

Committee: Planning Committee
Date: Thursday 13 September 2012
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor Rose Stratford (Chairman)	Councillor Alastair Milne Home (Vice-Chairman)
Councillor Ken Atack	Councillor Fred Blackwell
Councillor Colin Clarke	Councillor Tim Emptage
Councillor Michael Gibbard	Councillor Chris Heath
Councillor David Hughes	Councillor Russell Hurle
Councillor Mike Kerford-Byrnes	Councillor James Macnamara
Councillor George Parish	Councillor D M Pickford
Councillor G A Reynolds	Councillor Leslie F Sibley
Councillor Trevor Stevens	Councillor Lawrie Stratford

Substitutes

Councillor Maurice Billington	Councillor Surinder Dhesi
Councillor Mrs Diana Edwards	Councillor Andrew Fulljames
Councillor Melanie Magee	Councillor Kieron Mallon
Councillor Jon O'Neill	Councillor P A O'Sullivan
Councillor Lynn Pratt	Councillor Nigel Randall
Councillor Douglas Williamson	Councillor Barry Wood

AGENDA

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

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

3. **Requests to Address the Meeting**

The Chairman to report on any requests to address the meeting.

4. **Urgent Business**

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

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

To confirm as a correct record the Minutes of the meeting of the Committee held on 16 August 2012.

Planning Applications

6. **Banbury School, Ruskin Road Banbury** (Pages 14 - 36) **12/00240/OUT**
7. **Mallards, New Street, Deddington, Banbury, Oxfordshire, OX15 0SR**
(Pages 37 - 46) **12/00711/LB**
8. **Land adjacent Langford Locks, Kidlington** (Pages 47 - 63) **12/00780/F**
9. **Bicester Community Hospital, Kings End, Bicester** (Pages 64 - 89) **12/00809/F**
10. **Land to the rear of 68 - 76 East Street and to the side of 167 Middleton Road, Banbury** (Pages 90 - 101) **12/00865/F**
11. **52 Grange Road, Banbury** (Pages 102 - 107) **12/01029/F**
12. **Dominos, 132 Buckingham Crescent, Bicester** (Pages 108 - 113) **12/01059/F**

Other Reports

13. **Request for a variation of the S106 Agreement relating to the proposed development at Bankside, Banbury - Application 05/01337/OUT**
(Pages 114 - 117)

Report of Head of Public Protection and Development

Summary

To enable Members to consider a request to vary the S106 Agreement in relation to the development at Longford Park (Bankside), Banbury and determine whether or not to accept the variation of the Agreement.

Recommendations

The meeting is recommended:

- (1) To agree to vary the s106 agreement in accordance with Option 2

14. The Granary, Manor Farm, Upper Heyford (Pages 118 - 120)

Joint Report of Head of Strategic Planning and the Economy and the Head of Law and Governance

Summary

To update Members on the Urgent Works carried out at the Granary

Recommendations

The Planning Committee is recommended:

- (1) To note the report.
- (2) To accept the Secretary of State's decision on the costs of the Urgent Works.

Tree Preservation Orders

15. Tree Preservation Order (No. 09/2012) - One tree located between numbers 29 and 31 Morris (Pages 121 - 123)

Report of Head of Public Protection and Development Management

Summary

To seek the confirmation Tree Preservation Order no 09/2012 with no objections relating to one tree located between numbers 29 and 31 Morris Drive (copy plan attached as Annex 1)

Recommendations

The Planning Committee is recommended to:

- (1) Confirm Tree Preservation Order 09/2012 at the site of Morris Drive, Banbury without modification in the interest of public amenity.

Review and Monitoring Reports

16. Decisions Subject to Various Requirements (Pages 124 - 127)

Report of Head of Public Protection and Development Management

Summary

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

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

Recommendations

The Planning Committee is recommended:

- (1) To accept the position statement.
- (2) To make the report for application 12/00080/OUT public so that those involved in the appeal are aware of the Council's consideration of the proposal in preparation of the evidence.

17. Appeals Progress Report (Pages 128 - 130)

Report of Head of Public Protection and Development Management

Summary

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

Recommendations

The Planning Committee is recommended to:

- (1) Accept the position statement.

18. Exclusion of Public and Press

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

3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

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

Should Members decide not to make a decision in public, they are recommended to pass the following recommendation:

“That, in accordance with Section 100A (4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act.”

19. Little Bourton Service Station, Southam Road, Little Bourton, OX17 1RH (Pages 131 - 134)

Exempt report of Head of Public Protection and Development Management

Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwellandsouthnorthants.gov.uk or 01295 221589 / 01295 227956 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.

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.

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

Please contact Natasha Clark / Aaron Hetherington, Democratic and Elections
natasha.clark@cherwellandsouthnorthants.gov.uk, 01295 221589 /
aaron.hetherington@cherwellandsouthnorthants.gov.uk, 01295 227956

Sue Smith
Chief Executive

Published on Wednesday 5 September 2012

Agenda Item 5

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 16 August 2012 at 4.00 pm

Present: Councillor Alastair Milne Home (Vice-Chairman)

Councillor Ken Atack
Councillor Fred Blackwell
Councillor Colin Clarke
Councillor Tim Emptage
Councillor Michael Gibbard
Councillor Chris Heath
Councillor Russell Hurle
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor George Parish
Councillor D M Pickford
Councillor G A Reynolds
Councillor Leslie F Sibley
Councillor Trevor Stevens
Councillor Lawrie Stratford

Substitute Members: Councillor Nigel Randall (In place of Councillor Rose Stratford)
Councillor Barry Wood (In place of Councillor David Hughes)

Apologies for absence: Councillor Rose Stratford
Councillor David Hughes

Officers: Bob Duxbury, Development Control Team Leader
Jenny Barker, Major Developments Team Leader
Nigel Bell, Team Leader - Planning and Litigation /Deputy Monitoring Officer
Natasha Clark, Team Leader, Democratic and Elections
Aaron Hetherington, Democratic and Elections Officer

44 **Declarations of Interest**

Whilst they did not have a Disclosable Pecuniary Interest in agenda item 10, the following members wished it to be known that the applicant was known to them:

Councillor Atack
Councillor Kerford-Byrnes
Councillor Macnamara

Councillor Milne Home
Councillor Pickford
Councillor Lawrie Stratford
Councillor Wood

Councillor Atack left the meeting for the duration of the item. Councillors Kerford-Byrnes, Macnamara and Wood requested that their abstention from the vote be recorded.

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

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

46 **Urgent Business**

There was no urgent business.

47 **Minutes**

The Minutes of the meeting held on 19 July 2012 were agreed as a correct record and signed by the Chairman.

48 **Land North of The Bourne and Adjoining Bourne Lane, Hook Norton**

The Committee considered application 11/01755/OUT for outline planning permission with all matters reserved for the erection of up to 70 dwellings (Class C3), public open space including a play area/amenity space and a balancing pond, associated earthworks to facilitate surface water drainage, landscaping, car parking, a pumping station and other ancillary works.

Councillor Victoria Irvine addressed the committee as ward member.

Emma Kane, a member of the Hook Norton Parish Council, spoke in objection to the application.

Kathryn Ventham, agent for the applicant, spoke in support of the application.

In considering the application, members commented on the sustainability of the proposed development, in particular, in relation to the cumulative effect on the sustainability of transport and education. Members also considered the impact on the Council's strategy for accommodating growth in the District.

Councillor Lawrie Stratford proposed that the application be refused.
Councillor Clarke seconded the proposal.

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

Resolved

That application 11/01755/OUT be refused, for the following reasons:

- (1) The proposal represents development beyond the built up limits of the village within open countryside that is not supported by existing or emerging policy or local people. As such the proposal is contrary to the core principles of the NPPF set out at Paragraph 17 and in particular the requirement for a plan led system empowering local people to shape their surroundings, the requirement to take account of different roles and character of different areas recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities, encouraging reuse of brown field land and actively managing patterns of growth to make fullest use of walking, cycling and public transport. Notwithstanding the Council's present inability to demonstrate that it has a 5 year supply of housing land required by Paragraph 47 of the NPPF, the development of this site causes significant adverse effects and is contrary to the Council's spatial strategy that means the development cannot be justified on the basis of a land supply deficiency alone. As such the proposed development is contrary to policies CC6 and SP3 of the South East Plan and the saved policies H13 and H18 of the adopted Cherwell Local Plan, Policy for villages 1 and 2 and policies BSC3, BSC4 and ESD1 of the Proposed Submission Draft Cherwell Local Plan May 2012, paragraph 17 of the National Planning Policy Framework.
- (2) In the absence of a satisfactory unilateral undertaking or any other form of S106 Legal Agreement the Local Planning Authority cannot guarantee that the infrastructure directly required to service or serve the proposed development, including affordable housing in line with local needs, open space, sports and recycling facilities including LAP provision, refuse bins and recycling, community facilities, general transport and access impacts (including rights of way), education, school and library infrastructure, day care and adult learning, museum resourcing, strategic waste management and policing; will be provided, which would be contrary to Policies H5, TR1 and R12 of the adopted Cherwell Local Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.

49

DJ Stanton (Engineering) Ltd, Station Road, Hook Norton, OX15 5LS

The Committee considered application 12/00472/F for the demolition of existing industrial buildings and erection of 28 houses together with associated access, car-parking, open space and landscaping.

David Green, agent for the application spoke in support of the application.

Emma Kane, a member of the Hook Norton Parish Council, spoke in support of the application.

Members commented that the site was a sustainable site for development and noted the support of Hook Norton Parish Council for the proposal.

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

Resolved

That application 12/00472/F be approved subject to:

- a) The expiry of the consultation period (13 August 2012)
- b) The applicant entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions to infrastructure improvements, including but subject to final agreement 30% affordable housing, indoor and outdoor off site sports provision, community hall improvements, open space provision and maintenance (or management company agreement), highway and transportation contributions, public art, education contributions, library stock, day centres and healthcare contributions;
- c) Conditions (subject to amendment under delegated authority);
 - (1) Full Permission: Duration Limit (2 years) (RC2)
 - (2) Plan numbers
 - (3) Sample materials
 - (4) Details of vehicular access, parking provision and turning areas
 - (5) S278 works – dropped kerb and uncontrolled pedestrian crossing
 - (6) Construction traffic management plan
 - (7) No conversion of garage
 - (8) Surface water drainage details and implementation
 - (9) Submit hard and soft landscaping scheme
 - (10) Carry out Landscaping Scheme and Replacements
 - (11) Tree protection during construction
 - (12) Landscape maintenance scheme
 - (13) Boundary enclosure details
 - (14) No works of demolition or works to trees or vegetation shall take place until protected species survey (reptile, bat, bird and badger) has taken place
 - (15) Investigation for nature and extent of contamination and remediation strategy

- (16) Ground levels, internal floor levels
- (17) Petrol/oil interceptors
- (18) Fire hydrant

50 **Former B-Line Business Centre, Station Road, Enslow**

The Committee considered application 12/00643/OUT for the erection of B1 office development and 10 dwellings and associated access.

Councillor Simon Holland addressed the Committee as Ward Member.

In considering the application, some Members commented that the proposed development could potentially enhance the brown field site, however Members raised concerns about the sustainability of the development.

In reaching their decision, the Committee considered the officers' report, written update, presentation and presentation of the speaker.

Resolved

That application 12/00643/OUT be refused, for the following reasons:

- (1) Enslow is a Category 3 settlement as defined in the adopted Cherwell Local Plan. Policy H15 of the adopted Cherwell Local Plan states that within such settlements new residential development will be restricted to the conversion of non-residential buildings or 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 Policy H15 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
- (2) The proposal will result in the loss of a significant proportion of an employment site which can continue to make an important contribution to the economic development of the area. As a lack of need has not been clearly established or no substantial and demonstrable planning benefit has been established, the proposal is contrary to Policy RE3 of the South East Plan 2009, Policy EMP5 of the Non-Statutory Cherwell Local Plan 2011 and Government guidance contained within the National Planning Policy Framework.

51 **OS Parcel 0039, South West of Heathfield Village, Islip Road, Bletchington, Oxfordshire**

The Committee considered application 12/00696/F for a proposed driving range, pro-shop, refreshment area and ancillary environmental works.

Geoff Robins, the applicant, spoke in support of the application.

The committee was satisfied with the evidence presented.

In reaching their decision, the Committee considered the officers' report, written update, presentation and presentation of the speaker.

Resolved

In considering application 12/00696/F be approved subject to:

- (1) That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- (2) 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: Design and Access Statement Reference 12013 dated 18.04.2012, drawing 12013:03 A, 12013:04 A, 12013:05 A
- (3) That the external walls and roof(s) of the development shall be constructed in accordance with a schedule of materials and finishes which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.
- (4) That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-
 - a. details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - b. details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - c. details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.
- (5) That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

- (6) That a scheme of floodlighting for the driving range, which shall include location of lighting columns, make and type of lighting unit, light source type, hours of operation and iso-lux diagram shall be submitted to and approved by the Local Planning Authority prior to their installation. No lighting other than approved scheme shall be implemented.

52

The Hermitage, High Street, Souldern

The Committee considered application 12/00779/F for a proposed detached dwelling.

Peter Griffiths, the applicant, spoke in support of the application.

In considering the application, some Members commented on the size and height of the proposed dwelling and it was in context with the surrounding buildings.

Members further commented that there was adequate access to the site was fine and that the proposed design of the dwelling was to protect the existing trees.

Councillor Pickford proposed that the application be approved. Councillor Randall seconded the proposal.

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

Resolved

That application 12/00779/F be approved, subject to:

- (1) That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- (2) 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: 1041 PM CD100 Rev. e received 03/08/2012, 1041 PM CD112 Rev. f, 1041 PM CD113 Rev. d, 1041 PM CD114 Rev. d, 1041 PM CD115 Rev. c, 1041 PM CD211 Rev. d, 1041 PM CD212 Rev. d all received 30/07/2012, Email from R.A. Sutton dated 02/08/2012, Sacha Barnes Ltd Tree Report dated July 2011 Ref: SB/JS/210/TS
- (3) That the external walls and roof(s) of the dwelling shall be constructed in accordance with a schedule of materials and finishes, including samples where appropriate, which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.

