, height and appearance from those properties, and in respect of Islip Mill, the impact upon the character and appearance of the Green Belt.

3. The District Council would like to see clarity on how this proposal relates to the County Councils Integrated Transport Strategy, the Park and Ride at SW Bicester and the modal shift from Bicester North by bus to the station from all parts of Bicester and between the two stations.

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**Garage area rear of Buchanan Road, Upper Arncott**

The Committee considered a report of the Head of Development Control and Major Developments for the erection of six dwellings and the demolition of garage blocks (as amended by plans received 12/02/2010).

The Committee considered the risk of flooding and also expressed concern regarding the visual appearance of the proposed development.

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

**Resolved**

That application 10/00071/F be approved subject to the following:

- (i) Confirmation of the need or otherwise of a legal agreement regarding nomination rights and tenure mix.
- (ii) the following Conditions
  1. 1.4A - Full Permission: Duration Limit (3 years) (RC2)
  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: Drawing no's TR291006/01,SLP02,P05,S02,S01,P01 Rev A,P02 Rev A,P08,P04 Rev A, P06 Rev A and P07 Rev A.
  3. That the dwellings hereby approved shall remain as affordable dwellings, defined as housing (either for outright sale, rent, shared equity or staircasing to full ownership) within the financial means of households that are otherwise unable to secure private sector housing for purchase or rent in prevailing economic circumstances.
  4. That the dwellings hereby approved shall be constructed to the HCA Design and Quality Standards, and to Lifetime Homes standards.
  5. 2.0A – Details of Materials and External Finishes (RC4A) insert 'new dwellings'
  6. 2.8A – Colouring: Walls etc (RC4A) insert 'render for the dwellings'
  7. 2.10A – Floor levels (RC7A)
  8. 3.0A – Submit landscaping scheme (RC10A)

9. 3.7AA – Submit boundary enclosure details (more than one dwelling) (RC12AA)
10. 4.3AA– Access details for approval (RC13BB)
11. 4.4AA – Vision splay details (RC13BB) (first dwelling) (0.5 metre)
12. 4.9AB – New estate roads (RC14AA)
13. 4.10AA – Estate Accesses, Driveways (RC14AA)
14. 4.13CD – Parking and Manoeuvring (RC13BB)
15. 6.2AA – Residential – No extensions (RC32A)
16. 6.6AB – Residential – No conversion of garage (RC35AA)
17. Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and 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".
18. 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 'Model Procedures for the Management of Land Contamination, CLR 11' 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.
19. If a potential risk from contamination is identified as a result of the work carried out under condition 18, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

20. If contamination is found by undertaking the work carried out under condition 19, 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.
21. If remedial works have been identified in condition 20, the remedial works shall be carried out in accordance with the scheme approved under condition 20. 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.

Councillor George Reynolds left the meeting room for the item.

180 **Yarnton House, Rutten Lane, Yarnton**

The Committee considered a report of the Head of Development Control and Major Developments for the demolition of the existing building and construction of a two storey nursing home (100 bedrooms) together with associated communal space, landscaping, amenity space and parking.

The Committee were satisfied with the evidence presented.

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

**Resolved**

That application 10/00131/F be approved subject to the following:

- (i) The Agent entering into a deed of modification of the previously agreed S106 Agreement which secured
  - £2000 towards library book stocks
  - The provision of a piece of public art
  - The provision of the appropriate numbers of waste and recycling bins.
  - Administration and monitoring fees payable to both the District and County Councils
- (ii) The following conditions:
  - 1) S.C. 1.4A (RC2) [Full Permission: Duration Limit (3 years)]
  - 2) S.C. 2.0 (RC4a) [Details of materials and External Finishes]  
'building'

- 3) That the colour for any render on the building hereby approved shall be submitted to and agreed in writing by the Local Planning Authority, the building shall be rendered in accordance with the approved details (RC4)
4. S.C. 2.10 (RC7a) [Finished Floor Levels]  
'building'
5. S.C. 2.13a (RC8a) [Demolition of Buildings - (before commencement of development)]
6. S.C. 3.1 (RC10a) [Carry Out Landscaping Scheme and Replacements]
7. Notwithstanding the submitted details, the junction of the access road with Rutten Lane shall be served by minimum visibility splays of 2.4m x 70m, with any vegetation or obstruction exceeding 0.6m in height above the adjacent carriageway removed to the satisfaction of the Local Planning Authority.
8. That revised access and access road details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. These details should include provision for a dropped kerb access point onto Rutten Lane and traffic calmed shared surface access road which shall be constructed in all respects in accordance with the approved details and maintained as such in perpetuity.
9. That full design details of the approved cycle parking shall be submitted to an agreed in writing by the Local Planning Authority prior to the commencement of the development. The cycle parking shall be laid out and constructed in accordance with the approved details (RC66a).
10. S.C. 4.21aa (RC19aa) [Surface/Foul Water Disposal]
11. S.C. 6.14aa (RC40aa) [Specified Use Only]  
'building', 'nursing home', 'C2'
12. S.C. 9.6a (RC87a) [Fire Hydrants]
13. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated February 2009, produced by HCD Group dated February 2009 ref E2080092 and the following mitigation measures details within the FRA:
  - a) Providing an overall run-off rate of 10 l/s.
  - b) The proposed scheme shall include surface water drainage systems set out within the FRA and detailed on drawing C100 Rev D.
  - c) A maintenance plan shall be produced to ensure the lifetime management of the SUDS and the proposed trash screen.
14. 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 hydrogeological context of the development, has been

submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) That full detailed calculations shall be provided to include all rainfall events up to and including an allowance for climate change as requested in the Environment Agency's responses dated 9 February and 23 January 2009. The calculations shall take into account the attenuation features proposed including the pond.
  - b) The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
15. Prior to work commencing details of a piece of artwork to enhance the site shall be submitted to and approved in writing by the Local Planning Authority. The approved artwork shall thereafter be installed prior to the first occupation of the building.
16. No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS5837, 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 meters 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.

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**45 St Annes Road, Banbury, Oxfordshire, OX16 9EA**

The Committee considered a report of the Head of Development Control and Major Developments for a single storey rear extension (as amended by side elevations and floor plans received 24/02/2010 and additional roof plan received 01/03/10).

The Committee were satisfied with the evidence presented.



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

Councillor Miss Debbie Pickford requested that her abstention from the vote be recorded, as she was not present for the whole of the debate.

**Resolved**

That application 10/00150/F be approved subject to the following conditions:

1. 1.4A - Full Permission: Duration Limit (3 years) (RC2)
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: existing front and rear elevations, existing side elevations, floor plans and side elevations received 24/02/2010
3. 2.6AA – Materials to match (RC5AA)
4. 6.3A – Residential: no new windows (RC33)

182 **Tree Preservation Order (No 02) 2010 Birch Tree at 35 Kings End, Bicester**

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 Birch Tree at 35 Kings End, Bicester.

**Resolved**

That Tree Preservation Order No. (02/2010) be confirmed without modification.

183 **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 accepted.

184 **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.

185 **Review of Validation Checklist for Planning Applications**

The Committee considered a report of the Head of Development Control and Major Developments which updated Members on the result of the formal consultation upon the review of the Local Validation Checklist for planning applications, considered by the Committee on 19 November 2009, and which sought approval for the adoption of the document.

**Resolved**

That the formal adoption of the revised validation checklist and guidance note, as originally considered but with variations as explained in paras. 2.3-2.9, be agreed.

The meeting ended at 7.05 pm

Chairman:

Date:

**PLANNING COMMITTEE**

**1 April 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.

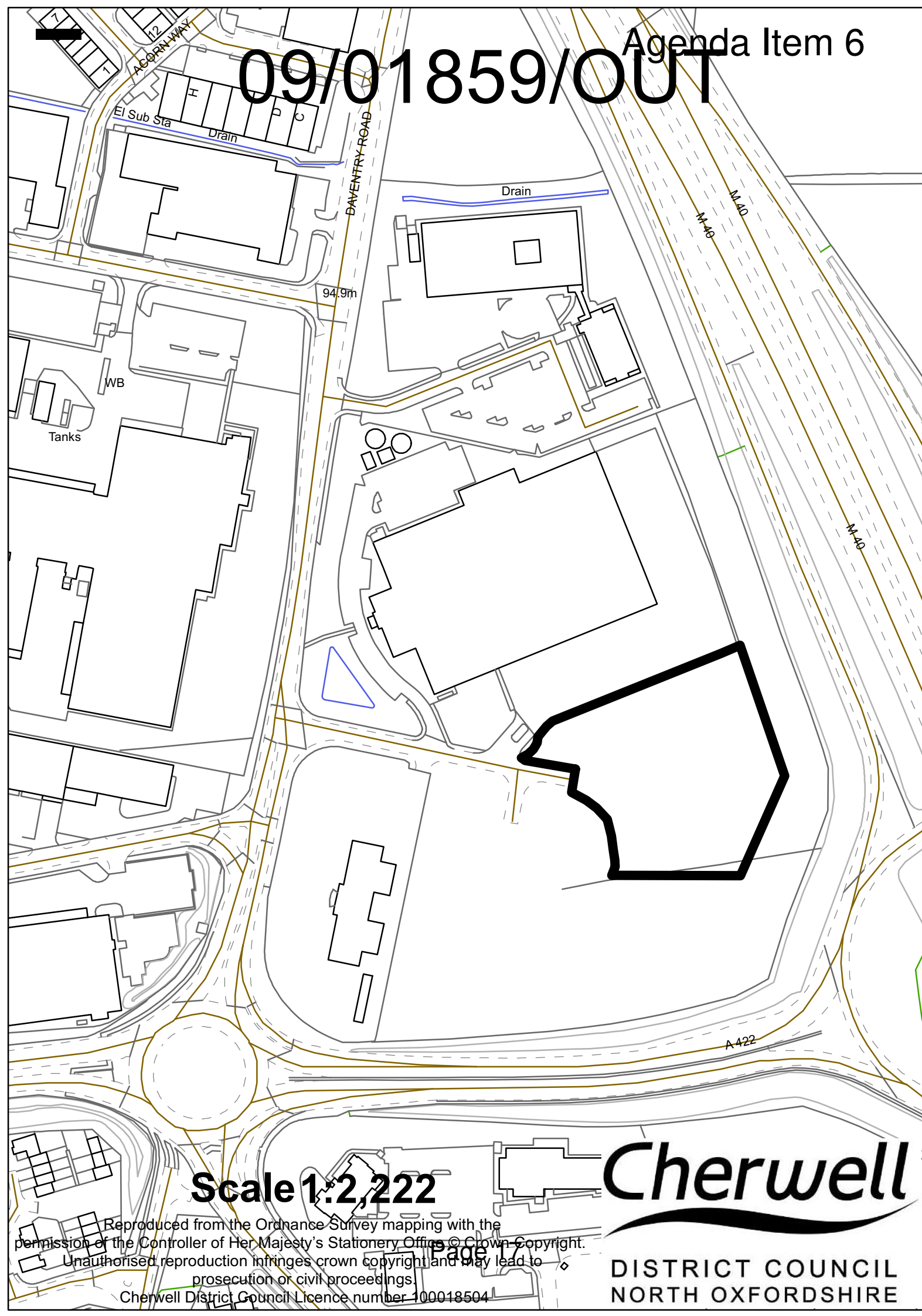
**Background Papers**

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

|    | <b>Site</b>  | <b>Application No.</b> | <b>Ward</b>                   | <b>Recommendation</b> | <b>Contact Officer</b> |
|----|--|------------------------|-------------------------------|-----------------------|------------------------|
| 6  | Land at Brookhill Way, Off Wildmere Road, Banbury  | 09/01859/OUT           | Banbury: Grimsbury and Castle | Approval              | Laura Bailey           |
| 7  | Former Little Bourton Service Station Site, Southam Road, Little Bourton                     | 10/00002/F             | Cropredy                      | Approval              | Michelle Jarvis        |
| 8  | Bryan House, Chapel Street, Bicester, Oxfordshire  | 10/00106/F             | Bicester Town                 | Approval              | Rebecca Horley         |
| 9  | Bryan House, Chapel Street, Bicester, Oxfordshire  | 10/00122/CAC           | Bicester Town                 | Approval              | Rebecca Horley         |
| 10 | 7 Colesbourne Road, Bloxham  | 10/00273/F             | Bloxham                       | Approval              | Paul Ihringer          |
| 11 | Former Spiceball Park Sports Centre<br>Spiceball Park Road<br>Banbury, Oxfordshire, OX16 2PG | 10/00290/CDC           | Banbury: Grimsbury and Castle | Approval              | Rebekah Morgan         |
| 12 | Westgate Development, Oxford, Oxon   | 10/00371/ADJ           | Outside Cherwell area         | No objection          | Caroline Ford          |

09/01859/OUT



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**Cherwell**

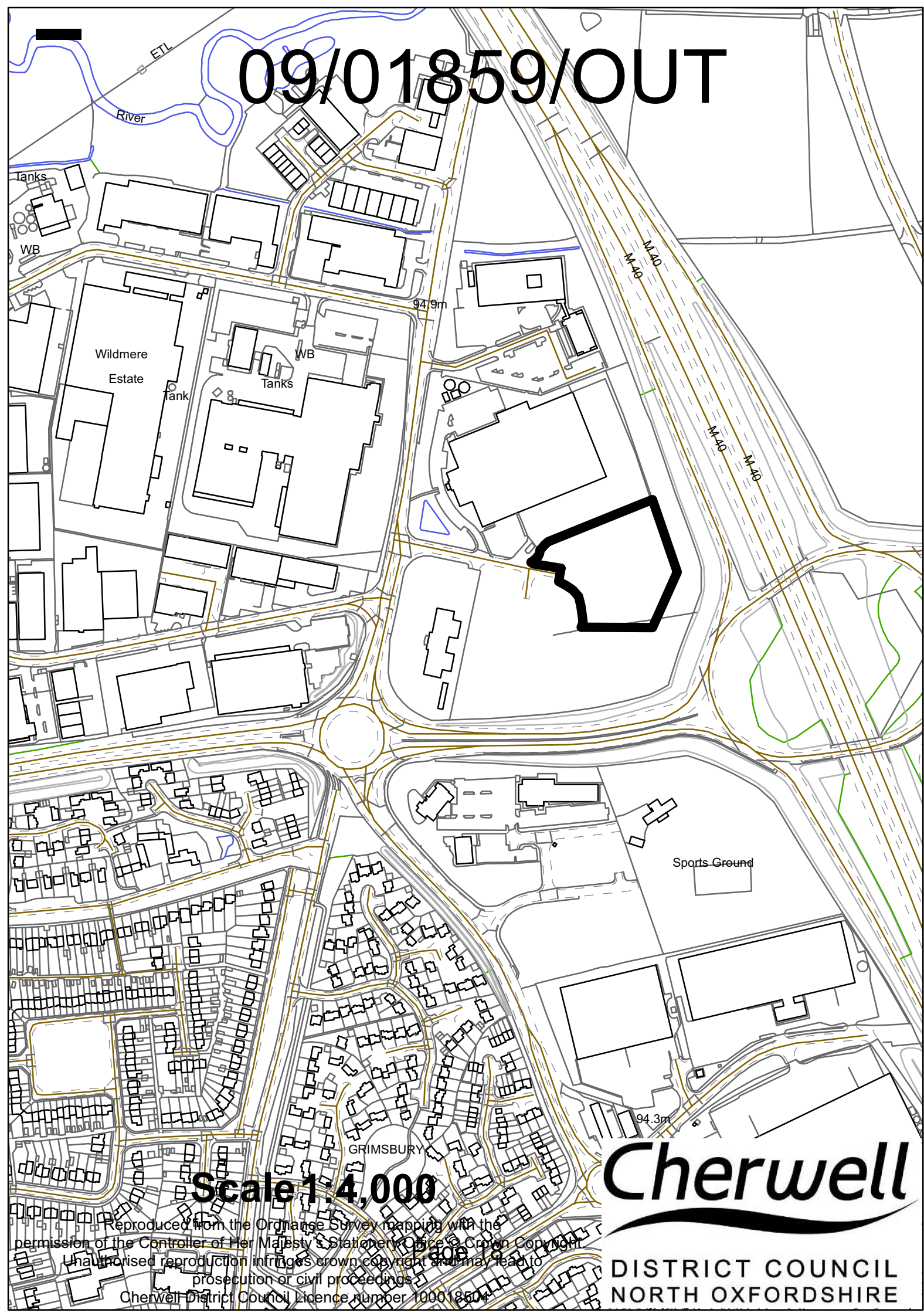
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09/01859/OUT



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|  |   |                             |
|--|---|-----------------------------|
| <b>Application No:</b><br>09/01859/OUT | <b>Ward: Banbury<br/>Grimsbury and Castle</b> | <b>Date Valid: 12/01/10</b> |
|--|---|-----------------------------|

|                   |               |
|-------------------|---------------|
| <b>Applicant:</b> | AXA Reim (UK) |
|-------------------|---------------|

|                      |   |
|----------------------|---|
| <b>Site Address:</b> | 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 have produced 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. No letters of representation have been received.

