

**Committee:** Planning Committee  
**Date:** Thursday 22 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 - 8)**

To confirm as a correct record the Minutes of the meeting of the Committee held on 1 April 2010.

## **Planning Applications**

- |            |   |                     |
|------------|---|---------------------|
| <b>6.</b>  | <b>Bryan House, Chapel Street, Bicester, Oxfordshire</b><br>(Pages 11 - 30)                       | <b>10/00106/F</b>   |
| <b>7.</b>  | <b>Bryan House, Chapel Street, Bicester, Oxfordshire</b><br>(Pages 31 - 35)                       | <b>10/00122/CAC</b> |
| <b>8.</b>  | <b>Phase 2 Apollo Office Park, Ironstone Lane, Wroxton, Oxfordshire, OX15 6AY</b> (Pages 36 - 50) | <b>10/00134/F</b>   |
| <b>9.</b>  | <b>B-Line Business Centre, Station Road, Enslow</b> (Pages 51 - 65)                               | <b>10/00187/OUT</b> |
| <b>10.</b> | <b>Land adjacent to 45 George St, Bicester</b> (Pages 66 - 71)                                    | <b>10/00247/F</b>   |
| <b>11.</b> | <b>Land to the rear of New Vicarage, Earls Lane, Deddington, Oxfordshire</b> (Pages 72 - 84)      | <b>10/00297/F</b>   |
| <b>12.</b> | <b>47 St Johns Way, Hempton</b> (Pages 85 - 89)   | <b>10/00353/F</b>   |

## **Tree Preservation Orders**

- 13. Tree Preservation Order (No 03) 2010 Willow Tree and two Oak Trees at land south of Paddington Cottage, Milton Road, Bloxham** (Pages 90 - 92)

Report of the Head of Development Control and Major Developments

### **Summary**

To seek the confirmation of an unopposed Tree Preservation Order relating to a Willow Tree and two Oak Trees at land south of Paddington Cottage, Milton Road, Bloxham.

## **Recommendation**

The Planning Committee is recommended to:

- (1) Confirm the Order without modification.

## **Review and Monitoring Reports**

### **14. Decisions Subject to Various Requirements**

Report of Head of Development Control and Major Developments

#### **Summary**

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

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

#### **Recommendation**

The Planning Committee meeting is recommended to:

- (1) Accept the position statement.

### **15. Appeals Progress Report**

Report of the Head of Development Control and Major Developments

#### **Summary**

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

#### **Recommendation**

The Planning Committee is recommended to:

- (1) Accept the position statement.

## **Information about this Agenda**

### **Apologies for Absence**

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

## **Declarations of Interest**

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item. The definition of personal and prejudicial interests is set out in 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 14 April 2010

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,  
Bodicote, Banbury, OX15 4AA, on 1 April 2010 at 4.00 pm

- Present: Councillor Fred Blackwell (Chairman)  
Councillor Rose Stratford (Vice-Chairman)
- Councillor Ken Attack  
Councillor Colin Clarke  
Councillor Michael Gibbard  
Councillor Eric Heath  
Councillor Alastair Milne Home  
Councillor James Macnamara  
Councillor D M Pickford  
Councillor G A Reynolds  
Councillor Leslie F Sibley  
Councillor Chris Smithson  
Councillor Trevor Stevens
- Substitute Members: Councillor Andrew Fulljames (In place of Councillor Mrs Catherine Fulljames)  
Councillor Barry Wood (In place of Councillor Maurice Billington)
- Apologies for absence: Councillor Maurice Billington  
Councillor Mrs Catherine Fulljames  
Councillor David Hughes  
Councillor Lawrie Stratford  
Councillor John Wyse
- Officers: Bob Duxbury, Development Control Team Leader  
Paul Manning, Solicitor  
Tony Ecclestone, Communications Officer  
Michael Sands, Trainee Democratic and Scrutiny Officer

#### 186 **Declarations of Interest**

Members declared interest with regard to the following agenda items:

#### **6. Land at Brookhill Way, Off Wildmere Road, Banbury.**

Councillor Alastair Milne Home, Personal, as a Member of Banbury Town Council.

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

**8. Bryan House, Chapel Street, Bicester, Oxfordshire.**

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

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

Councillor G A Reynolds, Prejudicial, as a Member of Executive.

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

Councillor Ken Attack, Prejudicial, as a Member of Executive.

Councillor Leslie F Sibley, Personal, as a Member of Bicester Town Council and Prejudicial as a Member of Charter Community Housing Board.

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

Councillor Rose Stratford, Personal, as a Member of Bicester Town Council and Prejudicial as a Member of Charter Community Housing Board.

**9. Bryan House, Chapel Street, Bicester, Oxfordshire.**

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

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

Councillor G A Reynolds, Prejudicial, as a Member of Executive.

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

Councillor Ken Attack, Prejudicial, as a Member of Executive.

Councillor Leslie F Sibley, Personal, as a Member of Bicester Town Council and Prejudicial as a Member of Charter Community Housing Board.

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

Councillor Rose Stratford, Personal, as a Member of Bicester Town Council and Prejudicial as a Member of Charter Community Housing Board.

**11. Former Spiceball Park Sports Centre, Spiceball Park Road, Banbury, Oxfordshire, OX16 2PG.**

Councillor Alastair Milne Home, Personal, as a Member of Banbury Town Council.

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

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

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

Councillor G A Reynolds, Prejudicial, as a Member of Executive and Portfolio Holder for Recreation and Health.

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

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

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

187      **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.

188      **Urgent Business**

There was no urgent business.

189      **Minutes**

The Minutes of the meeting held on 11 March 2010 were agreed as a correct record and signed by the Chairman.

190      **Land at Brookhill Way , Off Wildmere Road, Banbury**

The Committee considered a report of the Head of Development Control and Major Developments for the development of the site for one or a combination of B1 (office), B2 (general industrial), B8 (warehousing and distribution) and sui generis (car showroom).

The Committee were satisfied with the evidence presented.

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

**Resolved**

That application 09/01859/OUT be approved subject to:

- (I) The completion of a S106 agreement to secure an off site financial contribution towards the provision of public art
- (II) The following 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. .
- 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.
- 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.
- 11) The development hereby permitted shall be carried out in accordance with the recommendations set out in the Bird Survey and Outline Mitigation Proposals for the development of Land near Brookhill Way, Banbury, by Baker Shepherd Gillespie, dated 22/3/10, unless otherwise agreed in writing by the Local Planning Authority.
- 12) A Green Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the planning process to secure travel plans", shall be submitted to and approved in writing by the Local Planning Authority prior to the first use or occupation of the development hereby permitted. The approved Green Travel Plan shall thereafter be implemented and operated in accordance with the approved details.

The Committee considered a report of the Head of Development Control and Major Developments for the erection of two semi-detached two bedroom houses with private gardens, parking and access.



The Committee considered the issue of affordable housing and also expressed concern regarding arrangements for the bus lay-by.

**Resolved**

That application 10/00002/F be approved subject to the variation of the current Section 106 Agreement and the following conditions:

- 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.
- 5) SC 4.0AB – Access specification proposed - insert “construction” “dwellings”
- 6) SC 4.13CD – Parking and manoeuvring area retained
- 7) That the proposed dwellings are to be constructed wholly within land owned or controlled by the applicant
- 8) SC 6.2AA – Residential no new extensions
- 9) SC 6.1BC – Residential open fronts

192

**Bryan House, Chapel Street, Bicester, Oxfordshire**

The Committee considered a report of the Head of Development Control and Major Developments for the demolition of the existing Bryan House and development of 23 units of affordable housing.

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

**Resolved**

That application 10/00106/F be deferred to resolve flood risk and Section 106 matters.

193      **Bryan House, Chapel Street, Bicester, Oxfordshire**

The Committee considered a report of the Head of Development Control and Major Developments for the demolition of the wall to Chapel Street car park and other means of enclosure within the Conservation Area.

**Resolved**

That application 10/00122/CAC be deferred to await the determination of 10/00106/F.

194      **7 Colesbourne Road, Bloxham**

The Committee considered a report of the Head of Development Control and Major Developments for a two storey side extension.

The Committee considered the impact the proposed development may have to the street scene.

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

**Resolved**

That application 10/00273/F, 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, be approved subject to the following conditions:

- 1)      1.4A - Full Permission: Duration Limit (3 years) (RC2)
- 2)      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.
- 3)      2.6AA – Materials to match (RC5AA)

195      **Former Spiceball Park Sports Centre, Spiceball Park Road, Banbury, Oxfordshire, OX16 2PG**

The Committee considered a report of the Head of Development Control and Major Developments for the construction of a temporary car park on the site of the old Spiceball Sports Centre Hall (92 spaces).

The Committee expressed concerns regarding maintenance given the proposed permeable surface of the car park.

**Resolved**

That application 10/00290/CDC be approved subject to no objection being received from the Environment Agency and the following conditions:

- 1) 1.4A - Full Permission: Duration Limit (3 years) (RC2)
- 2) Notwithstanding the details of access shown on the submitted drawings the car parking areas and circulation space shall be constructed in accordance with the construction details set out in the HBCES memo dated 26.3.10
- 3) That at the expiration of 5 years from the date hereof the use specified shall be discontinued.
- 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.
- 5) That the development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment ref.no.ARB/JJT/E3545 and the ground levels shall be maintained at the ambient levels achieved through the demolition of the existing building on the site as outlined in Section 1.1 of the FRA.(Reason: To prevent the increased risk of flooding and in order to comply with the Government advice contained in PPS25 and Policy NRM4 of the South East Plan)
- 6) If during development contamination not previously identified is found to be present at the site then no further development( unless otherwise agreed in writing by the LPA) shall be carried out until the developer has submitted and obtained written approval from the LPA for an amendment to the remediation strategy detailing how this unsuspected contamination will be dealt with.
- 7) No development shall take place until a scheme for the provision and management of compensatory habitat creation has been submitted to and agreed in writing by the LPA and implemented as approved. Thereafter the development shall be implemented in accordance with the approved scheme.
- 8) Notwithstanding the details of access shown on the submitted plans access to the car park shall not be taken from the adjacent roadway, but shall instead be taken via the Spiceball North Car Park in accordance with a revised plan which shall be submitted to and approved by the Local Planning Authority prior to the commencement of development

196 **Westgate Development, Oxford, Oxon**

The Committee considered a report of the Head of Development Control and Major Developments which sought comment from Cherwell District Council on the proposed alteration, refurbishment, part redevelopment and extension of the existing Westgate Centre.

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

**Resolved**

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.

197 **Decisions Subject to Various Requirements - Progress Report**

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.

198 **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.

The meeting ended at 5:05 pm

Chairman:

Date:

**PLANNING COMMITTEE**

**22 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

	Site	Application No.	Ward	Recommendation	Contact Officer
6	Bryan House, Chapel Street, Bicester, Oxfordshire	10/00106/F	Bicester Town	Approval	Rebecca Horley
7	Bryan House, Chapel Street, Bicester, Oxfordshire	10/00122/CAC	Bicester Town	Approval	Rebecca Horley
8	Phase 2 Apollo Office Park, Ironstone Lane, Wroxton, Oxfordshire, OX15 6AY	10/00134/F	Wroxton	Approval	Tracey Morrissey
9	B-Line Business Centre, Station Road, Enslow	10/00187/OUT	Bletchington	Refusal	Paul Ihringer
10	Land adjacent to 45 George St, Bicester	10/00247/F	Bicester West	Approval	Simon Dean
11	Land to the rear of New Vicarage, Earls Lane, Deddington, Oxfordshire	10/00297/F	Deddington	Approval	Caroline Ford
12	47 St Johns Way, Hempton	10/00353/F	Deddington	Approval	Paul Ihringer



10/00106/F

Agenda Item 6

BICESTER



Scale 1:5,000

**Cherwell**

**DISTRICT COUNCIL  
NORTH OXFORDSHIRE**

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10/00106/F

Vine  
Cottages

The Willows  
1 to 20

Car Park

CHapel STREET

38

42

69.3m

St Edburgs

Bryan House  
1 to 20

Car Park

Priority  
Terrace

4

1

August  
Lodge

Drain

70

Scale 1:500

**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE



<b>Application No:</b> 10/00106/F	<b>Ward:</b> Bicester Town	<b>Date Valid:</b> 25/01/2010
<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 Members will recall that this application was deferred from the last Committee meeting in order to resolve the flood risk and Section 106 matters. These matters are addressed under the relevant headings to this report.
- 1.2 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.
- 1.3 Bryan House is owned and managed by Sanctuary Housing Association and occupies a sizeable part of the site. Being vacant since 2006 it was used to provide 20 units of sheltered accommodation but as it now falls short of current standards, 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.
- 1.4 The redevelopment of the site for housing is one of the demonstration projects put forward within the bid for Eco Town Growth Funding. The aim of the demonstration projects was to take some of the requirements of the supplement to PPS 1 on Eco Towns and show how they can be applied. The redevelopment of Bryan House will result in a development of a central site, within the conservation area, whilst still achieving code for sustainable homes levels 4 and 5 (affordable housing normally reaches code level 3) demonstrating that even on a restricted redevelopment site, with a design appropriate to the conservation area, high code levels can be achieved.
- 1.5 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.



within the site 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 objection.**  
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) - **No objection.**  
The Local Highway Authority make the following comments: The site benefits from a highly sustainable location with a wide range of shops, services and public transport

services accessible without car travel. Given the location of the site lower levels of car ownership and usage can be expected.

The level of parking proposed is appropriate and on-street parking controls discourage indiscriminate parking on the local highway network. The layout of the parking and manoeuvring areas are appropriate except for the 2 spaces fronting Chapel St at the South of the site, where on street parking bays (opposite) obstruct access. The off-street spaces or on-street bays will require relocation. I recommend a condition for amended plan of parking to be submitted prior to development.

Car trips to and from the site may increase; however, the increase would be small and not significant to the local highway network. The vehicular access points must provide appropriate visibility; whilst the plan demonstrates appropriate visibility of the carriageway boundary treatments may obstruct pedestrian visibility splays. A condition requiring 2m x2m pedestrian visibility splays at all vehicular access points to Chapel St is recommended.

Any works in or immediately adjacent to the highway must be carried out in accordance with the Local Highway Authority specifications.

Given the previous use of the site and associated trip generation the LHA does not consider it expedient to request a financial contribution towards transport infrastructure or services; however, this does not prejudice any requests associated to future applications at this site.

- 3.3 Oxfordshire County Council (Developer Funding Team) – **No objection.**  
The County hold the view that their requirements all fall within the definition of infrastructure as defined in the South East Plan. The primary, secondary and SEN requirements all fall within the Education category. The library and strategic waste management fall within the public services category and the museum resource centre is within the social infrastructure. Transport falls within its own specific category of the definition within the SEP.

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.

With regard to education (including SEN) this forms the bulk of the requests being made by the County who state that the concerns raised by the applicants about the costs arose initially because of advice given at the pre-application stage. The figures now being sought are more precise and have been fully justified. Similarly the remaining requirements have been submitted with a more detailed justification and with policy support.

The comments go on to set out expected sums for financial contributions and since further recent discussions with the County the proposed figure being sought is now £100,231 broken up and summarised as follows:

£ 46,545	Education – Primary School
£ 45,611	Education – Secondary school
£ 2,017	Education – SEN

£ 2,564	Library
£ 1,823	Strategic Waste Management
£ 171	Museum Resource Centre
£ 1,500	Monitoring/admin
£100,231	

- 3.4 Oxfordshire County Council (Planning Archaeologist) – **No objection.**  
This is 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 Oxfordshire County Council (Drainage Engineer) – **No objection.**  
Comments that no drainage layout has been provided for the properties and the car park, and looking at the soakage test results they consider that soakaways may not be the most appropriate solution and they suggest porous paving with overflow to the adjacent stream. This will need to be covered by a condition requiring the submission and approval of a drainage scheme.
- 3.6 Environment Agency – **Object**  
This is 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.
- 3.7 Thames Valley Police (Crime Prevention Design Advisor) – **No objection**  
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.
- 3.8 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.

- 3.9 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.
- 3.10 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.
- 3.11 Landscape Services Manager: **No objection.**  
This is 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. The financial contribution to the LAP is £22,128 plus £2,212 revenue maintenance.
- 3.12 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 indoor sports facility of £12,202.85

- 3.13 Environmental Protection Officer: **No objection**  
This is subject to condition. This is a sensitive site but matters can be satisfactorily dealt with by condition.
- 3.14 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  
PPS5: Planning for the Historic Environment  
PPS9: Planning and Biodiversity  
PPG13: Transport  
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 part of 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 Planning Obligations – Interim Planning Guidance Approved April 2007
- 4.8 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 PPS5 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 PPS5. 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 The County Council, as Highway Authority, have stated that the parking provision within the site 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 PPS5.

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 designed to meet a minimum of level 4 and where possible achieving level 5. The code for sustainable homes covers the following areas Energy and CO<sub>2</sub>, Water, Materials, Surface Water Run off, Waste, Pollution, Health & Well Being, Management, Ecology. The code requires that schemes are assessed under each element and scores combined to provide a code level. In this case Blocks 1 & 2 can achieve level 4 whilst blocks 3 & 4 can achieve level 5 as it is possible to achieve 100% CO<sub>2</sub> reduction through the inclusion of solar panels. 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.

5.31 S106 Agreement

The applicant has submitted a report examining aspects of the Section 106 and has raised concerns about the justification for some elements and the viability of the project given possible exceptional expenditures in light of seeking to achieve high Code levels as an exemplar for the Eco-town. This report has now been considered and a meeting held together with the County to address these concerns and the HDC&MD is now confident that the application and the Section 106 agreement are reasonable and sound.

5.32 The principles against which planning obligations should be assessed are set out in Circular 05/2005. Annex B explains that any obligations sought should be relevant to planning, necessary to make the proposed development acceptable in planning

terms, directly related to the development, fair and reasonably related in scale and kind to the proposed development and reasonable in all other respects. Within this context the development plan assists in directing the scope of these obligations and in this case we look to Policy CC7 of the South East Plan which seeks to ensure that development creating a need for additional infrastructure is not delivered without that infrastructure and this can be through necessary contributions from the developer. That policy also seeks further clarity by the preparation of clear guidance in local development documents. The Council's draft Core Strategy is currently out for consultation and identifies infrastructure requirements. In the mean time the Council's Interim Planning Guidance on Planning obligations sets out the requirements and reasoned justification for contributions to infrastructure.

5.33 In this case, requests for contributions are to be secured by way of a S106 Agreement and include provision for off site indoor and outdoor sports, schools (primary, senior and special needs), library and stock, museum resources, public art (£150 per unit) and waste and recycling contributions, LAP maintenance and monitoring fees. The HDC&MD considers that on this basis the policy requirements are complied with the developer has agreed in principle to the total sum contribution requested (currently standing at £160,902) and has committed to setting the level of HCA grant in line with this figure, though negotiations are ongoing.