- (4) That the external walls of the dwelling shall be constructed in natural stone which shall be laid, dressed, coursed and pointed in accordance with a sample panel (minimum 1m² in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority prior to the construction of the development hereby permitted.
- (5) That full design details of the windows and doors, including material, colour and finish, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.
- (6) 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.
- (7) That full design details of the stone wall to separate The Hermitage from the curtilage of the dwelling, including a sample panel (minimum 1m² in size) which shall be constructed on site to be inspected by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- (8) That prior to commencement of any development on the site, notwithstanding the details submitted, an Arboricultural Method Statement (AMS), undertaken in accordance with BS5837 shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken in accordance with the agreed document.
- (9) No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been submitted to and approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and, where relevant, must include details of:
 - (a) the project arboriculturalist employed to undertake supervisory role of relevant arboricultural issues. Applicant / Agent to provide written confirmation and contact details of chosen individual or company.
 - (b) the relevant persons / contractors to be briefed by project arboriculturalist on all on-site tree related matters.
 - (c) the timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.

- (d) the procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to agreed tree works and arboricultural incidents.
 - (e) of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and associated features such as irrigation systems, root barriers and surface requirements (e.g. arboresin, tree grills etc.)
- (10) That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-
- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas and steps.
- (11) That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.
- (12) That notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed along or between the northern and eastern boundaries of the curtilage without the prior express planning consent of the Local Planning Authority.
- (13) That notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed along the northern and eastern boundaries of the curtilage, or between the dwelling and the northern and eastern boundaries of the curtilage without the prior express planning consent of the Local Planning Authority.

- (14) The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.
- (15) Following the approval of the Written Scheme of Investigation referred to in Condition 14, no development shall commence on site without the appointed archaeologist being present other than in accordance with the agreed WSI. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.

(Councillor Atack left the meeting for the duration of the item. Councillors Kerford-Byrnes, Macnamara and Wood requested that their abstention from the vote be recorded.)

53 **Request for a variation of the S106 Agreement relating to the proposed development at Heyford Park - Application 10/01642/OUT**

The Committee considered a report which requested a variation of the S106 Agreement relating to the proposed development at Heyford Park – Application 10/01642/OUT

Resolved

- (1) That the s106 agreement be varied.

54 **Decisions Subject to Various Requirements**

The Committee considered a report which updated Members on decisions which were Decisions Subject to Various Requirements

Resolved

- (1) That the position statement be accepted.

55 **Appeals Progress Report**

The Committee considered a report which updated Members on applications where new appeals had been logged, public inquires hearings scheduled or appeals results received.

Resolved

- (1) That the position stated be accepted.

56 **Exclusion of Public and Press**

Resolved

That, in accordance with Section 100A(4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it could involve the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act.

57 **OS Parcel 5700 South of Salt Way at Crouch Farm, Bloxham Road, Banbury**

The committee considered an exempt report which advised Members that an appeal had been lodged against the non-determination of a planning application for land at South of Salt Way at Crouch Farm (to the east of Bloxham Road)(application no. 12/00080/OUT).

Resolved

- (1) That officers be authorised to defend the appeal based on the reasons for refusal recommended at Appendix 1 of the report.

The meeting ended at 7.35 pm

Chairman:

Date:

PLANNING COMMITTEE

13 September 2012

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

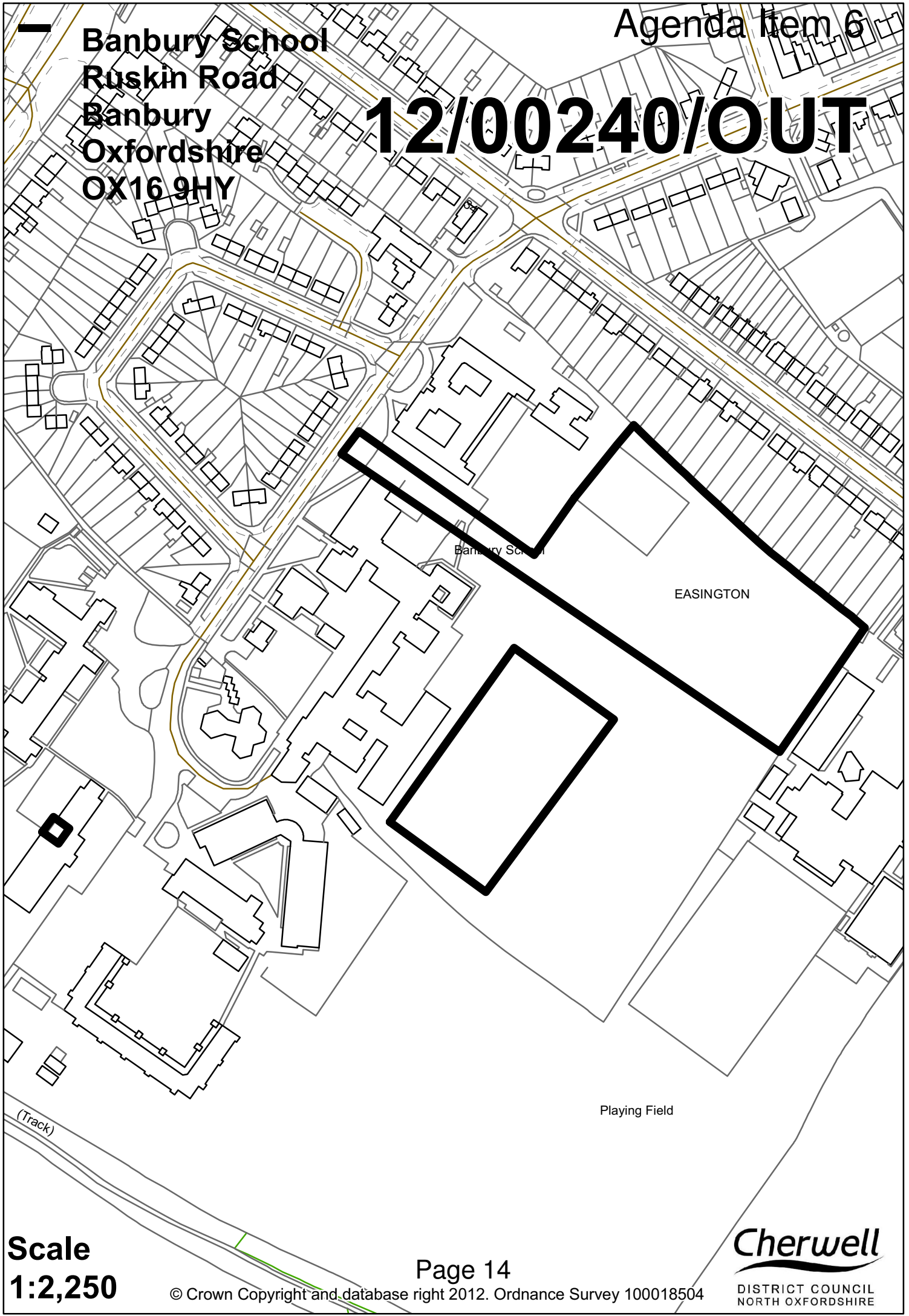
For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision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

Applications

	Site	Application No.	Ward	Recommendation	Contact Officer
6	Banbury School, Ruskin Road Banbury	12/00240/OUT	Banbury Easington	Approval	Shona King
7	Mallards, New Street, Deddington, Banbury, Oxfordshire, OX15 0SR	12/00711/LB	Deddington	Approval	Caroline Ford
8	Land adjacent Langford Locks, Kidlington	12/00780/F	Kidlington North	Approval	Tracey Morrissey
9	Bicester Community Hospital, Kings End, Bicester	12/00809/F	Bicester Town	Approval	Linda Griffiths
10	Land to the rear of 68 – 76 East Street and to the side of 167 Middleton Road, Banbury	12/00865/F	Banbury Grimsbury and Castle	Approval	Simon Dean
11	52 Grange Road, Banbury	12/01029/F	Banbury Easington	Approval	Rebekah Morgan
12	Dominos, 132 Buckingham Crescent, Bicester	12/01059/F	Bicester East	Refusal	Simon Dean

Banbury School
Ruskin Road
Banbury
Oxfordshire
OX16 9HY

12/00240/OUT



Scale
1:2,250

Banbury School
Ruskin Road
Banbury
Oxfordshire
OX16 9HY

12/00240/OUT



Scale
1:10,000

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Banbury School, Ruskin Road Banbury

12/00240/OUT

Ward: Banbury Easington

District Councillors: Councillors
Blackwell, Mallon and Morris

Case Officer: Shona King

Recommendation: Approval

Applicant: The Banbury School Trust

Application Description: Residential development with access and associated infrastructure; the provision of a new all-weather astro turf pitch (ATP) with lighting; and the extension and alteration of the sports hall and changing facilities including the provision of an external climbing wall.

Committee Referral: Major

1. Site Description and Proposed Development

- 1.1 The application site is divided into three areas. The first area is part of the playing field, which is not currently used formally for sports, of Banbury School located to the north east of the school buildings along the boundary with the former Stanbridge Hall, the rear gardens of properties in Springfield Avenue and Blessed George Napier School. Mature trees and a hedgerow form the northern and eastern boundaries of the site. Residential development is proposed in this area.
- 1.2 The second area is also part of the school playing field and is located approximately 15m to the south of area 1. This area is currently used as part of a rugby pitch and the construction of an all weather pitch with lighting is proposed. The existing rugby pitch will be relocated to the south east.
- 1.3 The third area is part of the school sports hall building. It is proposed to improve the changing facilities at ground floor level and to construct a first floor extension above to accommodate a fitness suite and sports performance analysis room. A 13ft climbing wall is also proposed to the outside of the building and the sports hall floor is to be resurfaced.
- 1.4 The application is in outline with only access to be considered. All other matters (appearance, landscaping, layout and scale) are reserved for subsequent approval. Whilst the application is in outline an indicative layout has been submitted along with a Planning Statement and Design and Access statement, Transport Assessment, Travel Plan and Flood Risk Assessment. The application form states and the indicative layout shows that permission is sought for up to 50 units.

2. Application Publicity

- 2.1 The application has been advertised by way of site notices and a press notice. The final date for comment was the 19th April 2012. 6 letters have been received and a petition objecting to the development with 164 signatures. Full details of the comments are available electronically via the Council's website. The following Issues were raised:

Material planning comments:

- Additional noise and disturbance out of school hours
- Light pollution
- Highway safety and traffic congestion
- Questions the need for the ATP
- Living amenity for occupiers of flats
- Loss of sports/playing field
- Drainage/flooding of nearby gardens
- Pressure on utility services
- Sports development better sited adjacent to Saltway

3. Consultations

- 3.1 **Banbury Town Council:** No objections but observes that sports provision will be enhanced at the school. Welcome additional Astro Turf pitch that can be used by the community, but would like to see restrictions regarding the timing of lighting in view of the close proximity of residential dwellings.

Cherwell District Council Consultees

- 3.2 **Head of Strategic Planning and the Economy (Planning Policy):** No comment to date
- 3.3 **Head of Housing Services (Affordable Housing):** Strongly support an affordable housing scheme in Banbury where housing need is extremely high.

The application will require a minimum of 30% affordable housing (15 units) and the applicant suggests up to 40% could be provided (20 units). In order to secure the higher amount the Housing Services team would be very interested in working with the trust to secure some self build/self finish units that could offer training and skills opportunities - perhaps some of these specifically targeted at younger people. We could do this either through taking a piece of land with a commuted sum or by asking the developer to build out the units to a semi finished stage.

The mix sought on a 20 unit scheme would be:

- Rented - 10 one bedroom (2 person) flats
- 3 two bedroom (4 person) houses
- 1 three bedroom (5 person) house

- Shared ownership - 4 two bedroom houses
- 2 three bedroom houses

All the rented properties will need to meet Lifetime Homes Standards as far as possible and will need to meet HCA Design and Quality standards including code level 3.

Built units will need to be dispersed in at least 4 separate clusters across the site.

If the land is transferred this will need to be transferred at the point the services are in place and prior to any market dwellings being constructed. In the case of partially built units these will need to be transferred prior to 30% of the market housing being occupied. In the case of built units being transferred to an RP all units will need to be transferred before 70% of the market housing is occupied.

3.4 Head of Public Protection and Development Management (Environmental Protection): No comment to date

3.5 Head of Environmental Services (Landscape Services, Arboriculture): With regards to play provision within the development one LAP and buffer Zone (total 400m²) on site and commuted sum is required.

With regards to the trees on the site particularly the trees along the northern boundary but also the eastern boundary provide screening for both present and future residents and those which aren't hazardous should be retained in order to continue this.

There are issues arising from the existing trees in relation to the indicative plan.

1. Rear gardens are small and south facing and will be affected by the trees in terms of shade, encroachment and debris (leaves, fruits TV reception etc.) If they are to be sold as part of the gardens a Preservation Order would be appropriate to deter post development removal although I would expect pressure for their removal soon after inhabitation.
2. Plot 8 and free standing garage in the north-west corner of the site will impact on the existing trees and should either be omitted or a detailed method statement provided.
3. The parking area to the southern end of the northern boundary and plot 25 in addition to the access road at this end of the site will impact on the existing trees and should either be omitted or a detailed method statement provided.
4. Apart from the western boundary tree planting is sparse, this could be increased throughout the site, possibly with dedicated tree pits in appropriate places and screening from the school along the southern boundary.
5. Trees 37 to 39 and G3 will require removal to facilitate access. Replanting can be carried out as part of the landscaping proposals to mitigate for this.

3.6 Head of Community Services (Ecologist): No comments to make as the land proposed for development consists of short-mown amenity grass with little

potential for protected species. The location of the proposed astro-turf pitch is also of no concern and the lighting is unlikely to impact on any important areas for bats given the lack of suitable habitat nearby.