## **3. Consultations**

- 3.1 Banbury Town Council raises no objection to the proposal.
- 3.2 Oxfordshire County Council Highway Authority raises no objection to the proposal, subject to a financial contribution towards sustainable transport infrastructure and Banbury ITS and funding improvements to local bus stops, the submission of an appropriate Travel Plan (when a final layout & use is agreed at the Reserved Matters stage) and associated monitoring fee.
- 3.3 The Council's Landscape Architect, raises no objection to the application.

- 3.4 The Council's Head of Building Control and Engineering Services raises no objection to the proposal, stating that the drainage infrastructure has been designed to accommodate development of this site.
- 3.5 The Environment Agency has assessed this application as having a low environmental risk.
- 3.6 The Highways Agency raises no objection to the proposal.
- 3.7 Thames Water raises no objection to the proposal.
- 3.8 The Council's Public Art Advisor confirms that an off site contribution of £10 per square metre of floor space will be sought through a Section 106 legal agreement.

#### 4. Relevant Planning Policies

|  |                        |   |
|--|------------------------|---|
| National Policy Guidance -             | Documents              | PPS1 – Delivering Sustainable Development<br>PPS4 – Planning for Sustainable Economic Development<br>PPS6 - <b>Practice guidance</b> on need, impact and the sequential approach<br>PPS9 – Biodiversity and Geological Conservation<br>PPG13 - Transport  |
| South East Plan 2009 -                 | Policies               | RE3 – Retention of accessible, well located industrial and commercial sites<br>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.<br>T1 – Achieving sustainable pattern of development<br>T2 – Promote sustainable modes of transport<br>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<br>C17 – Enhancement of urban fringe   |
| Non-Statutory Cherwell Local Plan 2011 | Policies               | EMP1 - Supports employment generating development on this site<br>EMP2 - Supports employment generating development on this site  |
| URS Employment Review 2006             | Land 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
- Protected Species
- S106 Legal agreement

### 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**

The County Highway Authority raise no objection to the proposal, subject to the applicants entering into a Section 106 legal agreement to secure a financial contribution towards sustainable transport infrastructure and Banbury ITS. The County have also recommended a contribution towards funding improvements to local bus stops, the submission of an appropriate Travel Plan (when a final layout & use is agreed at the Reserved Matters stage) and associated monitoring fee.

The Highways Agency raises no objection to the application.

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. Furthermore, the Head of Building Control and Engineering Services has stated that the drainage infrastructure has been designed to accommodate development of this site.

5.11 **Protected Species**

Two protected species of bird have been identified within the boundary of the site (House Sparrow and Dunnock). In order to safeguard these species, the applicants will provide an appropriate mitigation strategy which will outline an appropriate methodology to safeguard and protect the species from any adverse affects as a result of the development. The mitigation strategy will be appropriately conditioned.

5.12 **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. A verbal update on the County Council's position in this respect will be given at the meeting.

5.13 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.

- 5.14 This application was deferred at the 18<sup>th</sup> February 2010 Committee to enable completion of negotiations between the applicant and the County Council on highway/transport contributions, as outlined in paragraph 5.12 above.

## **6. Recommendation**

**Approval subject to:**

- I. The completion of a S106 agreement 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 to secure an off site financial contribution towards the provision of public art**
- III. 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 6.4AB (RC34AA) (Restriction on extensions)**
- 7. SC 6.4BC (RC65AA) (Restriction on mezzanine floors)**
- 8. 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.

- 9. 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.

10. 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.



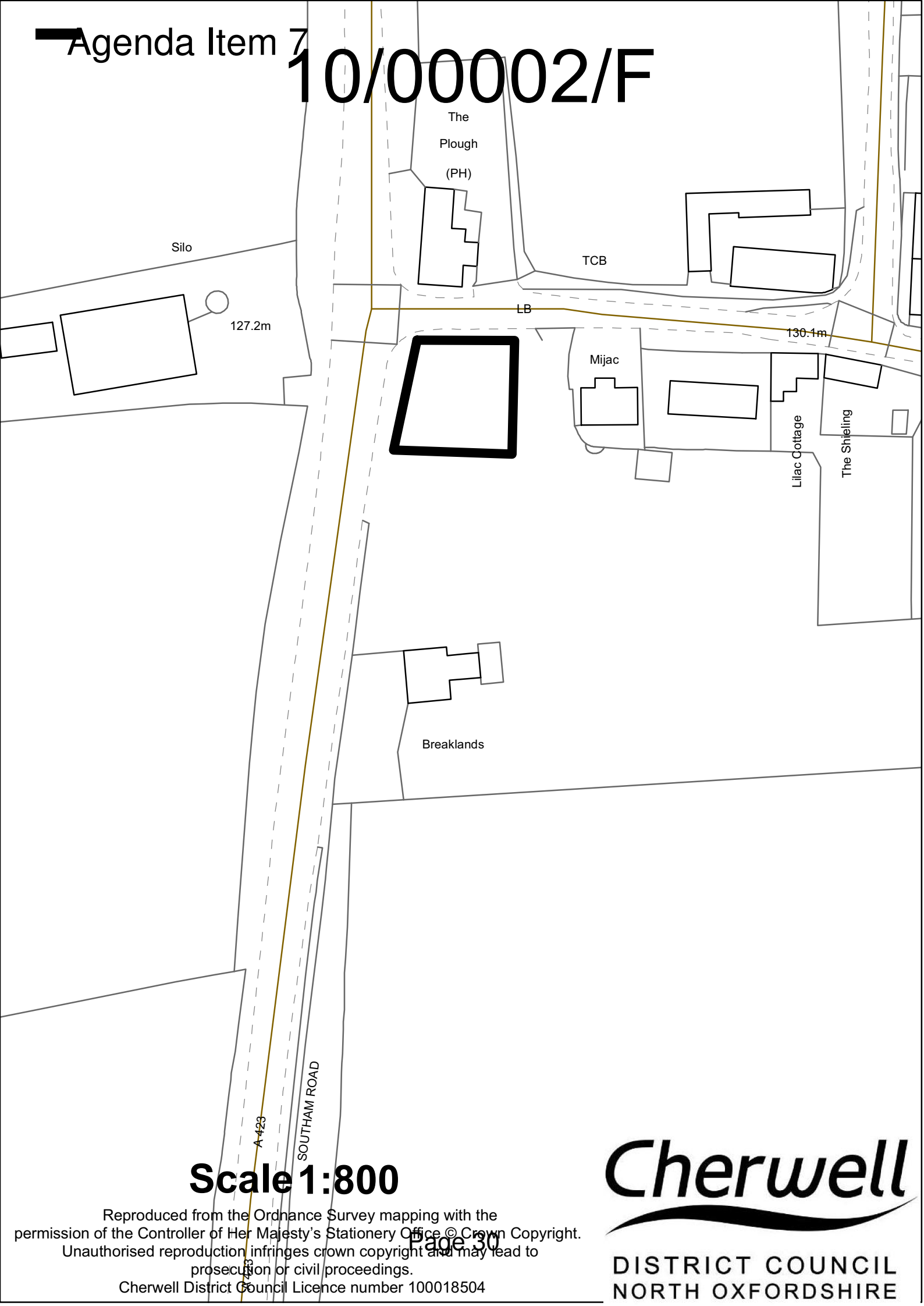
**SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND  
RELEVANT DEVELOPMENT PLAN POLICIES**

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, protected species or highway safety. As such the proposal is in accordance with the Practice Guidance contained in PPS9, 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**

# Agenda Item 7 10/00002/F



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***Cherwell***

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10/00002/F

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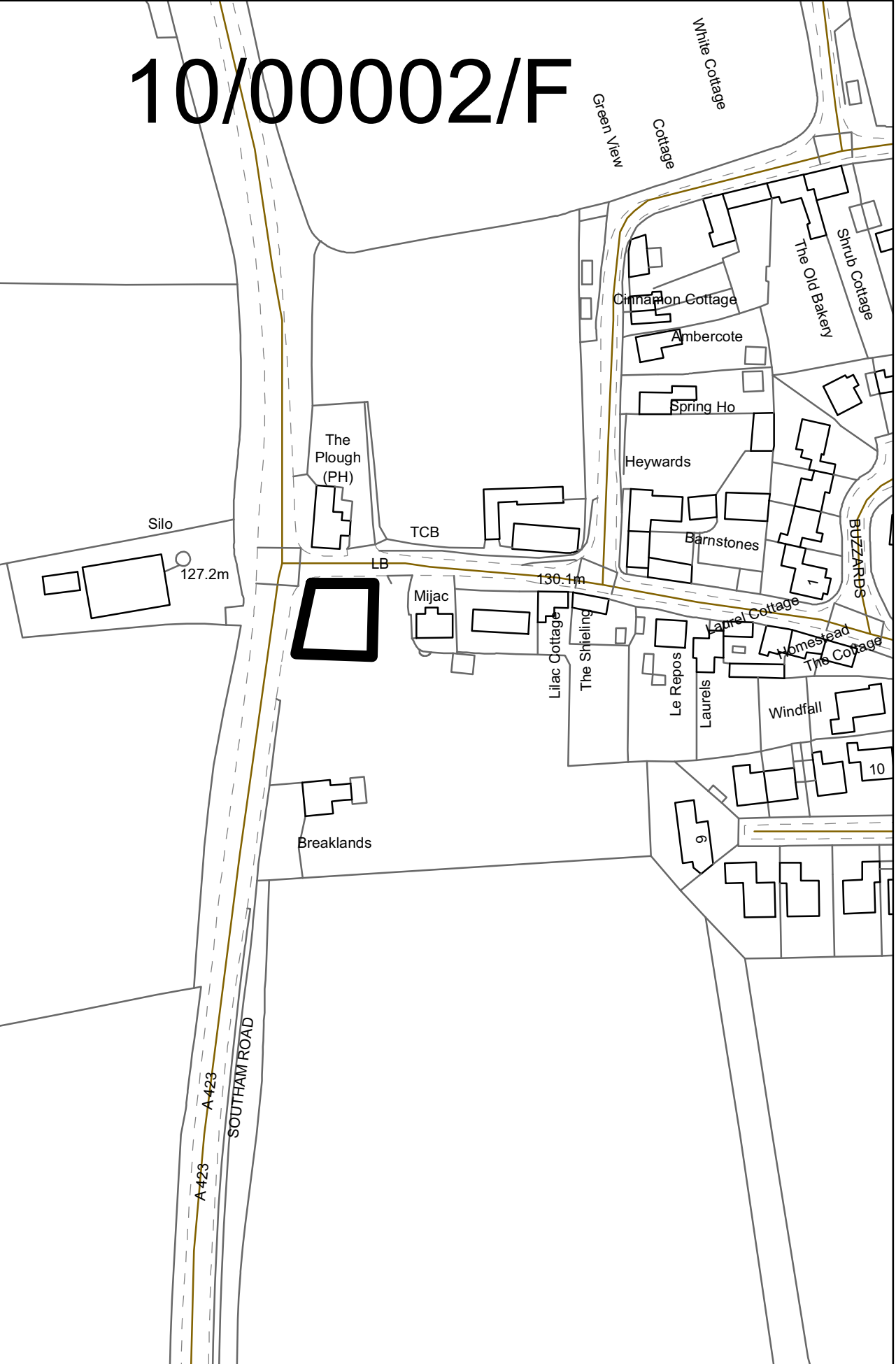
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|---|--|-----------------------|----------------------------------|---------------|
| <b>Application</b><br><b>10/00002/F</b> | <b>No:</b>   | <b>Ward: Cropredy</b> | <b>Date</b><br><b>14.01.2010</b> | <b>Valid:</b> |
| <b>Applicant:</b>                       | Avoncroft Homes (Little Bourton) Ltd, 7 Shottery Brook Office Park<br>Timothy's Bridge Road, Stratford Upon Avon |                       |                                  |               |
| <b>Site Address:</b>                    | Former Little Bourton Service Station Site, Southam Road, Little Bourton   |                       |                                  |               |

**Proposal:** Development to provide 2x semi-detached two bedroom houses with private gardens, parking and access

## 1. Site Description and Proposal

- 1.1 This application refers to a site given consent for the development of 15 no. open market dwellings, 6 no. affordable dwellings and a shop with flat over at appeal in May 2008 (ref APP/C3105/A/07/2054852 and APP/3105/A/07/2056812). The site is located on the former garage site on the A423 road frontage and the building on the Chapel Road frontage which was used as an antique shop. The permission granted at appeal was subject to a Section 106 Agreement requiring financial contributions and a portion of the site laid to affordable housing.
- 1.2 Prior to the economic recession, work began to clear outstanding planning conditions and to build the 6 no affordable houses required through the Section 106 Agreement. Work then stopped due to finances not being in place and this application has been submitted for the erection of two 2-bedroom semi detached houses in lieu of the shop with flat over. The site is currently part developed with all 6 affordable houses that appear to be occupied. The remainder of the site, whilst cleared, has not yet been developed.
- 1.3 The applicant has been actively marketing the site for a shop since the grant of planning permission on appeal in May 2008 but to date nothing has come from this marketing. Further information has been sought regarding the marketing and this is dealt with further in the report.
- 1.4 Due to the additional two dwellings being proposed, consequently there are additional requirements on the site which will result in a new Section 106 Agreement being needed. Fortunately for the applicant, they have sought to amend the existing Section 106 Agreement and as such the additional figures generated through this application should be able to be inserted into the existing agreement therefore saving on legal fees and time.

## 2. Application Publicity

- 2.1 The application has been advertised by way of a site notice, press notice and neighbour letter. The final date for comment was 17/02/10.

### 3. Consultations

**3.1**     Local Highway Authority – There was some concern over potential encroachment onto the highway from the application. The Highway Authority has investigated this and is satisfied that a planning note preventing encroachment from occurring will be satisfactory. In addition, a plan was requested showing how each of the dwellings could accommodate two parking spaces. This plan has been produced and forms part of the conditions.

**3.2**     Little Bourton Parish Council – Have no objections to the application but make the following observations:

1. Whilst we are concerned about the loss of facilities from rural areas we recognise that market conditions have not been favourable and therefore retail outlets are difficult to sell. We are disappointed that the shop cannot now be part of the scheme but it is not possible for us to defend keeping it there, in the current economic environment and in view of the fact that this may hinder the completion of the site.

2. Could the planning department please clarify how these changes in the application affect the existing S106 agreement? Furthermore, how this changes the provision of Affordable Houses. Under the current guidelines and the signed S106 agreement for this site the provision of 30% of Affordable properties was provided. However with this change and in view of the fact that Avoncroft have chosen to develop the scheme with the largest number of properties (rather than the revised submission which was more acceptable to the village which replaced 4 properties with 2 larger ones) should 1 more unit of Affordable housing be provided as part of this limited application. May we ask if the developer is allowed to squeeze in more properties without the extra affordable housing provision. Can the planning officer advise us on this?

3. We have yet to see any of the S106 money from the original agreement for the play area or the bus layby. We sincerely hope that this will be remedied before any further planning application is granted.

4. Planners will no doubt be aware of the latest accident statistics which relate particularly to this access to the A423 (and the recent accident there). May we suggest that the height of the boundary wall and planting be conditioned in the approval to ensure that full visibility of the highway is maintained.