5.34 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) The completion of a S106 agreement covering the following heads of terms;**
  - **OCC Infrastructure contributions including primary, secondary and special needs schools, library and stock, waste management and recycling centre, museum resource centre and monitoring.**
  - **CDC Offsite outdoor and indoor sport, public art, waste bins and monitoring.**
  - **CDC LAP maintenance and management**
- c) The following conditions:**

1. **S.C1.4A (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 both the existing means of access onto Chapel Street shall be improved, laid out and formed with a 2m x 2m pedestrian visibility splay 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. Notwithstanding the parking and manoeuvring areas shown on plan no. 2007/1016/P03 a revised layout plan showing these areas shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. (RC13BB)
9. Before the development is first occupied the parking and manoeuvring areas shall be provided in accordance with the approved plan submitted under condition 8 and shall be constructed, laid out, surfaced, drained (SUDS) and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority. The areas shall thereafter be retained unobstructed except for the parking and manoeuvring of vehicles at all times. (RC15AA)
10. That samples of the surface finishes for the areas of hard standing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved. (RC4A)

11. 5.5AA Replace first part with 'That full design details (including sections) of the eaves, dormers, fenestration and doors .... (RC4A)
12. 5.5AA ....boundary walls ... (RC4A)
13. 2.3DD - natural stone (RC5B)  
.....buildings which face onto Chapel Street....
14. 2.2AA ....bricks....buildings.....(RC4A)
15. 2.2BB.....tiles.....roofs of the buildings....(RC4A)
16. 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)
17. 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)
18. 2.13AA Demolition of buildings (RC8A)
19. 6.7AA No radio, TV aerials, satellite dishes (RC4A)
20. 3.0A Submit landscaping scheme (RC10A)
21. 3.1A Carry out landscaping (RC10A)
22. 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 PPS5: Planning for the Historic Environment and Policy BE6 of the South East Plan 2009.
23. 9.4A Ecological report (RC85A)  
.....Extended Phase 1 Habitat Survey by Middlemarch Environmental Ltd dated December 2009.....
24. 9.11A Provision of a LAP (RC92A)
25. 5.19A Conservation rooflights (RC4A)
26. 5.5AA Replace first part with 'That details, including the locations, of the gas and electricity meter cupboards .....(RC4A)



27. 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)
28. That none of the development shall be occupied until a surface water drainage scheme to serve it has been submitted to and approved in writing by the Local Planning Authority. (RC13CC)

#### 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, PPS5, PPS9, PPS25, PPG13 and PPG16. For the reasons given above and having proper regard to all other matters raised the Council considered that the

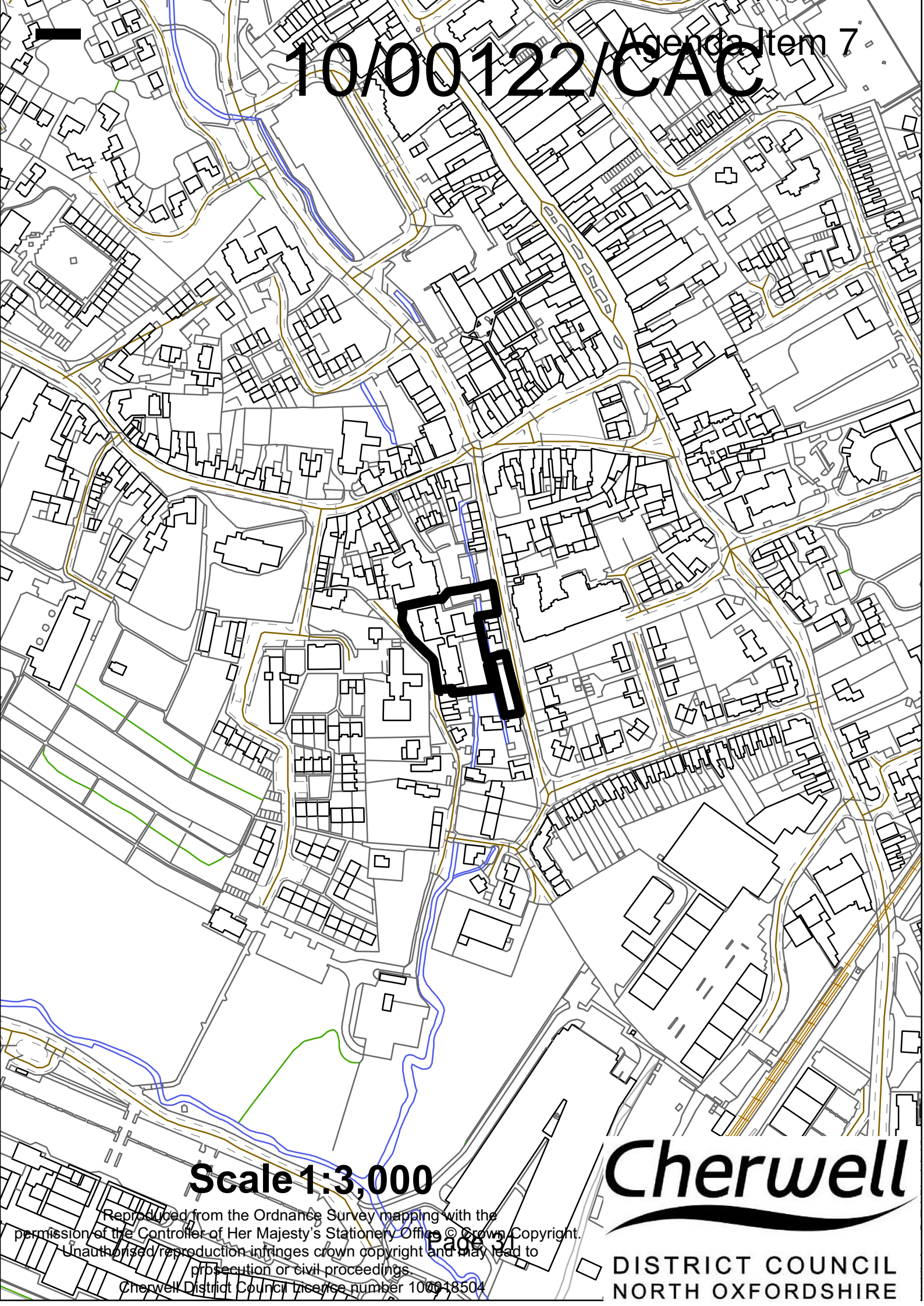
**application should be approved and planning permission granted subject to appropriate conditions as set out above.**

**CONTACT OFFICER: Rebecca Horley**

**TELEPHONE NO: 01295 221837**

10/00122/CAC

Agenda Item 7



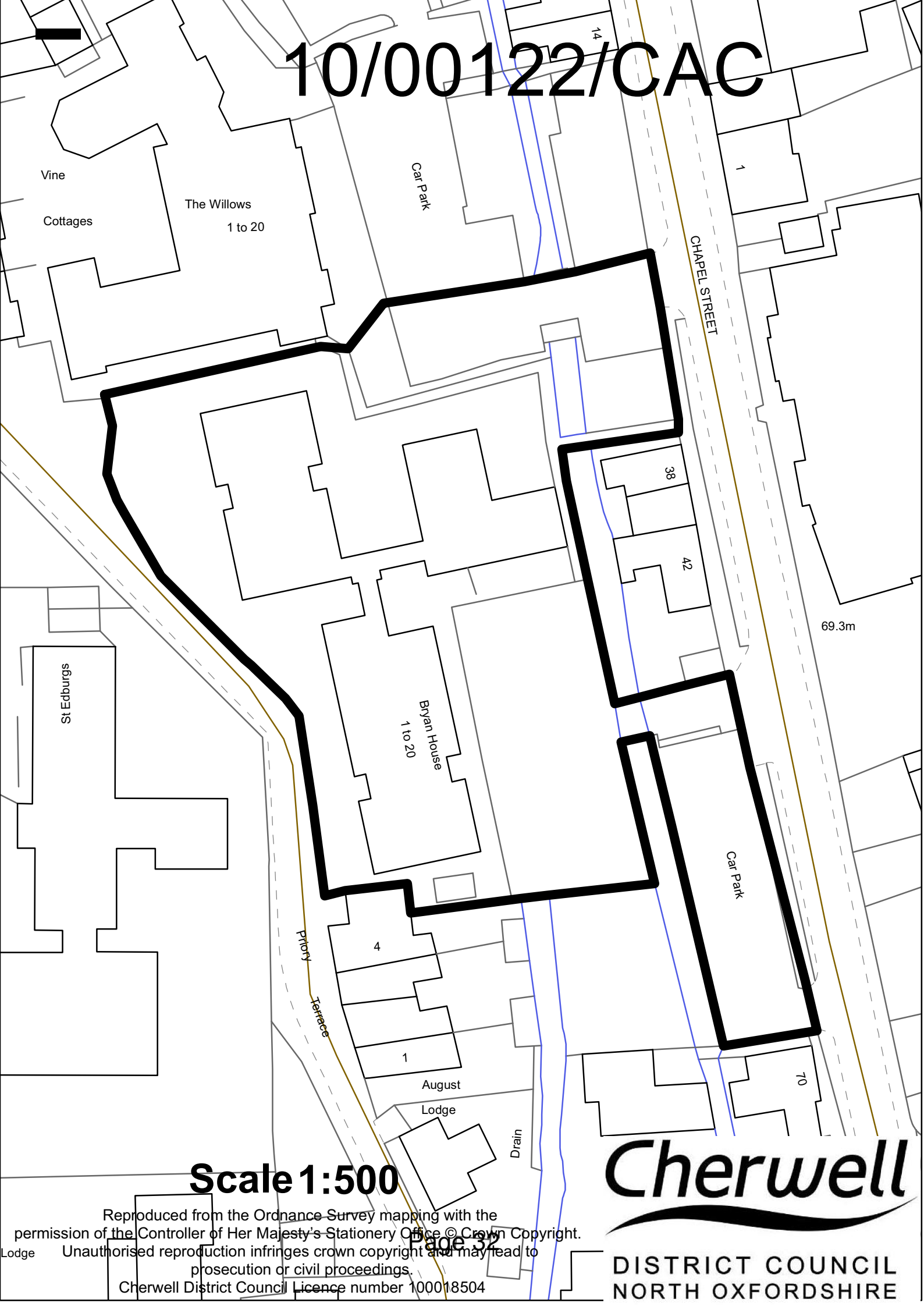
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10/00122/CAC



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<b>Application No:</b> <b>10/00122/CAC</b>	<b>Ward:</b> <b>Bicester Town</b>	<b>Date Valid:</b> <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) and the proposed redevelopment is a demonstration project identified in the Eco Town Growth Funding Bid.
- 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 PPS5: Planning for the Historic Environment

On 23 March 2010 the Government introduced this new planning guidance PPS5 which supersedes the PPG guidance notes with immediate effect. Members are advised that paragraph 20 of the accompanying practice guide states:

‘Nothing in the PPS changes the existing legal framework for the designation of scheduled monuments, listed buildings, conservation areas, registered parks and gardens or protected wrecks. Existing law also sets out the basis on which scheduled monument consent, listed building consent, conservation area consent or licences to deal with protected wrecks may be required. Again, nothing in the PPS changes those requirements and the interpretation of the words and phrases used.’

- 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. PPS5 holds the general presumption 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. Where an element does not positively contribute to its significance, local planning authorities should take into account the desirability of enhancing or better revealing the significance of the Conservation Area, including, where appropriate through development.

- 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:**

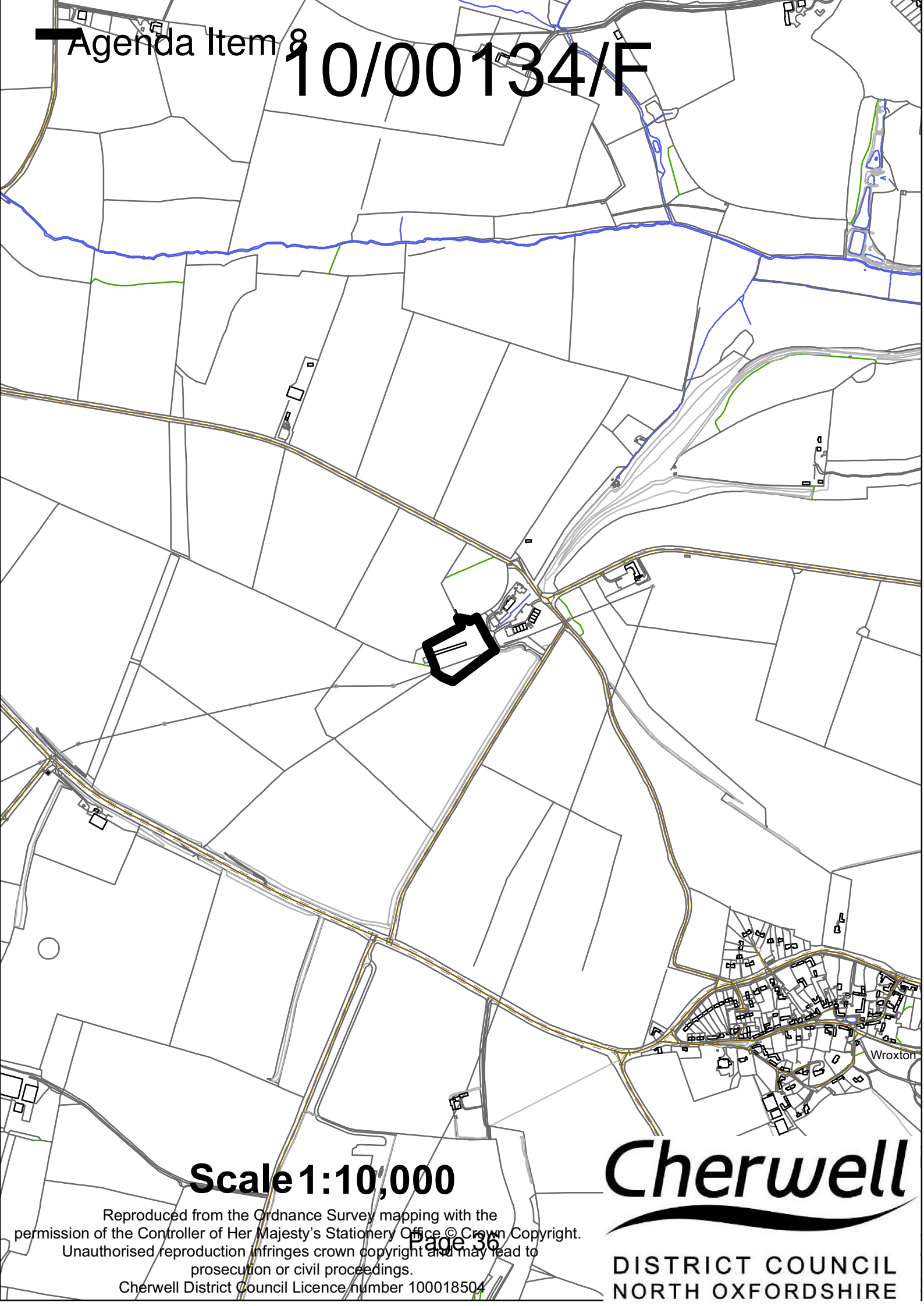
- 1. 1.5A (RC3)**
- 2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with drawing nos. 2007/1016/P02, P03 and P018 and the design and access statement submitted with the application.  
Reason: For the avoidance 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 PPS5 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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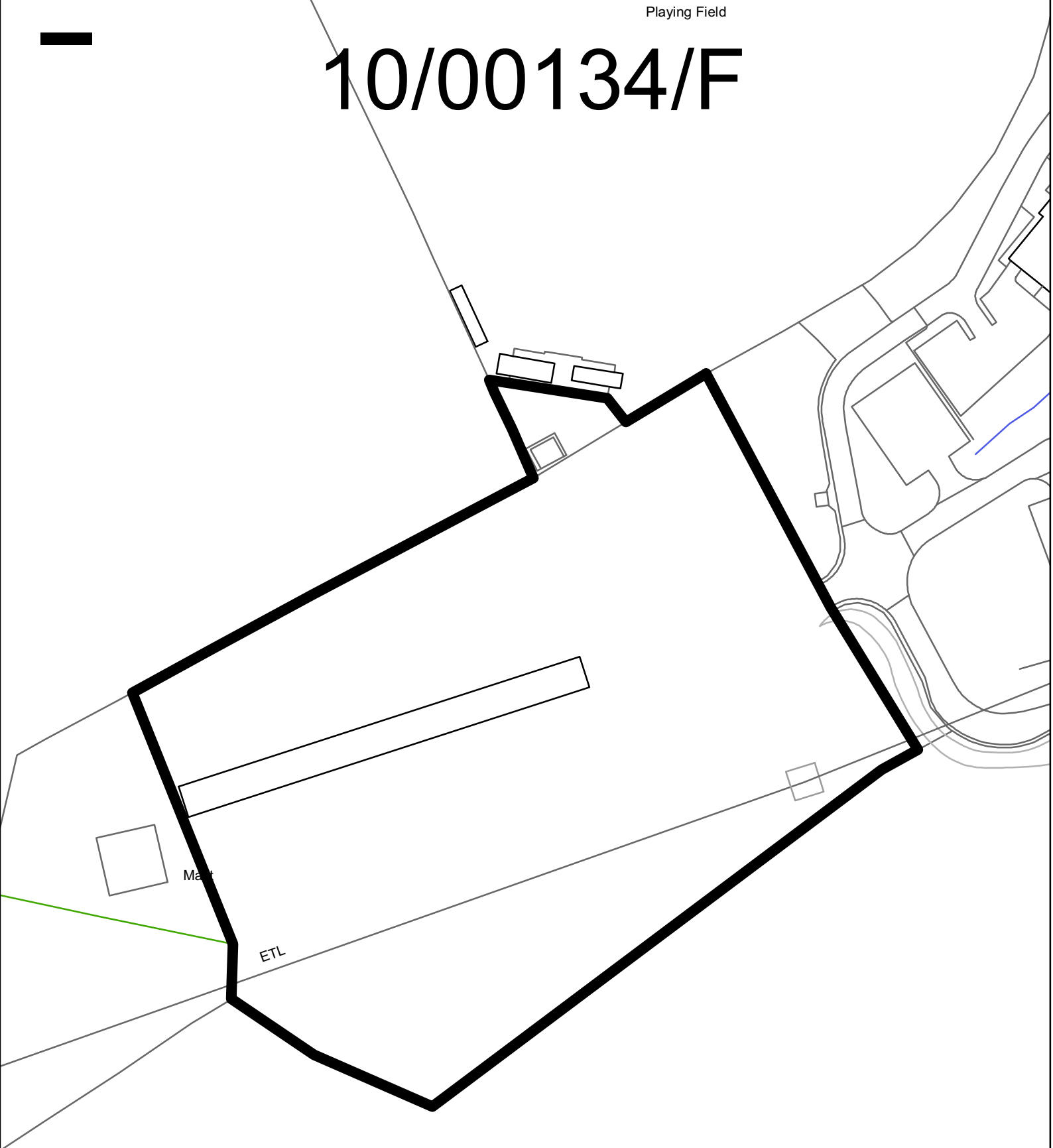
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10/00134/F



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<b>Application No:</b> <b>10/00134/F</b>	<b>Ward: Wroxton</b>	<b>Date Valid:</b> <b>03/02/2010</b>
<b>Applicant:</b>	Apollo Business Parks LLP, Unit 6 Apollo Office Court, Radclive Road, Gawcott, Bucks, MK18 4DF	
<b>Site Address:</b>	Phase 2 Apollo Office Park, Ironstone Lane, Wroxton, Oxfordshire, OX15 6AY	

**Proposal:** Proposed erection of 3 no. B1 units set within and below earth moundings; improvements and enhancement to railway line, car parking and associated landscaping on existing derelict brownfield site to form extension to existing phase 1 development

## 1. Site Description and Proposal

- 1.1 This application relates to a 1.29 ha. brownfield site located NW of Wroxton village and is part of a business park site formerly known as the Wroxton Ironstone works that is located on Ironstone Lane, accessed from Stratford Road (A422). The site is within an Area of High Landscape Value.
- 1.2 The site is currently vacant and overgrown and relatively level ground, bounded by the existing part of the business park (phase 1) in the north-east, a playing field to the north, conifer woodland to the west, with the surrounding landscape one of farmland.
- 1.3 Formerly part of the wider Horley Local Wildlife site, the application site comprises mainly rough grassland and scrub with neglected hedgerows and one mature tree to the north. There are also the remnants of the existing concrete hardstanding to the original no. 1 Locomotive shed.
- 1.4 Phase 1 to the north of the business park was completed in August 2006 and comprises 3 no. B1 office buildings, with one of the buildings being occupied by Bentley Drivers Club as a corporate office space and the other two units each split into four business starter units.
- 1.5 Planning permission is sought for the development of phase 2 to the west of the business park in the form of 3 no. B1 units with associated car parking, landscaping and enhancement to the length of remaining former railway line. As part of the proposal and through negotiations with Oxfordshire County Council the applicants also intend to widen the existing Ironstone Lane leading to the site from the Stratford Road.
- 1.6 The application has been submitted with a Transport Assessment (May 2009), Interim Travel Plan (May 2009) and forming part of the previous phase of development a Ground Investigation Report (February 2004). An Ecological Appraisal has also just been undertaken (March 2010)

## **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 11 March 2010.
- 2.2 One letter has been received from adjacent business who have no objection in principle but raise the following serious concerns:
- Highway access – Currently Ironstone Lane is inadequate with sides of the highway breaking down, more units on the site will result in considerable increase in traffic movements. The proposal to widen the lane to 4.5m will be adequate for cars, but to preclude the need for service vehicles to leave the metalled surface, at least four marked passing places should also be provided.
  - Lighting - Low level lighting should be used to keep light pollution to an absolute minimum and no variation allowed.
  - Building materials – D&AS and drawings refer to use of ironstone, green roofs and extensive landscaping. The proposed treatment of the railway line also appears to be an interesting solution to its retention, but all materials be defined within an approval.