- 3.7 **Head of Recreation and Health (Recreation and Health Improvement Manager):** The Council would normally object to any reduction in school playing fields but in this case the relocation of sports pitches and the athletics track mean that the number of grass sports facilities remain the same. There is also a recognized need for a 3G artificial pitch in Banbury and with Spiceball Sports Centre operating at near capacity the public access to the additional indoor sports facilities is welcome and therefore we support the application. As new sports facilities are being provided for both school and community use contributions towards off site sports facilities are not sought.
- 3.8 **Head of Recreation and Health (Public Art):** To create a locally relevant work of art on or near the development. Must be made by an artist and must be public. Contribution can be spent by the developer in partnership with CDC art on or near the development site - commissioned after development completed.
- 3.9 **Head of Public Protection and Development Management (Anti-social Behaviour):** From an environmental protection perspective the provision of the all weather pitch with associated lighting is the feature of this application that is of most concern. To look first at the positioning of the pitch and its relationship with the proposed dwellings, the fact that the application mentions lighting, it is assumed it is intended that the playing surface be used until at least 21:00 hrs. With the pitch being in relatively close proximity to the new dwellings it is not inconceivable that we would receive complaints of noise arising from its use. In similar situations we have received justified noise complaints where the surface has been used for playing hockey and the noise in question arose from the balls striking the goal backboards. Equally the use of all weather sports pitches can give rise to complaints of noise arising simply from their human users.

The application does not detail how many light standards will be provided so it is not possible to assess the technical merits of the lighting design at this stage. It is assumed that any proposed installation would comply with the Institute of Lighting Engineers Design Guidance. This methodology will ensure that light trespass sky glow and glare are kept to a minimum. It will not however deal with the aesthetic affects of the proposal. The lit area will certainly be visible from the proposed housing development and from locations to the South East of the site which currently enjoys a relatively dark outlook to the rear of their properties.

A restriction on the operation of the lighting and the use of the playing surface of the ATP is recommended. It should not be used after 21.00 hrs on any day of the week.

- 3.8 **Head of Community Services (Safer Communities):** No objections

Oxfordshire County Council Consultees

- 3.10 **OCC Highways:** (Original comments) No objections subject to conditions and makes the following comments:

- The proposed access is acceptable in terms of visibility.
- A single footway into the site is proposed. Ideally two footways would have been provided, but the constraints of the site limit the width available. This is not ideal, but it is noted access is not provided to the adjacent school from the site.
- A pedestrian/cycle link remains desirable onto Springfield Avenue, especially as employment opportunities exist in this direction.
- Junction modelling indicates that nearby junctions will continue to operate within capacity following development. The predicted vehicle movements associated with the development are unlikely to be a significant concern (58 two-way movements in both the am and pm peaks).
- The detailed layout of the development should be designed in accordance with the guidance of Manual for Streets. Appropriate provision must be made for parking, not only in terms of number but in terms of size, convenience and location. A mix of allocated and unallocated parking in line with the County Council's new parking guidance would provide greatest efficiency. Visitor parking must be provided which can include on-street provision (preferably 'designed in'). Garages should have the internal dimensions of 3 x 6 metres.
- Provision must be made for waste collection with appropriate turning heads for HGVs/refuse vehicles. Areas for adoption must include a service strip of 600mm, and doors, windows, etc must not open over any area to be adopted as public highway. SUDS drainage must be incorporated within development and associated highway.
- A contribution is required towards the Banbury Transport Strategy, including but not restricted to highways schemes across Banbury, bus stop improvements to premium route standard on the Easington B1 Bus Service, provision of cycle parking in the town centre and at key destinations cross Banbury. The contribution should be in line with Cherwell Planning Obligations SPD (Table 40):

Further letter from Highways in response to petition

- application seeks approval for access only. All other matters including parking space numbers and layouts are reserved. The County Council will be seeking parking levels and a layout that meet current standards at the reserved matters stage
- With appropriate on-site parking, and a practical layout, considered unlikely that residents of the new development will park on Ruskin Road
- do not believe that the development would add significantly to on street school parking pressures as it is within recognised walking and cycling distances (certainly not to a level that would warrant refusal of planning permission
- Construction traffic will be controlled and monitored through the recommended construction phase travel plan
- Visibility at the access meets an appropriate standard
- Research shows it is unlikely that 100 dwellings would equate to 200+ vehicles
- The predicted generation of 58 two-way movements (40 cars leaving and 18 cars returning) in the am peak hour (8-9am), and 58 two-way movements (22 leaving and 36 returning) in the peak hour (5-6pm) are as

expected in this location. The use of TRICS and focus on these peak hour periods is standard practice, and results have been checked

- 40 vehicles across a one hour period equates to one car leaving every 90 seconds. This level of generation is considered relatively low and is not a concern given that visibility at the access has been confirmed as acceptable
- Transport Assessment based on worst case scenario of 100 dwellings.
- Queries raised over the suitability of traffic survey data used in the Transport Assessment. Satisfied that the use of TRICS data and a survey is adequate and results are what would be expected.
 - the traffic survey data has been used to assess only the capacity of the junction
 - Accident history has been obtained from the County Council's Road Safety Team for the crossroads and local area in order to establish if there are any highway safety concerns as existing
 - Accident history has been obtained from the County Council's Road Safety Team for the crossroads and local area in order to establish if there are any highway safety concerns as existing
 - Concerns have been raised regarding emergency access. The proposed access meets current guidance for emergency access contained within Manual for Streets. The final layout will need to make provision for emergency and refuse vehicles at the reserved matters stage
 - OCC as the Local Highway Authority maintains that an objection to this outline application from the Local Highway Authority is not considered appropriate, subject to appropriate conditions. All reserved matters will be thoroughly assessed when and if a reserved matters application is submitted

3.11 **OCC Travel Choices Team** – Interim Travel Plan provided is very well put together and holds the majority of information required. Need to include detail on barriers to walking, cycling, public transport and car share. Guidance on Residential Travel Plans provided by OCC.

3.12 **OCC Drainage Officer:** No surface water to enter onto the Highway;
All surface water to be dealt with on site;
No drainage plans provided;
Excellent opportunity for sustainable drainage system;
Geotechnical surveys need to be undertaken to determine appropriate drainage methods.

3.13 **OCC Developer Funding Team:** Oxfordshire County Council wishes to secure a legal agreement for appropriate financial contributions to mitigate the impact this development will cause if implemented in line with the Draft Supplementary Planning Obligations Document (July 2011).

Primary School Infrastructure – insufficient places available from 2017/18 academic year at Queensway Primary School or Harriers Ground School Contributions are accordingly sought towards primary school infrastructure serving this development based on DFE [Department for Education] advice for school extensions weighted for Oxfordshire- £11,113 per child@3Q09 to include sprinklers and ICT.

Special Educational Needs Infrastructure There is also likely to be an increased demand upon [SEN] special educational needs schools. 1.02% of children across Oxfordshire are educated in such separate schools.

We are advised to allow £29,278 per place in special educational needs schools.

Frank Wise in Banbury and Bardwell in Bicester provide specialist accommodation. These are full as are other Special Needs Schools in Oxfordshire

Adult Learning Centre Infrastructure

Banbury adult learning centre needs to relocate and a brand new facility is sought. A 151 square metre 2 classroom facility is expected to cost £420,000@3Q09 + land. A facility of this type will expect to provide 13,500 learning sessions per annum. At least 5% of the adult population are likely to take up adult learning and would normally attend at least 10 sessions each.

Library Infrastructure

Oxfordshire County Council has an adopted standard for public library floor space of 23m² per 1,000 head of population. Backroom space [19.6% of public area] needs to support this public space.

Banbury library is significantly under-size in relation to its catchment population and a new, larger library is planned as part of a new Cultural Quarter in the Town Centre. This is expected to cost £2,264 per m² @3Q09.

Day Resource Care Centre for the Elderly

Social & Community Services are looking to extend Day Care provision in Banbury because of extra demand on its infrastructure, including that caused by new development.

Strategic Household Waste Management Recycling Centre

The Council has statutory recycling and composting targets to meet, as well as targets to reduce the amount of waste going to landfill. New development must help rather than hinder the achievement of these targets. All developers/landowners are therefore expected to provide infrastructure and funding towards the reduction, re-use and recycling of wastes. The Waste Management Recycling Centre at Alkerton effectively needs replacement at an estimated £3m cost and will then aim to serve 20,000 dwellings.

County Museum Resource Centre Infrastructure

The Museum Resource Centre [MRC] at Standlake provides essential support for the County's Museum Service, holding exhibits in safe and controlled conditions. This enables varied exhibitions to be organised meeting the demands of the public. The MRC also offers IT access to various educational establishments.

The MRC is at capacity and needs to be extended to meet the educational, research and leisure demands arising from increased development in Oxfordshire. An extension has been costed to mitigate the impact of new development to 2026. £85,000 has been secured leaving £380,000 to be secured from 35,000 new homes

Other Consultees

- 3.14 **Sport England:** (Original comments) Objects to the development as it has not been demonstrated sufficiently that the development accords with any of the exceptions in Sport England's Playing Fields Policy.

Additional information has been submitted by the applicant's agent to try to overcome the objection. However further comments from Sport England have not been received to date but these are anticipated prior to the meeting when a verbal update will be given.

- 3.15 **Environment Agency:** (Original comments) In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis. The FRA proposes to discharge surface water from the development into soakaways. However infiltration tests have not been carried out at the site to determine the feasibility of soakaways.

Following the submission of additional information by the applicant the Environment Agency maintains their objection to the proposed development as the flood risk assessment remains inadequate. It is likely that further information will be submitted to try to overcome the objections and a verbal update will be given at the meeting.

- 3.16 **Thames Water:** With regard to surface water drainage it is recommended ythat the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required. This is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water recommends an informative relating to water flow rate and pressure be attached to any consent.

- 3.17 **Oxfordshire Playing Fields Association:** No comment to date

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H5: Affordable housing

R12: Public Open Space provision within new housing developments

TR1: Transportation funding

C28: Design, layout etc standards

C30: Design control

South East Plan 2009

Spatial Strategy - Policies

SP3: Focus for development on urban areas

Cross Cutting – Policies

CC1: Sustainable Development

CC6: Sustainable Communities & Character of the Environment

CC7: Infrastructure and Implementation

Housing – Policies

H1: Regional Housing Provision 2006 - 2026

H2: Managing the Delivery of the Regional Housing Provision

H3: Affordable Housing

H4: Type and Size of New Housing

H5: Housing Design and Density

Transport – Policies

T1: Manage and Invest

T4: Parking

Natural Resource Management – Policies

NRM1: Sustainable Water Resources & Groundwater Quality

NRM2: Water Quality

NRM4: Sustainable Flood Risk Management

Management of the Built Environment – Policies

BE1: Management for an Urban Renaissance

Social and Community Infrastructure

S1 – Supporting healthy communities

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Core planning principles and the delivery of sustainable development and a presumption that where plans are absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, with particular regard to the following sections:

- 4: Promoting sustainable transport
- 6: Delivering a wide choice of high quality homes
- 7: Requiring good design
- 8: Promoting healthy communities
- 10: Meeting the challenge of climate change, flooding and coastal change

Cherwell Local Plan - Proposed Submission Draft (May 2012)

The draft Local Plan is due out for public consultation in the near future. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets

out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

Sustainable communities

BSC1: District wide housing distribution
BSC2: Effective and efficient use of land
BSC3: Affordable housing
BSC4: Housing mix
BSC7: Meeting Educational Needs
BSC10: Open space, sport and recreation provision
BSC11: Local standards of provision – outdoor recreation
BSC12: Indoor sport, recreation and community facilities

Sustainable development

ESD1: Mitigating and adapting to climate change
ESD6: Sustainable flood risk management
ESD7: Sustainable drainage systems
ESD8: Water resources
ESD16: Character of the built environment

5. Appraisal

5.1 The key issues for consideration in this application are:

- Policy context
- Loss of playing pitches
- Suitability of the site
- Impact on highway safety

Policy context

- 5.2 The policy context to this proposal is made up of the documents comprising the development plan namely the South East Plan 2009 and the adopted Cherwell Local Plan, 1996.
- 5.3 The South East Plan is the regional spatial strategy for the South East region. Whilst this plan contains no site-specific policies, it does set out the regional spatial planning framework for the region with policies for the scale and distribution of new housing, priorities for new infrastructure and economic development. The plan also seeks to concentrate development where the need to travel, particularly by single occupancy car use, can be reduced.
- 5.4 The adopted Cherwell Local Plan, 1996, does not contain any policies specifically relevant to this site in relation to allocations for housing development.
- 5.5 The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are expected to be applied; it provides a framework within which councils can produce their own distinctive local and neighbourhood plans. It does not replace the development plan, but is a material consideration in decision making.

- 5.6 At the heart of the NPPF is a presumption in favour of sustainable development and in the context of this application this would include promoting sustainable transport, delivery of a wide choice of high quality homes, the promotion of healthy communities, meeting the challenge of flooding and the conservation and enhancement of the natural environment.

Loss of playing pitches

- 5.7 The application seeks the redevelopment of part of the school playing field for residential development. The applicant has argued that the sale of the land for development will enable the existing sports facilities at the school to be improved and additional facilities provided. They have also argued that the area of land in question is not used for any formal sports apart from during the summer term the top of the athletics track is marked out on part of the site.
- 5.8 The Head of Recreation and Health has stated that the Council would normally object to any reduction in school playing fields but in this instance the relocation of sports pitches and the athletics track within the school grounds mean that the number of formal grass sports facilities remains the same. There is also a recognised need for a 3G artificial pitch in Banbury and with Spiceball Sports Centre operating at near capacity the public access to the additional indoor sports facilities to be provided at the school is welcome.
- 5.9 However as set out above at paragraph 3.14 Sport England has objected to the application because it does not accord with any of the exceptions in Sport England's Playing Fields Policy. Sport England is a statutory consultee for applications where land has been used as a playing field at any time in the last 5 years and remains undeveloped; or has been allocated for use as a playing field in a development plan; or involves the replacement of the grass surface of a playing pitch on a playing field with an artificial surface. Sport England opposes development on playing fields in all but exceptional circumstances. These exceptional circumstances are where, in the judgement of Sport England:

E1 A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.