5. Could we add a point of development which the parish council are looking to achieve to enhance the facilities for the Little Bourton residents. We are looking to site a bus shelter in the vicinity but cannot site it in front of the development where the layby is located. The scheme shows a planted area alongside the parking provision for the two properties: this would be a better option for the bus shelter and if it was solid backed, and had a fence behind it, would ensure no loss of privacy to the houses. This would we realise would mean a redesign of the perimeter wall to the scheme.

6. A discussion with yourselves and the developers would be appreciated to work together to achieve an optimum solution here.

*NB: The Case Officer has written a letter to the Parish Council explaining the situation with regard to the queries that have been outlined in the comments above.*

- 3.3 Thames Water – On the basis of the information provided have no objection to this planning application
- 3.4 Landscape Services – Have recommended a planning condition be imposed requiring some planting to be provided to the front garden rather than in the rear as shown on the submissions. *NB having discussed this at length with the applicant's agent and checked with the highway submissions on the previous consent, the area of grass shown to the front of the properties is a vision splay and as such no further planting can be imposed*
- 3.5 Environmental Protection Officer – Has spoken in depth to the applicant's agent regarding the issue of contamination on the site and following these detailed discussions is happy to recommend the implementation of an additional planning condition.
- 3.6 Third Parties – To date no letters have been received

## 4. Relevant Planning Policies

### 4.1 Government Guidance

PPS1 – Delivering Sustainable Development  
PPS 3 - Housing  
PPG 13 - Transport

### 4.2 The South East Plan

BE1, BE6, T1, H1, H4, H5

### 4.3 Adopted Cherwell Local Plan 1996

H14, C28 and C30

## 5. Appraisal

- 5.1 The key issues to consider are the principle of the two dwellings in lieu of the shop, justification for not providing the shop, the impact on the character and appearance

of the area, potential contamination on the site, the additional requirements of the Section 106 Agreement and the comments received from the Parish Council.

## **5.2** Principle of the two dwellings in lieu of the shop

The original permission was approved under Policy H14 of the Adopted Cherwell Local Plan which allows for development which will secure significant environmental improvement within the settlement. Given that the application site associated with the current planning application is within the same red line area as the previous outline application, the application has been considered in light of Policy H14 as it is believed to be an integral part of this site and therefore this policy applies.

The original application subject to the appeal included the loss of the garage which had a small shop within it and also the barn on the corner of the site which housed an antique business. The provision of the shop on this site was approved under the outline application as the redevelopment of the site will result in the loss of the garage facility which was a local facility that served Little Bourton as well as the passing trade from the A423. The loss of the facility completely would be contrary to Policy S29 of the adopted Cherwell Local Plan which seeks to protect such local facilities.

In the report for the approval of Reserved Matters (ref 07/00856/REM), mention was made to a question mark being held over the long-term viability of a retail facility on the site but that this would need to be assessed in the future taking into account the above policies.

In assessing the principle for the non-provision of a shop on this site it is important to consider not only what policy S29 states but also the supporting text for this policy which states "*The District Council recognises the importance of village services, particularly the local shop and pub, to the local community and will seek to resist the loss of such facilities whenever possible. **However, it is also recognised that it will be difficult to resist the loss of such facilities when they are proven to be no longer financially viable in the long term***".

In the case of this site, the village has been without a shop for a period of at least 18 months since the planning permission was issued for the redevelopment. Furthermore, the existing shop was housed within a garage so it would not have been very big and perhaps only provided a small amount of goods. In the last 18 months the Hanwell Fields development at the bottom of the A423 has had a large Co-op open on site and in addition, the Tesco superstore is only a matter of minutes away from this site.

## **5.3** Justification for not providing a shop

The applicant has provided a covering letter which outlines the justification for submitting the planning application and explains the extent to which the site has been marketed. The applicant has also provided written evidence from their marketing agents Bankier Sloan who are a well established Chartered Surveyors outlining the extent to which the marketing has been carried out. In this letter the agents confirmed that they received instructions from Avoncroft Homes in the Autumn of 2008 to market the potential shop (with accommodation). Following the instructions, an initial advertisement was placed in the Banbury Guardian and the

advert was also featured on their internet site and also an e-newsletter which has a distribution level of about 4,000 people. In addition, a company board advertising the site is also on site at the moment and has been since 2008.

One serious enquiry arose from the marketing from a local wedding cake company but this fell through when the company were unable to raise the appropriate finance. No other serious interest has been expressed to date. Bankier Sloan conclude their letter by stating that *"In the circumstances, we regret to say, we do not believe there is any current market demand for a property as proposed in this location"*.

It is considered that this information proves that the developers have marketed the site in an appropriate manner and provides enough justification for not providing a shop on site.

#### **5.4**     Impact on the character and appearance of the area

In terms of the impact that this development has on the character and appearance of the area, the site is very close to the main road and as such will be highly visible. It is sat in relation to other residential properties and will not look out of place given that the front of the site has already been built out for residential development.

The dwellings are considered to be in keeping with the existing streetscene and also occupy a similar footprint to that of the existing approved shop should it have been built. The style of the properties is modern and in keeping with what surrounds the site and as such there is no objection to their development.

#### **5.5**     Potential contamination on the site

As part of the site was a petrol filling station and vehicle repairs garage there is the potential that the land is contaminated. As such planning conditions were imposed on the outline consent requiring site investigation to take place and if contaminants are found remediation measures to be taken to prevent ground water becoming polluted and a risk to health.

At the time of the initial investigation for the outline application, this area of the site subject to the application was proposed to be a commercial premises and as such, this proposed end use is more sensitive than previously considered and this may alter the risk assessment for this new development. As remedial works were proposed for the rest of the site which were also sensitive dwellings, an investigation into the ground conditions beneath this application area may not be necessary. Having addressed this matter with the Council's Environmental Protection Officer he has confirmed that the applicant's agent is happy for a condition to be imposed on the consent which requires a Verification Plan to be submitted which demonstrates the effectiveness of the remediation that has been carried out on the whole site in accordance with the requirements of the outline consent. It is acceptable that this verification plan will be the same one as has been submitted to address the conditions on the outline consent. It is considered that this approach will be sufficient to address any concerns that there may be about contamination on the site and therefore protect the new householders.

#### **5.6**     Additional requirements of the Section 106 Agreement



The original outline application (ref 06/00698/OUT) including a Section 106 Agreement which required amongst other items contributions to play, sports and a library contribution for the County Council. In the time between approval of the outline consent and the submission of this application, the applicants have sought to vary the legal agreement to provide alternative trigger points for payment of the financial sums associated with the agreement. This is due to financial issues caused by the economic recession and the slow down in the housing market.

At the time of writing the report, the amended Section 106 Agreement had not yet been returned from the applicants for engrossment by the Council's Legal Department. This means that should Members approve the application, the additional sums required through this application can be added into the amended agreement thus reducing the amount of time and cost that would have been associated with the production of yet another agreement.

In terms of the additional sums required to be inputted into the amended Section 106 Agreement, additional contributions are required pro-rata against the two additional houses. This means that additional financial sums are required for off site sports, library contribution and play. The applicant is aware of the additional requirements generated through this planning application and is agreeable to paying a pro-rated amount.

In negotiating the original scheme for 21 houses, and one flat over the shop the Council agreed to the provision of 6 affordable dwellings. The substitution of 2 houses for the shop/flat results in a total of 23 houses (of which 30% will be 6.9 dwellings) on this site, and it is usual to consider the combined result in calculating the affordable housing provision necessary. It is normal also to round up to the nearest whole number and consequently it could be argued that a further affordable dwelling is necessary. However, the applicant has stated that it would not be economically viable to provide one of these two as an affordable unit. As the shop/flat is also considered unviable, refusal of this application is likely to result in the prominent corner site being left vacant for a considerable amount of time. The applicant has however agreed to make pro-rata payments in respect of the other elements of the previous Section 106 Agreement. In the circumstances the HDCMD agrees that it would be unreasonable for the Council to insist upon a further affordable unit.

## **5.7** Comments received from Little Bourton Parish Council

The Parish Council also question the payment for the play area and the provision of the layby. Neither matters can prevent this planning permission being issued if the application is approved but this matter is being dealt with separately to the processing of this application.

The issues regarding visibility have been addressed with the local Highway Authority and suitable conditions have been suggested should the application be approved.

Finally, the Parish raise concern with provision of the bus stop. It has been suggested that they raise this issue with the County Council although this is something that they are aware of and are dealing with.

### 5.8 Conclusion

In conclusion I consider that the proposal will not cause any demonstrable harm to any of the matters outlined earlier in the report and as such it complies with the requirements of National Government Guidance, the South East Plan and also policies contained within the adopted Cherwell Local Plan.

## 6. Recommendation

**Approve**, subject to the following conditions and the variation of the current Section 106 Agreement:

1. SC 1.4A – Full permission duration 3 years
2. SC 2.0 A – Details of materials and external finishes - insert “dwellings”
3. SC 3.7AA – Submit boundary enclosure details
4. The development shall not be occupied until remedial works have been carried out in accordance with the agreed Verification Plan. A verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation in accordance with the Verification Plan must be submitted to and approved in writing by the Local Planning Authority.

Reason: Land contamination assessments provided for planning permission 06/00698/out have identified this land is affected by contamination. Remedial proposals in Applied Geology's Verification Plan, dated 28 August 2008, have been agreed to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised 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

4. SC 4.0AB – Access specification proposed - insert “construction” “dwellings”
5. SC 4.13CD – Parking and manoeuvring area retained
6. That the proposed dwellings are to be constructed wholly within land owned or controlled by the applicant

Reason – RC 13

7. SC 6.2AA – Residential no new extensions
8. SC 6.1BC – Residential open fronts

### Planning Note

Your attention is drawn to the plan attached showing the extent of the public highway. You are advised that respect must be given to the extent of the public highway and no development should encroach onto it. If you are in any doubt contact must be made with the Highway Authority Land and Records Department.

Planning Note – O1

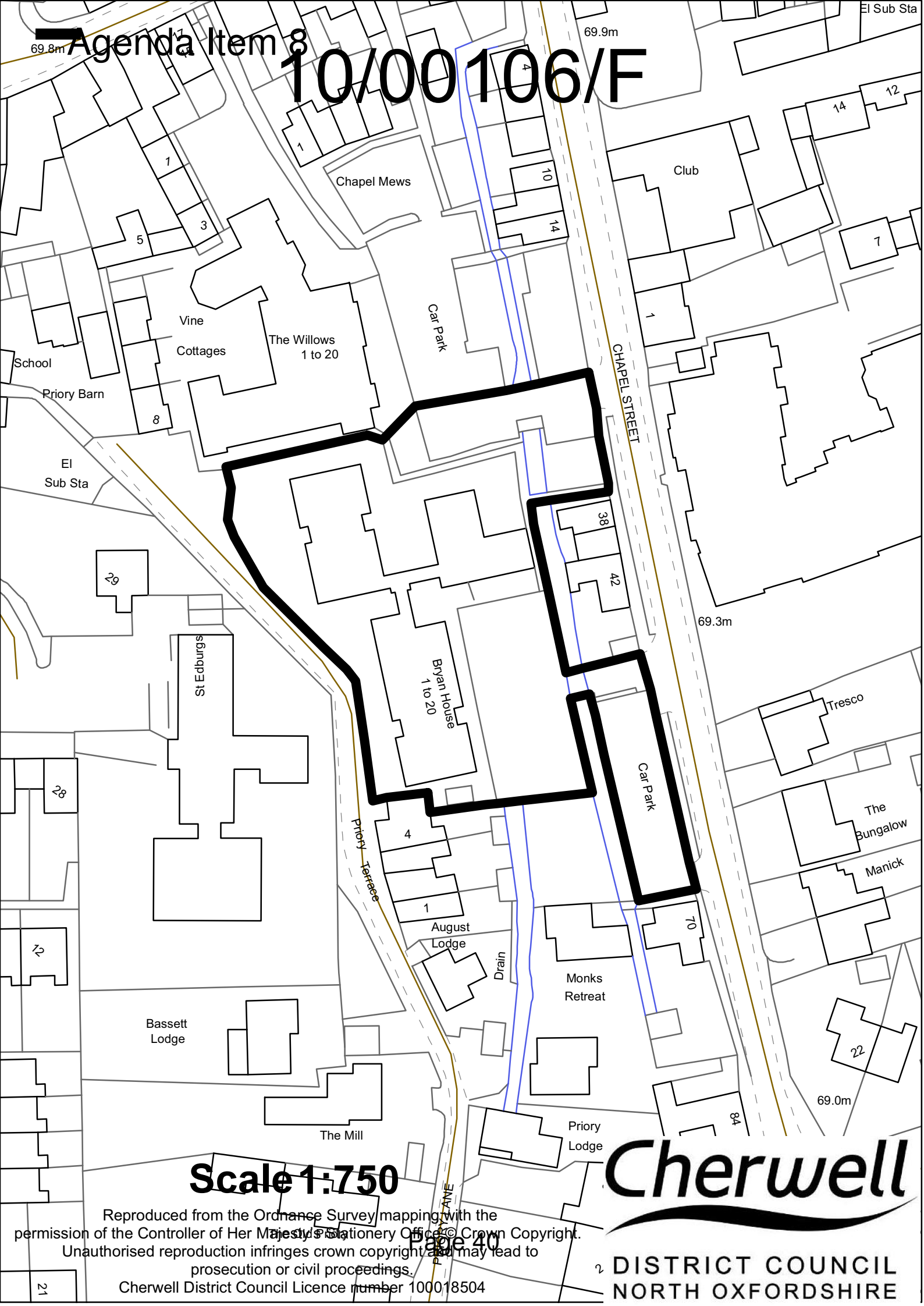
**SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND  
RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as local planning authority, has determined this application in accordance with the development plan, unless material considerations indicated otherwise. Incorporating and adhering to the above conditions, the development is considered to be acceptable on its planning merits as the proposal has regard to the character and appearance of its surroundings and has no undue adverse impact upon the residential amenities of neighbouring properties or highway safety. As such the proposal is in accordance with National Policies PPS1 – Delivering Sustainable Development, PPS 3 – Housing, PPG 13 – Transport policies H1, H4, H5, BE1, BE6 and T1 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: Michelle Jarvis**