## **3. Consultations**

- 3.1 Wroxton Parish Council – Pleased to see the brownfield site being used, but disappointed at not being involved in the pre-submission discussions. Concerned that the lane is to be widened given the modest amount of traffic for such a small number of employees, lay-bys would suffice as turning a country lane into a two lane road is not welcome. Also concerned about light pollution and the design which is 'futuristic' and not in keeping with existing buildings.
- 3.2 Oxfordshire County Council Highways – No objection in principle subject to conditions and to the applicant/developer to entering into a S278 for the undertaking of works to the highway.

Whilst the site does not fall within the boundary of Banbury, a contribution towards Banbury ITS is requested but at a discounted rate. The contribution sought is £16,930 linked to Baxter Index September 09. The contribution could be secured via SPUR, a shortened S106 procedure which does not incur the legal expenses of a comprehensive S106 agreement.

- 3.3 Oxfordshire County Council Ecologist -This proposed development site is adjacent the Horley Local Wildlife site. According to the landscape design statement, the habitat on site is 'predominantly overgrown scrub comprising a wide range of species including hawthorn, blackthorn, field maple, birch and willow with some large deciduous trees scattered throughout the scrub. The central area is more open with grassland.' This sort of habitat is potentially of value to wildlife such as invertebrates, breeding birds and reptiles, notwithstanding the fact that it is within a local wildlife site.

Comments on the Ecology Report - The report recommends that a reptile survey is undertaken as there is suitable habitat on the site. This survey should be carried out before a decision is made regarding planning permission and cannot be conditioned, as protected species are a material consideration in the planning process. The other recommendations made by the ecologist can be dealt with by condition (should permission be granted).

**A further survey is being undertaken as required – details of which will be reported in the committee updates following further consultation with OCC's Ecologist.**

- 3.4 Environmental Protection Officer - reviewed the Ground Investigation Report for this site. The environmental recommendations with regard to the risk to human health include issues which will be covered by health and safety legislation and construction site working practices. Recommends applying informative ZZ in case there is any unsuspected contamination encountered during the development.
- 3.5 Arboricultural Officer – Following a desktop assessment there are trees on the site which will be affected by the proposed development. An initial tree survey should be carried out to identify those trees which are of suitable form and condition to be retained and subsequent method statement including tree protection plan as per BS5837.
- 3.6 Landscape Officer - The site appears to be obscured by existing conifer plantation immediately to the east, existing manmade landform around the periphery of the site and existing vegetation. There appears to be potential valuable scrub habitat and grassland on and around the site, which means that it is necessary for this vegetation to be protected during the construction, and the application of pesticides reduced in accordance with the EU's Directive on Sustainable use of Pesticides. Because of the existence of the defunct BBOWT Nature reserve and the ironstone workings it may be necessary to gain an ecological survey/implication/mitigation report. The translocation of existing grassland species may be required along with habitat enhancement measures.

The building footprints have not been drawn on the landscape proposals so it is difficult to see how the buildings are going to work with the landscape at present. It is encouraging to see earth walls/green roofs on the cross sectional drawings but the ground level appear to only be indicative. It will be necessary for existing and proposed levels to be shown in order to see if the development will work, especially in regard to the drainage of the site (a SUDS scheme would be advantageous, both aesthetically and for wildlife).

The sunny areas outside the buildings could be utilised as seating/lunch break areas for staff and visitors.

#### Proposed Planting

It is important to continue the food source for bird and insects in the ornamental planting scheme and long flowering/berrying species are required. Consider augmenting the proposed list with Buddleia, Cotoneaster, Pyracantha, Rosemary, etc.

#### Groundcover Planting

In order to reduce competitive weed growth and associated future maintenance it is appropriate to increase the planting densities of the following species to achieve good groundcover. The following shrubs must be increased: Ceanothus thys. Repens - 3 plants/m<sup>2</sup>, Cotoneaster microphyllus - 3m<sup>2</sup>, Hypericum 'Hidcote' - 3m<sup>2</sup>, Photinia 'Red Robin' -1.5m<sup>2</sup>, Prunus 'Otto Luyken' - 3m<sup>2</sup>. Vinca minor - 7m<sup>2</sup>.

The spaces between the Cornus alba 'Siberica' are big. Either the space is covered by mulch or planted with a low groundcover; I recommend Hedera helix 'Hibernica' or Vinca minor.

#### Bulb Planting

Native bulb planting is required to increase visual interest and wildlife food source for insects.

#### Planting adjacent to Car parks.

Drivers and passengers access in and out of vehicles can be impeded by outgrowths from large shrubs. I recommend low growing robust groundcover shrubs adjacent to parking.

#### Proposed Trees

The trees proposed are appropriate to the site. The applicant to confirm that the trees adjacent to buildings are appropriate in that their root systems will not damage the foundations of buildings; a qualified structural engineer must confirm this is so.

I look forward to a detailed landscape proposals that show the planting areas with species, their numbers, their planting densities, and their supplied sizes (the green buildings planting to be shown). The initial planting specification is comprehensive, but must include a more sustainable use for pesticide. Protection of the retained scrub and trees with robust fencing during the course of construction is to be shown on the drawing.

- 3.7 Head of Planning and Affordable Housing Policy (Urban Designer) – Considers the proposal acceptable as the design of the proposed buildings and landscaping to be a pleasing alternative to more standard office designs and given the site has little surrounding building context I consider it to be appropriate for the area. The reinstatement of the old railway line to meet up with the locomotive shed provides further context and history to the site, although care should be taken in its final appearance as it may appear slightly contrived. The materials are suitable to the style of the scheme and make reference to its location.
- 3.8 CPRE (Banbury District) – The proposal is an extension to Phase 1 already constructed and consider the principle acceptable, especially as the new buildings are of a lesser scale and massing compared to Phase 1 and involve the use of sympathetic and innovative materials and energy resources. Raise concerns over:
- Widening of Ironstone Lane – should not urbanise character of area or affect hedgerows, would prefer passing places
  - Light pollution
  - Former locomotive stabling shed feature should be protected and preserved in accordance with a scheme to LPA approval
- 3.9 Natural England – comments awaited

## **4. Relevant Planning Policies**

- 4.1 PPS1: Delivering Sustainable Development
- 4.2 PPS4: Planning for Sustainable Economic Growth
- 4.3 PPS5: Planning for the Historic Environment
- 4.4 PPS7: Sustainable Developments in Rural Areas
- 4.5 PPS9: Biodiversity and Geological Conservation
- 4.6 PPG13: Transport
- 4.7 South East Plan Policies: SP1, CC1, CC2, CC4, CC6, CC8, BE6, RE3, RE5, T4, T5, NRM4, NRM5, NRM11, C4 and CO2.
- 4.8 Adopted Cherwell Local Plan 1996 Saved Policies: EMP1, EMP4, TR1, C1, C2, C13, C14 and C28
- 4.9 Non-Statutory Cherwell Local Plan 2011 Policies: H1b, H3, H4, H7, H9, S25, TR1, TR4, TR5, TR11, R9, R10a, D1, D2, D3, D5, D6, D7, D9 and D10a

## **5. Appraisal**

### **5.1 Site history**

Historically the site has had a commercial use since around 1917 when it was used part of the Oxfordshire Ironstone industry with the site being used for the Locomotive Works and Stabling facility. On closure of the Ironstone works, the site and buildings have had a variety of uses.

- 5.2 In 2004 under application 04/01234/F planning permission was granted for the demolition of existing buildings and erection of 3 no. buildings for B1 and B2 use with associated parking and landscaping.

- 5.3 Then in 2005 under application 05/0045/F development of the site in the form of 3 no. B1 units was granted. This was an amendment to the 2004 consent and comprises Phase 1 of the business park.

### **5.4 Principle of development**

The site as a whole is an allocated site and referred to within the adopted Cherwell Local Plan 1996 as a site proposed for employment generating development and as such Policy EMP1 is relevant which is generally supportive subject to other relevant policies in the plan. The supporting text relating specifically to the site in question, at paragraph 3.48 states that the site is considered suitable for small scale employment generating development that is compatible with the local road network and would improve the appearance of the site.

5.5 Furthermore, Policy EMP4 of the adopted Cherwell Local Plan states, inter alia, that “in rural areas, proposals for employment generating development of the following types will normally be permitted:

a) within an existing acceptable employment site, including redevelopment”. The existing business park is an acceptable existing employment site, and given the planning history of the site and it being historically a significant employment site, its redevelopment accords with the policy provisions of EMP4.

5.6 With regards to the Non-Statutory Cherwell Local Plan 2011, the site is not allocated for employment generating development as in the adopted Cherwell Local Plan Policy EMP1. However, Policy EMP4 of the NSCLP states that a balance needs to be achieved in relation to the following :

i) the proposal and any associated employment activities can be carried out without undue detriment to the highway network and the appearance and character of the landscape.

ii) the proposal for small firms (upto about 500 sq.m) or for firms whose source of supply, commercial linkages; labour supply and markets make a specific location necessary for them; and

iii) the proposal will not give rise to excessive or inappropriate traffic and will wherever possible contribute to the general aim of reducing the need to travel by private car.

5.7 Whilst part of the site has already been developed as phase 1, its further expansion would be subject to assessment by Oxfordshire County Council, as local highway authority with regards to the impact on the local road network. Essentially, in negotiation with OCC the applicant proposes to widen Ironstone lane to a width of 4.5m and 6m where it meets the Stratford Road junction. The proposed gross internal floor area of the development amounts to 1671 sq.m (557 sq.m GIA per unit) and is expected to accommodate around 30 full time employees. Taking into account the proposed traffic generation, OCC have raised no objection to the proposal and consequently, the HDCMD considers that the principle of further development at this employment generating site is acceptable from a highway perspective and will add to the local economy by the provision of 3 no. small scale B1 units. The development therefore complies with Policies EMP1 and EMP4 of the adopted Cherwell Local Plan and EMP4 of the Non-Statutory Cherwell Local Plan 2011.

#### 5.8 Design and layout

The innovative concept for the building design is to integrate the buildings into the landscape, assisted by the lower level of the site in comparison to the adjacent land. The 3 no. proposed units will be encompassed within landscaped earth moundings with planting and green roofs, screened by existing the hedgerow that is to be

further enhanced by additional planting.

- 5.9 Each building will be identical, but set at slightly different angles, thus reducing the visual impact. The main elevation to each unit comprises full height glazed curtain wall system, at a height of 7.2m, set at an angle off vertical, preventing reflections from a distance. The main façade is broken into three distinct elements by two solid columns faced with local ironstone. The end gables of each unit, which are constructed into the earth moundings are similarly cased within local ironstone and overplanted with climbing planting on a mesh system set slightly proud of the stonework, thus blending the stonework into the landscaping. The green roofs flow over the frontages which integrate the built form into the landscape.
- 5.10 Internally each unit will have a mezzanine first floor utilizing the section of the building at its highest, the remaining floor area towards the rear of the will be beneath the ground with minimum slit windows allowing some natural daylight to these areas. The width of each of the buildings is 21m and depth 16m.
- 5.11 It is proposed to reinstate the railway line on the existing locomotive shed concrete floor slab, and each unit will be accessed by a bridge enabling level access to each unit from the car park/roadway. Further design details to preserve this historic element of the scheme are to be conditioned.
- 5.12 In terms of car parking, this is proposed to be divided into three groups providing 20 spaces for each unit including disabled parking, with substantial landscaping between, and additional disabled/visitor parking and the inclusion of cycle parking for each unit. The existing cross roads within the business park is to be upgraded to a mini-roundabout which is to be painted onto the road only and does not involve any engineering works.
- 5.13 From a policy perspective PPS1, Delivering Sustainable Development states that “Planning Authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted” (paragraph 34).
- 5.14 Given that the site is located within an Area of High Landscape Value careful control of the scale and type of development is required to protect the character of the landscape and particular attention needs to be paid to the siting and design of the development in order to comply with Policy C13 of the adopted Cherwell Local Plan
- 5.15 The HDCMD considers that the height of the buildings at 7.2m is appropriate being about 3m lower than the existing buildings in phase 1 and together with an innovative design solution, ensures that the development as a whole is integrated into the landscape and along with the implementation of the comprehensive landscaping scheme, the character and appearance of the designated area is not



harmful and thus accords with Policy C13 of the adopted Cherwell Local Plan. Furthermore the HDC&MD considers that the proposal regenerates the site, making more efficient use of previously developed land and consequently accords with the provisions of national and local policy.

5.16 Protected Species

PPS9 places a duty upon Local Planning Authorities to ensure that a protected species survey be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. PPS9 states that "It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

5.17 Local Planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application, as prescribed by Regulation 3(4) of the Conservation (Natural Habitats etc) Regulations 1994 (as amended). Under art.12(1) of the EC Habitats Directive, Member States requires that a system of strict protection of animal species be established to prohibit the deterioration or destruction of their breeding sites or resting places. The result is that there is in practice two linked systems of regulation. First under reg. 39(1)(d) it is a criminal offence to damage or destroy a breeding site or resting place but under reg.44 this does not apply if a licence has been granted for such operations and Natural England being that licensing authority. Secondly where planning permission is required reg.3(4) provides that local planning authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements might be met.

5.18 Para. 98 of Circular 06/05 states that Local Planning Authorities should consult Natural England before granting planning permission and the views of Natural England would clearly have to be given substantial weight. The Circular at para 121 affords protection to specific species of animals listed in Schedule 5 (see Table 2, Annex A of this Circular) under Part I of the Wildlife and Countryside Act 1981 (as amended). The Circular at para 123 also advises that Natural England is responsible for issue licences under section 10(1)(d) of the Protection of Badgers Act 1992 where it is necessary to interfere with a badger sett in the course of development.

5.19 Given the derelict nature of the site and the amount of scrub land within it, an Ecological appraisal has been undertaken which has identified flora and fauna habitats, although none are considered to be of significant intrinsic value and no part of the site is subject to any statutory or non-statutory nature conservation value.

- 5.20 The site appeared to be within a badgers' territory, and trails, latrines and foraging have been observed, but no evidence of setts found. There was however potential for reptiles to occur within the site owing to the presence of suitable habitat and further survey work is required to establish whether reptiles were actually present and to inform any mitigation that may be required. At the time of report writing a reptile survey is being undertaken and reports regarding initial finds and method statement for the survey plus a comprehensive mitigation strategy in the unlikely event that reptiles should be discovered will be provided as a planning committee update and Officers will advise on any actions necessary if it is found the development may impact upon them, for example by undertaking their relocation in an agreed procedure.
- 5.21 Comments from Natural England are awaited, as they will only comment on surveys which include all the information necessary to make an assessment. However, ongoing comments from Oxfordshire County Council's Ecologist have helped form a view that in principle, and subject to a further reptile survey being undertaken along with any mitigation strategy if species are found and enhancement proposals, the development will be acceptable subject to conditions.
- 5.22 Consequently, the HDCMD considers that subject to there being no adverse comments from Natural England and OCC's Ecologist and together with mitigation measures recommended by the further Ecologist's Appraisal, the natural habitat of any identified protected species is thus protected and that the derogation is not detrimental to the maintenance of the population of the species. Condition would however be necessary to ensure that the scheme is undertaken in accordance with the Ecological appraisals and that if necessary further surveys are undertaken prior to the commencement of the development to ensure that up-to-date details and activity is known and dealt with accordingly.
- 5.23 It is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. The proposal therefore accords with PPS9 and policies C2 and C4 of the Adopted Cherwell Local Plan.
- 5.24 Traffic generation and Highway safety
- As stated previously the proposed scheme has been subject to negotiation with OCC as local highway authority, and as a consequence no objection is raised in respect to the widening of the Ironstone Lane to 4.5m and 6m where the lane meets the main Stratford Road. The proposed works would be subject to a Section 278 agreement with Oxfordshire County Council.
- 5.25 The comments made by the Parish Council, CPRE and adjacent business are duly noted with regards to the change in character to the lane and that the lane should

either stay as it is with the lay-bys being retained or indeed further lay-bys being included in addition to the increase in width. However, in the role as a statutory consultee the Local Highway Authority assesses planning applications and takes into consideration the existing characteristics of a site, its surrounding area (such as the local highway network), design standards, government guidance and local policies and through the submission of a Transport Assessment it has been recognized that there will be a residual increase in car traffic and improvements to the length of the Ironstone Lane will be necessary to allow efficient 2 way traffic operation. Whilst being improved to allow the widening, the HDCMD considers that the character and appearance of the Lane will still retain its rural character and will not appear unduly urbanized.