E2 The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.

E3 The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

E4 The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better

management arrangements, prior to the commencement of the development.

E5 The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

- 5.10 The applicant has sought to demonstrate that the proposed development accords with exception E1 and has submitted a catchment wide playing pitch strategy that considers the supply and demand of pitches locally within the immediate catchment. Sport England has not been convinced that there is a genuine excess of playing field provision in the catchment and the applicant's agent is currently in discussion with Sport England to try to overcome their objections in this regard.
- 5.11 Exception E5 is also relevant to the case and it needs to be considered whether the sporting benefits arising from the development with the provision of an ATP and extended sports hall and changing facilities are of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field. Sport England has requested further information and the agent is currently in discussion regarding this issue.
- 5.12 It is anticipated that further comments will be received from Sport England prior to the Committee and a verbal update will be given.

Suitability of the site and impact on neighbouring properties

- 5.13 The proposed development is located within the built up limits of Banbury close to amenities and facilities and is accessible by public transport. It is in a sustainable location and as such accords with the presumption in favour of development within the National Planning Policy Framework.
- 5.14 The part of the site proposed for residential development lies immediately adjacent to other residential properties, the former Stanbridge Hall and properties in Springfield Avenue. Other residential properties are located around the boundaries of the school. As such, notwithstanding the issues regarding the loss of playing fields, it is considered to be a suitable site for residential development.
- 5.15 The indicative site layout that has been submitted however is not acceptable for a number of reasons:
- a) proximity of dwellings to the former Stanbridge Hall - the impact on the living amenities of the residents in the extra care units and those in the proposed dwellings
 - b) impact on the mature trees around the site
 - c) lack of open space/play space within the site
- 5.16 With these constraints officers are not convinced that the number of dwellings indicated on the application form or the indicative layout can be accommodated. A condition is therefore recommended, if Members are minded to approve the application, stating that the planning permission does not imply the approval of the provision of 50 dwellings due to the constraints on and surrounding the site.

- 5.17 The site for the ATP is located some distance away from existing residential property boundaries and is not considered to cause significant harm to the living amenities of those properties. However to ensure this it is considered necessary to restrict the evening use of the ATP and lighting to no later than 21.00 hrs on any day of the week.
- 5.18 In any reserved matters submission the layout of the proposed residential units will need to take the siting of the ATP into account and the details of the floodlighting will need to ensure that the living amenities of the new occupiers is not adversely affected.
- 5.19 The proposed extension to the sports hall and provision of the climbing wall is considered to be acceptable in this location. It will be viewed in the context of the school buildings and will not adversely affect the visual amenities of the area.

Site drainage and flood risk

- 5.20 The Environment Agency is maintaining an objection to the scheme due to an absence of an acceptable Flood Risk Assessment (FRA) and is recommending refusal. They state that the information provided by the applicant/agent is insufficient to ensure that surface water from the development can be adequately drained.
- 5.21 Additional information has been submitted to the Environment Agency and their comments are awaited and a verbal update will be given to the Committee.

Impact on highway safety

- 5.22 The applicants have submitted a detailed Transport Assessment and Travel Plan with the application concluding that the development will not result in detriment to highway safety.
- 5.23 Confusion has arisen regarding the number of dwellings to be served by the proposed access as the Transport Assessment states the number to be 100 dwellings and the application form states 50. The Highway Authority has assessed the proposal based on the information provided within the Transport Assessment (i.e. 100 dwellings) and, as set out at paragraphs 5.9 and 5.10 above, officers remain to be convinced that 50 dwellings could be accommodated on the site with the constraints.
- 5.24 The Highway Authority is satisfied that the proposed development will not result in any significant detriment to highway safety either at the access point to the proposed residential development or in Ruskin Road and Springfield Avenue. The application seeks approval for access only and all other matters including parking space numbers and layouts are reserved. They conclude that the visibility from the proposed access meets an appropriate standard and junction modelling indicates that nearby junctions will continue to operate within capacity following the development.

Planning obligations

- 5.25 The proposed development would generate a need for infrastructure and other contributions, to be secured through a planning obligation, to enable the development to proceed.

5.26 The proposed development would generate a need for infrastructure and other contributions, to be secured through a planning obligation, to enable the development to proceed.

5.27 Although the agreement has not yet been drafted the applicant has agreed to the following Heads of Terms relating to the obligation:

District Council requirements

- community access to sports facilities
- affordable housing at 30%
- open space, and LAP provision
- refuse bins and recycling

County Council requirements

- transport and access
- education
- adult learning centre infrastructure
- library
- Day resource centre for the elderly
- Strategic household waste management recycling centre
- Museum resource centre

Other requirements

- Health

5.28 It is considered that as new sports facilities are being provided for school and community use, contributions towards off site sports facilities cannot be justified in this instance. Also due the location of the housing site within school grounds and the length of the access contributions towards the provision of public art cannot be justified.

Conclusion

5.29 Overall, the proposed development is considered acceptable. The access for the site will not result in any significant detriment to highway safety and the proposal would see the replacement of a redundant area of playing field with an all-weather Astroturf pitch, improved gym and changing facilities and a climbing wall. The site lies within a sustainable location and will makes efficient use of the land without significant harm to the living amenities of nearby properties. Therefore, the application is recommended for approval.

6. Recommendation

Approval, subject to:

- a) Sport England and the Environment Agency removing their objections to the scheme
- b) The applicants entering into an appropriate planning obligation to the satisfaction of the District Council to secure contributions as outlined in paragraphs 5.25 and 5.28; and

c) The following conditions (subject to amendment under delegated authority):

1) Approval of reserved matter details

Reason – This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010 (as amended).

2) Time limit for the submission of reserved matters (one year)

Reason – This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010 (as amended).

3) Time limit for commencement (one year)

Reason – This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010 (as amended).

4) Notwithstanding the indicative layout submitted as part of the planning application and section 17 of the application forms the granting of this consent does not imply the approval of the provision of 50 dwellings due to the constraints on and surrounding the site. The constraints are as follows:

- 1) Root protection zones of trees to the boundaries
- 2) Proximity of three storey development adjacent to the northern boundary; and
- 3) Lack of open space within the site.

Reason - In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and to comply with Policies H5 and BE1 of the South East Plan 2009, Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance on requiring good design contained within the National Planning Policy Framework.

5) That the site shall be developed with a mix of housing types/sizes in accordance with housing mix set out in Policy BSC4 of the Cherwell Local Plan - Proposed Submission Draft (May 2012)

Reason – In the interests of meeting housing need and creating a socially mixed and inclusive community and to comply with Policies H4 and BE1 of the South East Plan 2009, Policy BSC4 of the Cherwell Local Plan - Proposed Submission Draft (May 2012) and Government guidance on delivering a wide choice of high quality homes contained within the National Planning Policy Framework.

6) That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-

- (a) details of the proposed tree and shrub planting including their

- species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance on requiring good design contained within the National Planning Policy Framework.

- 7) That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance on requiring good design contained within the National Planning Policy Framework

- 8) In this condition retained tree is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the commencement of the development.
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works
 - (b) If any tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance on requiring good design contained within the National Planning Policy Framework

- 9) No works or development shall take place until a scheme for the protection of

the retained trees (section 7, BS5837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:

- (a) A plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan
- (b) The details of each retained tree as required at paragraph 4.2.6 of BS 5837 in a separate schedule
- (c) A schedule of tree works for all the retained trees in paragraphs (a) and (b) above specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work
- (d) The details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837)
- (e) The details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- (f) The details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837)
- (g) The details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837)
- (h) The details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (paragraph 5.2.2 of BS5837) of any retained tree including those on neighbouring or nearby ground
- (i) The details of the working methods to be employed for the installation of drives and paths within the Root Protection Areas of retained trees in accordance with the principles of "no-dig" construction

Reason - To ensure the continued health of retained trees and in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy C4 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance on requiring good design contained within the National Planning Policy Framework.

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

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy NRM4 of the South East Plan 2009, Policy ENV1 of the adopted Cherwell Local Plan and Government guidance on flooding contained within the National Planning Policy Framework.

- 11) Prior to occupation; Access to be constructed to County Council specification, including visibility splays which are to be provided and maintained free from obstructions over 0.6 metres in height.

Reason - In the interests of highway safety and to comply with Government guidance on promoting sustainable transport contained within the National Planning Policy Framework

- 12) Prior to development; a construction phase travel plan shall be submitted to and approved by the Local Planning Authority. Throughout development the approved plan must be adhered to.

Reason – In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policy T5 of the South East Plan 2009 and Government guidance on promoting sustainable transport contained within the National Planning Policy Framework.

- 13) Prior to development; full details of a lighting scheme shall be submitted to and approved in writing by the LPA. Prior to first occupation the lighting scheme shall be completed in all respects in accordance with the approved details, inclusive of parking courts, and maintained in a working order thereafter.

Reason – In the interests of highway safety and to comply with Government guidance on promoting sustainable transport contained within the National Planning Policy Framework

- 14) The proposed development shall be served by an estate road (or Roads) laid out and constructed in accordance with details, including a means of surface water disposal, submitted to and approved in writing by the Local Planning Authority. (To include, amongst other details, tracking demonstrations for turning heads, rumble strips and any other lining or means of traffic calming).

Reason – In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance on promoting sustainable transport contained within the National Planning Policy Framework

- 15) No dwelling shall be occupied until the access road between that dwelling and the existing county highway, including footways and turning heads (where applicable), has been laid out in accordance with the approved plans and details and constructed to at least base course level.

Reason – In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with

Government guidance on promoting sustainable transport contained within the National Planning Policy Framework

- 16) No dwelling of the approved development shall be used or occupied until the car parking and associated turning area for that dwelling has been completed and marked out in accordance with the approved plan(s). The car parking area and turning areas shall thereafter be retained in accordance with the approved plans and available for use as car parking and turning.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance on promoting sustainable transport contained within the National Planning Policy Framework

- 17) No garages shall be converted to habitable or any other use without the prior permission of the Local Planning Authority.

Reason – To ensure that satisfactory provision is made for the parking of vehicles on site and clear of the highway in accordance with Policy T4 of the South East Plan 2009 and Government guidance on promoting sustainable transport contained within the National Planning Policy Framework.

- 18) Prior to first occupation of the development, a travel plan to reduce dependency on the private car, which shall include clear and unambiguous objectives and modal split targets, together with a time-bound programme of implementation, monitoring and regular review and improvement; shall be submitted to and approved in writing by the Local Planning Authority and thereafter operated.

Reason – In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policy T5 of the South East Plan 2009 and Government guidance on promoting sustainable transport contained within the National Planning Policy Framework.

- 19) Storm flows shall be attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required.

Reason – To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system in accordance with Policy NRM4 of the South East Plan 2009, Policy ENV1 of the adopted Cherwell Local Plan and Government guidance on flooding contained within the National Planning Policy Framework

- 20) A Local Area of Play (LAP) shall be provided in accordance with the Council's adopted policy. Details of the siting and design of the LAP shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and thereafter it shall be provided in accordance with the approved details prior to the occupation of any dwelling

within 30m of the LAP or prior to the occupation of the first 10 dwellings which ever is sooner.

Reason - To ensure the provision of appropriate play facilities to serve the development and comply with Policy CC7 of the South East Plan 2009, Policy R12 of the adopted Cherwell Local Plan and Government guidance on promoting healthy communities contained within the National Planning Policy Framework.

- 21) That prior to the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority

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

- 22) That the all-weather astro turf pitch, lighting, climbing wall and the extension and alteration of the sports hall and changing facilities shall be constructed in accordance with the approved details prior to the first occupation of the units on-site.

Reason - To ensure the provision of the sports facilities to serve the school and community and to comply with Policy CC7 of the South East Plan 2009, Policy R12 of the adopted Cherwell Local Plan and Government guidance on promoting healthy communities contained within the National Planning Policy Framework.

- 23) The surface of the all-weather astro turf pitch shall be finished, and the fencing surrounding the all-weather training pitch shall be constructed in accordance with a specification which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The surface and fencing shall be constructed in accordance with the approved details and retained as such thereafter.

Reason - In the interests of visual amenity and to comply with Policy BE1 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance on requiring good design contained within the National Planning Policy Framework.

- 24) That the playing areas shall not be used between the hours of 21.00 and 08.00.

Reason - To protect the living amenities of the nearby residential properties and to comply with Policy C4 of the South East Plan 2009, Policy ENV1 of the adopted Cherwell Local Plan and Government guidance requiring good design and standards of amenity contained within the National Planning Policy Framework.

- 25) Details of the proposed lighting scheme which shall include column height, luminaire type, positions, aiming angles and shielding of the lighting elements shall be submitted to and approved in writing by the Local Planning Authority

prior to the commencement of the development. The development shall be carried out and thereafter maintained in accordance with the approved details. Once installed the lighting scheme shall be inspected by a qualified lighting engineer and certified as being correctly installed prior to its first use.

Reason – In order to safeguard the amenities of the area and to comply with Policy C4 of the South East Plan 2009, Policy ENV1 of the adopted Cherwell Local Plan and Government guidance requiring good design and standards of amenity contained within the National Planning Policy Framework.

Planning Note

1. You are 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 Water's pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Summary of Reasons for the Grant of Planning Permission and Relevant Development Plan Policies

The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits being of a layout, scale and design appropriate in its context and will not have a detrimental effect on the neighbouring residential amenities. It will not cause harm to the visual amenities of the wider landscape, highway safety or flooding. The proposal, therefore, complies with government guidance contained in, Policies SP3, CC1, CC6, CC7, H1, H2, H3, H4, H5, T1, T4, BE1, NRM1, NRM2, NRM4 and S1 of the South East Plan 2009; Policies H5, R12, TR1, C28 and C30 of the adopted Cherwell Local Plan and Policies BSC1, BSC2, BSC3, BSC4, BSC7, BSC10, BSC11, BSC12, ESD1, ESD6, ESD7, ESD8 and ESD16, of the May 2012 proposed submission draft of the 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 outline planning permission granted subject to appropriate conditions, as set out above.