**TELEPHONE NO: 01295 221826**

10/00106/F



Scale 1:750

**Cherwell**

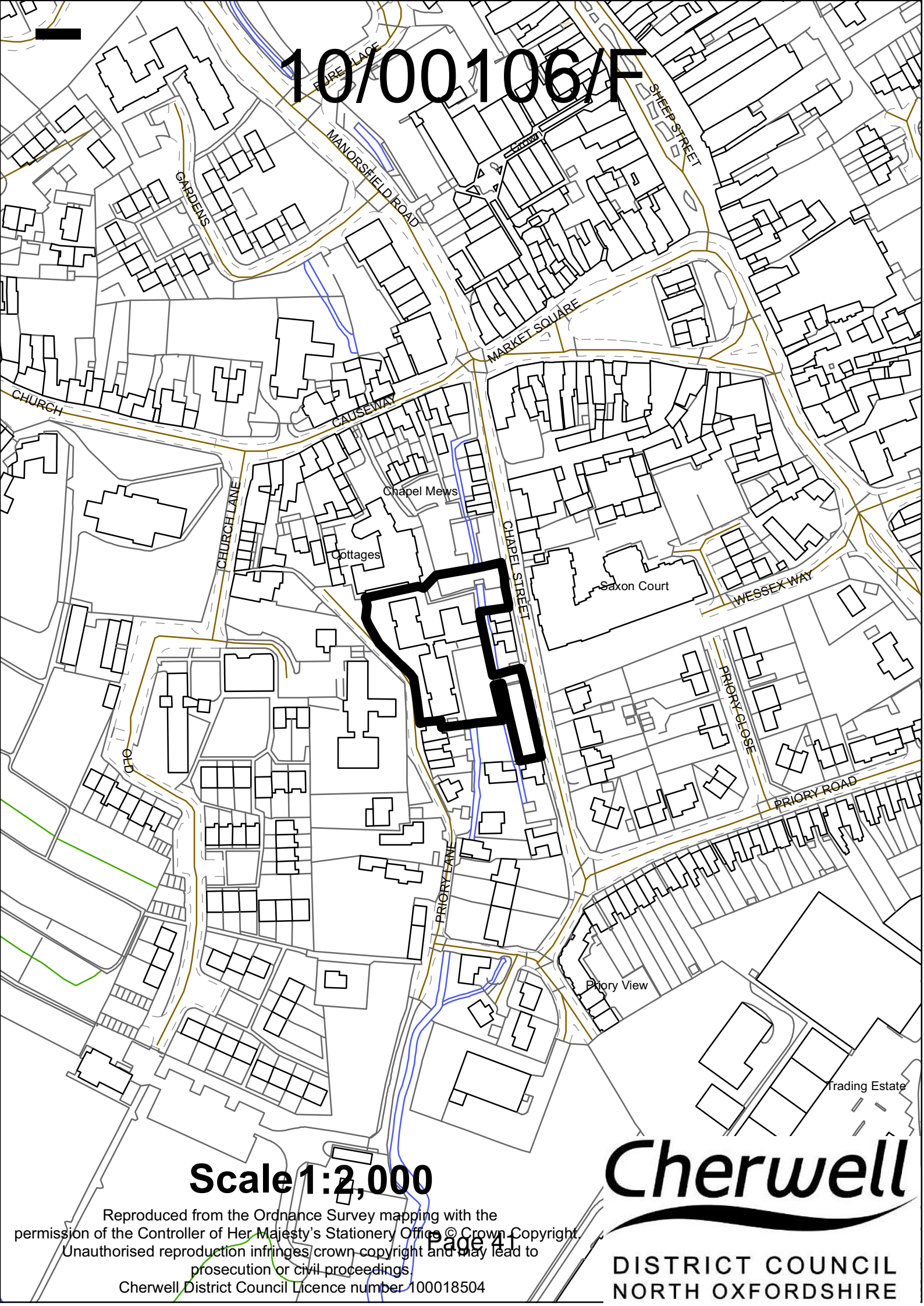
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**DISTRICT COUNCIL  
NORTH OXFORDSHIRE**

10/00106/F



Scale 1:2,000

**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

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|   |   |   |
|---|---|---|
| <b>Application No:</b><br><b>10/00106/F</b> | <b>Ward:</b><br><b>Bicester Town</b>  | <b>Date Valid:</b><br><b>25/01/2010</b> |
| <b>Applicant:</b>                           | Sanctuary Group, Hindle House, Trinity Way, Adderbury, Banbury, Oxfordshire, OX17 3DZ |   |
| <b>Site Address:</b>                        | Bryan House, Chapel Street, Bicester, Oxfordshire                                     |   |

**Proposal:** Demolition of existing Bryan House and development of 23 No. units of affordable housing

## 1. Site Description and Proposal

- 1.1 The site is located south west of Bicester Market Square between Chapel Street and Priory Lane within the historic core of the town and partly within the Conservation Area. The site is within walking distance of the Town Centre and is well positioned to benefit from various local amenities including parks, shops, restaurants, and public transport.
- 1.2 Bryan House is owned and managed by Sanctuary Housing Association and occupies a sizeable part of the site. Falling short of current standards for accommodation, it is scheduled for demolition. The remaining areas are predominately used for car parking which is owned and managed by Cherwell District Council. There are patches of soft landscaping within the site including some land laid to grass and a few unremarkable shrubs and trees. Two water courses run north/south through the site; Town Brook is largely canalised whilst Back Brook is culverted.
- 1.3 The application site has a net area of approximately 3520m<sup>2</sup> (0.35ha) and is surrounded by residential properties of various types and tenures. Directly to the west on the opposite side of Priory Lane is St Edburges Older Persons Home and to the north is a 3 storey block of retirement flats known as the Willows. To the south are two notable private properties (No 4 Priory Lane and No. 70 Chapel Street). To the west the site straddles a section of private housing which is central in the Chapel Street elevation and sits within the Conservation Area.
- 1.4 The existing built form to the west side of Chapel Street and to the southern elevation of Priory Lane is a traditional vernacular of stone, brick and render encompassing two to three storey cottages and houses with pitched slate or plain tiled roofs. New development on the eastern side of Chapel Street is similar.
- 1.5 Topographically the site is quite flat but in a slightly elevated position compared to Priory Lane and Chapel Street. The water courses present constraints to the site as do the centrally located properties along the eastern side.
- 1.6 The proposed scheme involves the entire demolition of Bryan House and enclosures within the site the latter of which are subject of Conservation Area Consent application (10/00122/CAC). There will be 23 units of social housing in 4 blocks including flats and houses creating a total residential occupancy of 76

people, associated parking areas, bin and cycle stores, landscaped areas and shared residential amenity area.

- 1.7 The development takes the form of:

**Block 1 Priory Road North**

9 No units made up of: 1 No. 3 bed 5 person house (89m<sup>2</sup>)  
1 No. 4 bed 6 person house (114m<sup>2</sup>)  
1 No. 4 bed 7 person house (131m<sup>2</sup>)  
3 No. 2 bed 3 person flats (57m<sup>2</sup>)  
3 No. 2 bed 3 person flats (75m<sup>2</sup>)

**Block 2 Priory Road South**

8 No. units made up of: 2 No. flats (GF & FF): 1 bed 2 person (50m<sup>2</sup>); when converted 2 bed 4 person flat (62m<sup>2</sup>)  
2. No flats (GF & FF): 1 bed 2 person (45m<sup>2</sup>); when converted as bedsit 1 person (32m<sup>2</sup>)  
2. No. (GF & FF): 2 bed 4 person flats (73m<sup>2</sup>)  
1 No. 2 person (SF) flat (45m<sup>2</sup>); when converted 4 person flat (56m<sup>2</sup>)  
1 No. 2 person (SF) flat (42m<sup>2</sup>); when converted as 1 person bedsit (30m<sup>2</sup>)

**Block 3 Chapel Street North**

2 No. units made up of 1 bed 2 person flats (45m<sup>2</sup> on GF and 47m<sup>2</sup> on FF)

**Block 4 Chapel Street South**

3 No. 2 bed 4 person house (75m<sup>2</sup>) and 1 No. 2 bed 4 person house (70m<sup>2</sup>)

These 23 units are proposed to be in line with the requirements of both Lifetime Homes Standards and Housing Quality Indicators and are on long and short term leases. It is intended that the majority will be socially rented with 6 being used to provide temporary/flexible accommodation and so designed in pairs (back to back) to allow their layout to vary depending on demand and circumstances. Consequently these units can provide either 1 No. 2 bed flat and 1 No. studio flat or 2 No. one bed flats.

- 1.8 The layout also provides 23 parking spaces with vehicular access only from Chapel Street. There is space for bin and cycle stores and shared residents amenity space in the form of a LAP.

## **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 5 March 2010.
- 2.2 Four letters have been received objecting on the following grounds:
1. Deep concerns about the future of our current parking space in front of our own privately owned house (4 Priory Terrace). Priory Lane is unadopted and not suitable for any further additional traffic so query if residents will have private unallocated parking. The overspill will be onto Priory Lane. Our parking areas need to be protected.
  2. Nos. 1 to 4 Priory Terrace are unlisted and make a positive contribution to the



Conservation Area. This area will lose its character and charm and become an access road to the new development.

3. Overlooking onto back garden of No. 4 Priory Terrace. There is currently a disused storage building adjacent to our boundary which we are trying to purchase as it would be an obvious encroachment of our privacy. It is not clear from the application what this is being used for.
4. Disruption during the project works particularly with regard to noise pollution, access and safety. Hours worked should not be unsocial hours. Access to my rented property (42 Chapel St) is limited via a gate which needs to be kept clear. Fear of machinery in proximity to garden wall.
5. A three storey building will disrupt views of the skyline and overshadow Priory Lane. Current buildings are 2 storey and the development should not exceed this height.
6. Object to the change of use from retirement properties to affordable ones particularly the number of units proposed. This will increase thoroughfare of pedestrians directly into Priory Lane which is currently very quiet and private. Noise pollution is an issue as our property (Priory Barn) is adjacent to the cycle track. Also litter will be a problem. Can the access from the new development to Priory Lane be removed?
7. Insufficient parking on site. This will lead to parking on Priory Lane blocking our private access. This is a single track lane which will be impossible to negotiate with any extra traffic. It is not adopted highway so residents are responsible for its upkeep.
8. Noise pollution and disruption during works – how is this to be minimized?
9. The development will have an adverse effect on the character and charm of the area and affect the desirability of living here.

### 3. Consultations

- 3.1 Bicester Town Council – **No objections.** The application is welcomed. It is requested that the development meets the highest environmental sustainability standards consistent with Bicester's eco-town status.
- 3.2 Oxfordshire County Council (Highways) - Comments awaited
- 3.3 Oxfordshire County Council (Developer Funding Team) – **No objection.** The County are mindful of other developments in Bicester e.g. 09/01592/OUT on land south of Talisman road and adjacent to London Road in particular. It is expected that 38 extra primary school places will be needed in the same school catchment if both proposals are implemented.

The County Council hold the view that it is too simplistic to view this as simply 3 extra dwellings (23-30) as an increase of 23 bedroom spaces is proposed. The existing building would predominantly be occupied by elderly people and the additional bedrooms proposed will be mainly occupied by children who will be of, or approaching school age.

Statistics from the Survey of New Housing 2008 suggest that if this proposal is built and occupied the population will increase by 36 people including 10 children of school age at least half of these will go to primary school before impacting on secondary and VI form educational infrastructure. These new residents will move out of existing accommodation and their old dwellings will be re-occupied so the



impact arises from the units to be built.

The County Council wish to secure a legal agreement for appropriate financial contributions to mitigate the impact of this development if implemented, before any planning permission is granted. This will aim to overcome what would otherwise be a potential reason to refuse this application.

The comments go on to set out expected sums for financial contributions of £177,620 broken up and summarised as follows:

Primary School = £64,534

Senior School = £98,686

Special Needs Schools = £3,218

Youth Centre = £1,203

Adult Learning Centre = £397

Library & Stock = £3,280

Waste Recycling Centre = £2,333

Museum Resource Centre = £219

Administration and monitoring fee = £3,750

- 3.4 Oxfordshire County Council (Planning Archaeologist) – **No objection**, subject to condition. The site is located within the core of the medieval settlement of Bicester. It lies close to St Egburg's Church which dates to the early medieval period. The site is also within the eastern side of the site of the Austinian priory that was founded between 1182 and 1185. Previous scheduled archaeological investigations have uncovered a large medieval wall and it is very likely that other aspects of the Priory and its immediate environs, the presence of medieval and earlier burials, Roman pottery will be encountered in the proposed building works.
- 3.5 Environment Agency – **Object** due to the absence of an acceptable Flood Risk Assessment. The flood risk modeling and flood zones information used is outdated, but if after applying the last updated modeling to clarify the position then the submitted sequential test may be sufficient. The submitted sequential test needs to show more information about the alternative sites. The FRA should demonstrate safe pedestrian access, requirements for floor levels, that there will be no loss of flood water storage or impedance of flood flows, the deculverting of the Back Brook will not increase flood risk (though this aspect of the proposal is generally welcomed) and that flood resilience has been considered.
- 3.6 Thames Valley Police (Crime Prevention Design Advisor) – **No objection** but amendments should be considered to reflect the requirement to ensure parked cars are overlooked and as close to the owners homes as possible. Notwithstanding the need for natural surveillance, a single gated narrow entrance will make car crime more difficult as advised by Secured By Design – New Homes. It is recommended that simple amendments are made i.e. insert ground floor gable windows into the

south and north elevations of block 4 and in the north elevation on block 3.

- 3.7 Thames Water – Waste Comments: **No objection** with regards to sewerage infrastructure provided certain conditions are met. There are public sewers crossing the site and in order to protect these and to ensure that Thames Water can gain access for future repair and maintenance, approval must be sought from Thames Water where the erection of a building or an extension or underpinning work would be over the line of, or within 3 metres of, a public sewer. The applicant is advised to contact Thames Water to discuss the options available. Further, it is the developer's responsibility to make proper provision for drainage to ground, water courses or a suitable sewer.  
Water Comments: **No objection** and recommend an informative regarding water pressure.
- 3.8 Head of Planning and Affordable Housing Policy (Urban Designer) – **No objection**. There has been extensive pre-application discussion on this proposal, as the Design and Access Statement records, and the design of the scheme has improved very markedly from the first submissions. It now accords with the Informal Development Principles in terms of layout, following that in the Guidance almost exactly; scale and massing; materials; in aiming to knit back together the Chapel Street frontage; providing environmental betterment through opening up the culverted water courses and softening their banks.  
I am particularly pleased to see how the energy saving attributes have been integrated into the proposals.  
There are a number of matters of detail, which require further consideration, and include the design and location of cycle sheds; the design and location of the bin stores; the number and location of the rooflights; details of the wall to Priory Lane; clarity of separation of the public car park to the north from the residents' car parking to the south.
- 3.9 Head of Building Control and Engineering Services – **No objection**.  
Rebuttal comment is made to the objection received by the Environment Agency. The River Bure and Back Brook were modelled using data derived from first principles. Both watercourses had previously been modelled as far downstream as Chapel Street to inform the Flood Risk Assessment and channel designs associated with the diversion of the River Bure along Manorsfield Road. The outputs from this modelling were used as the inputs for the modelling of the watercourses through the Bryan House site and down to their confluence.  
The model and its findings were accepted by the EA on 18/08/08 as fit for purpose. Within the tolerances of the model the worst case scenario is that the River Bure is indeed out of bank during the 1 in 100 year event but the Back Brook is not. Therefore, a high level overflow between the River Bure and the Back Brook is proposed which will equalise levels and ensure that both watercourses remain in bank. Dry access/egress is therefore also assured by this means.  
Finally, this redevelopment proposal does not entail a change of use on the site or a transfer from one category of development to a more vulnerable category (in flood risk terms). The solution identified above represents a betterment to the site in this regard and a reduction in flood risk.
- 3.10 Landscape Services Manager: **No objection**, subject to details and conditions. The extent of tree and shrub removal is acceptable. The hedge proposed to the edge of the car park will impede access to cars so a more formal arrangement is required to

ensure that clearance is maintained. Some plant types suggested may not suit the paving proposed due to potential route damage. The LAP will require 2 entrances and planting shall be non-toxic. A tree for shading could be considered. The existing Willow and Horse chestnut trees are just outside the application site boundary but will require protection during works.

- 3.11 Head of Recreation and Health: **No objection**. Contributions are required as part of a Section 106 as follows:  
Offsite outdoor sports facility of £18,619.88  
Offsite community facilities at Langford Village of £16,584.15 and,  
Offsite indoor sports facility of £12,202.85
- 3.12 Environmental Protection Officer: **No objection**, subject to condition. This is a sensitive site but matters can be satisfactorily dealt with by condition.
- 3.13 Natural England – **No objection**. This application falls under the legal standing advice. It is noted that the extended phase 1 survey recommends that bat surveys should be undertaken.

#### 4. Relevant Planning Policies

- 4.1 Central Government Guidance in the form of:  
PPS1: Delivering Sustainable Development  
PPS3: Housing  
PPS9: Planning and Biodiversity  
PPG13: Transport  
PPG15: Planning and The Historic Environment  
PPG16: Archeology and Planning  
PPS25: Development and Flood Risk
- 4.2 South East Plan Policies: SP3, CC1, CC2, CC4, CC6, CC7, CC9, H1, H2, H3, H4, H5, H6, T4, T5, W8, BE1, BE3, BE6, NRM4, NRM5, S1, CO2 and CO3
- 4.3 Adopted Cherwell Local Plan 1996 Saved Policies: TR1, R12, C2, C28, C30 C32 and ENV1.
- 4.4 Non-Statutory Cherwell Local Plan 2011 Policies: H1b, H3, H4, H11, TR1, TR4, TR5, TR11, R9, R10a, EN14, EN23, EN39, EN40, EN44, EN47, D1, D2, D3, D5, D6 and D9.
- 4.5 Draft Core Strategy – February 2010. Whilst at this time little weight can be given to this document, in terms of it being a material consideration, it should be noted that the Council's broad strategy is to focus growth in and around Bicester
- 4.6 Redevelopment of Bryan House, Chapel Street, Bicester – Informal Development Principles December 2008. This document was prepared by CDC as informal guidance and has been subject of public consultation so carries some weight as a material consideration in the determination of any planning application on this site.
- 4.7 Supplementary Planning Guidance Recreation and Amenity Open Space Provision sets out the Council's requirements for the provision of children's play space, outdoor sports and amenity areas.