- 5.26 The level of car parking is also acceptable, however the applicant also intends (in accordance with a Travel Plan), the implementation of alternative methods of transport to the site. This has been accepted by OCC, and whilst the site does not fall within the boundary of Banbury, the applicants have agreed to contribute £16,930 towards Banbury ITS.

5.27 Conclusion

Based on the assessments made above it is considered that this application is acceptable, makes more efficient use of previously developed land on an employment generating site, provides 3 no. small units of B1 use to contribute to the local economy and will not seriously harm any protected species or cause detriment to the character and appearance of the area or highway safety. The proposal therefore complies with the relevant development plan and national policy guidance.

## 6. Recommendation

**Approval subject to there being no adverse comments/objection from Natural England and the following conditions:**

1. 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 the schedule of drawings received 03.02.2010.  
  
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. 2.3CC (RC5B) – natural ironstone DEVELOPMENT
4. 5.5AA (RC4A) – full design details – glazing, balustrades, bridge, railway and locomotive shed feature and refuse and recycling areas.
5. Prior to the commencement of development a construction phase traffic management plan shall be submitted to and approved by the Local Planning Authority. The approved plan shall be implemented and operated in accordance with the approved

details.

Reason – In the interests of highway safety and to comply with Government advice contained in PPG13: Transport

6. Prior to the commencement of development a scheme of drainage shall be submitted to and approved by the Local Planning Authority. The approved plan shall be implemented and operated in accordance with the approved details.

Reason – To ensure satisfactory drainage of the site in the interests of public health and highway safety and to avoid flooding of adjacent land and to comply with Government advice contained in PPS25 :Development and Floodrisk, PPG13: Transport, Policy NRM4 of the South East Plan 2009 and ENV1 of the adopted Cherwell Local Plan.

7. Prior to the first occupation of the development, the proposed widening of Ironstone Lane and associated access works shall be completed in accordance with the details provided within the Transport Assessment dated May 2009 or otherwise agreed with the Local Planning Authority. The works will require the applicant to enter into a Section 278 for the undertaking of works to the highway with the local highway authority.

Reason – In the interests of highway safety and to comply with Government advice contained in PPG13: Transport

8. Prior to the first occupation of the development the access road, parking and manoeuvring areas shall be provided in accordance with the plans hereby approved and shall be constructed, laid out, surfaced, drained (SUDS) and completed, and shall be retained unobstructed except for the parking and maneuvering of vehicles at all times. (RC15AA)
9. 4.14DD (RC66AA) – Green travel plan
10. That full design details of any lighting to be fixed on the buildings and on the ground shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved. (RC95A)
11. 6.15AA (RC40AA) – that the buildings shall be used for the purposes falling within Class B1
12. 6.4AB (RC34AA) – commercial no extensions
13. 7.13 (RC50) – no outside storage or other operations
14. 3.0A (RC10A) – submit landscaping scheme
17. 3.1A (RC10A) – carryout landscaping

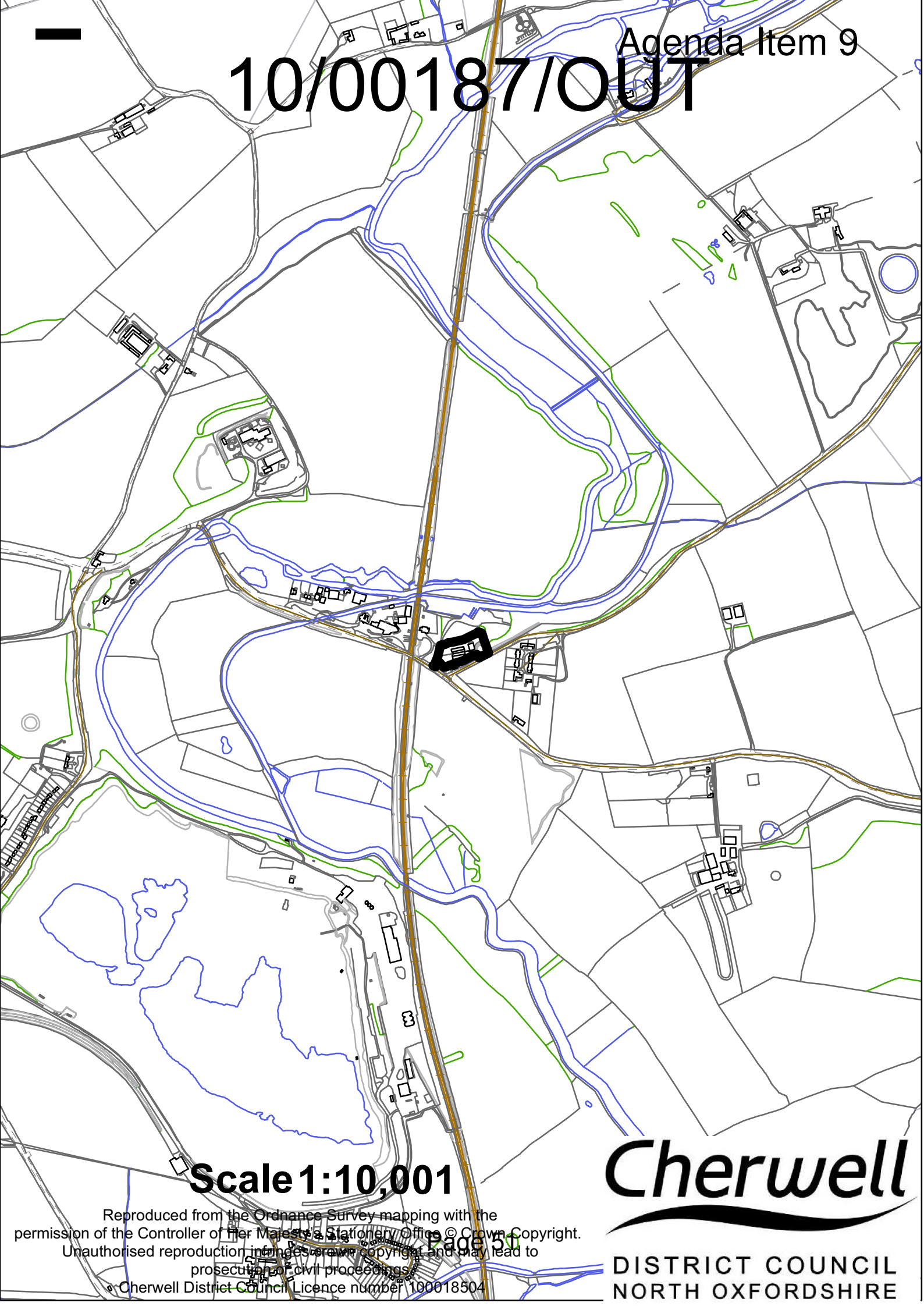
<p>18. 3.7BB (RC10A) – submit boundary enclosure details</p> <p>19. Prior to the commencement of development a management plan for semi-natural grass areas should be submitted to and approved by the Local Planning Authority DC prior to any works taking place. The management plan shall be carried out in accordance with those approved details. (RC85A)</p> <p>20. No development approved by this planning permission shall be commenced unless and until all remediation requirements and working practices are carried out in accordance with the 'Environmental Recommendations' included in the ground investigation report ref: C9469 (February 2004).</p> <p>Reason: In order to safeguard the amenities of the area and to minimise the risk of pollution of water courses and in accordance Policies ENV1 and ENV12 of the adopted Cherwell Local Plan.</p> <p>21. 4.14CC (RC66A) – cycle parking</p> <p>22. That notwithstanding Condition 4 above prior to commencement of development, details of the existing former mineral railway track on the site, identifying which lengths of track are proposed to be preserved shall be first submitted to and approved by the Local Planning Authority and that such agreed length of trackway shall thereafter be left in situ on the site.</p> <p>Reason - To safeguard the preservation and retention of some of the existing historic features on the site to comply with Policy BE6 of the South East Plan 2009 and PPS5: Planning for the historic environment.</p> <p>Any other ecological conditions as necessary</p> <p><b>Planning Notes</b></p> <p>1. ZZ – Unsuspected contamination</p>	
<p><b>SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES</b></p> <p>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 makes more efficient use of previously developed land on an employment generating site, provides 3 no. small units of B1 use to contribute to the local economy and will not seriously harm any protected species or cause detriment to the character and appearance of the area or highway safety. As such</p>	

**the proposal is in accordance with Policies SP1, CC1, CC2, CC4, CC6, CC8, BE6, RE3, RE5, T4, T5, NRM4, NRM5, NRM11, C4 and CO2 of the South East Plan 2009 and Policies EMP1, EMP4, TR1, C1, C2, C13, C14 and C28 of the adopted Cherwell Local Plan and Government guidance contained in PPS1, PPS4, PPS5, PPS7, PPS9 and PPG13 . For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted subject to appropriate conditions as set out above.**

**CONTACT OFFICER: Tracey Morrissey**

**TELEPHONE NO: 01295 221812**

10/00187/OUT



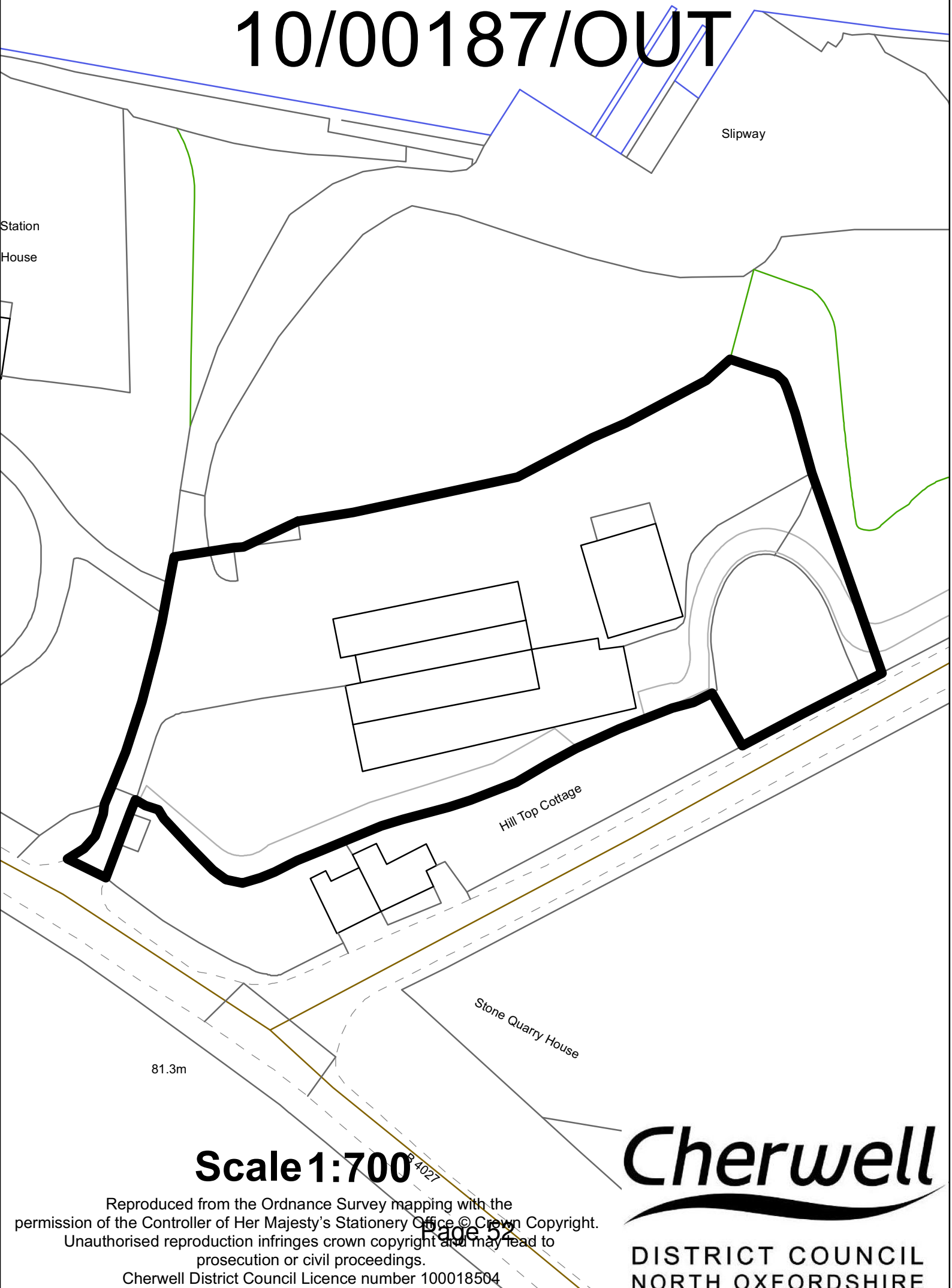
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**Cherwell**

**DISTRICT COUNCIL  
NORTH OXFORDSHIRE**

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# 10/00187/OUT



**Scale 1:700**

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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE



<b>Application No:</b> 10/00187/OUT	<b>Ward: Bletchington</b>	<b>Date Valid: 10/02/10</b>
<b>Applicant:</b>	Minns Estates Ltd	
<b>Site Address:</b>	B-Line Business Centre, Station Road, Enslow	

**Proposal:** Demolition of existing buildings, erection of an office building and eleven residential dwellings

## 1. Site Description and Proposal

- 1.1 The site is located in close proximity to the junction of Lince Lane (A4095) and Station Road (B4027), an access is taken from the latter. Roughly rectangular in shape and cut into a hillside, the site currently contains a mixture of portable buildings and former agricultural buildings that have been converted for business use. To the west lies a residential property known as Station House and overlooking the site, to the east, is Hill Top Cottage. Beyond the site to the north, on the valley floor, is the Oxford Canal (there is a marina directly below the application site). The site falls within a Flood Zone (2) and is located just outside the Oxford Green Belt - the B4027 forming the northern boundary of the Oxford Green Belt in this vicinity.
- 1.2 The proposal seeks to demolish the existing buildings and replace them with an office building, near the entrance to the site, and 11 new dwellings, two of which could be affordable. The application is in outline form with only the layout and access being assessed at this stage. All other matters have been reserved for future consideration. The two semi-detached affordable housing units would have three bedrooms and would be positioned next to the office building. The remaining properties would be detached four bedroom units, each with a double garage. The office building would provide 213 square metres of floorspace. As part of the development the access is to be improved and a new footpath linking the site to the Rock of Gibraltar public house would be constructed along Station Road. It is worth noting that the site layout as shown on the Highway Works Plan (0929 003) does not show the finalised version of the scheme.
- 1.3 Members may recall that there is extant outline planning permission on this site (09/00647/OUT) for replacement B1 office/industrial units. The two buildings have a combined footprint of 1620 square metres.

## 2. Application Publicity

- 2.1 The application has been advertised by way of press notice and neighbour letter. The final date for comment was the 2<sup>nd</sup> April 2010. No correspondence has been received as a result of this consultation process.

## 3. Consultations

- 3.1 Bletchington Parish Council does not object to the scheme but is concerned about the visibility in respect of the vehicular access on to the A4095.

3.2 The Head of Planning Policy has provided the following comments:

The application site comprises a mixture of portable and former agricultural buildings used for business purposes. An application (09/00647/OUT) for the demolition of the existing buildings and their replacement with new office/industrial buildings was permitted on 14 August 2009.

The current proposal for is for eleven dwellings, nine of which would be market homes with 4 or more bedrooms. Two 3 bedroom homes are proposed as affordable housing (18%). The applicant states that offices would be provided over garages to provide “..an opportunity for residents to work from home...”.

The site lies at Enslow, immediately north of the Green Belt, to the west of Bletchingdon, south-west of Kirtlington and north of Shipton-on-Cherwell.

I consider the main policy issues to be:

- i. whether there would be unacceptable loss of rural employment
- ii. the district's current housing land supply position
- iii. whether the site is in a suitable location for residential development
- iv. whether the proposal represents an acceptable mix of housing.

i. Loss of rural employment

PPS4 states (EC12.1b) that LPAs should support small-scale economic development where it provides the most sustainable option in villages, or other locations, that are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport. It also states (EC12.1c) that LPAs should take account of the impact on the supply of employment sites and premises and the economic, social and environmental sustainability of the area when considering planning applications involving the loss of economic activity.

The South East Plan requires LPAs to address the economic needs of rural communities (policies RE3, BE5) and saved policy EMP4 seeks to encourage economic activity in the rural areas (para' 3.50).

Policy EMP5 of the Non-Statutory Cherwell Local Plan 2011 states that the change of use or redevelopment of an existing employment site within or adjoining a village to a non-employment use will not be permitted unless: i) there would be substantial and demonstrable planning benefit; or demonstration that every reasonable attempt has been made to secure employment re-use (normally advertised for sale or for rent for not less than 12 months).

The Council's Employment Land Review (2006) recommends that all premises and land currently in B class use should remain allocated and be protected for employment generating activity. Monitoring information in the AMR does not demonstrate that there is surplus (or shortage) of employment land in rural areas.

There is insufficient information in the application to determine the extent of the loss of existing employment space that would result from the proposed development.

However, the recent approval of a scheme (09/00647/OUT) for the replacement of the existing buildings with new office/industrial buildings (1620 sq. m of floorspace) indicates the potential of the site. The office building proposed in the current application would only provide 213 sq. m of floorspace. It is therefore considered that predominantly residential redevelopment of the site would lead to a significant loss of employment space/potential for this rural area. I do not consider the proposal for office space over garages to be sufficient compensation for this loss as it is likely that such use in would be incidental to the enjoyment of the dwellinghouses. Planning permission is not being sought for separate B1 office use.

I am not aware of any evidence that employment use of the site is no longer viable and that serious attempts have been made to market the site. Whether there would be substantial and demonstrable planning benefit as a result of the proposal requires detailed consideration.

#### ii. the district's current housing land supply position

The district's housing land supply position is material for this proposal for 11 dwellings.

Planning Policy Statement 3 (PPS3) requires a flexible supply of land for housing by, amongst other things, maintaining a five-year rolling supply of deliverable (available, suitable and achievable) housing land. LPAs are required to monitor the supply of deliverable sites on an annual basis, linked to the Annual Monitoring Report review process.

The Council's 2008 Annual Monitoring Report (AMR) noted that the district had a 5.3 year rolling supply for the period 2009-2014. The 2009 AMR shows that for the same period the district now has a 4 year supply rising to 4.5 years for 2010-2015 and 5.1 for 2011-2016.

PPS3 requires scenario and contingency planning to identify different delivery options, in the event that actual housing delivery does not occur at the rate expected. Policies and proposed management actions are expected to reflect the degree to which actual performance varies from expected performance, as indicated in housing and previously developed land trajectories. Where actual performance, compared with the trajectories, is within acceptable ranges (for example within 10-20 per cent), and future performance is still expected to achieve the rates set out in the trajectories, PPS3 states that there may be no need for specific management actions at that time and that LPAs will wish to continue to monitor and review performance closely and consider the need to update the five year supply, of deliverable sites where appropriate.