Mallards

New Street

House

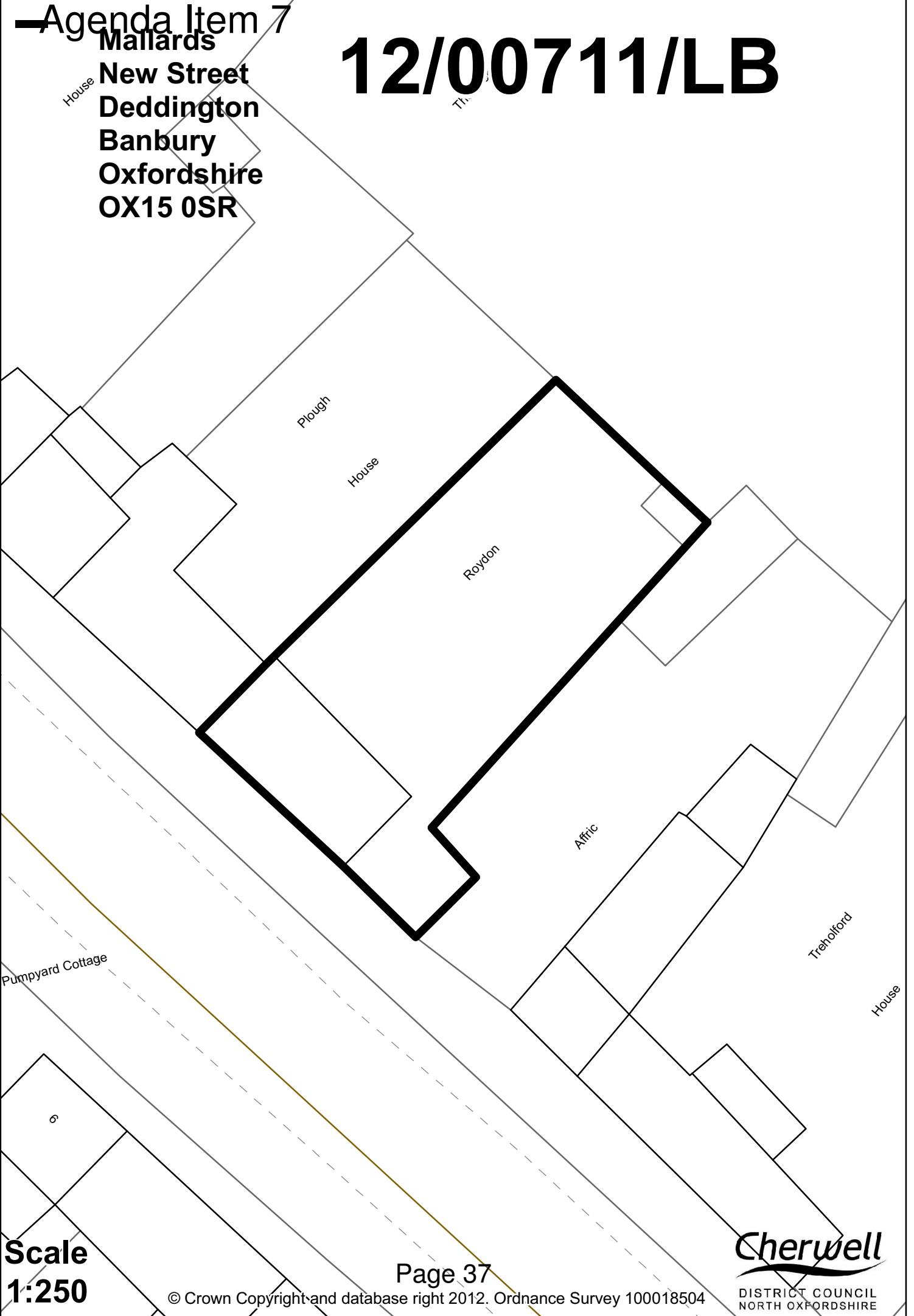
Deddington

Banbury

Oxfordshire

OX15 0SR

12/00711/LB



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12/00711/LB

Mallards

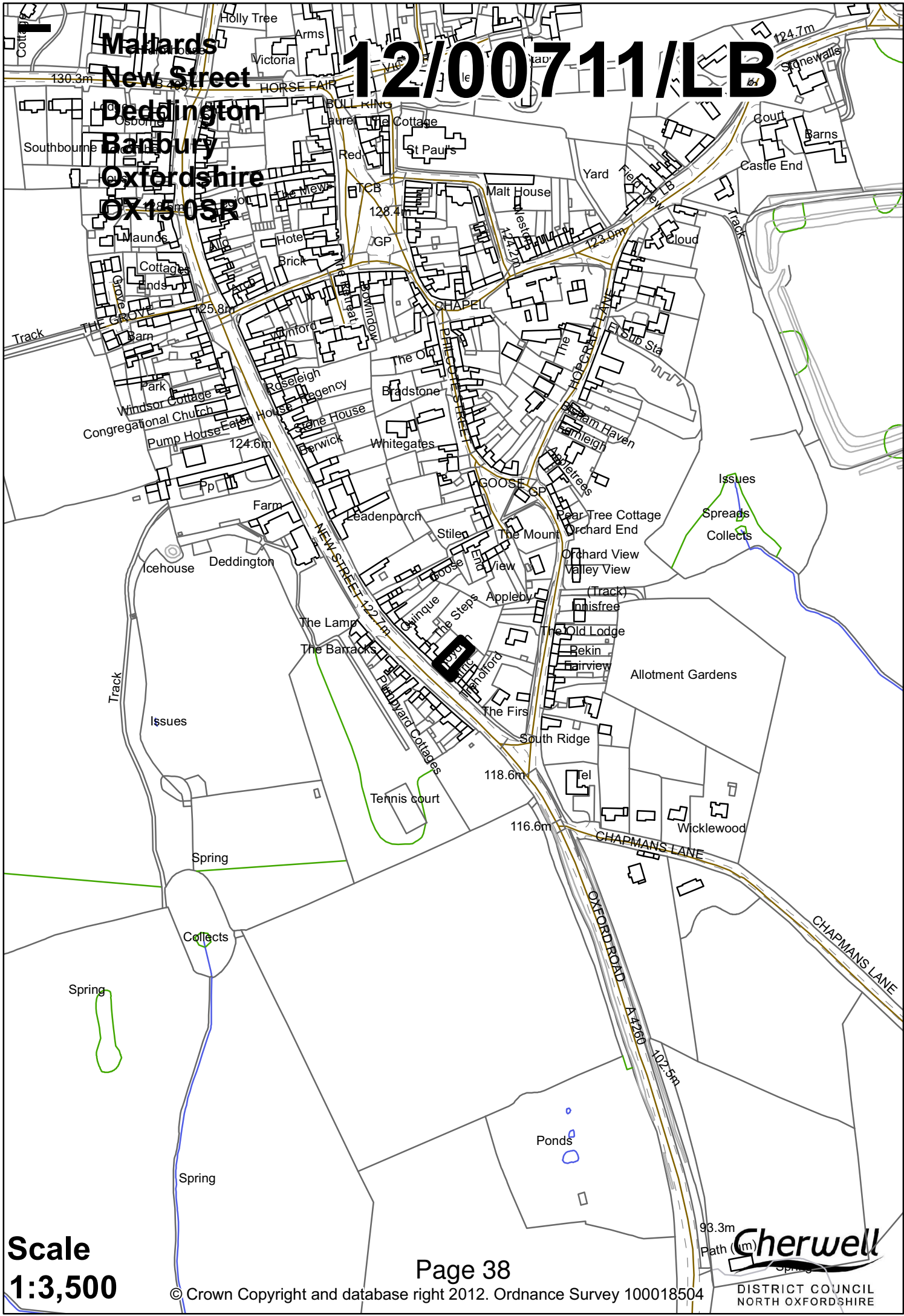
New Street

Deddington

Banbury

Oxfordshire

OX15 0SR



Scale
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93.3m
Path (m)
Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Mallards, New Street, Deddington, Banbury, Oxfordshire, OX15 0SR

12/00711/LB

Ward: Deddington

District Councillor: Councillor O'Sullivan

Case Officer: Caroline Ford

Recommendation: Approval

Applicant: Mr A Morris

Application Description: Demolition of rear porch and derelict garden outbuildings; construction of two storey rear extension; improved access to existing parking area including covered area; fitting of satellite dish; internal alterations; replacement windows to dwelling and new roof light

Committee Referral: Member Request

1. Site Description and Proposed Development

- 1.1 Mallards is an end of terrace, grade II listed stone built property with a tile roof. The property is situated on the main street through Deddington and is within the conservation area and amongst other listed buildings including the grade II* listed Plough House next door. The site may have some archaeological potential and is also potentially contaminated; however there are no other site constraints.
- 1.2 The application seeks listed building consent for the demolition of a rear porch and derelict outbuildings and it is proposed to construct a two storey rear extension, improve the access to the parking area and to cover this to create a car port, the fitting of a satellite dish, internal alterations, the insertion of a roof light and the change of all existing windows.
- 1.3 Amended plans have been received through the processing of the application to re-position the extension slightly (by 1m) further towards the centre rear of the property and the width of the extension has also been reduced by 0.55m. The window arrangement has also been re-considered. The amended plans therefore show the two storey rear extension would project 5.2m from the rear of the existing dwelling and would be 5.1m in width. The extension would be set down from the ridge of the main dwelling and so appear subservient. The work to the parking area would involve the raising of the existing stone wall forming the front boundary, the removal of part of a stone wall to the side and again raise the section of wall that would remain and to insert an oak frame to cover the parking area forming a car port type structure. The satellite dish would be installed to the side of the existing dwelling. The proposal also includes replacing the existing windows to timber casements, the insertion of a roof light and internal alterations, which include removing a 1970's fireplace, exposing original ceiling beams in the lounge, replacing internal doors, replacing the balustrades and removing some plaster to expose original features.
- 1.4 A full planning application accompanies this listed building consent application (12/00732/F refers).

1.5 There is no planning history associated with this property.

2. Application Publicity

2.1 The application has been advertised by way of site notice and press notice. The final date for comment was the 23rd August 2012 (the application has been advertised twice, in relation to the original and then the amended plans).

3 letters were received to the original plans. The following Issues were raised:

Material planning comments:

Unacceptable adverse impact on the character of a listed building, on the Deddington Conservation area and on amenities of neighbouring properties

Reference made to the Conservation area appraisal

Consider proposal will not be sympathetic to the existing building as it is not in scale

Consider design and access statement is flawed – proposal will be larger and taller than extensions attached to neighbouring properties.

Extension will impinge on Plough House

Proposal would alter the pattern and erode the intrinsic character of the settlement and do nothing to protect the view.

Concern about removal of exterior sheds. Nearby sheds should not be harmed by the demolition of the corrugated shed.

Other building forms an outside toilet and its removal goes against conservation area appraisal

Affric House faces towards Mallards. Design guide suggests a distance of 14m between a habitable room window and a blank elevation and the proposal is 11-12m. All habitable room windows other than 4 window/ door openings face in this direction.

These doors and windows are main source of natural light (albeit light from the north). Light will be severely reduced by the proposal. Roof ridge will be 2m higher than Affric House (Mallards garden is 1m above Affric House)

Removal of wall to front seems to serve no purpose other than changing the street scene. Loss of this wall would go against the Conservation area appraisal to retain traditional boundary walls

Plans state that the application will provide improved disabled access.

There are existing steps throughout and the plans show there will be steps within the new building. If ground floor accommodation is needed, why is an en-suite bedroom provided at first floor? New rear doorway is positioned in such a way that it is unlikely to be easier for a disabled person

Extension does not appear to be minor or sympathetic to the dwelling
Proposal will block sunlight and daylight currently enjoyed by Affric House and be overbearing and out of character

If approved, planners will have gone against policy and guidance.

Proposal represents overdevelopment of what is a small house and loss of a large part of a small garden

Height of extension would affect the amount of light available to the rear part of the garden of Plough House

Non material comments:

View from Affric House will be lost
Owners of Mallards have a right of access over the bottom of the driveway of Affric House to the former barn that currently forms a parking space

2 letters have been received to the amended plans. Additional points over those outlined above are:

Intrusive in conservation area
An extension of this scale would impact by its sheer height
Immensely detrimental impact to the two neighbours either side
The matter of the boundary between Mallards and Affric House is currently under dispute. Could this decision be deferred until this issue is resolved?
Use of this parking area for two cars may involve driving close to the wall of Affric House by windows to enter this area. If car parked outwards then windows would shine into habitable room windows.
Parking area roof appears to be inappropriate and there is no other feature similar to this.
No reason to demolish outside privy. That in the rear of Plough House and The Steps are still in place. These are an important part of maintaining the history of the cottages.
Accuracy of the plan for the shed questioned as this seems to suggest access will be from garden of Affric House
Extension may have been reduced but is still no sympathetic to the existing building. It is still 40% the size of the original house and far bigger than those attached to the neighbouring Plough House
Reinforce that proposal will be 13m from all habitable room windows in Affric House

3. Consultations

3.1 **Deddington Parish Council:** To the original plans, the Parish Council objected on the grounds that Affric, the neighbouring property directly faces the side and rear of Mallards with all windows facing the proposed extension. The Parish Council considers that the new two storey extension with its high roof line would cause an overbearing impact on Affric restricting light to a large proportion of the property. Part of the application is to create better access to a parking area. The Parish Council considers that the demolition of parts of the existing walls and the proposal to put a timber structure on this area would not be in keeping with the properties Grade II listed status and would be detrimental to the look of the conservation area.

To the amended plans, the Parish Council continue to object on the same grounds as set out above.