## 5. Appraisal

- 5.1 The main issues for consideration include:- principle of the development; flood risk; effect on the character and appearance of the Conservation Area; design including layout, scale, materials; parking provision and highway safety; effect on the setting of the listed building(s) in proximity; impact on amenities of neighbouring properties and sustainability.
- 5.2 Principle of the development  
This development has been the subject of extensive pre-application negotiations and was based on the formulation of CDC's Informal Development Principles document December 2008. The scheme involves funding from Sanctuary Housing and Cherwell District Council (which is a significant contributor to the delivery of the proposed scheme with the relocation and distribution of the public car parking areas). The reconfiguration of the car parking arrangements has resulted in the loss of one public parking space to the whole development site.
- 5.3 Outline planning permission was granted for the demolition of existing buildings (including Bryan House) and construction of 27 No. flats in June 2006. Back then it was concluded that Bryan House is in need of substantial internal and external refurbishment as the units do not meet current mobility or health and safety standards. Demolition and replacement to higher modern standards is therefore considered to be the best option. Further, the proposal is now part of Cherwell District Council's wider housing strategy and promotes the Code for Sustainable Homes, seeking level 4\* for blocks 1 and 2 and level 5 for blocks 3 and 4 and is a demonstration project identified in the Eco Town Growth Fund Bid. There is demand for affordable housing near to the town centre of Bicester
- 5.4 The application site "is previously" developed land in PPS3 terms as defined in Annexe B. Paragraph 40 of PPS3 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.
- 5.5 With respects to general housing policy, policy H11 in the Non Statutory Cherwell Local Plan 2011 (NSCLP) supports residential development within the built up limits of Bicester provided they make efficient use of land and there are no adverse impact on the existing character, residential amenity and highway safety.
- 5.6 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 policy H3 of the South East Plan 2009.
- 5.7 The HDC&MD considers that the density of development 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 within this part of Bicester and consequently acceptable in principle and policy terms.

5.8 Flood risk

Addressing the issue of the flood risk is an essential element of any development at this site. In noting the comments by the Head of Building Control and Engineering Services, the view is taken that the future properties will not be at an increased risk of flooding and safe access would be maintained. The concerns raised by the Environment Agency are currently being pursued further and it is anticipated that they will be withdrawn. If possible, an update will be given at the meeting.

5.9 By way of background to this issue, being within a flood risk zone 3 (a high probability of flooding), it is a requirement of PPS25 to undertake a sequential test to show that there are no other less 'risky' sites which could be pursued for this type of proposal. The aim of this is to steer new development to areas at the lowest probability of flooding. This presents a dilemma in terms of this being a redundant brown field site which, in PPS1 terms, is sequentially the best being so close to the town centre but which is potentially in conflict with PPS25 requirements for a site which has less of a flood risk. Nevertheless, the sequential test has been undertaken and although it has been met with some criticism from the Environment Agency it is considered that this cannot be the determining factor in this case if adequate mitigation and other aspects of the site can be adequately addressed to an acceptable flood risk.

5.10 The view is taken that this redevelopment proposal does not entail a change in the nature of the use on the site or a transfer from one category of development to a more vulnerable category (in flood risk terms). The technical solution being proposed represents a betterment to the site in this regard and a reduction in flood risk, as explained in the advice received by the Head of Building Control and Engineering Services. To this end, it is considered that the development of this site is acceptable in principle having adequately addressed the issue of flood risk.

5.11 Effect on the Character and Appearance of the Conservation Area

The Conservation Area boundary excludes the existing Bryan House building(s) to the Priory Lane side of the site but includes the car parks, entrance and Town Brook (and properties 34-42 Chapel Street) which front onto Chapel Street. It has already been stated that the existing buildings which make up Bryan House fall short of current standards for accommodation. They are of little architectural merit and do not make a positive contribution to the Conservation Area so the loss of these buildings would not have a harmful impact.

5.12 The demolition of the lesser structures (walls and enclosures) falling within the Conservation Area require consent for their demolition and are considered under 10/00122/CAC and the recommendation for their approval for demolition is noted. The Conservation Officer as part of the consultation to that application notes that the redevelopment of this site will result in overall enhancement of the Conservation Area and to this end the view is taken that the proposal is acceptable in PPG15 terms as it ensures that the character or appearance of the Conservation Area is preserved or enhanced.

5.13 Design, scale and layout

Given the relationship of this site to the Conservation Area this has had a strong

influence on informing the design, scale and layout to the site in accordance with PPG15. Further guidance is given in PPS1, Delivering Sustainable Development which 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”.

- 5.14 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”.
- 5.15 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 seek 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.
- 5.16 Scaling and design have been planned to respond to the requirements of Cherwell District Council’s Informal Development Principles and to provide a development and landscape fit for both use and location. The proposed buildings are laid out in 4 blocks and for convenience they are referred to as follows: Block 1 is north on Priory Lane, Block 2 is south on Priory Lane, Block 3 is north on Chapel Street and Block 4 is south on Chapel Street (see site plan drawing number 2007/1016/PO3).
- 5.17 Having worked closely with the developers during the pre-application stage, the approach taken to the concept of the design is generally welcomed as it is one of both traditional vernacular (the smaller scale dwellings) and a simplified contemporary form (the flats and town houses). Similarly the materials proposed reflect the local palette with a mix of traditional and modern across both styles. Many of the materials have been requested as part of the application due to the sensitive nature of this site within the Conservation Area and in proximity to listed buildings along Chapel Street. Provision is made for a Local Area of Play (LAP) alongside which a pedestrian link across the site from Priory Lane to Chapel Street linking to the market square. The car parking is proposed in a central location which allows for the street scene to be developed which will in turn screen the car park.
- 5.18 Blocks 1 and 2 follow the line of Priory Lane and are dual aspect. The blocks are accessed internally from within the site across the Back Brook through covered bridge structures. They are at a raised level (some 700mm above the existing Priory Lane level) to accommodate flood protection. Block 1, adjacent to the existing 3 storey block of ‘The Willows’ starts at 2 storeys and then rises to 2½ storeys and ends in a single unit of 3 storeys with a ridge line similar to that of ‘The Willows’. There is a break where the pedestrian access is located and then Block 2 is designed at 2½ storeys falling to 2 storeys next to the neighbouring property at No. 4 Priory Terrace. The mix of materials proposed will create a visual interest and

breaks in the building line.

- 5.19 Similarly Blocks 3 and 4 establish a continuous street scene to Chapel Street. Pedestrian access is maintained to Monks Retreat. Again the levels are raised by some 550mm above the existing Chapel Street to accommodate the requirements of flood protection. Both blocks are at 2 storey in keeping with the existing street frontage. Block 4, being the larger, is broken by its appearance and form to provide a visual interest to the street scene. The ridge heights are varied but designed to be comparable to the existing buildings bearing in mind the allowance for the required raised levels for the flood protection.
- 5.20 The site will be fully landscaped with hard and soft surface treatments. The principle landscaping focus is to the centre of the development along Back Brook. The scheme is supported in principle and it is considered that the finer detail can be adequately addressed by condition as recommended.
- 5.21 To conclude this section, 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.
- 5.22 Materials and appearance of the development  
As previously mentioned, the principal materials proposed for use in the buildings are intended to reflect the local vernacular using the traditional and the more simplified contemporary. Grey limestone, pale renders, brick with slate and plain tiles roofs all feature. Windows are proposed to be timber casement and the submitted details show a variation of traditional eaves, verge and window including stone lintels and cills.
- 5.23 Parking provision and highway safety  
Vehicular access to the site is provided off Chapel Street. The existing access leads to the internally positioned car parking for Bryan House residents. The repositioned public car park is accessible from the existing northern access on Chapel Street. Although the parking areas are positioned together there is no vehicular link and they are separated by raised landscaping and pathways with embedded low level timber bollards.
- 5.24 The Bryan House private parking is mostly to the south/central part of the site and accessed only from Chapel Street, not Priory Lane. To create a more private feel, the entrance is narrower and an identifiable pedestrian route provided to allow free flow between Priory Lane and Chapel Street.
- 5.25 Although a formal response is yet to be received from the County Council, as Highway Authority, on the parking aspects, the pre-application advice to date has been that the parking provision is acceptable. The existing arrangement was 43 for public and 19 for Bryan House (including 9 Vale Housing Association Spaces). The proposal is for 51 public spaces (including 9 covenanted to VHA) and 23 for Bryan House which is a ratio of one space per unit. Clearly being a town centre location this makes the site convenient for pedestrian access for future occupants.
- 5.26 The HDC&MD 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.

5.27 Effect on the setting of the listed buildings

The listed buildings in proximity are on Chapel Street, namely Trinity and No. 1 on the opposite side of the street to that of the development. The Conservation Officer raises no concerns or objections in this regard particularly given the quality of the materials being proposed through this application. The proximity of the listed buildings has been influential in this regard. It is concluded that the proposal will not, therefore, harm the settings of these grade II listed buildings in compliance with PPG15.

5.28 Impact on amenities of neighbouring properties

On the Priory Lane side, Block 1 is proposed to be sited 2.4m from the nearest neighbour (The Willows) and whilst this is closer to the building than the existing situation the gap is considered acceptable particularly given the proposed height at 2 storey, that the gable will now be blank so there will be no overlooking opportunities facing onto the flats and its continued use as residential. The nearest neighbour to Block 2 is No. 4 Priory Terrace and the comments from this neighbour are noted. With the closest structure being a single storey garage, together with a proposed 1m gap (the same as existing), this will give sufficient relief from the proposed flats which, in any event are again at 2 storey at this section. A bin store is proposed to the rear of the garden to this property which is to be sited further away than an existing outbuilding. It should be noted also that there is to be no highway access from Priory Road, though to improve accessibility to the town centre there will be pedestrian routes.

5.29 From the Chapel Street side, Block 3 is isolated from neighbours to the north so this has made the proposed amendment (suggested by Thames Valley Police) to insert a window in the north gable elevation at ground floor acceptable in neighbour impact terms. To the south, gable measurements are comparable with the existing properties at 38-42 Chapel Street. The south elevation is blank so there would be no overlooking. Block 4 has again been amended to introduce gable windows at ground floor to assist in the surveillance of the parking areas proposed either side of the block. The gaps between the properties either side are considered sufficient to prevent any unacceptable harm to the neighbours.

5.30 Sustainability

The scheme has been designed in accordance with the Code for Sustainable Homes with blocks 3 and 4 designed to meet a minimum of level. Windows will be triple glazed casement of a very low U-value (a better insulator). Maximization of solar gain benefits and sustainable materials are design features within the buildings. Being an exemplar scheme the site has an array of high environmental performance features some of which exceed current Building Regulations.

5.31 S106 Agreement

Whilst the proposed scheme seeks to provide 23 units of affordable/social housing and Housing Services have worked closely with Sanctuary on this development and are happy with the mix of types and tenure and the general layout, a section 106 agreement is considered necessary. 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. In this case, requests for



contributions to be secured by way of a S106 Agreement include provision for off site indoor and outdoor sports, schools (primary, senior and special needs), youth and adult learning centres, library and stock, museum resources, public art, public transport and waste and recycling contributions. 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, for example with regard to the offsite community facilities being sought by the Head of Recreation and Health at Langford Village may be seen as being unreasonable.

#### 5.32 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 cause no serious harm to the amenities of any neighbouring properties, will preserve or enhance the character or appearance of the Conservation Area, will not harm the setting of the listed buildings 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) **A resolution to the flooding issue and withdrawal of the Environmental Agency objection;**
- b) **Final comments from Oxfordshire County Council as local Highway Authority;**
- c) **The completion of a S106 agreement covering the following heads of terms;**
  - **OCC Infrastructure contributions including primary, secondary and special needs schools, youth and adult learning centres, library and stock, waste management and recycling centre and museum resource centre.**
  - **Highway and transport contributions including BicITS contribution and public transport subsidy**
  - **CDC Leisure and Recreation including: offsite outdoor and indoor sport and community and youth.**
  - **CDC public art**
  - **CDC Waste and recycling**
- d) **The following conditions:**
  1. **S.C 1.4A (RC2) – [Time: 3 years]**
  2. **Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with drawing nos. 2007/1016/SLP01, P01, P03, P04, P05, P06(A), P07, P08, P09, P10, P11, P12, P13 and the design and access statement submitted with the application.**  
**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. 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 'Model Procedures for the Management of Land Contamination, CLR 11' 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.

**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.

4. If a potential risk from contamination is identified as a result of the work carried out under condition 3, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

**Reason:** To ensure that 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.

5. If contamination is found by undertaking the work carried out under condition 4, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

**Reason:** To ensure that 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.

6. If remedial works have been identified in condition 5, the remedial works shall be carried out in accordance with the scheme approved under condition 5. 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: 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.

7. That prior to the first occupation of the development the existing means of access onto Chapel Street shall be improved, 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)
8. That before the development is first occupied the parking and manoeuvring areas shall be provided in accordance with the plan (2007/1016/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)
9. 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)
10. 5.5AA Replace first part with 'That full design details (including sections) of the eaves, dormers, fenestration and doors .... (RC4A)
11. 5.5AA ....boundary walls ... (RC4A)
12. 2.3DD - natural stone (RC5B)  
.....buildings which face onto Chapel Street....
13. 2.2AA ....bricks....buildings....(RC4A)
14. 2.2BB.....tiles.....roofs of the buildings....(RC4A)
15. 2.8A Replace first part with 'That the colour, texture and finish of the external walls shall be in accordance with a scheme to be submitted.....' (RC4A)
16. 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)

17. 2.13AA Demolition of buildings (RC8A)
18. 6.7AA No radio, TV aerials, satellite dishes (RC4A)
19. 3.0A Submit landscaping scheme (RC10A)
20. 3.1A Carry out landscaping (RC10A)
21. No development shall commence within the application area until the applicant, or their agents or successors in title, has secured the implementation of a staged programme of archaeological investigation and mitigation in accordance with a written scheme of investigation that shall first be submitted to and approved in writing by the Local Planning Authority. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication. The work shall be carried out by a professional archaeological organization acceptable to the Local Planning Authority.  
Reason: To ensure the appropriate measures are taken to detect and preserve archaeological remains either in situ or by record in accordance with PPG16: Archaeology and Planning and Policy BE6 of the South East Plan 2009.
22. 9.4A Ecological report (RC85A)  
.....Extended Phase 1 Habitat Survey by Middlemarch Environmental Ltd dated December 2009.....
23. 9.11A Provision of a LAP (RC92A)
24. 5.19A Conservation rooflights (RC4A)
25. 5.5AA Replace first part with 'That details, including the locations, of the gas and electricity meter cupboards .....(RC4A)
26. Notwithstanding the cycle and bin store details submitted in drawing 2007/1016/P10 and their proposed locations shown on drawing 2007/1016/P03, new design details and their locations shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details. (RC4A)

#### 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 are public sewers crossing the site and approval from Thames Water is required for the erection of a building within 3 meters. The developer is advised to contact Thames Water Developer Services on Telephone No: 0845 850 2777 for further information. Further, the developer is advised that 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 Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