In accordance with PPS3, the district's rolling supply of deliverable housing land takes no account of unidentified, small site windfalls. Planning permission does exist for some additional 500 homes which if 90% implemented would be more than enough to boost rolling supply over 5 years in 2010/11. However, small, unidentified windfalls cannot be considered until they are recorded as complete. New LDF sites will also emerge over the next couple of years, boosting both near and long-term supply. Once such sites are considered to be available, suitable and achievable as defined by PPS3 they could be considered as part of the rolling supply of deliverable sites.

At the present time, however, it is considered that there is a need to increase the supply of housing that will be delivered over the period 2010/11 to 2014/15 so that the rolling supply of deliverable land increases back towards 5 years for the year 2010/11. Performance over the next two years is expected to be low with an estimated 369 dwellings in 09/10 and 181 in 10/11.

In these circumstances, the Planning Committee recently resolved to grant permission for a scheme of 61 dwellings on land south of Milton Road, Bloxham (09/01811/F) which has the effect of increasing the supply of deliverable sites in 2010/11 from 4.5 to 4.6 years.

PPS3 states that where LPAs cannot demonstrate an up-to-date five-year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in PPS3 including the following considerations:

- achieving high quality housing
- ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- the suitability of a site for housing, including its environmental sustainability;
- using land effectively and efficiently;
- ensuring the proposed development is in line with planning for housing objectives;
- reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.

In the context of the district's housing supply position, this application needs to be carefully considered to see whether or not it meets PPS3 criteria as well as other policy considerations including the South East Plan, the saved policies of the adopted Cherwell Local Plan 1996 and the Non-Statutory Cherwell Local Plan 2011. I deal below with the issue of whether this is a suitable site for residential development.

### iii. whether the site is in a suitable location for residential development

Enslow is a category 3 village in both the saved policies of the adopted local plan and in the Non-Statutory Plan. Policies H15 and H17 respectively restrict development within such villages to conversions within settlements (and for rural undertakings) and in the case of the Non-Statutory Plan every reasonable attempt to secure suitable employment re-use would be expected. I am unclear as to whether the site lies with or outside the built-up limits of Enslow, but in either case continued employment re-use should be considered in the first instance.

Notwithstanding this, Enslow is a category 3 hamlet at which significant further residential growth is not envisaged. Its size, remote location and general lack of services and facilities mean that it is considered to be an unsuitable location for a development of 11 dwellings. The grant of permission for a 'live-work' scheme nearby does not in my view make this a sustainable location in which to respond to the district's current five year land supply position. The potential availability and suitability of sites in more sustainable locations as evidenced by LDF issues and

options papers reinforced this view.

As a 'regulation 25' consultation document, the Council's Draft Core Strategy carries little weight. However, it sets out proposed directions of growth for the district having regard to available evidence. I am of the view this proposed development would be contrary to the emerging approach on housing distribution.

If the proposed development were to be considered favourably, it must be clearly demonstrated that the site is deliverable (available, suitable and achievable) and capable of being recorded as complete by the end of the next 5 year rolling period i.e. by 31 March 2015. Completions after this date would have no effect on increase the rolling supply for 2010/11 from 4.6 years. Sufficient certainty is needed to enable the site to be added to the district's rolling supply of deliverable housing land upon the grant of any planning permission.

iv. whether the proposal represents an acceptable mix of housing.

Insufficient affordable housing is proposed to meet the Non-Statutory Plan's requirement of 30%. It is also considered that the size and type of the private housing proposed is not consistent with PPS3 objectives for achieving a satisfactory mix of housing.

In conclusion, subject to there being no overriding substantial and demonstrable planning benefit arising from the proposal, there is a clear policy objection, notwithstanding the district's current housing land supply position and consideration of other detailed matters such as flooding and the impact on the adjoining Green Belt.

3.3 The Council's Design and Conservation Team Leader provided the following comments:

The site is effectively a shelf on the steep valley side that drops from the A4095 to the Cherwell valley floor. It is surrounded by woodland scrub vegetation and thicker woodland to the north east. The mooring basin on the Oxford Canal below the site is currently developing into a more commercial operation. This is a busy stretch of canal and the canal tow path is a popular amenity route.

The application is in outline with access and layout for approval at this stage and a layout is submitted. Although the DAS claims that the designs are in character with the nearby villages it is lacking in a proper visual and character analysis of the context, including neighbouring villages. Had an analysis of the context been undertaken it could have informed the design. The Design and Access Statement is inadequate in this respect.

The proposal is inappropriate in the following respects:

Layout: A layout is submitted as part of the application but the DAS gives no design rationale other than a brief statement at paragraph 7.2. This is entirely inadequate. Paragraph 86 of Circular 01/06 states *that the DAS should explain and justify the proposed layout in terms of the relationship between buildings and public and private spaces within and around the site.....* Paragraph 97 of the DAS states that an assessment of the site's immediate and wider context will be required. Had this

been undertaken it would have revealed that traditional village streets in the locality are generally composed of a mixture of dimensions of building footprint, of terraces and detached properties, of a variety of locations on plot, often at the back of the highway, and of walls, open spaces and vegetation. This proposal indicates a cul de sac with an office building at the entrance and large detached houses and double garages with rooms over placed along it. The positioning of the properties does not relate well to the road, producing a discordant street scene. The properties do not relate to each other to create a cohesive or attractive street elevation. Each one sits independently in its plot. Each has a double garage and 2 car spaces in front. This creates a very suburban character reminiscent of 1980s development. In most cases the building footprint covers over half the area of the plot. This is a dense proposal for such a rural area and its layout is atypical of the character of nearby settlements. I cannot recommend approval of this layout.

Scale: Paragraph 7.3 entitled Scale of the DAS gives no information on scale stating that scale will be addressed by the RM application. However, paragraph 7.9 entitled Design and Use of Materials states that the heights vary from 1.5 storey garages to 2 and 2.5 storey houses. The scale of the building footprint is given in the layout and house types including elevations are also submitted, which reveal dormer bungalow style detached dwellings, so there is some inconsistency in statements here. In fact, notwithstanding that this is an outline application, Circular 01/06 states that *the application should still indicate the parameters for the upper and lower limits of the height, width and length of each building proposed to establish a 3D building envelope within which the detailed design of the buildings will be constructed*. The application does not comply with Circular 01/06 in this respect. Nevertheless from the information that is provided we can see that what is proposed is not in sympathy with the established character of neighbouring villages which are made up of a variety of scale of buildings from tiny vernacular cottages to grander villas, producing an interesting and varied roofline. The proposed scale of the properties is fairly consistent and likely to be rather overbearing given the spacing of them. The application is therefore inconstant, does not comply with Circular 01/06 and what is proposed is not acceptable.

Appearance: Paragraph 7.8 of the DAS claims that the intended style of building will pick up on the local village character of Tackley, Kirtlington and Bletchington ... but will also take some influence from the canal side location and the industrial stone buildings in Enslow. It does not go on to explain how this design rationale is expressed in relation to the proposal nor is this evident from the elevations submitted. Paragraph 95 of Circular 01/06 requires DAS to explain and justify the principles behind the intended appearance and explain how these will inform the final design. Traditional village properties are generally wide fronted, narrow span with additions to the rear, with ridge lines following the road alignment. Here each property has a deep plan and a projecting gable facing the road, with plot 1 and plot 9 being entirely wide gable fronted dwellings. This is partly an attempt to break up the bulk of the large building footprint but creates fussy massing, quite contrary to the simplicity of traditional forms. The DAS is lacking in this respect and the information about the proposed appearance is not appropriate.

Landscaping: Paragraph 92 of Circular 01/06 states that at outline stage the DAS should explain and justify the principles that will inform any future landscaping scheme. The DAS gives no information about landscaping. Given the location of the site in an elevated position above the Cherwell Valley I would have expected to

see significant analysis of the visibility of the development from a number of sensitive vantage points, together with an analysis of the surrounding species to establish the principles that have informed the layout and that would inform the landscape treatment of the site. For example there is no explanation or justification as to whether the development will be seen and whether a development form which looked out over the Cherwell valley would have been appropriate etc. The DAs is lacking in this respect.

Therefore I conclude that the DAS is inadequate and that the submitted layout is unacceptable.

- 3.4 The Strategic Housing Officer does not regard the site as suitable for affordable housing due to its unsustainable location.
- 3.5 The Head of Building Control and Engineering Services has no objections in principle. There are no foul or surface water sewers in the vicinity of the site. Therefore a private sewage treatment system will have to be installed. Surface water disposal to be by a sustainable urban drainage system for which a commuted sum will be required.
- 3.6 The Environmental Protection Officer had not commented at the time of writing this report.
- 3.7 The OCC Highways Authority has raised no objections subject to condition.
- 3.8 The Crime Prevention Design Advisor has no objections at this stage.
- 3.9 Thames Water has no objections to the scheme.
- 3.10 Natural England has objected to the scheme. The removal of the existing buildings and the orchard require the submission of a bat survey. A bat survey did not accompany this application. In respect of the impact on the nearby SSSI, Natural England has no objection to the proposed scheme.
- 3.11 The Environment Agency has no objections subject to condition.

## **4. Relevant Planning Policies**

- 4.1 PPS1: Delivering Sustainable Development  
PPS3: Housing  
PPS4: Planning for Sustainable Economic Growth  
PPS7: Sustainable Development in Rural Areas  
PPS9: Biodiversity and Geological Conservation  
PPG13: Transport  
PPS23 Planning and Pollution Control  
PPS25: Development and Flood Risk
- 4.2 Policies BE1, CC7, CO3, CO4, BE5, RE3 and T4 of the South East Plan 2009
- 4.3 Saved Policies ENV12, H5, H15, C2, C27 and C28 and C30 of the adopted Cherwell Local Plan

- 4.4 Policies H1a, H1b, H7, H17, D1, D3, EMP5, OA1, TR4, EN25, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011

## 5. Appraisal

- 5.1 This outline application seeks approval for the principle of the development and for access and layout. The following issues are therefore under consideration:

- Principle of the development
- Site layout and adequacy of the design and access statement
- Highway issues
- Landscape/Green Belt impact
- Protected species
- S106 legal agreement

5.2 **Principle of the development**

The comments submitted by the Head of Planning Policy, above, provide a detailed appraisal of the policy position. The key conclusion to be drawn from the report are that the loss of a rural employment site would be contrary to Policy EMP5 of the Non-Statutory Cherwell Local Plan unless it can be demonstrated that there is a substantial and demonstrable planning benefit or that every reasonable attempt has been made to secure an employment re-use. The proposal whilst having an employment element is considered to be a predominantly residential development.

- 5.3 As regards the caveats to Policy EMP5, no evidence has been provided to establish that the site is no longer viable for an employment use. As for a *substantial and demonstrable planning benefit*, the applicant, amongst other things, argues that the proposed scheme would meet a shortfall in the supply of housing within the District. Whilst there is a deficit in the short term housing supply (2010/11 - 2014/15), proposals which seek to address this imbalance have to be assessed against the following criteria set out in PPS3:

- achieving high quality housing
- ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- the suitability of a site for housing, including its environmental sustainability;
- using land effectively and efficiently;
- ensuring the proposed development is in line with planning for housing objectives;
- reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.

- 5.4 In respect of the site's suitability for housing, even if it is accepted that the site falls within the settlement boundary, as Enslow is a category 3 settlement (Policy H15 of the adopted Cherwell Local Plan) the proposed scheme would run contrary to this policy. Development within category 3 settlements is limited to conversions. As the Head of Planning Policy observes 'Its size, remote location and general lack of services and facilities means that it is considered to be an unsuitable location for a development of 11 dwellings.



- 5.5 As regards the second criterion identified in PPS3, this proposal fails to achieve a satisfactory mix of housing. In respect of the affordable housing element the Non-Statutory Local Plan requires that 30% of the housing is affordable. The applicant is only proposing that two of the eleven properties are affordable, which only equates to 18% of the total. As the remaining properties are all large and detached it could also not be argued that the scheme provides the variety of house types to meet the Government goal of promoting mixed communities, set out in PPS3.
- 5.6 The applicant sets much store in the potential benefits of the proposed change of use as a mitigating justification. A supporting environmental report demonstrates that this current proposal would result in a reduction in energy consumption (approx. 39%) and a reduction in CO<sub>2</sub> emissions (approx. 39%) when compared to the B1 development approved on this site last year. Whilst not disputing these findings, it is worth noting that all the figures are hypothetical and that no assessment is made of the existing use. The methodology is therefore debateable as mitigation strategies could be incorporated into the design of the approved business units to further reduce their environmental impact. There is also limited analysis of other environmental consequences, e.g. the impact of the housing on local wildlife habitat (development will affect the whole rather than part of the site as is the case with the extant B1 permission); loss of trees; and whether the business units would consume less/more water than the proposed dwellings and office.
- 5.7 Even if it is accepted that the proposed scheme has environmental advantages over the extant outline permission, it is not considered that this would, on its own, constitute a demonstrable planning benefit as set out in EMP5 of the Non-Statutory Cherwell Local Plan 2011. Further, by accepting this argument, a precedent would be set whereby a large proportion of rural employment sites within the District would be inevitably identified for a similar change of use.
- 5.8 In support of their application reference is made to the potential precedent set by the Ingelby Farm development (05/00535/OUT) which is on the opposite side of Lince Lane. In this case Members gave approval for the replacement of a kennelling facility with seven live-work units. Since approving this scheme control over the 'work' element has been relaxed by planning permissions 07/01242/F and 08/01239/F (granted on appeal). Although in theory there are sustainability benefits to be derived from the live-work concept, in reality ensuring that residents/developers share and adhere to this vision has proven to be very difficult.

The *Development Control Practice* website observes the following in respect of the live-work model (para. 10.5):

"The concept was first adopted by planners in the London Borough of Tower Hamlets in the late 1980s and taken on by other neighbouring authorities, often being seen as a way to aid the regeneration of run down areas. However, some developers subsequently saw it as a way to circumvent planning policies relating to land use allocations which led to planning authorities treating the proposals in a far more circumspect and sceptical manner. Some authorities have gone as far as to change their approach to the matter; an example being the revocation in October 2004 by Hackney L.B. of its supplementary planning guidance after research found that those that had been formed produced few jobs and contributed little to regeneration."

- 5.9 Notwithstanding the merits of live-work units and indeed the Ingelby Farm development in particular, the HDC&MD concurs with the Head of Planning Policy's assessment that the proposed dwellings do not conform to the definition of live-work units. The space above the garages has been identified as a place of work, but as no separate B1 office use is being sought, this space is in effect no different to rest of the residential accommodation. The Ingelby Farm approval is therefore considered to have little bearing on this current application.
- 5.10 **Site layout**  
The quality of the housing is another consideration outlined in the aforementioned paragraph of PPS3. As is evidenced in her report above, The Council's Design and Conservation Team Leader is dismissive of the proposed design/layout as well as the supporting Design and Access Statement. In summary, she concludes that the positioning of the properties do not relate well to each other, with the parking and garaging giving the development a '*very suburban character reminiscent of 1980s development*'. She goes on to criticise both the scale and appearance of the proposed dwellings which it is concluded are '*not in sympathy with established character of the neighbouring villages*'. Based on this assessment the scheme runs contrary to Policies C27 and C28 of the adopted Cherwell Local Plan.
- 5.11 To accommodate plots 7 and 8 the buildings and gardens will either occupy much more elevated positions in respect of the adjacent properties or, as is more likely, a significant engineering operation will have to be undertaken to remove the large amount of earth located in this corner of the site. In order to allay the concerns of the Highway Authority a supporting wall, which could be upwards of 8 metres in height, would have to be erected, to a strict specification, so that Lince Lane would remain structurally sound. As these engineering works are not mentioned in the design and access statement it has to be inferred, however unlikely, that the applicant intends to take the former of these two options, and calls into question the ability to build eleven houses in the layout proposed.
- 5.12 **Highway issues**  
Despite the concerns of Bletchingdon Parish Council, the Local Highways Authority has no objections to the access on to Station Road. Aside from the fact that the access is to be improved, the Highways Officer notes that the proposal will result in a reduction in the number of movements to and from site - these movements will also not include heavy goods traffic associated with a B1 use. Subject to a few modifications and further clarification on a couple of points the Highways Officer is happy with the site layout.
- 5.13 The Highways Officer considers that '*the location of the site is unsustainable as future residents would have few alternatives to car use*'. He does however acknowledge that, in mitigation, the proposal would result in fewer movements than the recently approved B1 scheme. He also highlights other potential benefits in respect of the proposed footpath along Station Road and the opportunity for working from home. Whilst the footpath will provide a link to the bus stop, the number 25 bus only passes through the settlement on an infrequent basis during the day.
- 5.14 **Landscape/Green Belt issues**  
Despite its proximity to the northern boundary of the Green Belt, the HDC&MD is satisfied that the development's landscape impact will be limited as it will, in all probability, not be visible from any vantage point within the Green Belt.

- 5.15 As regard views from the north, the Design and Conservation Team Leader is concerned that little consideration appears to have been given as to how the development will be viewed from outside the site. She comments as follows:
- “Given the location of the site in an elevated position above the Cherwell Valley I would have expected to see significant analysis of the visibility of the development from a number of sensitive vantage points, together with an analysis of the surrounding species to establish the principles that have informed the layout and that would inform the landscape treatment of the site. For example there is no explanation or justification as to whether the development will be seen and whether a development form which looked out over the Cherwell valley would have been appropriate etc. The DAS is lacking in this respect.”
- 5.16 Although outside the Green Belt, the site is located within in an area of High Landscape Value (saved Policy C13 of the adopted Cherwell Local Plan). The HDC&MD agrees with the Design and Conservation Officer that a detailed critique should have been included in the design and access statement outlining and justifying the landscape implications for the proposed development.
- 5.17 **Protected species**  
PPS9 places a duty upon Local Planning Authorities to ensure that, where appropriate, a protected species survey be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. PPS9 states that “It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”
- 5.18 Local Planning Authorities must also have regard to the requirements of the EC Habitats Directive when determining a planning application, as prescribed by Regulation 3(4) of the Conservation (Natural Habitats etc) Regulations 1994 (as amended). Under article 12(1) of the EC Habitats Directive, Member States requires that a system of strict protection of animal species be established to prohibit the deterioration or destruction of their breeding sites or resting places. The result is that there is in practice two linked systems of regulation. Firstly, under regulation 39(1)(d) it is a criminal offence to damage or destroy a breeding site or resting place but under reg.44 this does not apply if a licence has been granted for such operations and Natural England being that licensing authority. Secondly, where planning permission is required reg.3(4) provides that local planning authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements might be met.
- 5.19 Paragraph 98 of Circular 06/05 states that Local Planning Authorities should consult Natural England before granting planning permission and the views of Natural England would clearly have to be given substantial weight. The Circular at paragraph 121 affords protection to specific species of animals listed in Schedule 5 (see Table 2, Annex A of this Circular) under Part I of the Wildlife and Countryside Act 1981 (as amended).