Cherwell District Council Consultees

- 3.2 **Conservation Officer:** Concerns raised to the original scheme. No objection subject to conditions to the amended scheme

Oxfordshire County Council Consultees

- 3.3 **Highways Liaison Officer:** No objection subject to a condition
- 3.4 **Archaeologist:** Unlikely to be any impact, planning note could be used

Other Consultees

- 3.5 **English Heritage:** The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)
C18: Development proposals affecting a listed building

South East Plan 2009
BE6: Management of the historic environment

4.2 Other Material Policy and Guidance

National Planning Policy Framework

5. Appraisal

- 5.1 The key issues for consideration in this application are:

- Character and significance of the listed building

Character and significance of the listed building

- 5.2 The NPPF requires an assessment of the impact of a development on the character and significance of a designated heritage asset. Policy C18 of the adopted Cherwell Local Plan relates to applications for listed building consent and states that the Council will normally only approve external alterations or extensions to a listed building which are minor and sympathetic to the architectural and historic character of the building.
- 5.3 The proposed extension is a relatively large extension to the listed building. A comparison of the additional accommodation reveals the percentage increase is approximately 37% and therefore given the property has not been extended

before, it is considered that this could represent a minor addition to the listed building. The extension in its amended design is in a traditional form, with a rear projecting gable and which is slimmer in width than originally proposed and is considered to be an acceptable design for the dwelling and its grade II listed status. The fenestration pattern is also more traditional and other detailing has been included such as stone corbels which enhances the appearance of the extension and its suitability to be attached to a listed building. The materials to be used would match those used on the main dwelling and conditions can be recommended to ensure that the work is finished to an acceptable standard. It is considered that the proposed extension forms a minor and sympathetic addition to the listed building which will not harm the significance of the building or detract from its overall importance.

- 5.4 The work to the boundary wall and the covered parking area is considered to be acceptable. The original intention was to remove some of the boundary wall; however this was considered to be unsympathetic and so would have affected the significance of the building. The amended plans therefore include this wall retained in its current form to the front elevation and increased in height. The side wall will result in some loss of fabric, but this is a limited extent and will not harm the overall significance of the building. Further, the addition of the covered parking area should not harm the character of the building and details of this have been requested via condition.
- 5.5 The satellite dish is to be positioned in an unobtrusive location to the rear of the building and given that this is a removal feature, it will not cause serious harm to the character or historic fabric of the listed building.
- 5.6 The internal alterations relate mainly to works that appear to have been carried out in the 1970s and as such, these alterations are unlikely to result in the loss of any historic fabric and so are unlikely to harm the character of historic significance of the listed building.
- 5.7 The change of windows is considered acceptable as the existing windows are in some cases uPVC. The proposal was originally to use uPVC casements throughout, which the applicant was advised was not acceptable and as such timber casements are now proposed, which constitute an acceptable window material for a listed building and the detail of these can be requested via condition. This alteration will enhance the character and significance of the listed building.
- 5.8 The insertion of the roof light to the rear elevation is considered to be acceptable and is placed in an unobtrusive location that will not harm the significance of the building.
- 5.9 The loss of the existing outbuildings, particularly the privy to the rear of the property is a regrettable loss and the Conservation Officer advises that these features, whilst not of any particular architectural merit, is part of the history of the building and says much about the life style of previous residents. It is also noted that neighbouring properties retain these features. Whilst the loss of this feature and the historic fabric is unfortunate, it is not considered that this outbuilding contributes greatly to the significance of the listed building overall and the Conservation Officer has not objected to the loss and so it is not considered that the loss could be resisted. As such, whilst this alteration is

unfortunate, it does not harm the building so significantly that it detracts from its overall importance.

5.10 The comments of the third parties are noted and have been addressed within this appraisal or within the accompanying appraisal for full planning permission.

5.11 Conditions have been recommended to ensure the development is carried out to an acceptable standard.

Conclusion

5.12 As has been demonstrated within this appraisal, the proposal is considered to be an acceptable form of development that will not cause serious harm to the character or historic significance of the listed building. As such, the proposal complies with the above mentioned policies and is recommended for approval as set out below.

6. Recommendation

Approval, subject to the following conditions:

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

Reason – To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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: application forms, design and access statement, schedule of works, photographs and amended drawing numbers 32.11 B 'Existing and proposed elevations, floor plans, section and site plans', 32.11B 'Proposed timber outhouse' and 32.11A 'Improved access to parking area and removal of outhouse' all received in the department on the 16 July 2012 with agent's letter of the same date.

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 The National Planning Policy Framework.

3. That the external walls of the extension and the raised boundary walls to the side of the dwelling surrounding the covered parking area shall be constructed in natural ironstone which shall be laid, dressed, coursed and pointed in accordance with a sample panel (minimum 1m² in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority prior to the construction of the development hereby permitted.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Government advice in The National Planning Policy

Framework, Policy BE6 of the South East Plan 2009 and Policy C18 of the adopted Cherwell Local Plan.

4. That samples of the tiles to be used in the covering of the roof of the extension 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 samples so approved.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Government advice in The National Planning Policy Framework, Policy BE6 of the South East Plan 2009 and Policy C18 of the adopted Cherwell Local Plan.

5. That full design details of the windows, doors (which shall be timber) and roof lights (the roof lights shall be conservation grade), including details of the elevations, glazing and a cross section at a scale of 1:20 and an indication of the colour/ finish shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Government advice in The National Planning Policy Framework, Policy BE6 of the South East Plan 2009 and Policy C18 of the adopted Cherwell Local Plan..

6. That full design details of the roof to the covered parking area shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Government advice in The National Planning Policy Framework, Policy BE6 of the South East Plan 2009 and Policy C18 of the adopted Cherwell Local Plan..

7. That lime mortar shall be used in the construction and/or repointing of the extension and boundary wall.

Reason - To ensure appropriate materials are used which preserve the listed building and to comply Policy BE6 of the South East Plan 2009 and Policy C18 of the adopted Cherwell Local Plan.

8. Any making good to the internal walls shall be made good using lime plaster and permanently so retained thereafter.

Reason - To ensure appropriate materials are used which preserve the listed building and to comply Policy BE6 of the South East Plan 2009 and

Policy C18 of the adopted Cherwell Local Plan.

9. All new works and works of making good shall be carried out in materials and detailed to match the adjoining original fabric except where shown otherwise on the approved drawings.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Government advice in The National Planning Policy Framework, Policy BE6 of the South East Plan 2009 and Policy C18 of the adopted Cherwell Local Plan.

Planning notes

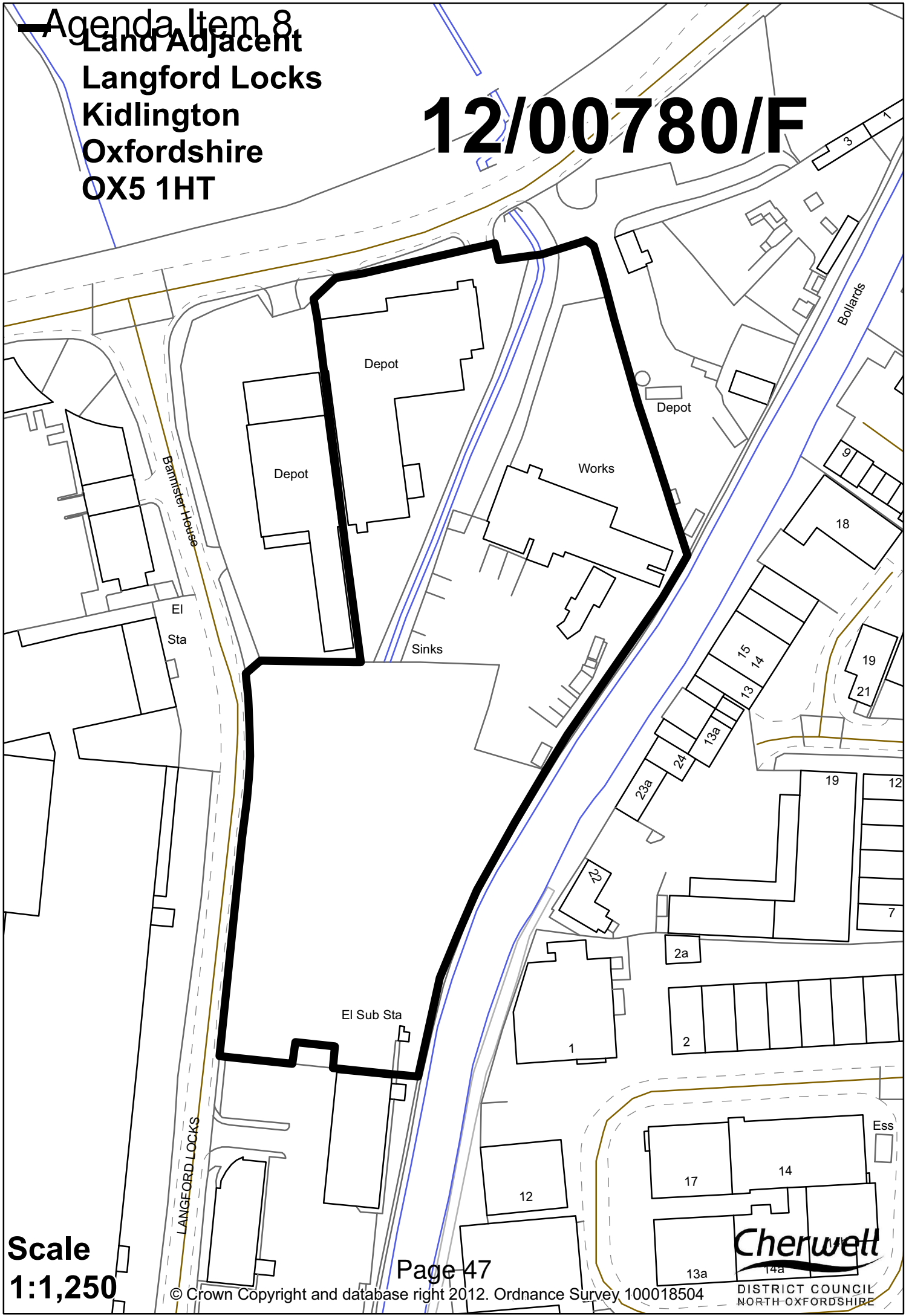
1. The applicant is reminded that this building is included in the Statutory List of Buildings of Architectural or Historic Interest, and no works to the exterior or interior of the building, which materially affect the character may be carried out without the prior express consent of the Local Planning Authority (given through the submission of an application for, and subsequent grant of Listed Building Consent). This consent gives approval only to those works shown on the plans and details submitted to and approved in this application.
2. The applicant is further reminded that the carrying out of unauthorised work to a listed building is an offence, punishable by a fine, imprisonment or both, as detailed in Section 9 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

SUMMARY OF REASONS FOR THE GRANT OF LISTED BUILDING CONSENT AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, Government advice contained within the National Planning Policy Framework (March 2012) and the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its merits as the proposal is considered to be sympathetic to the architectural and historic character and significance of the historic asset. As such the proposal is in accordance with the National Planning Policy Framework, Policy BE6 of The South East Plan and Policy C18 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 listed building consent granted subject to appropriate conditions, as set out above.

Agenda Item 8
Land Adjacent
Langford Locks
Kidlington
Oxfordshire
OX5 1HT

12/00780/F

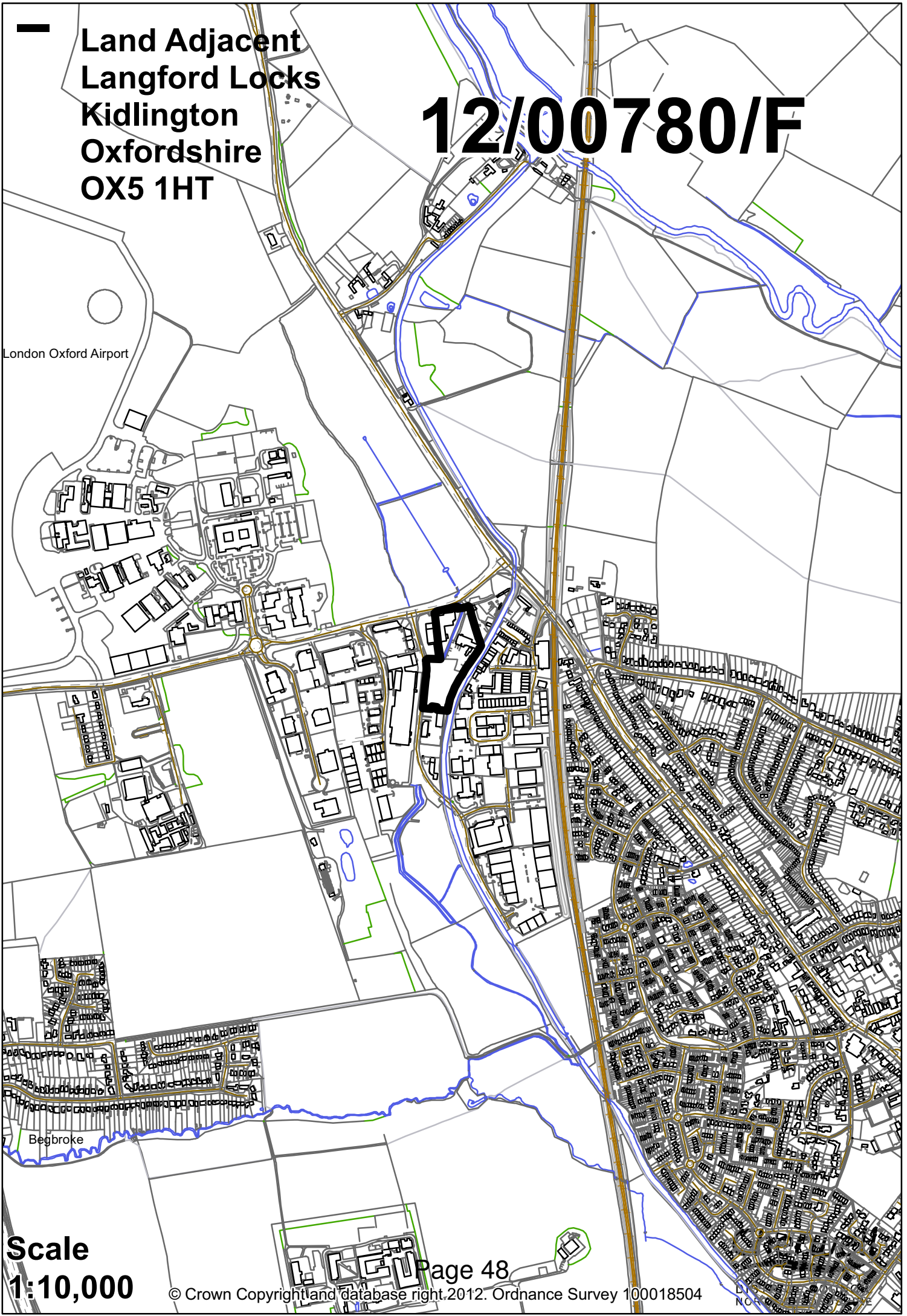


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**Land Adjacent
Langford Locks
Kidlington
Oxfordshire
OX5 1HT**