4. U1 – construction sites

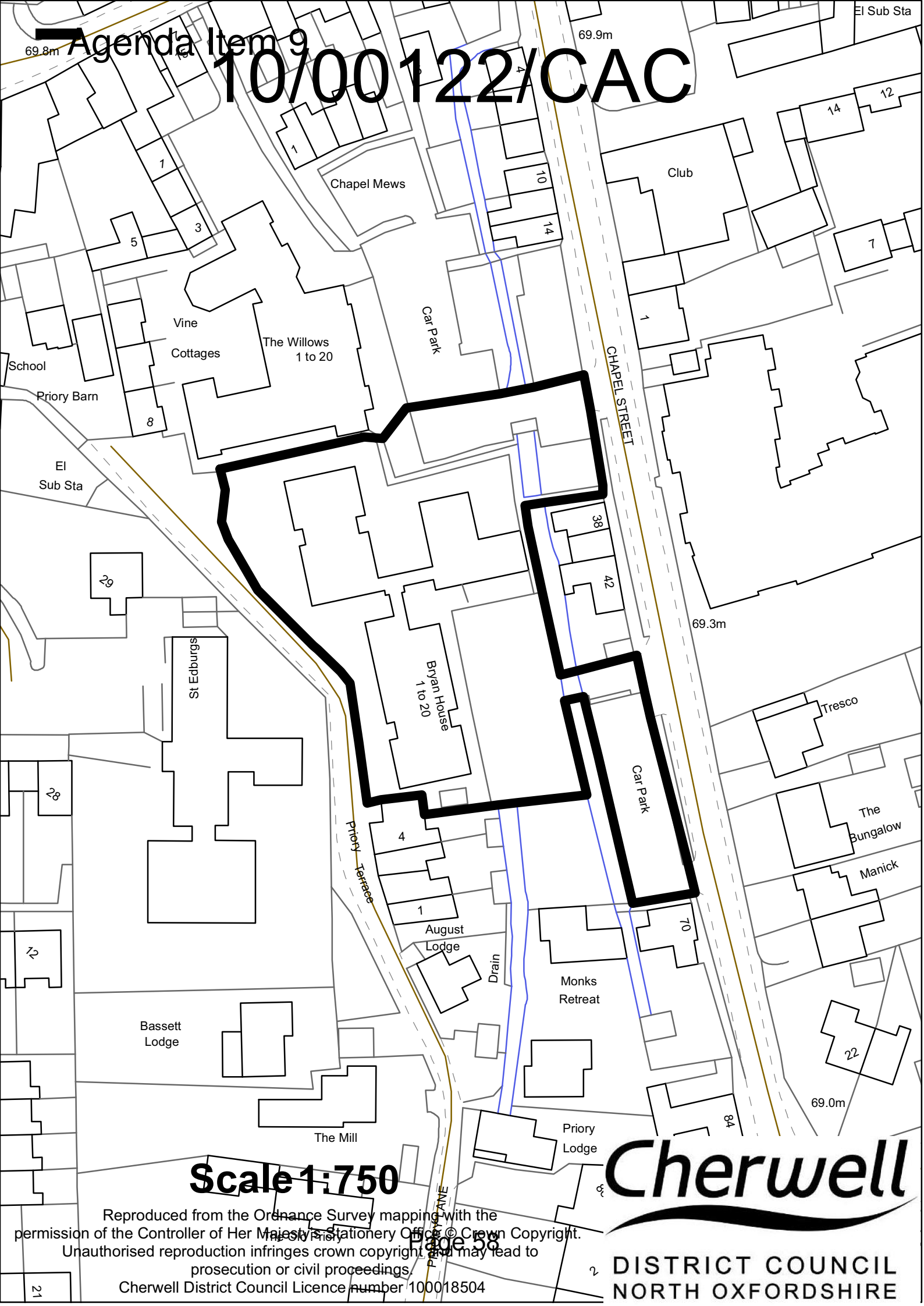
#### **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

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. Further, the Council has paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and the setting of the listed buildings. As such the proposal is in accordance with Policies SP3, CC1, CC2, CC4, CC6, CC7, CC9, H1, H2, H3, H4, H5, H6, T4, T5, W8, BE1, BE3, NRM4, NRM5, CO2 and CO3 of the South East Plan 2009 and Policies TR1, R12, C2, C28, C30, C32 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained in PPS1, PPS3, PPS9, PPS25, PPG13, PPG15 and PPG16. 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:** Rebecca Horley

**TELEPHONE NO:** 01295 221837

# 10/00122/CAC



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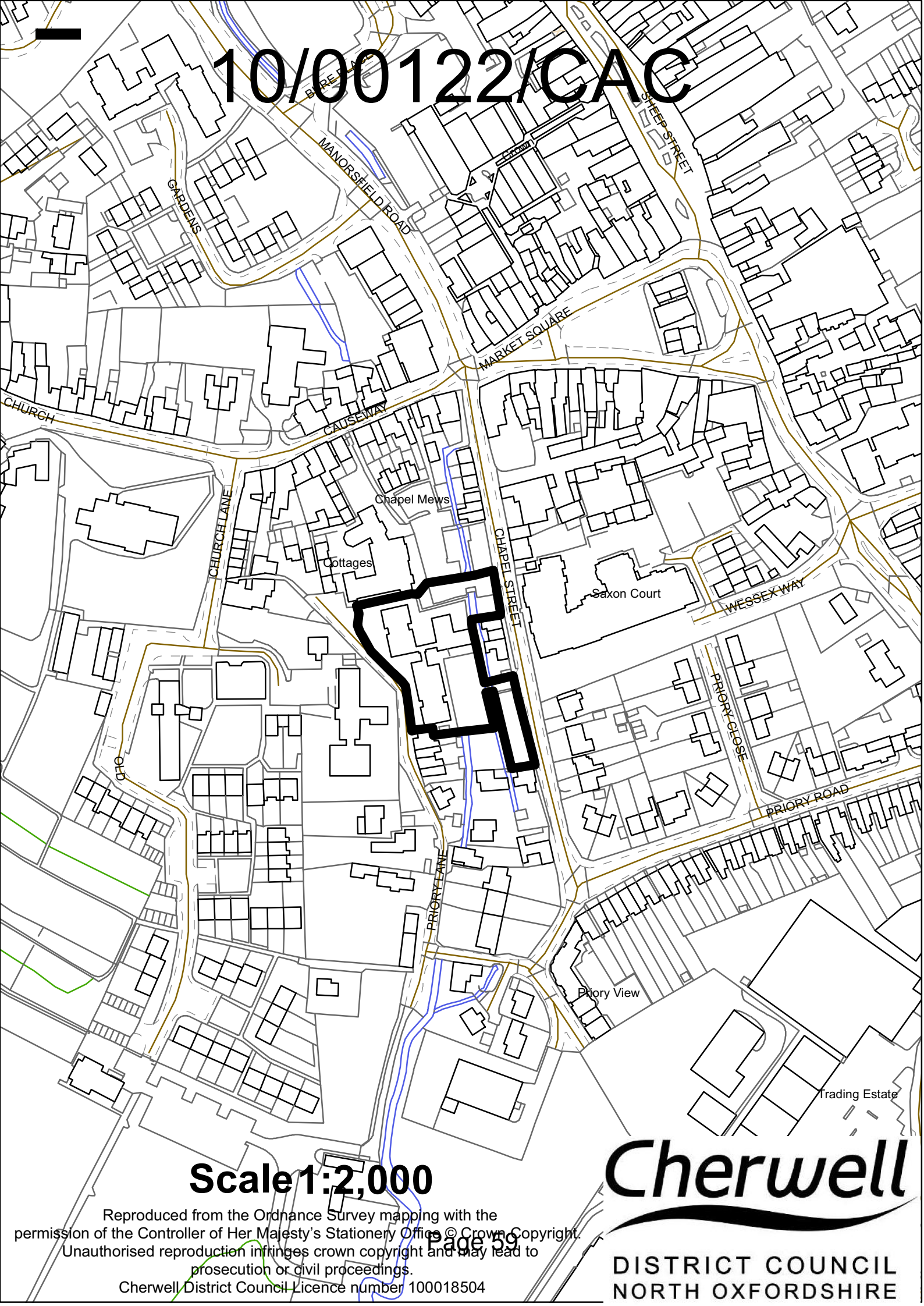
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10/00122/CAC



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|---|---|---|
| <b>Application No:</b><br><b>10/00122/CAC</b> | <b>Ward:</b><br><b>Bicester Town</b>  | <b>Date Valid:</b><br><b>25/02/2010</b> |
| <b>Applicant:</b>                             | Sanctuary Group, Hindle House, Trinity Way, Adderbury, Banbury, Oxfordshire, OX17 3DZ |   |
| <b>Site Address:</b>                          | Bryan House, Chapel Street, Bicester, Oxfordshire                                     |   |

**Proposal:** Demolition of wall to Chapel Street car park and other means of enclosure within the Conservation Area.

## 1. Site Description and Proposal

- 1.1 The site is located south west of Bicester Market Square between Chapel Street and Priory Lane within the historic core of the town and partly within the Conservation Area.
- 1.2 Bryan House, falling short of current standards for accommodation, is scheduled for demolition but is not within the Conservation Area. The remaining parts of the site are predominately used for car parking but the site features walls and other means of enclosure which fall within the Conservation Area and are subject of this application for their demolition to make way for a development currently under consideration (10/00106/F refers).
- 1.3 The principle affected wall, subject of this application and proposed for demolition, runs alongside the southern access point to the site on its south side. Other walls include those either side of footways and covered areas to Town Brook are similarly affected as are the steel railings which run alongside that same brook. For ease of reference the affected features are identified on amended drawing, number 2007/1016/P18.

## 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 5 March 2010. No comments have been received.

## 3. Consultations

- 3.1 Bicester Town Council – **No objection.**
- 3.2 Conservation Officer – **No objection.** It is recognised that the proposal will facilitate the redevelopment of the Bryan House site resulting in an overall enhancement of the Conservation Area. There should be a presumption in favour of retaining traditional materials.



## 4. Relevant Planning Policies

- 4.1 Applications for Conservation Area Consent for demolition are governed by the Town & Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1987 and the present legislative provision relating to such cases is found in the Planning (Listed Buildings and Conservation Area) Act 1990. The current circular is 01/2001. Relevant to this case is that the guidance advises that any gate, wall, fence or other means of enclosure which is more than one metre high where it abuts a highway (including a footpath, waterway or open space) requires Conservation Area consent.
- 4.2 Central Government Guidance in the form of PPG15: Planning and The Historic Environment
- 4.3 South East Plan Policies: BE6
- 4.4 Adopted Cherwell Local Plan: saved policy C23
- 4.5 Non-Statutory Cherwell Local Plan 2011 Policies: EN39 and EN40

## 5. Appraisal

- 5.1 The only issue to consider in the determination of this application is the effect it will have on the character or appearance of the Conservation Area. The proposal will only be acceptable if it assists in the achievement of the objective of preserving or enhancing the Conservation Area. PPG15 states that the general presumption should be in favour of retaining building/structures which make a positive contribution to the character or appearance of the Conservation Area and as such proposal to demolish should be assessed against the same criteria as proposal to demolish listed buildings.
- 5.2 In this case, the walls are made of natural stone but in themselves are not remarkable features. Similarly the boundary treatment along the brook is mainly simple modern hand railings which do not improve or enhance the area. The development of the site as a whole will improve the Conservation Area and it requires that these walls and enclosures are removed. It is the opinion of HDC&MD that the application for their removal has sufficient merit to stand alone and does not require to be conditioned to ensure their replacement given that this could be adequately achieved by other more simple means. However, retention of the stone, being a traditional material, could be achieved and used elsewhere in the development of the site, hence the recommendation.

## 6. Recommendation

**Approval subject to the following conditions:**

- 1. **1.5A (RC3)**
- 2. **Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with drawing nos. 2007/1016/P02, P03 and P018 and the design and access statement submitted with**

the application.

**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 the stone on the existing walls shall not be disposed of but shall be conserved and re-used in the redevelopment of the Bryan House site.

**Reason:** To ensure that the materials are preserved and retained and that the completed development is in keeping with and conserves the historic character and visual amenities of the locality in compliance with Policy BE6 of the South East Plan 2009.

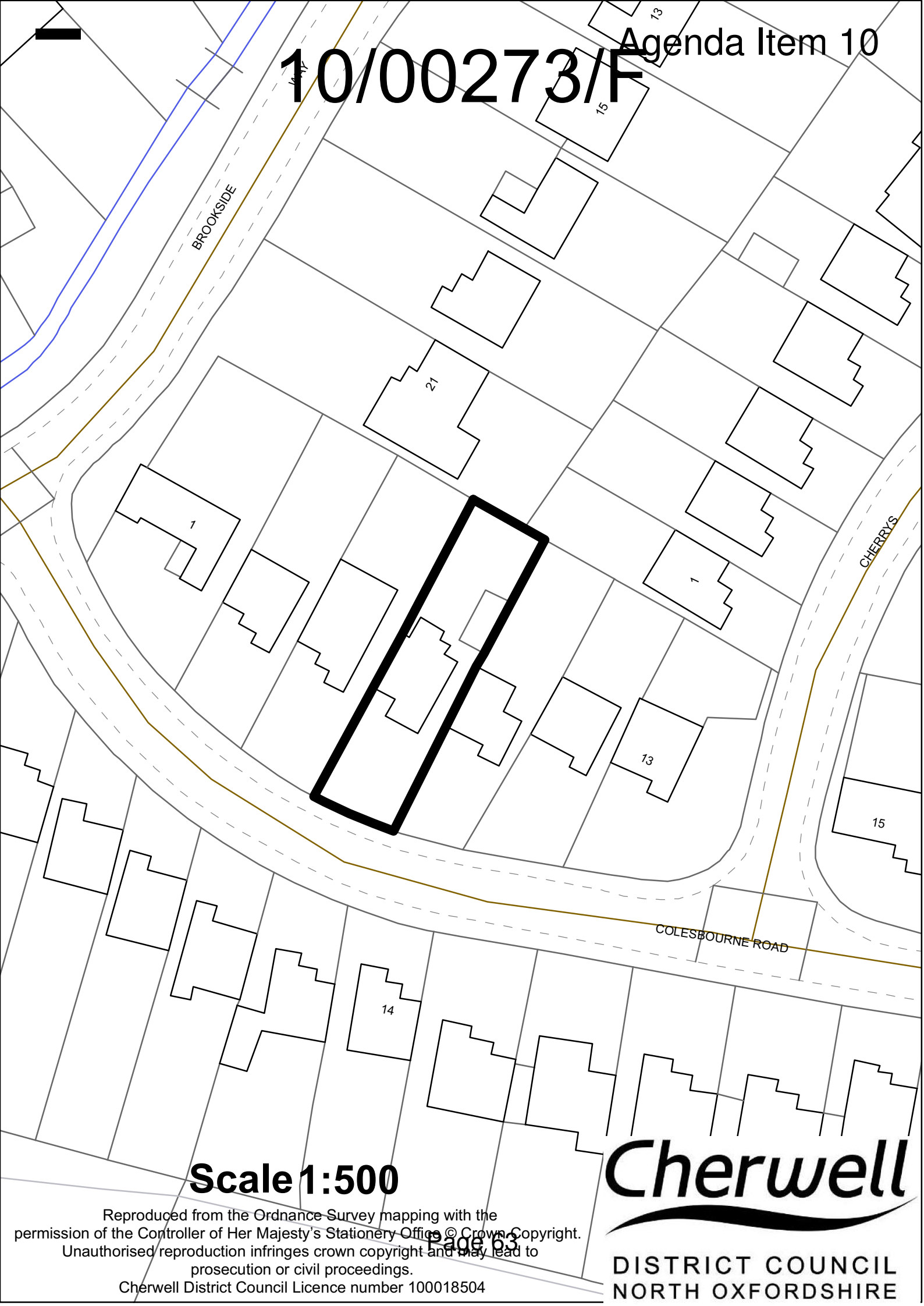
#### **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as local planning authority, has determined this application in accordance with the Planning (Listed Building and Conservation Areas) Act 1990, Government advice contained in PPG15 and the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its merits as the proposal preserves the character and appearance of the Conservation Area. As such the proposal is in accordance with Policy BE6 of the South East Plan 2009 and Policy C23 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 Conservation Area Consent granted subject to appropriate conditions as set out above.