- 5.20 Natural England has advised that the proposal, as presented, has the potential to affect species as protected in the aforementioned European and UK Legislation. In particular, concern is expressed in respect of the impact the proposed demolition of the existing buildings and the removal of existing trees will have on local bat populations.
- 5.21 The applicant has failed to provide an ecology report in support of their proposal. The ecology report which was submitted in respect of the approved business redevelopment (09/00647/OUT) could not be taken into consideration, even if it were included as part of the current application. This is because, although no evidence of bats populating the area was found, these findings, which were specific to the 2009 application, are now out-of-date (the report was prepared in December 2007).
- 5.22 **S106 agreement**  
No negotiations have been entered into in respect of a S106 Agreement. As this development compromises more than six dwellings such an agreement is a pre-requisite of any approval. Not a definitive list, contributions which would be expected for affordable housing, open space/play space, off-site playing pitches, off-site indoor sports facilities, education facilities, library facilities and transport measures. The application should not be approved in its absence.
- 5.23 **Conclusion**  
Not considered to be acceptable in principle, for the reasons set out above, this scheme also has a number of deficiencies in respect of design and layout. The Design and Access statement is also found wanting as it does not properly address some of the key issues relating to this site. The HDC&MD therefore concludes that this proposal is contrary to Policies H5, H15, R12, C2, C27 and C28 of the adopted Cherwell Local Plan and Policies H1a, H1b, H7, H17, D1, D3, EN25, EMP5, OA1, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.

## 6. Recommendation

### Refusal

1. Enslow is a Category 3 village as defined in the adopted Cherwell Local Plan. Policy H15 states that within such settlements new residential development will be restricted to the conversion of non-residential buildings or new dwellings where an essential need for agriculture, or other existing undertaking, can be established. It is the opinion of the Local Planning Authority that the proposal does not accord with these provisions and that it would be unsympathetic to its rural context, contrary to Policies H15 and C28 of the adopted Cherwell Local Plan and Policy H17 of the Non-Statutory Cherwell Local Plan 2011.
2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development, including affordable housing, open space/play space, off-site

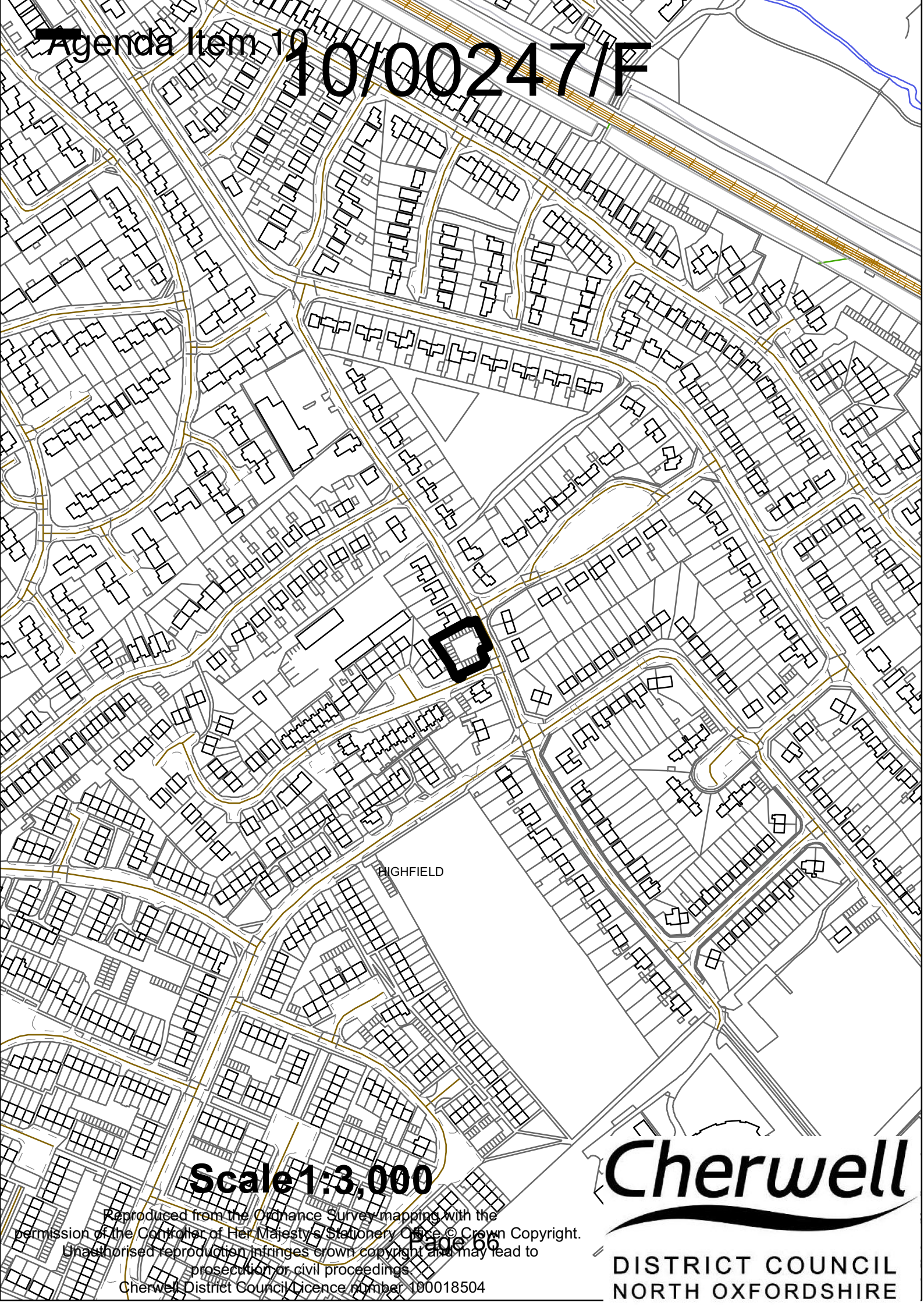
playing pitches, off-site indoor sports facilities, education facilities, library facilities and transport measures will be provided. This would be contrary to Policy CC7 of the South East Plan 2009, Policies H5 and R12 of the adopted Cherwell Local Plan and Policies OA1, H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.

3. The proposal will result in the loss of an employment site which can continue to make an important contribution to the economic development of the area. The proposal is therefore contrary to Government advice contained within PPS4: Planning for Sustainable Economic Growth and Policy EMP5 of the Non-Statutory Cherwell Local Plan 2011.
4. The submitted design and access statement is not considered adequate as it does not explain or justify the proposed site layout or appearance of the buildings, or provide information on landscape impact or how levels on the site will be addressed. Furthermore the proposed site layout, which is considered to be very suburban in appearance, is not sympathetic to the character of the area as it does not respect traditional settlement patterns. The development is therefore contrary to Policies C27 and C28 of the adopted Cherwell Local Plan and Policies D1 and D3 of the Non-Statutory Cherwell Local Plan 2011.
5. In the absence of an ecological survey, it has not been demonstrated that the proposed development would not cause potentially irreversible and significant harm and disturbance to vulnerable and sensitive flora (including trees) and fauna, including protected species. The development is therefore considered contrary to Government advice contained within PPS9: Biodiversity and Geological Conservation and Policy C2 of the adopted Local Plan and Policy EN25 of the Non-Statutory Cherwell Local Plan 2011.

**CONTACT OFFICER:** Paul Ihringer

**TELEPHONE NO:** 01295 221817





Scale 1:3,000

10/00247/F

79.6m

45

2

43b

43a

**Scale 1:300**

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Page 67

***Cherwell***

**DISTRICT COUNCIL  
NORTH OXFORDSHIRE**

<b>Application</b> <b>10/00247/F</b>	<b>No:</b>	<b>Ward: Bicester West</b>	<b>Date</b> <b>01/03/2010</b>	<b>Valid:</b>
<b>Applicant:</b>	Charter Community Housing/Sanctuary Group			
<b>Site Address:</b>	Land adjacent to 45 George St, Bicester			

**Proposal:** Demolition of three garage blocks and erection of 4 No. dwellings (as amended by plans received 30/03/10)

## 1. Site Description and Proposal

- 1.1 The application site is a garage site on the corner of George St and Market End Way. At present the site has 18 pre-fabricated flat-roofed concrete garages.
- 1.2 Proposal is for the demolition of the garage blocks and replacement with 4 affordable houses in two semi-detached pairs; being two 3-bed units and two 2-bed units. Parking is provided to the front and garden spaces to the rear.
- 1.3 The dwellings are proposed in brick under tile, with materials, detailing and style drawing on the character of the context of the development.
- 1.4 The application is submitted to the Committee for determination as this Council has an interest in the land.

## 2. Application Publicity

- 2.1 The application has been advertised by way of site notices, press notice and neighbour letters. The final date for comments was 09 April 2009.
- 2.2 Two letters were received;
  - the residents of 45 George St, raising concerns of disposal of possible asbestos waste, overlooking, over-development and parking provision.
  - The residents of 4 Market End Way (to the rear of the site), raising concerns over parking and loss of privacy.

## 3. Consultations

- 3.1 Bicester Town Council – no objections
- 3.2 Head of Planning and Affordable Housing Policy (Urban Design) – agrees with the principle of replacing the garaging with dwellings, but had concerns over the original designs, some of which have been addressed in the amended drawings
- 3.3 Housing Strategy Officer – seeks to ensure that the housing is retained as affordable housing



- 3.4 OCC Highways Liaison Officer – no objections subject to conditions set out below
- 3.5 Thames Water – no objections

## **4. Relevant Planning Policies**

- 4.1 National Policy Guidance:
  - PPS1 – Delivering Sustainable Development
  - PPS3 – Housing
  - PPG13 - Transport
- 4.2 Regional Policy in the South East Plan 2009:
  - Policy T4 - Parking
  - Policy BE1 - Management for an urban renaissance
  - Policy H5 - Housing Design and Density
- 4.3 Local Policy in the Adopted Cherwell Local Plan 1996:
  - Policy C28 - Layout, design and external appearance of new development
  - Policy C30 - Design of new residential development
- 4.4 Non-Statutory Cherwell Local Plan 2004:
  - Policy H1a - Location of new housing
  - Policy H11 - Windfalls (Bicester)
  - Policy TR1 - Transport and development
  - Policy TR11 - Parking
  - Policy D1 - Urban Design Objectives
  - Policy D3 - Local Distinctiveness

## **5. Appraisal**

- 5.1 Due to the location and nature of the site and proposal, it is necessary to consider the impact of the proposal on parking arrangements (both for current tenants of the garage and future tenants of the dwellings), the impact of the proposal on the character of the area, and the impact of the proposal on the amenity of local residents.
- 5.2 Addressing firstly the issue of the parking provision which will be lost from the garage sites, the applicants have demonstrated that the garages are currently underused and that the level of use continues to decline. In the documentation submitted with the application, they have identified that there are currently 7 tenants in this site and that there are 10 vacant garages in other sites in the area.
- 5.3 The proposed dwellings are provided with two spaces per 3-bed unit and one space per 2-bed unit. The number of spaces shown is satisfactory for a development of this size in this location. The proximity of the site to the town and to public transport links adds to the acceptability in this regard. The County Council are also satisfied with this provision.

- 5.4 Turning to the impact of the proposal on the established character of the area, the proposal is considered to be appropriate within the context. The street-scene is mixed; with bungalows to the rear, inter/post war housing opposite and to the North, and newer seventies/eighties housing to the South.
- 5.5 The design of the dwellings take cues from the development surrounding the site; the ridge heights, building widths, roof pitches and detailing all reflect features in the surrounding area as well as the requirements of HCA funding for the project. In addition, the semi-detached form and set-back from the road follows the established style and building line. This ensures that whilst the development does not copy any of the surrounding mixed styles, it is appropriately designed and detailed within the context. This also addresses the comments of the Urban Designer, reported above.
- 5.6 Whilst it is accepted that the distance from the rear of the proposed development is slightly less than is commonly sought (17m against 22m), it is considered that this is acceptable in this case. The intervening screening, sheds, fencing and general arrangement of the site is considered to mitigate any potential harm.
- 5.7 On balance, it is considered that the proposal is acceptable in terms of its impact on neighbouring properties and amenity.
- 5.8 The location of the proposal, and the orientation of the scheme will not otherwise cause any loss of amenity due to loss of light, privacy or other detrimental effect on public or private amenity.

## 6. Recommendation

### Approval, subject to conditions set out below:

- 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 details:
  - 2005/1033/P02
  - 2005/1033/P03
  - 2005/1033/P04
  - 2005/1033/P05A
  - 2005/1033/P06A
  - 2005/1033/P08
  - EH Smith 'Brindled Red Sandfaced' bricks and Russell 'Peat Brown' roof tiles in accordance with the samples 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 Policies C4 and BE6 of the South East Plan 2009.

- 3) That prior to the first occupation of the dwellings hereby approved the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with the specification of the means of access

attached hereto, and that all ancillary works therein specified shall be undertaken in accordance with the said specification.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

- 4) That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

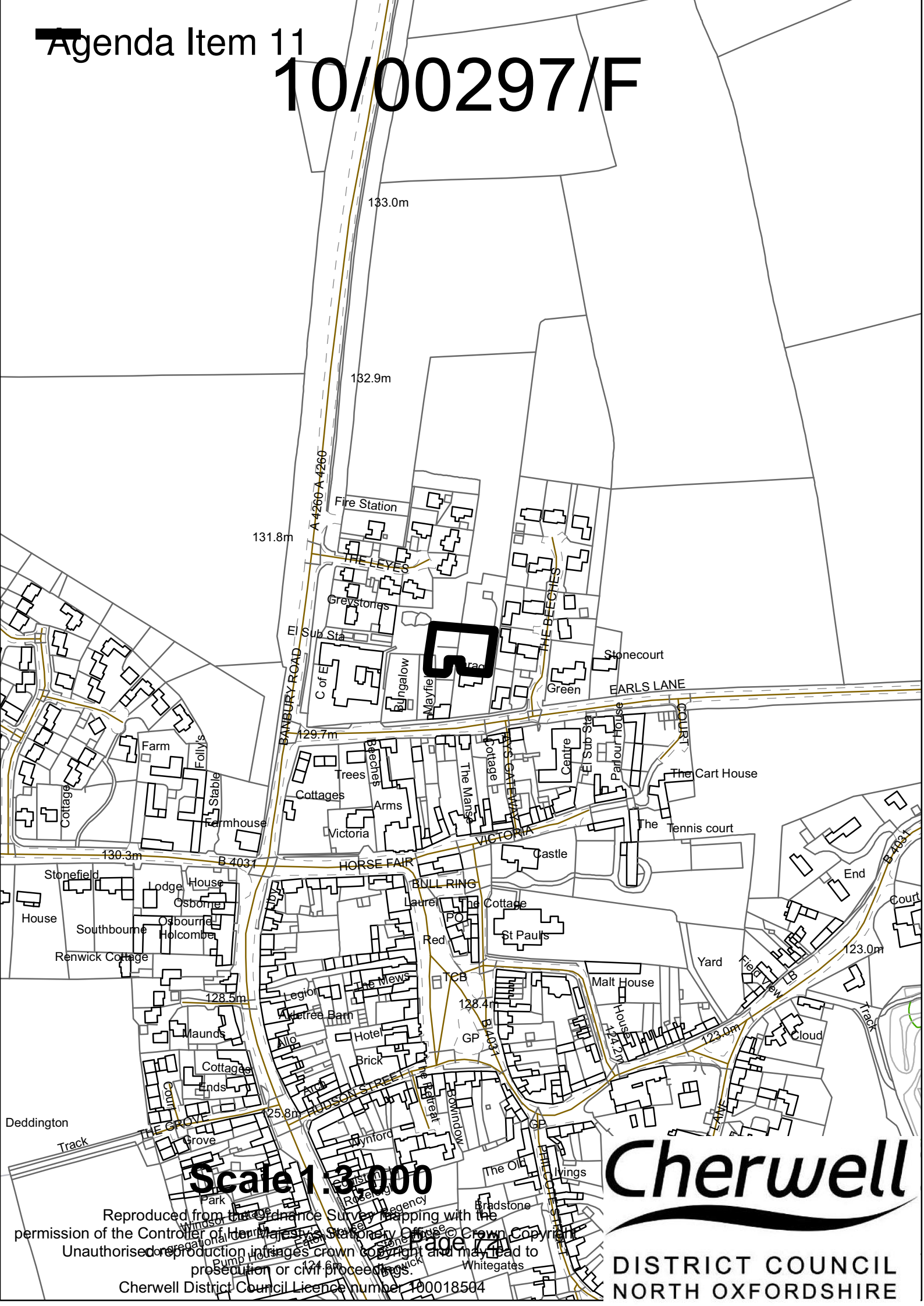
- 5) SC 6\_2AA (Permitted development restriction – no extensions/structures in the curtilage)
- 6) SC 6\_3AA (Permitted development restriction – no new windows or openings)
- 7) SC 6\_1AA (Permitted development restriction – no fences/enclosures to front)

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

The Council, as the local planning authority, has determined this application in accordance with the development plan, unless material considerations indicate otherwise. Incorporating and adhering to the above conditions, the development is considered to be acceptable on its planning merits as the proposed development is of a design, size and style that is appropriate and will not unduly impact on neighbouring properties. The development proposes sufficient car parking and would therefore not harm highway safety. As such the proposal is in accordance with saved policies C28 and C30 of the adopted Cherwell Local Plan, policies H11, TR11, D1, D2 and D3 of the Non-Statutory Cherwell Local Plan and policies T4 and BE1 of The South East Plan and guidance contained within PPS1: Delivering sustainable development and PPG13: Transport. For the reasons given above and having regard to all other matters raised including third party representations, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

**CONTACT OFFICER: Simon Dean**

**TELEPHONE NO: 01295 221814**



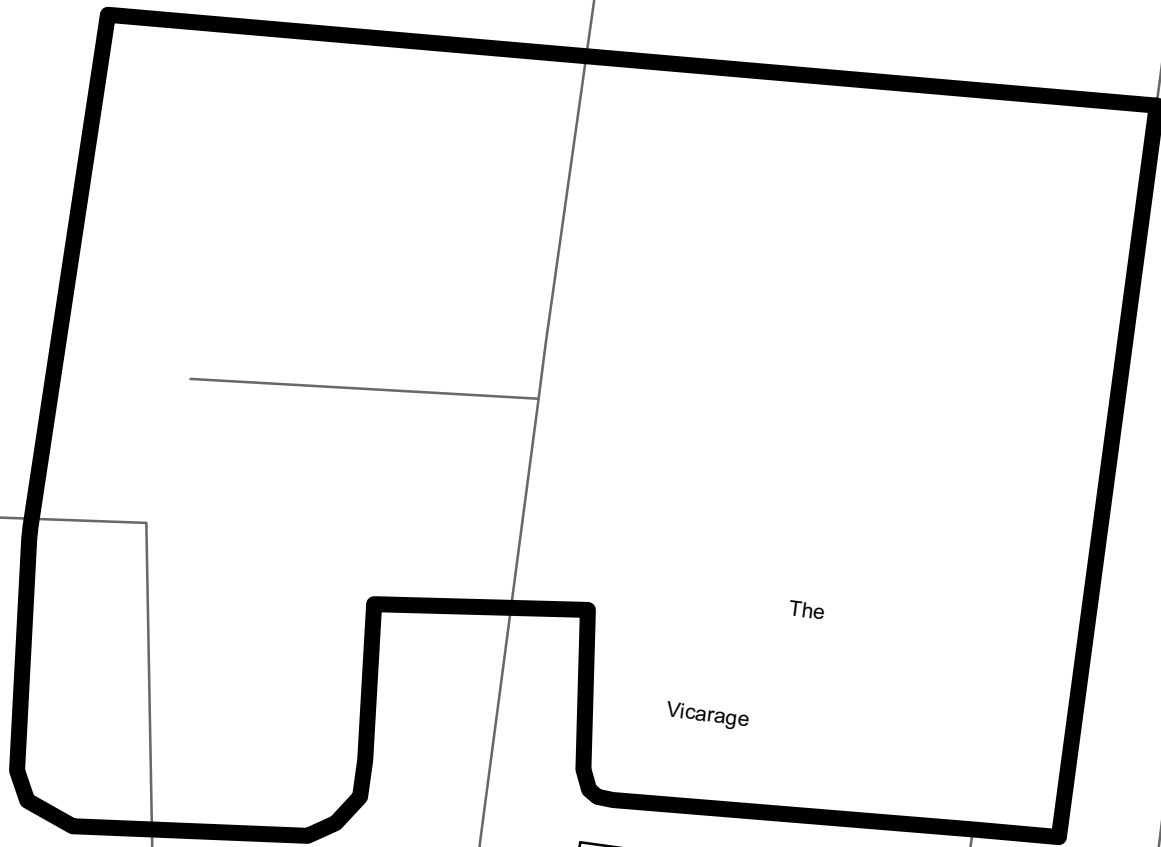
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**Cherwell**