12/00780/F

London Oxford Airport



**Scale
1:10,000**

Page 48

Ward: Kidlington North

Case Officer: Tracey Morrissey Recommendation: Approval

Applicant: Moss Plastic Parts Ltd

Application Description: Erection of warehouse and associated site works

Committee Referral: Major

1. Site Description and Proposed Development

- 1.1 This application relates to an irregular shaped 1.7 hectare site located on the southern side of Langford Lane and eastern side the Langford Locks approach road between Moss Plastics and Oxford Canal. The surrounding area is populated by a heavy mix of two and three storey B1, B2 and B8 use. The site currently accommodates a two-storey office building (St George's House) and storage buildings and parking to the rear; the former Tarmac site to the north-east (both accessed off Langford Lane) and the former JA Pye development land which is used partly as car parking to the south (accessed off Langford Locks).
- 1.2 The site measures approx 225m long and at its widest point 80m wide with the land sloping upwards approx. 1m from Langford Lane (north) to the south of the site. To the east is Oxford Canal which flows to the south, with a narrow footpath running between the canal and the site. A minor watercourse, Thrupp Ditch runs through the northern part of the site and is culverted beneath the southern part of the site. Also within the site is an electricity substation and foul sewer and pumping station. Rushy Meadows SSSI is located SW of the site.
- 1.3 This application follows a series of permissions on the site which are outlined in the history below, however apart from Phase I, none of Phase II consents have been implemented. This current application seeks consent to construct a building with a gross floor area of 3060 sq.m for warehouse B8 use with associated site works which include carparking, cycle storage and yard, and will be used by Moss Plastic Parts Ltd, which are located opposite the site. The St. George's office building is to be retained and the former Tarmac site remain vacant.
- 1.4 The application has been supported by a Design and Access Statement dated May 2012 and updated 16th August, Transport Assessment dated May 2012, Phase I Habitat Scoping Survey and Protected Species Assessment dated June 2011 and Reptile Survey report dated July 2011, BREEAM Industrial 2008 pre-assessment report dated 11th May 2012, Site Investigation Report dated October 2010 and Arboricultural Survey dated May 2012.

2. Application Publicity

- 2.1 The application has been advertised by way of site notices and press notice. The final date for comment was the 16th August 2012. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Kidlington Parish/Town Council: Raises no objection but questions the cycle racks on the Canal towpath and has a concern to see the preservation of the hedge.

Cherwell District Council Consultees

- 3.2 Landscape Officer: The building is simply too close to the canal and too large for the location. It is also at a different angle to the surrounding buildings, all of which follow the alignment of the road. It is shoe horned into the site, leaving very little green space. The landscaping is very minimal. There is a large vehicular hardstanding with a very narrow strip of landscaping only 2m wide which is inadequate to screen the vehicular area.

The hedge should be retained and the building moved further away from the canal.

- 3.3 Ecologist : No objection subject to conditions. No evidence of any protected species was found on the site. It appears from the layout plans that the hedgerow alongside the canal will be removed as part of the development. This hedgerow will provide a valuable foraging and commuting route for bats alongside the canal and it should be retained if at all possible. It is also likely to be used by nesting birds, as is other scrub and trees around the site. Three large oak trees around the culvert are due to be removed as part of the development. These trees were assessed as having moderate potential for roosting bats, but were not surveyed further. Given their bat potential, they should be properly surveyed before being felled. This assessment could take place immediately before felling once the ivy has been removed to reveal any cavities, which could then be inspected by a suitably qualified bat consultant. If bats are found, the felling will need to be delayed until they have left and alternative roosting opportunities provided. A brief methodology detailing how the trees will be checked for bats prior to removal should be submitted before any works start.

The non-native and invasive species *Cotoneaster horizontalis* was found to be present on the site. This requires careful extraction and removal by suitably experienced contractors to stop it spreading off-site.

- 3.4 Biodiversity and Countryside Officer: The Oxford Canal towpath (Kidlington Footpath No 33) runs adjacent to the eastern boundary of the site, but outside its curtilage. No diversion or stopping up of the public right of way would be required to enable this development.

However, it appears from the layout plans that the hedgerow alongside the canal will be removed as part of the development. The removal of this hedgerow, together with the size of the new building and the fact that its north eastern corner will be so close to the towpath, will adversely affect the amenity value of the path and the enjoyment of its users.

- 3.5 Environmental Protection Officer: comments awaited

- 3.6 Anti-social Behaviour Manager: Raises no objections

Oxfordshire County Council Consultees

- 3.7 Highways Liaison Officer: No objection subject to conditions and a developer contribution of £38,673 towards transport infrastructure in Kidlington as part of a legal agreement.

- 3.8 Archaeologist : The site lies in an area of some Archaeological interest, however from

the details supplied it would seem unlikely that the small scale nature of the proposals would justify and Archaeological response. However, the possibility of finds occurring during the construction should be borne in mind by the applicant. If archaeological finds do occur during development the applicant is asked to notify the County Archaeologist in order that a site visit may be made or otherwise advise as necessary.

- 3.9 Minerals and Waste Officer: Raises no objection on the grounds of minerals sterilisation.

Other Consultees

- 3.10 Thames Water: Raises no objection
- 3.11 Environment Agency: Previous objection regarding culvert has now been removed and therefore no objection subject to conditions.
- 3.12 Canal & Rivers Trust: Previous objection regarding proximity of building to canal has now been removed and therefore no objection. Seeks developer contributions of £10,500 to be paid to British Waterways for towpath improvements in the area. This sum would be used to help mitigate against any increase in maintenance costs as a result of additional usage by those using the towpath to access the site.
- 3.13 Natural England: Raises no objection
- 3.14 London Oxford Airport: Raises no objection

4. Relevant National and Local Policy and Guidance

- 4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- C1: Nature conservation
- C2: Protected species
- C4: Ecology – habitat creation
- C5: Ecology – protection along the Oxford canal and river Cherwell
- C14: Trees and landscaping
- C28: Layout, design and external appearance of new development
- ENV7: Water quality
- ENV12: Contaminated land
- TR1: Transportation funding
- EMP3: Employment generating development

South East Plan 2009

- CC1: Sustainable development
- CC2: Climate change
- CC4: Sustainable design and construction
- CC6: Sustainable communities and character of the environment
- CC7: Infrastructure and Implementation
- RE1: Contributing to the UK's long term competitiveness
- RE3: Employment and land provision
- RE5: Smart growth
- T4: Parking
- T5: Travel plans and advice
- NRM2: Water quality

- NRM4: Sustainable flood risk management
- NRM5: Conservation and improvement of biodiversity
- BE1: Management for an urban renaissance
- BE2: Suburban intensification

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Cherwell Local Plan – Proposed Submission Draft (May 2012)

The draft Local Plan is out for public consultation and although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

- SLE1: Employment development
- ESD1: Mitigating and adapting to climate change
- ESD3: Sustainable construction
- ESD7: Sustainable Drainage Systems
- ESD8: Water resources
- ESD10: Protection & Enhancement of Biodiversity & the Natural Environment
- ESD16: Character of the Built Environment
- ESD17: The Oxford Canal
- INF1: Infrastructure

Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it can be considered as a material planning consideration. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

- EMP4: Existing Employment Sites
- TR5: Road Safety
- TR11: Parking
- TR9: Cycle Parking
- TR4: Mitigation Measures
- EN24: Protection of sites and species
- R14: The Oxford Canal and River Cherwell
- D3: Local distinctiveness
- D5: Design of the public realm

5. Appraisal

5.1 The key issues for consideration in this application are:

- policy context
- history and principle of development
- design, layout and amenity
- highways
- ecology
- sustainability

Policy context

- 5.2 Since Members resolved to approve the last application on this site (Sept 2011), the National Planning Policy Framework (NPPF) has been published and is now a material consideration. The main theme of the NPPF is a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicated development should be restricted.
- 5.3 With regard to the acceptability of the proposal in principle, the NPPF states that the government is committed to securing economic growth in order to create jobs and prosperity and to ensuring that the planning system does everything that it can to support sustainable economic growth. It continues by stating that Local Planning Authorities should plan proactively and investment in business should not be overburdened by the combined requirements of planning policy expectations, and that potential barriers to investment should be addressed.
- 5.4 This site is classified an existing acceptable employment site in both the Adopted and Non-Statutory Cherwell Local Plan 2011. Policy EMP3 of the Adopted Cherwell Local Plan and EMP4 of the Non-Statutory Cherwell Local Plan 2011 are criteria based and seek to avoid harm to the character and appearance of the locality, residential amenity, highway safety and visual impact.

History and principle of development

- 5.5 The site and adjacent site has been of interest to commercial developers for a number of years and there have been various schemes for developing the site and surrounding land for office and light industrial use, the most recent of which include:
- 02/01950/OUT – 2 storey B1 building. Approved
- 05/02266/OUT – construction of 4650 sq.m B1 office development. Approved
- 06/00263/OUT – 2 storey B1 building (renewal of 02/01950/OUT). Approved
- 07/01426/F – 2 no. 3 storey office buildings. Approved
- 08/00852/F – 2 no. 3 storey office buildings (resubmission of 07/01426/F – revised siting). Approved
- 11/00906/F – Erection of 4 no. 2 storey buildings for B1, B2 or B8 use. Approved
- 12/00091/F – Erection of 2 no. light industrial buildings for a mix of B1, B2 and B8 uses. Withdrawn
- 5.6 Taking the above history into account, it is considered that the principle of commercial development remains acceptable. The further acceptability of the principle is also informed by the detailing of the scheme; the landscaping, highway safety issues, materials and relationship to the character of the context of the site and mitigation measures in respect to ecology.
- 5.7 Also material to this case is the market, as no development has taken place since the last approved scheme in 2008, it is clear that there is no overriding demand for B1 office accommodation within the locality. The most recently approved consent

allowed for flexible commercial accommodation to be used for B1, B2 and B8 occupiers in order to attract the redevelopment of this site.

- 5.8 However, the land has now been sold to Moss Plastic Parts Ltd, who have occupied the site opposite since the 1950's and currently employ 160 people and is a dedicated manufacturing site in the UK. The proposal seeks to provide a further building to be used as a warehouse for the business and will create an additional 10 no. jobs as a consequence.

Design, layout and amenity

- 5.9 The application has been amended taking into account concerns about its proximity to the Oxford canal. The building has been narrowed and now measures 72m (l) x 42m (w) x 15.2 (ridge height) and has been orientated to relate to the eastern boundary of the development site and set-back a minimum 10 metres from the footpath to Langford Locks and 7 metres from the Oxford Canal towpath. A triangular shaped area of land is formed to the north-west for operative and visitor car parking, and an open delivery yard to the south. The layout achieves a sense of openness when entering Langford Locks and although there is limited scope for landscaping to soften the development a landscape scheme shall be conditioned.
- 5.10 The concerns about the loss of the eastern boundary hedgerow along the canal side have been noted by the applicant, who has confirmed that the existing hedgerow is to be retained and enhanced, thus reducing the impact on the canal. Notwithstanding the proposed repositioning, the applicant's agent has advised that the neighbouring office building is actually positioned nearer to the canal and whilst 14.6m to the ridge, given the topography (approx 1m difference between the sites), the proposed development will be on a lower level.
- 5.11 The building design includes the use of different cladding materials and introduction of large windows, the roof has been designed with a single span, low pitch roof to minimise the height of the development, while ensuring a clear 11 metres is provided to underside of steel frame to allow for racking (storage) requirements. The dark panel below the eaves will reduce the massing of the building, the roofs are grey profiled cladding at a shallow pitch. The design and choice of uniform material is contemporary but respectful of neighbouring buildings and context and appropriate landscaping will enhance the site and provides an acceptable form of development within this industrial and commercial site context.
- 5.12 The GIA proposes 3060 sq.m of ground floor area with an additional 460 sq.m being created by a mezzanine above the loading bays for additional storage and office accommodation. Five sectional loading bay doors are provided and access is afforded into the building via a glazed lobby to the east corner of the building.
- 5.13 The seating areas with cycle-stands along the canal towpath have been removed following concerns by The Canal & Rivers Trust and Parish Council. Access to the canal will be via bespoke design gates that will contribute towards a public art feature.
- 5.14 Policy C5 of the Adopted Cherwell Local Plan and NRM5 of the South East Plan 2009 seek to protect and where appropriate enhance the Oxford Canal and biodiversity measures, and supports enhanced public access and opportunities for recreation amenity provided by canal corridors. It is considered that the proposal now amended to reposition the building further away from the canal towpath, would not result in a detrimental impact on the amenity of the Oxford Canal and is therefore acceptable in this regard.