**CONTACT OFFICER:** Rebecca Horley

**TELEPHONE NO:** 01295 221837

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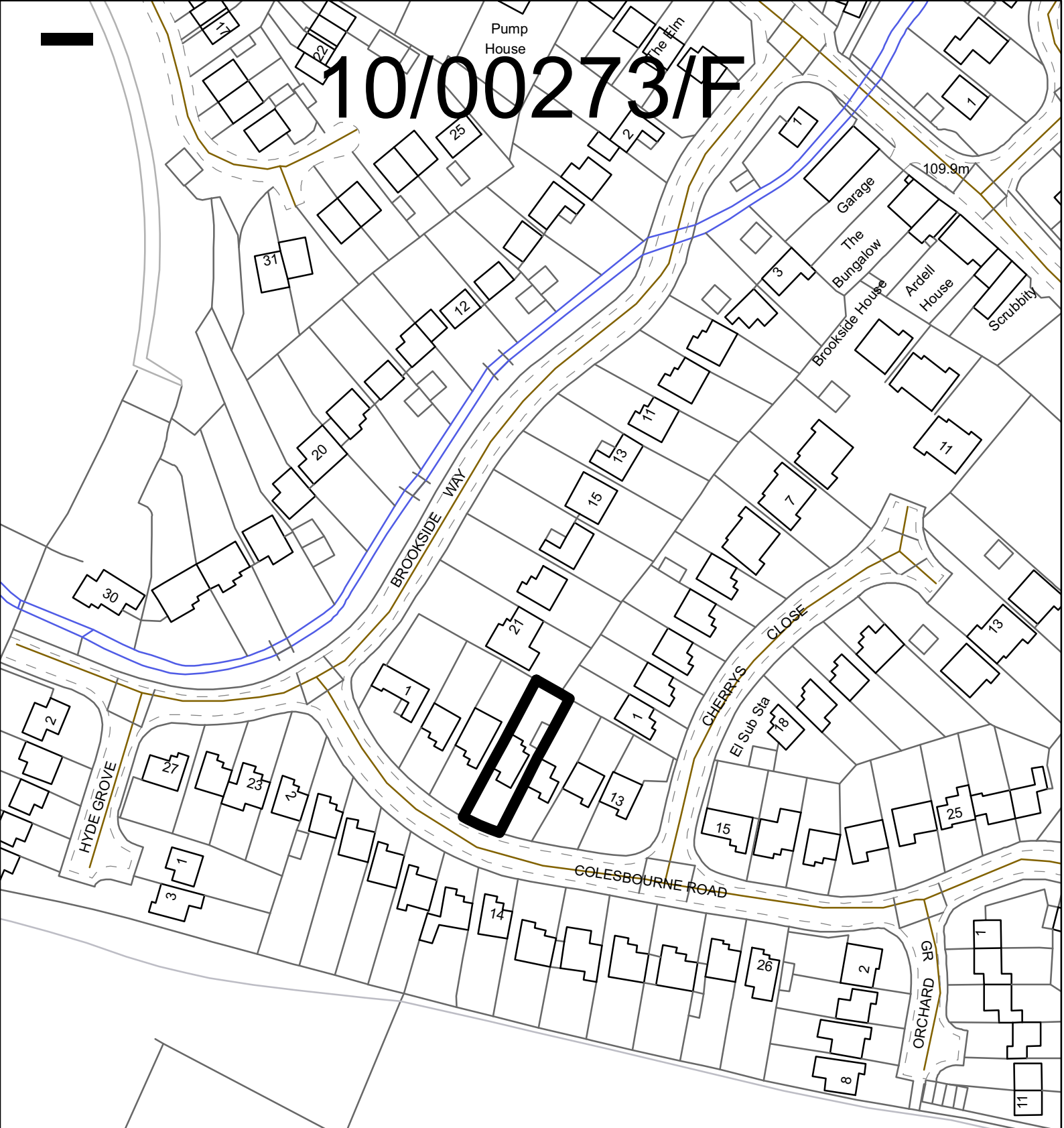


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DISTRICT COUNCIL  
NORTH OXFORDSHIRE

10/00273/F



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Recreation Ground

**Cherwell**

**DISTRICT COUNCIL  
NORTH OXFORDSHIRE**

|                                      |                             |                                |
|--------------------------------------|-----------------------------|--------------------------------|
| <b>Application No:</b><br>10/00273/F | <b>Ward:</b><br>Bloxham     | <b>Date Valid:</b><br>24/02/10 |
| <b>Applicant:</b>                    | Mr. Mark Tibbetts           |                                |
| <b>Site Address:</b>                 | 7 Colesbourne Road, Bloxham |                                |

**Proposal:** Two storey side extension

## 1. Site Description and Proposal

- 1.1 7 Colesbourne Road is a brick built 1970s two storey dwelling in an estate location. The property, otherwise detached, is currently linked to 9 Colesbourne Road by a single storey flat roofed timber store room.
- 1.2 The applicant is proposing to remove the store room and replace it with a two storey extension. As the applicant also wishes to create a side access path to the rear of his property, the extension only has a width of 1.75 metres. The full depth extension has a lower eaves and ridge line than that of the existing property. This application is referred to Committee as it is submitted by the partner of a Council employee.

## 2. Application Publicity

- 2.1 The application has been advertised by way of press notice and neighbour letter. The final date for comment is the 14<sup>th</sup> April 2010. As of the 19<sup>th</sup> March 2010, no correspondence has been received as a result of this consultation process.

## 3. Consultations

- 3.1 Bloxham Parish Council had not commented at the time of writing this report.
- 3.2 Environmental Protection Officer has raised no objections subject to informative.

## 4. Relevant Planning Policies

- 4.1 Policy BE1 of the South East Plan 2009
- 4.2 Policies ENV12, C28 and C28 of the adopted Cherwell Local Plan

## 5. Appraisal

- 5.1 The key consideration in this case is that of design. Officers would normally advise an applicant to step back a two storey side extension from the front and possibly the rear elevations to show subservience to the existing building. In mitigation, notwithstanding the fact that the lower ridge line demonstrates a form of subservience, there are a number of other properties along the road that have had full depth two storey side extensions. It was therefore not considered equitable to seek an amendment to the scheme.

- 5.2 As there are no windows in the side elevation of 9 Colesbourne Road facing the applicant's property, the HDC&MD concludes that there are no adverse neighbour amenity issues associated with this proposed development.
- 5.3 Based on the assessment above, the HDC&MD concludes that this application complies with Policies C28 and C30 of the adopted Cherwell Local Plan. It is therefore recommended that permission be granted subject to the imposition of appropriate conditions.

## **6. Recommendation**

**That, subject to the expiration of the consultation period on 14 April 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**

### **Conditions**

1. **1.4A - Full Permission: Duration Limit (3 years) (RC2)**
2. **Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the schedule of materials and approved plans numbered 1-5, 7 and 8 received 24/02/2010 and plan number 6 which was amended 16/03/2010.**

**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. **2.6AA – Materials to match (RC5AA)**

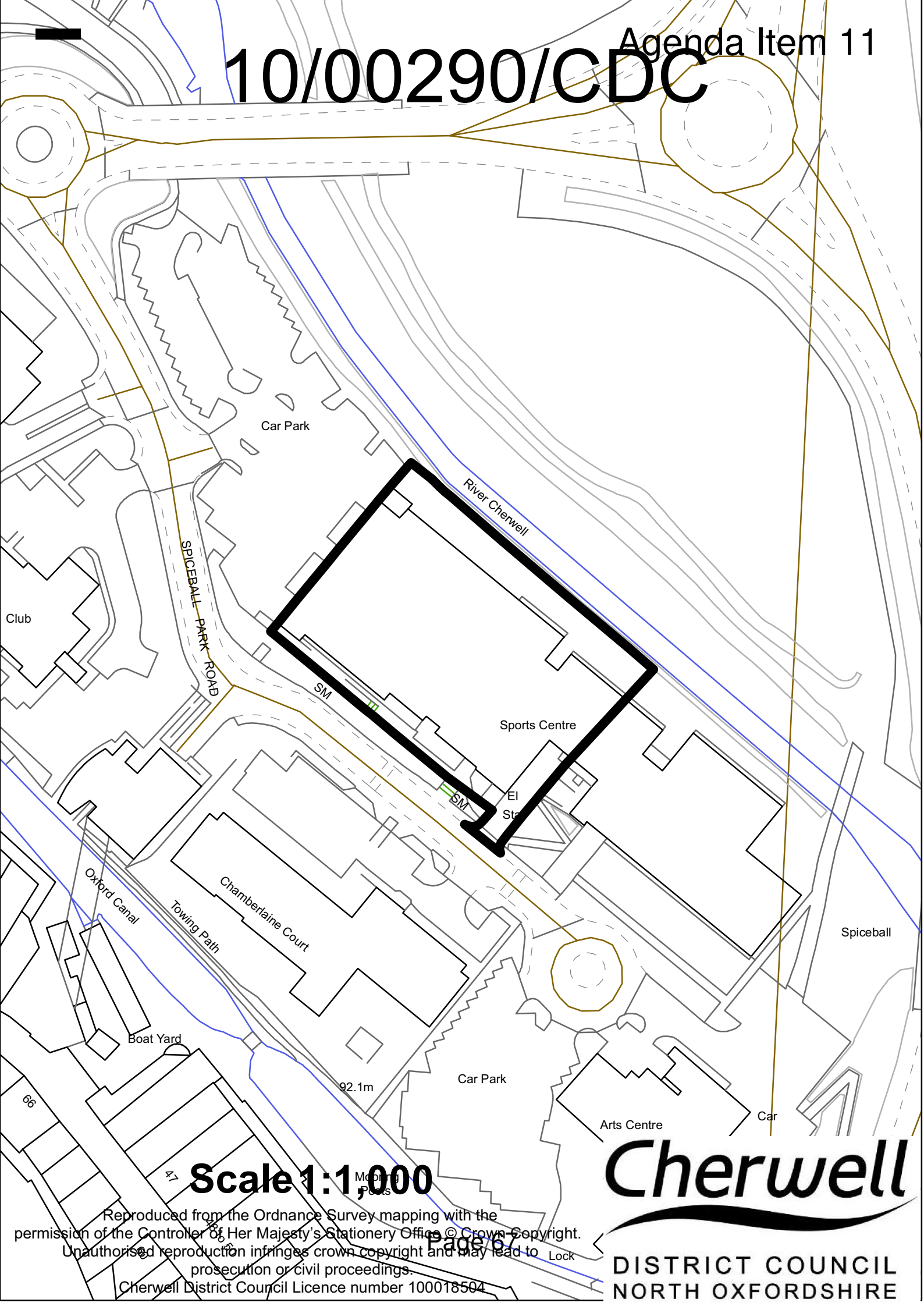
### **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

**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 proposed extension is of a design, size and style that is appropriate and will not unduly impact on the neighbouring properties or compromise highway safety. As such the proposal is in accordance with Policy BE1 of the South East Plan 2009 and Policies ENV12, C28 and C30 of the adopted Cherwell Local Plan. 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: Paul Ihringer**

**TELEPHONE NO: 01295 221817**

10/00290/CDC



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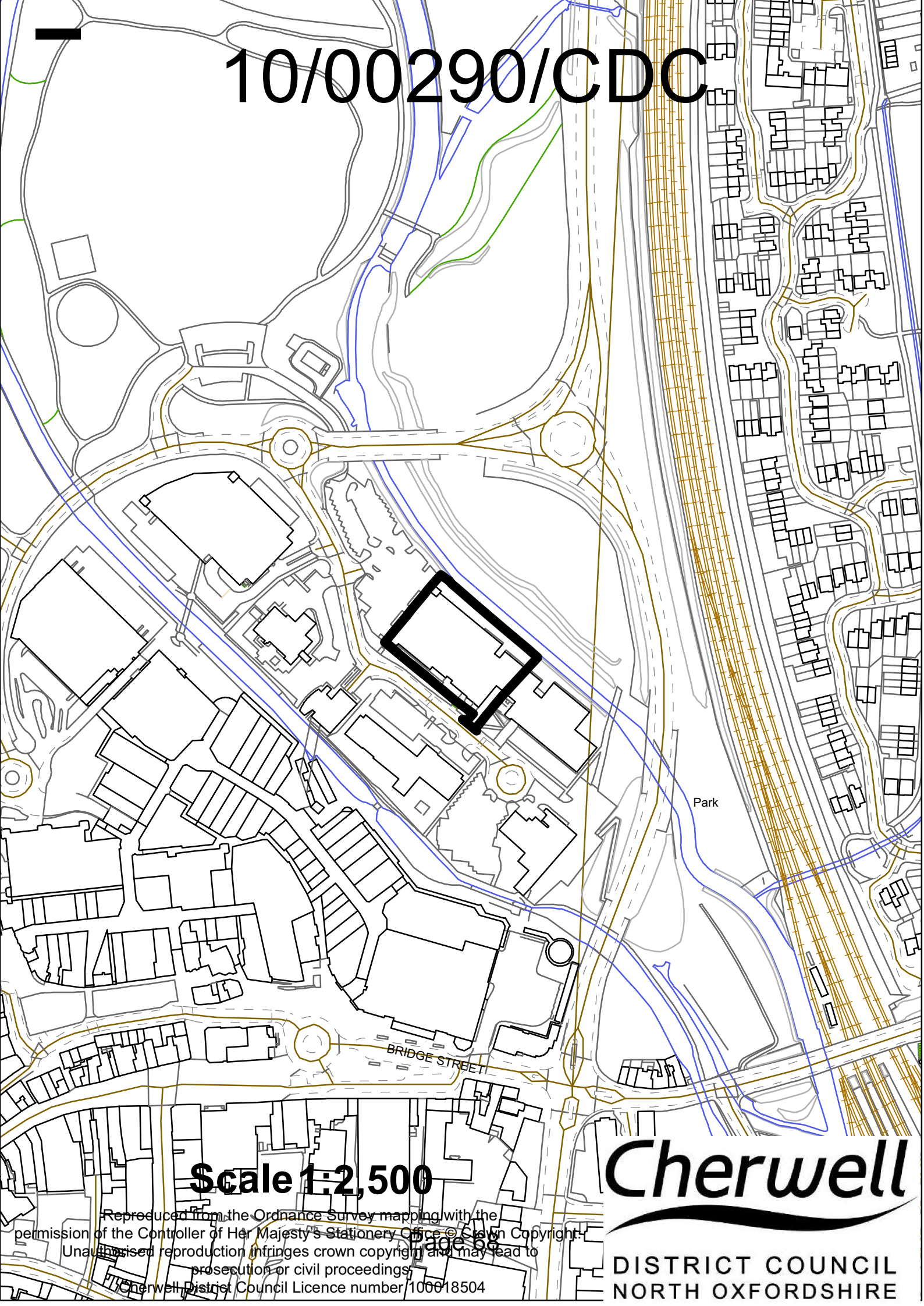
**Cherwell**

**DISTRICT COUNCIL  
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10/00290/CDC



Park

BRIDGE STREET

**Scale 1:2,500**

***Cherwell***

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|   |  |   |
|---|--|---|
| <b>Application No:</b><br><b>10/00290/CDC</b> | <b>Ward:</b><br><b>Banbury Grimsbury and Castle</b>  | <b>Date Valid:</b><br><b>26 February 2010</b> |
| <b>Applicant:</b>                             | Cherwell District Council, Bodicote House, White Post Road, Bodicote                         |   |
| <b>Site Address:</b>                          | Former Spiceball Park Sports Centre<br>Spiceball Park Road<br>Banbury, Oxfordshire, OX16 2PG |   |

**Proposal:** Construction of temporary car-park on site of old Spiceball Sports Centre Hall (92 Spaces)

## 1. Site Description and Proposal

- 1.1 The application site is the site of the former Spiceball Park Sports Centre. The previous buildings have now been demolished creating a vacant site.
- 1.2 The site is located close to Banbury Town Centre, adjacent to other public car parks and opposite a residential development comprising of flats.
- 1.3 The proposal is for the change of use of a section of land to form a public car park. The area will be laid out to form 92 parking spaces (including 4 disabled spaces) with an entrance/exit point onto Spiceball Park Road.
- 1.4 The applicant is seeking a temporary consent for a period of 5 years.
- 1.5 The proposed surfacing materials will be in two parts. The access ramp, circulation roads and 4 no. disabled bays will be surfaced with tarmac (impermeable) and the parking bays will be surfaced with crushed gravel (permeable).