**DISTRICT COUNCIL  
NORTH OXFORDSHIRE**

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10/00297/F



Mayfield

The  
Vicarage

Tays  
House

**Scale 1:300**

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**DISTRICT COUNCIL  
NORTH OXFORDSHIRE**

<b>Application</b> 10/00297/F	<b>No:</b>	<b>Ward: Deddington</b>	<b>Date</b> 01/03/2010	<b>Valid:</b>
<b>Applicant:</b>	Coralgate Ltd			
<b>Site Address:</b>	Land to the rear of New Vicarage, Earls Lane, Deddington, Oxfordshire			

**Proposal:** Four dwellings with garages, parking and private gardens

## 1. Site Description and Proposal

- 1.1 The site is currently vacant and situated to the rear of The New Vicarage accessed from Earls Lane and is 0.1360ha in area. The access to the site is situated between Mayfield and The Bungalow and serves the site and The New Vicarage. There is also an emergency access to Deddington Primary School sited here. The site is bounded by The Beeches to the east and the school grounds to the west. The area is largely residential and outside the Deddington conservation area. There are no listed buildings within proximity of the site. The site is situated on potentially contaminated land.
- 1.2 This application seeks permission for the above development. The four dwellings will consist of two detached four bedroom properties and two semi-detached three bedroom properties. The four bed properties will benefit from a double garage each, with parking availability at the front of these. The three bed properties will benefit from a single garage with a parking space available in front of these. All parking will be accessed from the existing access road and turning head. Each property will gain a private garden to the north of the property. The heights of dwellings 1 and 4 are 5m to the eaves and 8.6m to the ridge and of dwellings 2 and 3 are 5.4m to the eaves and 9m to the ridge. Each property has a rear projecting two storey element. Bin stores are positioned to the front of each dwelling behind a front boundary wall.
- 1.3 Planning history  
04/01713/OUT (Permitted) Demolition of existing Vicarage and erection of new Vicarage, 2 no building plots and new access to the highway  
04/02722/REM (Permitted) Reserved Matters (04/01713/OUT) Demolition of existing Vicarage and erection of new Vicarage, 2 no building plots and new access to the highway (this also granted reserved matters approval for the two houses to the rear of the New Vicarage).

## 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 08/04/2010.
- 2.2 10 letters of objection have been received raising the following matters:
- Much larger development than originally approved plans show no respect or sympathy for the current neighbourhood being disproportionate and is designed solely to maximize return for the developer.
  - Not in keeping with surrounding development on this side of Earls Lane

- The Vicarage is an investment in Deddington and the proposed development swamps its attraction, devaluing the investment
- Current planning permission has lapsed and new permission has not been granted, however trees have been cut down and greenery removed in preparation
- Rapid greenery has disappeared over the past six years, an outside classroom has been built next to garden and a massive playground and a further largely developed adventure playground built next to property bringing extensive noise throughout the day. Had a reasonable brownfield development turned down and this development is an extensive, crowded urban development in comparison.
- Planned development will be overbearing on the surrounding area and will invade privacy, block light, increase noise and air pollution; generally degrade the quality of life of the neighbours
- Proposal will block all late afternoon sun in the winter and early evening sun in the summer into the garden and west elevation of 3 The Beeches and the north elevation of Tay's House and their garden
- Traffic will be significantly increased. The access road is the fire access to the school, parking is currently a significant problem due to the school and the health centre on Earls Lane and throughout the Beeches
- No access to the site for refuse vehicles so bins will need to be wheeled down to Earls Lane and left on the pavement, on certain days bins will increase from 2 to 10 or more.
- Block light into 3 The Beeches as proposal builds house 4 very close to the boundary making it overbearing and having a greater impact on light than if it was further away from the boundary, positioning of house 4 forward on its plot in relation to the rear of 3 The Beeches and with a rearward extension would block light into all windows on the west elevation (2 lounge and study) and significantly reduce light into 2 windows on the south elevation (lounge and bedroom 4). All windows in the lounge will have light impacted making the main room of the house much darker, will also reduce light into the Vicarage
- Proposal will reduce privacy of 3 The Beeches as the two storey east elevation of house 4, which is forward of 3 The Beeches, has second floor windows directly overlooking the garden and allowing residents to look directly down into the lounge and study of 3 The Beeches via the west elevation windows.
- Parking for 12 cars on the site and the fact that the garage and parking of house 4 are very close to the garden boundary with 3 The Beeches will significantly increase the level of traffic noise and air pollution
- When the owners purchased 3 The Beeches they were assured by the planning department that the current approved plan would now set the precedent for any future planning application. New application bears no resemblance to the original plan, which consisted of only 2 houses, built further from the boundary line and with a design which did not impact light into property as much.
- Access road is fire access to the school so it is important this does not become blocked by bins or parking for future residents.
- Appalled that the Council is considering 4 dwellings
- Block light into garden of Tays House, as the erection of The Vicarage did when it was built, 3 The Beeches will also suffer and it will be worse in the winter, autumn and summer when the sun is low in the sky
- Traffic in Earls Lane is very heavy with both sides of the road being full of cars, the Beeches is often used for parking and it can be very dangerous with

parents dropping off children for the primary school, which is at the end of Earls Lane and so having another 'road opening' onto Earls Lane will cause more havoc.

- Concern regarding loss of privacy/ overlooking to The Bungalow particularly from house 1 having an impact to the full length of their property and garden. Should the application be accepted, an increase in the boundary wall height and screening would help to mitigate this negative aspect somewhat and request this is taken into consideration and a planning condition imposed if necessary.
- Parochial Church Council of Deddington concerned that this is in excess of what is appropriate for the site. In particular concern is raised over the number of vehicles that may need access to the properties. Restrictive covenants should be imposed to limit the size of vehicles, caravans etc that may be parked at the properties.
- Central two houses will overlook Mayfield
- Deddington Primary School Governors object to the application, which is causing severe concerns. Site is not large enough for so huge a development, which is totally out of keeping with the surrounding area; access road is unsuitable for this amount of potential occupants and the resulting traffic. This issue has been the subject of several meetings with OCC over the past few months as there are grave concerns with regard to child safety. Road provides emergency access to the back of the school, particularly the nursery and field, this cannot be blocked. Properties will overlook the school playground and nursery; houses are adjacent to the fence which is very concerning. School Governing body is in favour of new housing in the village but it needs to fit in to the environment, needs an affordable element and must not increase any potential risks to children. This development is totally unsuitable.

### 3. Consultations

#### 3.1 **Deddington Parish Council** objects to the application on the grounds

- That this is over development of the site. The original application sought permission for three properties on the site of the former Vicarage, the new Vicarage takes up a considerable area of the site and the new proposal asks for four large houses on a site originally intended for two.
- New houses will have 6 garages between them with a provision for 6 further off road parking places. No other parking provision on site and the Vicarage would be expected to have more visitors and therefore more vehicles arriving than most normal domestic premises. Extra development likely to cause problems
- Access road is a service road to the school and its playing field. It is also an access road for emergency vehicles. Any parked vehicles would cause an obstruction. Leads off of Earls Lane, which is already congested and subject to waiting restrictions. Proximity of school and health centre do not ease the situation.
- Traffic concerns about the extra manoeuvres in and out of turning especially at school times. Already considerable congestion in the vicinity.
- Concern regarding the collection of refuse and access for the waste vehicles. What provision is made for the placing out of bins? Surely they can't be placed the night before the collection in Earls Lane as there is no suitable site. How soon would they be removed? This could cause a hazard for children



- and parents going to the school.
  - Site of houses is close to existing properties some of which will suffer loss of light, and be left in shadow for parts of the day. Concerns regarding loss of privacy for these properties and any spatial feeling currently enjoyed will be lost. The placing and glazing of windows is important.
  - Appreciated that the site will be developed at some stage but a more modest scheme is needed. A mix of two and three bed houses might not be so cramped. What is proposed is a 'quart in a pint pot'.
  - Aware of neighbours concerns and support these
  - Whatever development is granted on this site should contain a condition that the garage space must not be used for living purposes. Such a condition would hopefully relieve some pressure on the adjacent road and its lack of parking provision.
  - Request a site meeting is made and that the application is brought before committee.
- 3.2 **Oxfordshire County Council (Highways)** No objections subject to conditions relating to the parking and manoeuvring areas and their specification and that the garages cannot be converted within the prior planning permission from the Local Planning Authority.
- 3.3 **Natural England** has no comments to make on this planning proposal. Asks the Local Planning Authority to give consideration to the possible protected species on the site and the need for possible biodiversity enhancements.
- 3.4 **Cherwell District Council (Anti Social Behaviour Manager)** When an outline application was received in respect of this site some time ago the proximity of Deddington Primary School playing fields was carefully considered. At this time it was felt that the primary schools facilities would be in use for limited periods of time during week days and its presence should not be considered a barrier to the development of this site. No objection was previously made by the then Environmental Protection team. With the passage of time nothing has emerged that has lead us to change that advice. Accordingly the Anti Social Behaviour team would not object to the approval of this planning application.
- 3.5 **Cherwell District Council (Urban design)** comments that the outline approval for 2 dwellings on this site, by virtue of the approval of 04/01713/OUT is for two detached dwellings which created an approach to development not dissimilar to what is now proposed, with a courtyard effect albeit the current proposal is an increase in actual footprint. She does not consider the development of four dwellings makes a significant difference, however is concerned that, the buildings have a generous footprint in relation to the size of the plot, there are windows still relatively close to the boundary with the school playground and we should seek the opinion of the Thames Valley Design Advisor on the matter of overlooking, the scale of house 4 (1 on the plans) in relation to the adjacent bungalow and single storey school building may be rather dominant, although she is pleased to see this gable is not blank, appears from the elevations that the central semi detached houses have lost the rooms in the roof as no windows are shown, but the plans still indicate access to the roof space. The intention here needs checking. She recommends approval once the matters described have been satisfactorily resolved.
- 3.6 **Cherwell District Council (Head of Building Control and Engineering Services)**

has no comments.

- 3.7 **Cherwell District Council (Environmental Protection)** raises no objections to the application, however requests a condition is applied relating to contaminated land.
- 3.8 **Thames Water** comments that with regard to surface water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. Further comments in relation to surface water drainage have been formed into a planning note for information to the developer. No objections are raised in terms of sewerage infrastructure or water infrastructure.
- 3.9 **Thames Valley Police (Crime Prevention Design Advisor)** comments that after visiting the site and checking local crime records, he has no objections to this development.

## 4. Relevant Planning Policies

- 4.1 PPS1: Delivering Sustainable Development  
PPS3: Housing  
PPG13: Transport
- 4.2 The South East Plan: Policies CC1, BE1, T4, C4
- 4.3 Adopted Cherwell Local Plan: Policies H13, C28 and C30
- 4.4 Non Statutory Cherwell Local Plan: Policies H15, D3, D6, TR5 and TR11

## 5. Appraisal

- 5.1 Principle of the development  
As described within the planning history of this site, a previous application has been granted for two dwellings on this particular site. This has established the principle for residential development. Notwithstanding the planning history of the site, Deddington is classified as a category 1 settlement under policy H13 in the adopted Cherwell Local Plan and policy H15 in the non statutory Cherwell Local Plan. Villages within this category can support limited extra housing growth because of their physical characteristics and the range of services they provide. Within category 1 settlements new residential development is restricted to infilling, minor development comprising small groups of dwellings on sites within the built up area of the settlement or conversions of non residential buildings. The development of this site is considered to be minor development comprising a small group of dwellings within the built up area of the settlement and therefore residential development on this site is considered to comply with policy H13 of the adopted Cherwell Local Plan.
- 5.2 The current proposal for four dwellings must be considered in accordance with the most up to date policy, which is PPS3: Housing. This document sets out that new housing development should be to a density of at least 30 dwellings per hectare (dph) in order to make the most efficient use of land. Four dwellings on this site equates to 29.4dph, which complies with PPS3 and ensures that the best use of this land within a sustainable location is made.

Given these comments, it is concluded that subject to all other material planning considerations, which are addressed below, the proposal is acceptable in principle in accordance with the policies set out above.

5.3 Impact on visual amenity

The proposed dwellings will not be widely prominent in the local area given their positioning to the rear of The New Vicarage and Mayfield. This area of Deddington is made up of a range of house types and is not situated within the conservation area or in proximity of any listed buildings. The dwellings are considered to be well designed and make use of traditional materials, which will ensure they are appropriate for the local area. Given the positioning of the dwellings, behind neighbouring properties, means they will be seen in the context of surrounding development causing limited harm to the visual amenity or character of the area. The Bungalow, situated on Earls Lane is single storey; however the new dwellings are not considered to have an unacceptable impact in relation to this property as they are set back and with the garage in front of the main dwelling, the perspective will mean they are not overly prominent. Furthermore, the design of the dwellings is similar to the design of the New Vicarage, meaning they will integrate into the character of the area. Each dwelling has a two storey rear projecting element, which is set down from the ridge of the main dwelling to appear subservient, which is appropriate. At the rear of houses 2 and 3, a rather wide span results from the rear projecting element, this would not be widely visible, although some views will be gained. This detail is unfortunate, however is not considered so unacceptable the application could be resisted on these grounds, particularly given the limited visibility. Bin stores are positioned to the front of the site however will be tucked away, particularly given the enclosure details proposed. The dwellings are not considered to cause undue harm to the visual amenity of the area being sympathetic to the rural context of that development and the proposal therefore complies with policy C28 of the adopted Cherwell Local Plan.

5.4 Neighbouring amenity

With regard to the impact upon the residential amenity of neighbouring properties, the proposal is considered to be acceptable. The positioning of the dwellings largely complies with the Council's informal space standards, with the front elevation of the two storey element of the proposed dwellings being at least 22m from Mayfield, The New Vicarage, The Bungalow and Tays House. This distance will ensure that the impact by loss of light, loss of privacy or over dominance to these particular neighbouring properties is to an acceptable level. The garages to the front of houses 1 and 4 are closer to these neighbouring properties; however these are single storey with a height of 4.4m to the ridge, which again, together with the distance between the garage and the neighbouring properties limits the impact to an acceptable level.

5.5 The neighbouring property to the east, 3 The Beeches is set 6.4m from the side of house 4. This neighbour has no windows at first floor on the side elevation, but three at ground floor level (two serving a living room and one serving a study), the living room also benefits from a set of double doors at the rear. It is recognised that some impact will be caused to this neighbour, however taking a 45° sight line from the middle of the double doors on the neighbouring property, based on the Council's informal space standards guidance, only the garage will protrude into this area, which is single storey and will have a pitched roof sloping away from this neighbour.

Furthermore, under the original outline planning permission (04/01713/OUT) a condition was included to ensure that the existing hedgerow/ trees along the eastern boundary of the site must be retained and properly maintained at a height of not less than 3m and that any hedgerow/ tree which may die within five years from the completion of the development shall be replaced and properly maintained in accordance with the condition. This condition was included for the interests of the visual amenity of the area and to provide an effective screen to the development. This condition has been recommended for this proposal, which will help to reduce the impact of the development on the residential amenity of the residents of 3 The Beeches. It is also considered that the positioning of the garage will have no greater impact than a 3m hedge. With regard to windows located on the new dwelling and the potential for loss of privacy to 3 The Beeches, the two windows facing directly towards this neighbour are to serve bathrooms and therefore would be obscurely glazed (which can be secured via condition) windows serving bedrooms on this property are situated on the front and rear elevations and therefore any overlook from these windows will be at an obscure angle, with only the bottom of the garden being visible from the front bedroom window. The potential for loss of privacy is considered to be to an acceptable level. It is the view of the HDCMD therefore and given these comments that the impact upon 3 The Beeches by loss of light, loss of privacy or over dominance is to an acceptable level.

- 5.6 All other neighbouring properties (other than those mentioned above) are set a sufficient distance from the proposed dwellings to ensure the impact on their residential amenity is acceptable. The school grounds surround the site to the north and west and a classroom is positioned close to the boundary with the site. Given the use of this building, the impact is considered to be to an acceptable level. Furthermore the comments of the Council's Anti Social Behaviour Manager and Thames Valley Police are noted here. The proposal is considered to comply with Policy C28 of the adopted Cherwell Local Plan.

5.7 Highway Safety

The comments of neighbouring properties in relation to highway safety and parking are noted here, however the Local Highway Authority raises no objections to the application subject to the imposition of conditions, which are recommended below. It is therefore considered that the application complies with policy T4 of the South East Plan and policies TR5 and TR11 of the non statutory Cherwell Local Plan.

It is recognised that an emergency access to the school runs alongside the position of the house 1, however the Local Highway Authority raises no objection in relation to this matter, particularly as the road is private and therefore this is not a matter the application could be resisted on. Furthermore, there is sufficient parking available for each dwelling that there ought not to be any parking on the access road.

5.8 Other matters

Sufficient bin storage is provided for each dwelling within the site. The road accessing the site is a private road and therefore bin collections are made from the adopted highway (Earls Lane). The comments of neighbouring properties in relation to the amount of bins on collection day are noted here and it is appreciated that this will be an increase from the current situation, however this issue alone is not considered a reason to resist the application.

With regard to protected species, Natural England's advice is noted. It is not

anticipated that there would be the potential for any protected species and therefore a planning note is recommended to ensure the developer is aware of their responsibility with regard to protected species and to consider the potential for incorporating features which are beneficial to wildlife. The previous reserved matters application approved details for the two dwellings on this site and therefore as the permission has been implemented with the development of the Vicarage, this permission is still extant.

The Council's Environmental Protection Officer has no objection to this application, however recommends the full contaminated land condition, which is suggested.

The comments of Thames Water are noted and have been incorporated into a planning note to ensure the applicant is aware of their responsibilities.

The comments of the Council's Urban Designer are noted and have largely been addressed within the appraisal section of this report. The comments of the Thames Valley Police design advisor have been sought and no objections have been raised. Furthermore, the two semi detached dwellings are three bedroomed. It is recognized the properties are to be large, however their impact is limited as described above and the gardens are a sufficient size.

- 5.9 The comments of Deddington Parish Council are noted and are largely addressed within the report and below.

It is recognised that local residents were anticipating this site to accommodate only two dwellings, given the history of this area. This is appreciated; however this does not mean that a proposal for four dwellings cannot be submitted. The application must be considered in accordance with current planning policy, taking all material planning considerations into account. As described within this appraisal, the density complies with PPS3 and all other material considerations are satisfied to an acceptable level leading to the recommendation of approval for this proposal. It is also important to add that PPS3 (para 50) states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing form. This applies in this case.

The comments regarding highway safety are noted, however again, the Local Highway Authority raises no objections and sufficient parking is provided on the site, which includes provision for visitor parking. A condition is recommended to ensure the garages cannot be converted without prior permission.

The loss of property value is not a material planning issue that could be taken into consideration as part of this application. The issue of restricting size of vehicles/ no caravans is not an issue a planning condition could address.

5.10 Conclusion

Given the above assessment it is considered that the proposal is acceptable in principle and would not cause undue harm to visual nor neighbouring amenity. Furthermore it would not be detrimental to highway safety. As such and having had regard to the adopted Cherwell Local Plan and the non-statutory Cherwell Local Plan 2011, the application is recommended for approval subject to the conditions below.

## 6. Recommendation

### Approval; subject to the following conditions:

1. 1.4A (RC2) [Full permission: Duration limit (3 years)]
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: location and block plans and drawing numbers 735/P1, 735/P2, 735/P3, 735/P4, 735/P5, 735/P6, 735/P7, 735/P8, 735/P9, 735/P10 and 735/P11, photographs and design and access statement  
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. 2.2AA (RC4A) [Samples of walling materials] insert 'stone and brick' 'dwellings and garages'
4. 2.2BB (RC4A) [Samples of roofing materials] insert 'tiles and slates' 'dwellings and garages'
5. 5.5AA (RC4A) [Submit new design details] insert 'doors and windows, which shall be constructed from timber'
6. 2.9AA (RC6A) [Obscured glass windows] insert 'bathroom and en-suite' 'east elevation of house 4 and west elevation of house 1'
7. 2.10A (RC7A) [Floor levels]
8. 3.7AA (RC12AA) [Submit boundary enclosure details (more than one dwelling)]
9. 3.0A (RC10A) [Submit landscaping scheme]
10. 3.1A (RC10A) [Carry out landscaping scheme and replacements]
11. That the existing hedgerow to the eastern boundary of the site shall be reinforced by additional planting in accordance with a detailed scheme to be first submitted to and approved in writing by the Local Planning Authority and carried out in the first available planting season following the occupation of the dwellings or on the completion of the development whichever is sooner. The approved hedgerow shall be retained and properly maintained at a height of not less than three metres, and that any hedgerow/ tree which may die within five years from the completion of the development shall be replaced and thereafter be properly maintained in accordance with this condition (RC11A)
12. 4.13CD (RC13BB) [Parking and manoeuvring area retained]
13. 6.2AA (RC32A) [Residential – No extensions]
14. 6.3A (RC33) [Residential – No new windows]
15. 6.6AB (RC35AA) [No conversion of garage]
16. 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.

17. If a potential risk from contamination is identified as a result of the work carried out under condition 16, 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.

18. If contamination is found by undertaking the work carried out under condition 17, 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.

19. If remedial works have been identified in condition 18, 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.

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.

**Planning notes**

1. X1 insert at end 'Natural England have advised that this application may provide opportunities to incorporate features into the design which are beneficial to wildlife such as the incorporation of roosting opportunities for bats or the installation of bird

nest boxes. Further information can be obtained from Natural England on the number above.

2. S1
3. T1
4. U1
5. The applicant is advised that in respect of Surface Water, Thames Water have recommended that it should be ensured that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Where 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.

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

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal is acceptable in principle and will not cause undue harm to neighbouring or visual amenity or highway safety. As such the proposal is in accordance with PPS1: Delivering Sustainable Development, PPS3: Housing, PPG13: Transport, Policies CC1, C4, BE1 and T4 of the South East Plan 2009, Policies H13, C28 and C30 of the Adopted Cherwell Local Plan and Policies H16, D3, D6, EN25, TR5 and TR11 of the Non-Statutory 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: Caroline Ford**

**TELEPHONE NO: 01295 221823**



# 10/00353/F

Agenda Item 12

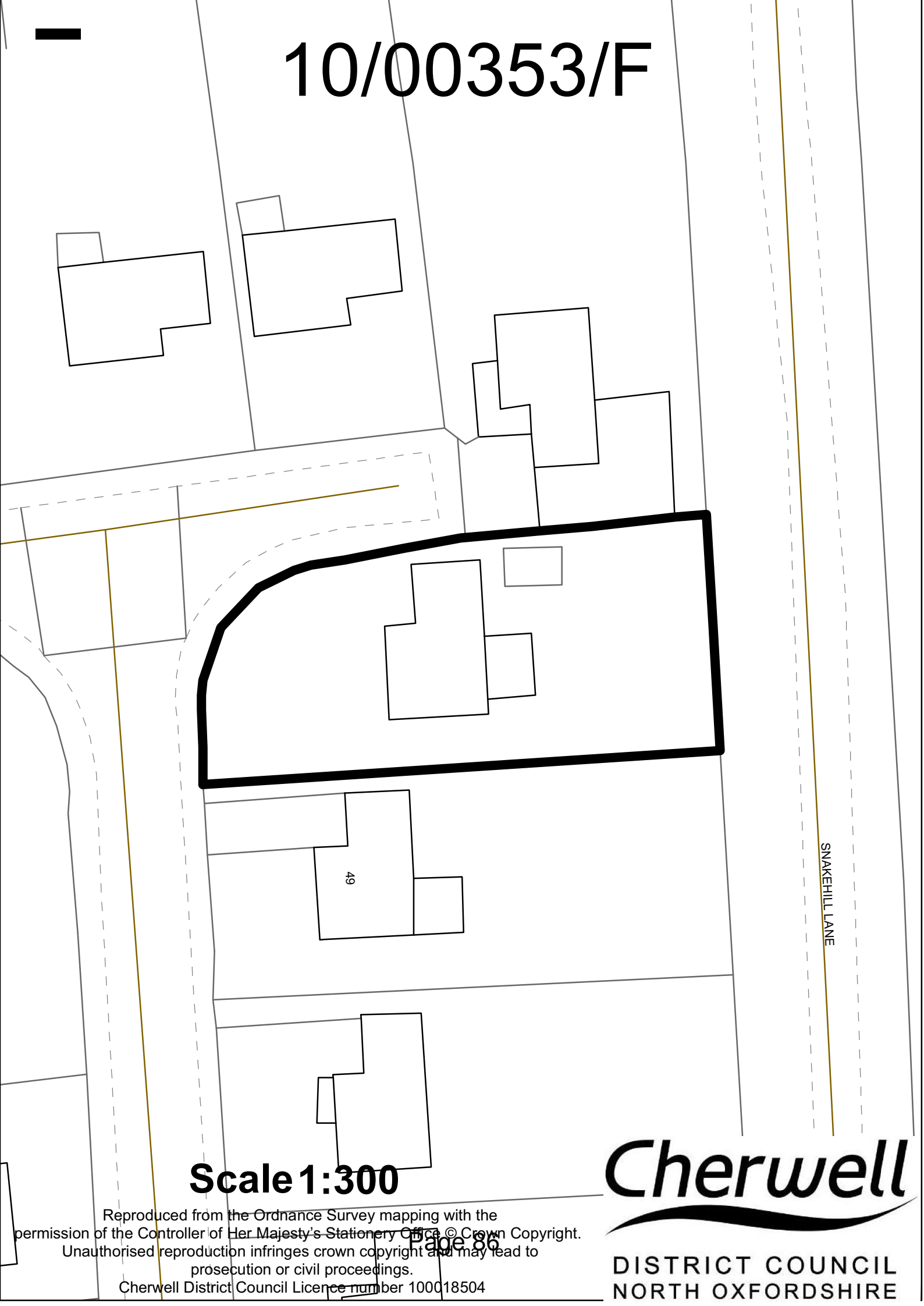


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10/00353/F



Scale 1:300

***Cherwell***

**DISTRICT COUNCIL  
NORTH OXFORDSHIRE**

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<b>Application No: 10/00353/F</b>		<b>Ward: Deddington</b>	<b>Date Valid: 08/03/10</b>
<b>Applicant:</b>	Mr. and Mrs. S Matthews		
<b>Site Address:</b>	47 St Johns Way, Hempton		

**Proposal:** Two storey side and single storey rear extension and porch

## 1. Site Description and Proposal

- 1.1 47 St Johns Way is a brick built two storey dwelling located in a 1960s cul de sac. The detached gable fronted property is located in the north eastern corner of the estate.
- 1.2 The applicants are proposing to erect a two storey side extension that incorporates a new garage. This part of the development is stepped back from the existing front elevation by a nominal distance. A modest lean to the front and side of this extension includes incorporates the entrance to the garage and a porch. To the rear of the side extension and along the entire width of the existing rear elevation, the applicants are proposing to erect another lean-to which has a depth of 3 metres. The proposed works will require the demolition of a garage and a single storey flat roofed rear extension.
- 1.3 This application is referred to Committee as one of the applicants is 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 16<sup>th</sup> April 2010. As of the 9<sup>th</sup> April 2010, one letter has been received as a result of this consultation process.
- 2.2 The neighbours at 45 Hempton Road are concerned that the proposed extension will appear overbearing in respect of their property and result in a loss of natural light to their porch.

## 3. Consultations

- 3.1 Deddington Parish Council has raised no objections providing that the rooflight shown on the eastern elevation is fixed and obscure glazed.
- 3.2 The Environmental Protection Officer had not commented at the time of writing this report.
- 3.3 The OCC Highways Liaison Officer has raised no objections subject to condition.

## 4. Relevant Planning Policies

- 4.1 Policies BE1 and T4 of the South East Plan 2009
- 4.2 Policies ENV12, C28 and C30 of the adopted Cherwell Local Plan

## 5. Appraisal

- 5.1 The key considerations in this case relate to the size of the development and its impact on the neighbouring properties. Although quite large, an inspection of the immediate built environment reveals that a number of neighbouring properties have had similar or larger extensions approved. For example, 45 St Johns Way has been extended by planning permissions granted in 1970 and 1987 (large single and two storey additions) and 41 St Johns Way had a very similar scheme to that currently under consideration approved in 1999. It is therefore considered that these earlier approvals set a strong precedent for this current application.
- 5.2 As regards the impact on the surrounding properties, the only neighbours that are likely to be directly affected are the residents at 45 St Johns Way. Any impact on these neighbours will be somewhat exacerbated by the fact that the application property is on higher ground. However, in mitigation there is only one window (first floor) in the facing side elevation of this property. The room served by this window is not going to be significantly affected given its relationship to the extension. Although there may be some additional loss of light to this property, it should be noted that the existing building will already cast a shadow over this neighbour. Any additional loss of light or perception that the development will have an overbearing impact on 45 St Johns Way is not considered to be so significant to warrant a refusal.
- 5.3 The rooflight identified by the Parish Council will not, in the opinion of the HDC&MD, have any more of an impact on 45 St Johns Way than the proposed and existing first floor windows.
- 5.4 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 16 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 following approved plans: 1961: 001; 1961: 002; 1961: 002a; 1961: 003; 1961: 004; 1961: 007; 1961: 008; 1961: 009; 1961: 010; 1961: 011; 1961: 012; 1961: 013.

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)
4. 4.13CD - Parking and manoeuvring area retained
5. 6.6AB - No conversion of the garage

#### **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 and T4 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

# Agenda Item 13

## **PLANNING COMMITTEE**

### **Tree Preservation Order (No 03) 2010 Willow Tree and two Oak Trees at land south of Paddington Cottage, Milton Road, Bloxham**

**22 April 2010**

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

#### **PURPOSE OF REPORT**

To seek the confirmation of an unopposed Tree Preservation Order relating to a Willow Tree and two Oak Trees at land south of Paddington Cottage, Milton Road, Bloxham (copy plan attached as Annex 1)  
Tree Preservation Order No. (03/2010)

This report is public

#### **Recommendations**

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The meeting is recommended:

- (1) To confirm the Order without modification

#### **Background Information**

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- 2.1 The Scheme of Reference and Delegation authorises the Head of Development Control and Major Developments to make Tree Preservation Orders under the provisions of Section 201 of the Town and Country Planning Act 1990, subject to there being reason to believe that the tree in question is under imminent threat and that its retention is expedient in the interests of amenity. The power to confirm Tree Preservation Orders remains with the Planning Committee.
- 2.2 The above mentioned Tree Preservation Order was authorised by the Head of Development Control and Major Developments and made on 12 February 2010. The statutory objection period has now expired and no objections were received to the Order.

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

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3.1 None

## **Implications**

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

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

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

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

## **Wards Affected**

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Bloxham and Bodicote Ward

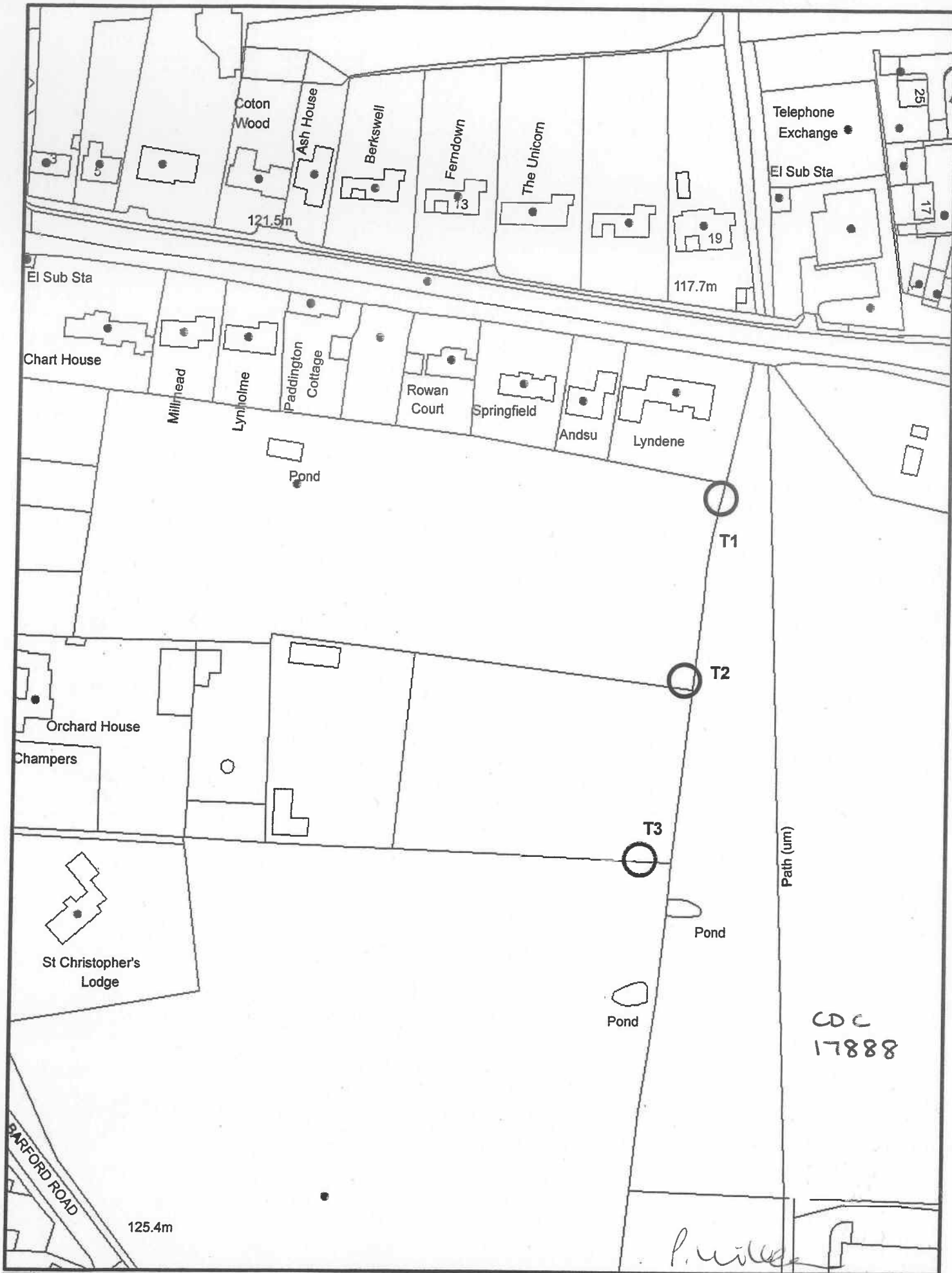
## **Document Information**

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<b>Appendix No</b>	<b>Title</b>
Appendix 1	Plan
<b>Background Papers</b>	
TPO file reference 8463	
<b>Report Author</b>	Richard Hurst, Senior Legal Assistant
<b>Contact Information</b>	01295 221693 richard.hurst@Cherwell-dc.gov.uk







# Agenda Item 14

## Planning Committee

### Decisions Subject to Various Requirements – Progress Report

22 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 – decision issued
- 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 - nearly complete
- 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- nearly complete, decision should be issued before 13 weeks

## 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 bob.duxbury@Cherwell-dc.gov.uk

## Planning Committee

### Appeals Progress Report

**22 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
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#### Recommendations

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The meeting is recommended:

- (1) That the position statement be accepted.

#### Details

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##### New Appeals

- 1.1 **None**

##### **Forthcoming Public Inquiries and Hearings between 22 April 2010 and 20 May 2010**

- 2.1 **Pre Inquiry Meeting on Wednesday 21 April 2010 at 10.00 at Ardley Village Hall, Ardley** to discuss the arrangements and inquiry programme relating to the appeal by Viridor Waste Management Ltd against the refusal of application 08/02472/CM for an EFW facility at Ardley landfill site, Ardley.

- 2.2 **Inquiry on Thursday 22 April 2010 at 9.30 at Banbury Cricket Club, White Post Road, Bodicote** the resumption of the appeal by Bosterstone Innovative Energy (Ardley) Ltd against the refusal of application 08/02495/F for the erection of 4 no. turbines and ancillary development at Willowbank Farm, Fritwell Road, Fewcott.
- 2.3 **Hearing on Tuesday 18 May 2010 at 10.00 in the Cherwell Room, Bodicote House, Bodicote** to consider the appeal by Mr I Charlesworth against the refusal of application 09/00474/OUT for the erection of 4 no. semi-detached dwellings (OUTLINE) at land east of Black Bull Cottage and south of White Thorns, Blackbull Lane, Fencott

## Results

- 3.1 **None**

## 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>	

All papers attached to the planning applications files referred to in this report	
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