## 2. Application Publicity

- 2.1 The application has been advertised by way of site notice, press notice and neighbour letter. The final date for comment is 01/04/2010.
- 2.2 Two letters have been received (one including 52 signatures) and the following points were raised:
  - Object to the siting of the entrance/exit to the car park directly opposite Chamberlain Court
  - Create queing traffic along the narrow road of Spiceball causing difficulty in approaching and leaving Chamberlain Court safely
  - Delays to ambulances accessing Chamberlain Court
  - Noise, pollution and nuisance due to traffic queing. Residents would be unable to have windows open during nicer weather
  - There has been no consultation with residents of Chamberlain Court
  - Suggests utilizing the existing car park entrance adjacent to the new footbridge

### 3. Consultations

- 3.1 Banbury Town Council: Awaiting comments
- 3.2 Oxfordshire County Council Highways: **No objections, subject to conditions**
- 3.3 Oxfordshire County Council Archaeology: **No objections**
- 3.4 Environment Agency: Awaiting comments
- 3.5 Natural England: **No objections**
- 3.6 British Waterways: Awaiting comments
- 3.7 National Grid: Awaiting comments
- 3.8 Cherwell District Council Arboricultural Officer: Awaiting comments
- 3.9 Cherwell District Council Environmental Protection Officer: Awaiting comments

### 4. Relevant Planning Policies

- 4.1 South East Plan Policies: T4, NRM2 and NRM4
- 4.2 Adopted Cherwell Local Plan Policies: ENV7
- 4.3 Non-Statutory Cherwell Local Plan Policies: S5a, EN12 and EN15
- 4.4 PPS9: Biodiversity and Geological Conservation
- 4.5 PPG13: Transport
- 4.6 PPS25: Development and Flood Risk

### 5. Appraisal

- 5.1 The application is before the planning committee because the applicant is Cherwell District Council
- 5.2 The key issues to consider are:
  - The principle of the development
  - Highway safety
  - Flood risk and impact on water quality
  - Impact on biodiversity
  - Neighbouring amenity
- 5.3 The application is situated within an area of land set out in the proposals map in the Non-Statutory Cherwell Local Plan which is designated for Banbury's cultural quarter and therefore should be assessed against Policy S5a.

Policy S5a seeks to resist 'piecemeal proposals that would prejudice the

implementation of the overall strategy for the area'. It is considered that the use of the site as a car park for a temporary period of 5 years will not prevent future redevelopment of the area and therefore the principle of development is acceptable and the proposal complies with Policy S5a of the Non-Statutory Cherwell Local Plan.

- 5.4 With regards to highway safety, Oxfordshire County Council as the Local Highways Authority has not raised any objections to the proposal. Concerns have been raised by local residents but the Council is satisfied that the proposal should relieve some of the existing congestion problems which occur as a result of vehicles queuing to enter the Castle Quay North Car Park, which is controlled by a barrier method of entry. However whilst it is anticipated that this will relieve pressure for spaces, preferred users of the North Car Park will continue to do so and therefore queuing will continue in this respect which is outside the control of this authority. The Local Highways Authority considers that the proposal will not have a detrimental impact on highway safety. Therefore the proposal complies with T4 of the South East Plan and government guidance contained in PPG13: Transport.
- 5.5 The Council is still awaiting comments from the Environment Agency. Members will be provided with an update regarding flood risk and impact on water quality. The proposal will be assessed against Policies NRM2 and NRM4 of the South East Plan, Policy ENV7 of the adopted Cherwell Local Plan and Policies EN12 and EN15 of the Non-Statutory Cherwell Local Plan and government guidance contained in PPS25: Development and Flood Risk.
- 5.6 Natural England have commented that 'based on the information provided, Natural England has no objection to the above proposal in respect of species especially protected by law because it would appear to be unlikely that they would be adversely affected by the proposed development'. The Ecological Survey submitted with the application did not identify any protected species within 1 km of the site and as the proposed development will not extend beyond the previous limits of development, it is considered that the proposal will not have an adverse impact on biodiversity. Therefore, the proposal accords with government guidance contained in PPS9: Biodiversity.
- 5.7 The application site is situated opposite a residential development of flats. Residents have raised concerns regarding noise that could be created by the proposed use. Although there will be some noise associated with the parking and manoeuvring of vehicles, this will not seriously harm these neighbours amenity, to warrant a refusal on these grounds.
- 5.8 In conclusion the proposal to provide 92 parking spaces will not cause harm to protected species or serious harm to residential amenity and accords with the provisions of Policy S5a of the Non-Statutory Cherwell Local Plan as it will not prejudice the future redevelopment of the area. The application is acceptable subject to confirmation from the Environment Agency that the proposal will not result in an increase risk to flooding.

Given the above assessment the proposal complies with Policies T4, NRM2 and NRM4 of the South East Plan, Policy ENV7 of the adopted Cherwell Local Plan, Policies S5a, EN12 and EN15 of the Non-Statutory Cherwell Local Plan and Government guidance contained in PPS9: Biodiversity and Geological

## **6. Recommendation**

**Approval, subject to no objection being received from the Environment Agency and the following conditions.**

### **Conditions**

- 1. 1.4A - Full Permission: Duration Limit (3 years) (RC2)**
- 2. 4.13CD – Parking and Manoeuvring Area Retained (RC13BB)**
- 3. That at the expiration of 5 years from the date hereof the use specified shall be discontinued.**  
**Reason – To enable the Council to review the position at the expiration of the stated period, in order not to prejudice the consideration of future proposals for the land in accordance with Policy S5a of the Non-Statutory Cherwell Local Plan.**
- 4. 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: drawing number (9)01, drawing number E3545-1 and site location plan received 26 February 2010.**  
**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.**

### **Planning Notes**

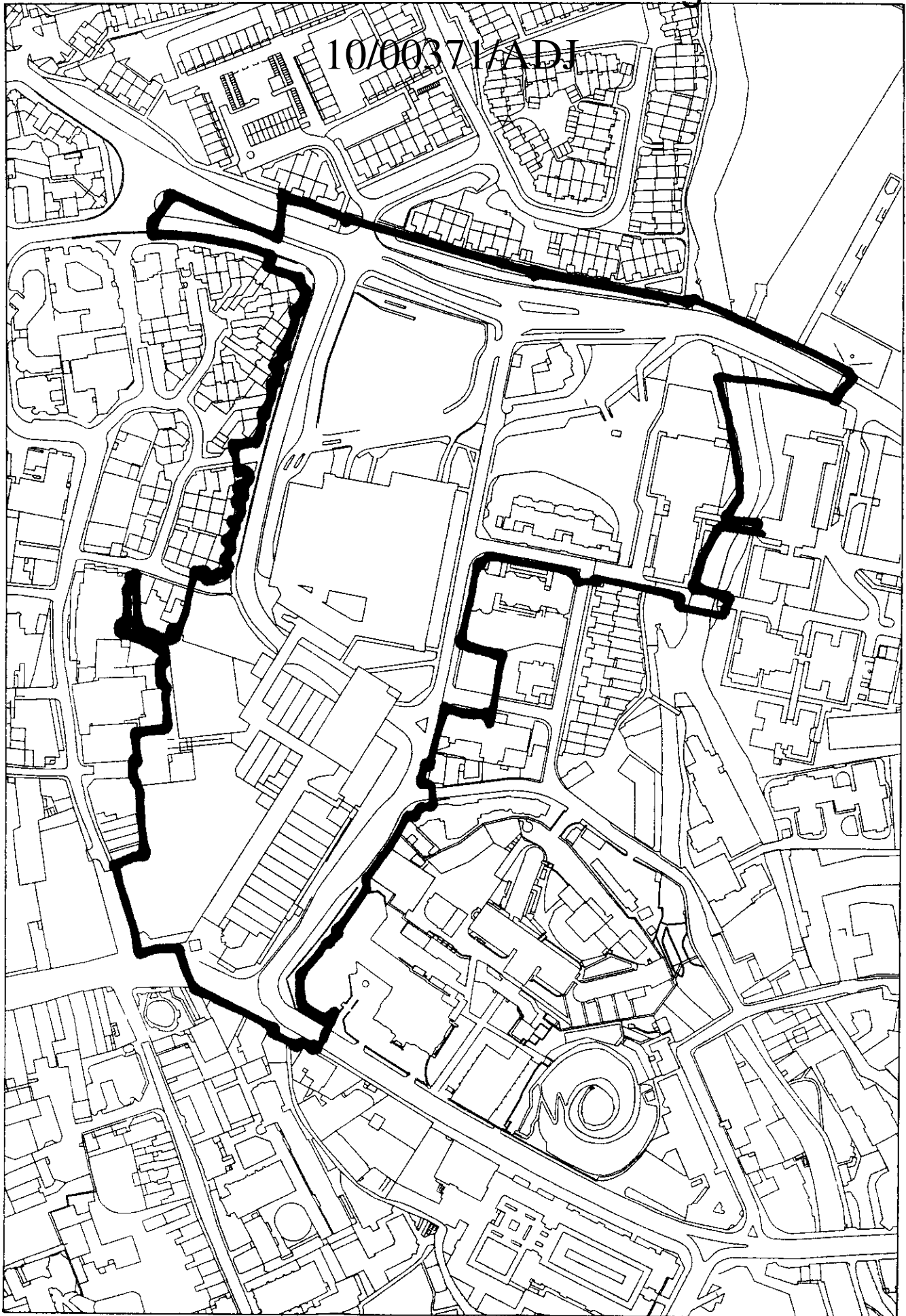
- 1. O1**

### **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 highway safety, biodiversity, water quality, flood risk and has no undue adverse impact upon the residential amenities of neighbouring. As such the proposal is in accordance with Policies T4, NRM2 and NRM4 of the South East Plan 2009, Policy ENV7 of the adopted Cherwell Local Plan, Policies S5a, EN12 and EN15 of the Non-Statutory Cherwell Local Plan and the provisions of PPS9, PPG13 and PPS25. 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: Rebekah Morgan**

**TELEPHONE NO: 01295 221822**



|   |  |                                      |                |                                  |               |
|---|--|--------------------------------------|----------------|----------------------------------|---------------|
| <b>Application</b><br><b>10/00371/ADJ</b> | <b>No:</b>                                       | <b>Ward:</b><br><b>Cherwell Area</b> | <b>Outside</b> | <b>Date</b><br><b>09/03/2010</b> | <b>Valid:</b> |
| <b>Applicant:</b>                         | The Westgate Partnership c/o Oxford City Council |                                      |                |                                  |               |
| <b>Site Address:</b>                      | Westgate Development, Oxford, Oxon               |                                      |                |                                  |               |

**Proposal:** Alteration, refurbishment, part redevelopment and extension of the existing Westgate Centre. Renewal of 06/01211/FUL. Oxford City Council ref. 10/00454/EXT

## 1. Site Description and Proposal

- 1.1 The proposed development covers an area of 5.7 hectares situated in Oxford City Centre and covering Land At Bonn Square, Queen Street, St Ebbe's Street, Old Greyfriars Street, Thames Street, Norfolk Street, Castle Street, Paradise Square, Westgate Shopping Centre And Part Of Oxford And Cherwell College. The site is in or affecting the Central Area Conservation Area.
- 1.2 The proposed works involve a Mixed use development involving the alteration, refurbishment, part redevelopment and extension of the existing Westgate Centre to provide new retail and residential accommodation within Use Classes A1, A2, A3, A4, A5, C3 and D1, erection of a replacement car park at Abbey Place and new access onto Thames Street, provision of new bus facilities and a bus priority route, environmental improvements to the public realm, associated highway, access and landscape works, and other associated works and uses. (Renewal of planning permission 06/01211/FUL)

## 2. Application Publicity

- 2.1 As this matter is being dealt with by Oxford City Council, no publicity has been undertaken

## 3. Consultations

- 3.1 As this matter is being dealt with by Oxford City Council, no consultation has been undertaken

## 4. Relevant Planning Policies

- 4.1 PPS1: Delivering Sustainable Development  
PPS4: Planning for Sustainable Economic Growth  
PPG13: Transport  
PPG15: Planning and the Historic Environment
- 4.2 The South East Plan policies: CO1, CO2, T1, T4, BE1, BE6, TC1, TSR7

## 5. Appraisal

- 5.1 Oxford is described within The South East Plan as a regional hub, providing services and facilities to a wide area including to the residents of Cherwell District. The proposed re-development of the Westgate shopping centre is unlikely to have any impact on Cherwell District or the vitality or viability of Kidlington Village Centre (being the nearest local shopping centre). A thorough Master Plan and design and access statement has been submitted, explaining the design principles and reasoning for the proposed development. Furthermore, it is noted that this application is a renew of the previously approved application for the re-development of this area and it is therefore considered that Cherwell District Council raise no objections at this time.

## 6. Recommendation

**That Oxford City Council be advised Cherwell District Council raise no objections to the proposed development. Oxford City Council is requested to inform Cherwell District Council of the outcome of the planning application.**

**CONTACT OFFICER: Caroline Ford**

**TELEPHONE NO: 01295 221823**

# Agenda Item 13

## Planning Committee

### Decisions Subject to Various Requirements – Progress Report

1 April 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     09/01254/F     Former USAF housing S of Camp Road, Upper Heyford
- Subject to legal agreement re public transport and education funding.
- 1.5     09/01687/F     Bicester Town Centre development, Manorsfield Rd. Bicester
- Subject to legal agreement with OCC and CDC re highway infrastructure and transport contributions, car parking , CCTV, public art, temporary arrangements for Pop-in Centre, Shopmobility and public toilets, routeing agreement etc.
- 1.6     09/01776/F     Orchard Way shopping parade, Banbury
- Subject to negotiations re legal agreement with OCC and CDC re affordable housing, a range of County requirements, public art, bins, landscape maintenance, open space/sports provision, and CCTV contribution
- 1.7     09/01811/F     OS parcel 1319, South of Paddington Cottage,Milton Rd.Bloxham
- Subject to legal agreement re affordable housing and on-site and off-site infrastructure
- 1.8     10/00131/F     Yarnton House, Rutten Lane, Yarnton
- Subject to modification of previous Section 106 agreement

## Subject to Other Matters

- 1.9     08/00709/F     Former Lear Site, Bessemer Close, Bicester
- Subject to local agreement with Oxfordshire County Council

## Implications

- 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 Nigel Bell, Solicitor 01295 221687
- 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

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<br>bob.duxbury@Cherwell-dc.gov.uk |

## Planning Committee

### Appeals Progress Report

1 April 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 **09/00572/EUNDEV- Land at Patrick Haugh Road, Arncott, Bicester-** appeal by Mr D Barnes against the service of an enforcement notice alleging a breach of planning control – without planning permission, the change of use of the land to use for the storage of metal containers – written reps

##### Forthcoming Public Inquiries and Hearings between 1 April 2010 and 22 April 2010

- 2.1 None

## Results

- 3.1 **Dismissed the appeal by Mrs Claudia Cooper against the refusal of 09/00704/OUT for the development of two additional four bed single family houses at Meadow Barn, The Green, Fringford (Delegated)** – In the Inspector's view, the proposal would have an urbanising effect which would detract from the character and quality of the wider countryside. Moreover, the siting of the houses would not relate well to either of the nearby groups of housing. The shortcomings of the access in terms of visibility amount to a potential safety hazard, and therefore the proposal would unacceptably compromise highway safety. With regard to neighbours concerns regarding potential overlooking and loss of privacy, the Inspector was satisfied that it would be possible to avoid any unacceptable impact on their living conditions.

## 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

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All

## Document Information

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| Appendix No   | Title |
|---|-------|
| -   | None  |
| <b>Background Papers</b>  |       |
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|----------------------------|--|
| <b>Report Author</b>       | Bob Duxbury, Development Control Team Leader   |
| <b>Contact Information</b> | 01295 221821<br>bob.duxbury@Cherwell-dc.gov.uk |