Highways

- 5.15 The National Planning Policy Framework seeks to promote sustainable transport and provide safe and suitable access to the site, whilst Policy TR4 of the South East Plan 2009 seeks to ensure standards of road safety and parking provision are maintained, encouraging alternative methods of transport and the provision of cycle parking to OCC standards and seek developer contributions towards infrastructure and transport funding.
- 5.16 The application proposes two vehicular accesses into the site and proposes 23 car parking spaces and two disabled spaces which complies with car parking standards for a warehouse. The submitted detail states that 6 cycle parking spaces will be provided, however these are not shown on plans. According to cycle parking standards 4 cycle parking stands must be provided for visitors and 7 stands for employees (1 stand = 2 cycle parking spaces). All cycle parking should be conveniently located close to building entrances and secure, therefore this detail will be conditioned for submission and approval.
- 5.17 Vehicle access and hard-standing areas are proposed to comprise tarmac, block paving and concrete. Due to the high water table, soakaways are not proposed. Therefore details of the proposed drainage scheme shall be conditioned for submission and approval.
- 5.18 Access to the site by a variety of modes of travel is considered in the Transport Statement. The proposed building will be used by 30 members of staff. Each staff member will travel to and from the site each day, and the site will receive no external visitors.
- 5.19 The Highways Liaison officer has advised that it is unclear how many deliveries and HGV trips will be generated, nor the overall peak hour traffic generation. No information has been submitted on road collisions in the vicinity of the site. This additional information has been requested and further comment on this matter will be reported. Also if B8 use is to be approved by the Local Planning Authority the Local Highway Authority would require a Routeing Agreement for HGV traffic to prevent HGV movements via Kidlington.
- 5.20 The Transport Statement indicates that a Travel Plan will be made available to staff. Given the floor space of the proposal, a Travel Plan Statement must be submitted for consideration and approval prior to first use of the site.
- 5.21 Transport contributions towards transport infrastructure and services within Kidlington are sought via a legal Agreement. In line with Cherwell District Council's draft SPD the required figure for transport contributions is £38,673 (index-linked).
- 5.22 A construction traffic management plan will be required for consideration to cover details of contractors parking areas and ensuring that there will be no parking on the highway nor any damage caused to the highway or mud carried out onto the highway. Also deliveries should avoid peak hour traffic.
- 5.23 Subject to the submission of additional detail through conditions, it is considered that the proposal is acceptable and will not cause harm to highway safety.

Ecology

- 5.24 NPPF – Conserving and enhancing the natural environment requires that “the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more

resilient to current and future pressures” (para 109).

- 5.25 Paragraphs 192 and 193 further add that “The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question”. One of these requirements is the submission of appropriate protected species surveys which shall 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. 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. This is a requirement under Policy EN23 of the Non-Statutory Cherwell Local Plan 2011.
- 5.26 Paragraph 18 states that “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- “if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”
- 5.27 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.
- 5.28 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.
- 5.29 It is clear that ecological matters are a material consideration that requires up-to-date assessment under the Wildlife and Countryside Act. Consideration is needed to be given on the impact of a development upon protected species and their habitats. No protected species have been identified on the site and Natural England and the Ecology Officer have been duly consulted, their comments have been taken into account and form the basis of the ecology conditions. In respect to water voles, this particular part of the canal is used as residential moorings and the bank is concreted along this stretch, it is therefore unlikely to harbour water voles. .
- 5.30 With regard to impacts on the nearby SSSI, Natural England raises no concerns subject to conditions. Suitable landscaping will be incorporated into the site to provide opportunities for biodiversity. Consequently 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 the National Planning Policy Framework and Policy C2 and C4 of the adopted Cherwell Local Plan.

Sustainability

- 5.31 The NPPF seeks the delivery of development which is not only of a high-quality in design terms, but also places a strong emphasis on sustainable development.
- 5.32 The developer of this scheme is committed to the sustainable design, construction and use of these buildings; making the most use of passive gains, incorporating innovative thinking, innovative design and construction techniques to provide highly insulated and air-tight buildings, which can significantly reduce the environmental impact of the construction and use of the buildings as well as offer materially reduced energy consumption in-use. A BEEAM rating of Very Good can be achieved which takes account of land use and ecology, materials, energy, water, transport, waste, pollution, health and well being and overall management of the site.
- 5.33 It is considered therefore that the proposal accords with the intention of the government with regards to sustainable development and provides an opportunity to demonstrate modern development that contributes to sustainable economic growth.

Developer Contributions

- 5.34 As the application is a major development there is a potential for developer contributions to mitigate the impact of the proposal and in this case on transport infrastructure in Kidlington. The County Council has requested a sum of £38,673 towards the necessary transport infrastructure and the applicant has agreed to this and therefore this will be secured through the necessary legal agreement.
- 5.35 Also to be secured through the legal agreement is £10,500 to be paid to The Canals & Rivers Trust, for towpath improvements a smaller figure was sought previously and agreed given that the canal is a sustainable transport corridor and a place for recreational use by future occupiers of the proposed development, this increased amount takes account of the increase in size of building.

Conclusion

- 5.36 Taking the above consideration into account as well as the development plan, the proposal is considered to be an acceptable type, form and scale of development which is appropriately designed for the character and context of the site. It is a way forward to develop this acceptable employment site that delivers sustainable economic development. Notwithstanding that, the proposal responds well to the constraints of the site; it will not cause harm to ecology, amenity nor will it have a detrimental impact on highway safety or amenity of the Oxford Canal. The proposal is therefore acceptable and complies with the relevant development plan policies.

6. Recommendation

Approval, subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined in paragraph(s) 5.34 and 5.35
- b) the following conditions:

1) Time

2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the documents submitted with the application and the following drawings: M901P1 and amended drawing nos. D001P5, D002P4, D202P6, D201P7 received 17/08/12.

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 government guidance contained within The National Planning Policy Framework

3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter unless agreed in writing with the local planning authority.

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

4) That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping and landscape management of the site which shall include:-

- tree and hedgerow protection measures
- details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- details of the hard surface areas, walls, trellis screens, pavements, pedestrian areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area and to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

5) That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

6) The protection of any existing tree to be retained in accordance with the approved plans and particulars shall be achieved as follows:

- no equipment, machinery or material shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with plans and particulars which shall have been previously approved under condition no. 3 by the Local Planning Authority in writing;
- if that fencing is broken or removed during the course of carrying out the

development, it shall be promptly repaired or replaced in accordance with the approved plans and particulars;

- the fencing shall be maintained in position during the course of construction and until all equipment, machinery and surplus material has been moved from the site;
- within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of on above or below the ground, the ground level shall not be altered, no excavation shall be made, nor shall any fires be lit, without the prior written consent of the Local Planning Authority; and
- no tree to be retained in accordance with the approved plans and particulars shall be cut-down, up-rooted, topped, lopped or destroyed, nor any hedge within the site cut down or grubbed out without the prior approval in writing by the Local Planning Authority.

Reason - In the interests of the visual amenities of the area and to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

7) Prior to the commencement of any works on the site, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason - To ensure that the existing trees and hedgerows are retained in a safe and healthy condition and are not adversely affected by construction works, in the interests of visual amenity and to comply with Policy C28 of the adopted Cherwell Local Plan.

8) Before the development is first occupied the access road, parking and manoeuvring areas shall be provided in accordance with the plan (D001-P5) hereby approved and shall be constructed, laid out, surfaced (bound material), drained (in accordance with SUDS) in accordance with full details which shall be submitted for approval in writing by the Local Planning Authority and shall be completed and retained unobstructed except for the access, parking and manoeuvring of vehicles at all times.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction, layout and drainage for the development and to comply with government guidance contained within The National Planning Policy Framework

9) That prior to the first occupation of the development hereby approved full details shall be submitted for the prior approval in writing of the Local Planning Authority of the cycle parking facilities and refuse facilities and thereafter these facilities shall be fully implemented as approved. These facilities shall be constructed and made available for use prior to the occupation of the development and retained unobstructed thereafter.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with government guidance contained within The National Planning Policy Framework.

10) Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority, the drainage scheme shall incorporate oil interceptors in conjunction with permeable paving in the car parking areas. The approved surface water and foul sewage drainage schemes shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the

Water Authorities Association's current edition "Sewers for Adoption".

Reason - The groundwater in the alluvium is likely to be shallow and we need to prevent the direct discharge of dissolved or free phase hydrocarbons to groundwater. Therefore surface water run off from large car parks should pass through an oil interceptor and a suitable unsaturated zone should be maintained between the base of any soakaway and the water table. Also to ensure satisfactory drainage of the site in the interests of public health, ecology and to avoid flooding of adjacent land and property and to comply with Policies C1 and ENV7 of the adopted Cherwell Local Plan and Government guidance contained within The National Planning Policy Framework

11) Prior to the commencement of the development and notwithstanding condition no. 17, a further survey shall be carried out to investigate the presence or otherwise of water voles, the survey and results shall then be submitted to the Local Planning Authority and if water voles are found to be present alongside the site, appropriate mitigation measures shall be agreed and implemented prior to the commencement of development to ensure they are not disturbed during the course of the development works.

Reason - To protect habitats of importance to nature conservation from any loss or damage in accordance with Government guidance contained within The National Planning Policy Framework and Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.

12) Prior to the commencement of the development and notwithstanding condition no. 17, no works of site clearance or development are to commence until a precautionary bat method statement has been submitted to the Local Planning Authority for approval. This is to detail how the three oak trees will be checked for bats prior to removal and provisions for them should they be found to be present. All works are to proceed in accordance with the approved document.

Reason - To protect habitats of importance to nature conservation from any loss or damage in accordance with Government guidance contained within The National Planning Policy Framework and Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.

13) No removal or trees or hedgerows to take place between the months of March and August inclusive, unless checked for the presence of nesting birds immediately beforehand by a suitably qualified ecologist. Should nesting birds be present, they are to be left undisturbed until the chicks have left the nest.

Reason - To protect habitats of importance to nature conservation from any loss or damage in accordance with Government guidance contained within The National Planning Policy Framework and Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.

14) That full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure shall be erected prior to the first occupation of the development.

Reason - To ensure the satisfactory appearance of the completed development and comply with Policies C28 of the adopted Cherwell Local Plan.

15) That prior to the commencement of the development, full design details of the proposed lighting to fixed to the buildings or within the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason – In order to safeguard the amenities of the locality and in the interests of the Biodiversity opportunities for the site in accordance with Government guidance contained within The National Planning Policy Framework and Policy NRM5 of the South East Plan 2009 and Policies C2 and C28 of the adopted Cherwell Local Plan

16) That no goods, materials, plant or machinery shall be stored, repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.

Reason - In order to safeguard the visual amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan.

17) The development hereby permitted shall be carried out in accordance with the recommendations set out in the Phase 1 Habitat Scoping Survey and Protected Species Assessment by CP Ecology dated June 2011 and Reptile Survey Report by CP Ecology dated July 2011 unless otherwise agreed in writing by the Local Planning Authority.

Reason - To protect habitats of importance to nature conservation from any loss or damage in accordance with the Government guidance contained within The National Planning Policy Framework and Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.

18) That all the means of access between the land and the highway shall be formed, laid out, constructed and drained in such position(s) and with such vision splays as shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason - In the interests of highway safety and to comply with Government guidance on promoting sustainable transport contained within the National Planning Policy Framework

19) That the existing dropped kerbs along the boundary of the site onto Langford Locks (3 in total) must be reinstated to full-standing kerbs, details of which shall be submitted to and approved in writing the Local Planning Authority prior to the commencement of the development.

Reason - In the interests of highway safety and to comply with Government guidance on promoting sustainable transport contained within the National Planning Policy Framework

20) That a Travel Plan Statement 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 Travel Plan Statement shall thereafter be implemented and operated in accordance with the approved details.

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

21) A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP shall include details of the measures to be taken to ensure construction works do not adversely affect the local road network around the site. Construction work shall thereafter be carried out in accordance with the approved CEMP.

Reason - In the interests of highway safety and to comply with Government guidance

on promoting sustainable transport contained within the National Planning Policy Framework

22) To ensure that no HGV traffic associated with the site shall pass through Kidlington village, a routeing agreement shall be undertaken with OCC, which shall be submitted to and approved in writing prior to the first occupation of the development hereby permitted.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

23) That prior to the commencement of the above ground works, full details of the eastern boundary gates (public art scheme) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

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

24) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason - This site is located over Alluvium and the Cornbrash Formation (Limestone) (both Secondary A Aquifers) and the close proximity to the Thrupp Drain suggests that the groundwater under this site is shallow. The site is located close to an area where a pollution incident involving diesel occurred and this parcel of land is likely to also have a history of industrial use. Construction of the foundations may disturb contamination, therefore any visual or olfactory contamination encountered during foundation construction should be dealt with in an appropriate manner. The site had issues with contamination in particular with an historic fuel spill, but the site investigation reports provided to date have satisfied our concerns. The data in the site investigation report was 8 years old and part of this land has been used as a car park in this interim period, therefore the applicant should be cautious during construction and deal with any hydrocarbon contamination encountered to comply with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Furthermore, the Thames River Basin Management Plan (RBMP) requires the restoration and enhancement of water bodies; to prevent their deterioration and promote their recovery. Without this condition, the impact of potential contamination leaching to the underlying 'Bicester-Otmoor Cornbrash' groundwater body may cause a deterioration in the chemical status of groundwater in this designated 'Drinking Water Protected Area'.

Planning Notes

1) T1 – Third party rights

2) O1 – Archaeology

3) The applicant is advised by the Environment Agency that all sewage or trade effluent should be discharged to the foul sewer if available subject to the approval of Thames Water Utilities or its sewerage agent.

4) The applicant/developer is advised to contact Neil Owen on 01908 302575 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

5) The proposed two vehicular accesses will require separate consent from OCC as Local highway Authority – contact Licensing & Streetworks Team on 0845 310 1111.

6) Pursuant of condition no. 20 the CEMP will be required for consideration to cover details of contractors parking areas and ensuring that there will be no parking on the highway nor any damage caused to the highway or mud carried out onto the highway. Also deliveries should avoid peak hour traffic.

7) Pursuant of condition no. 22, the feature gates on to the Oxford Canal shall be designed and commissioned in coordination with the Council's Public Art Advisor (Abi Hehir – tel 07957154252 (Tuesdays only))

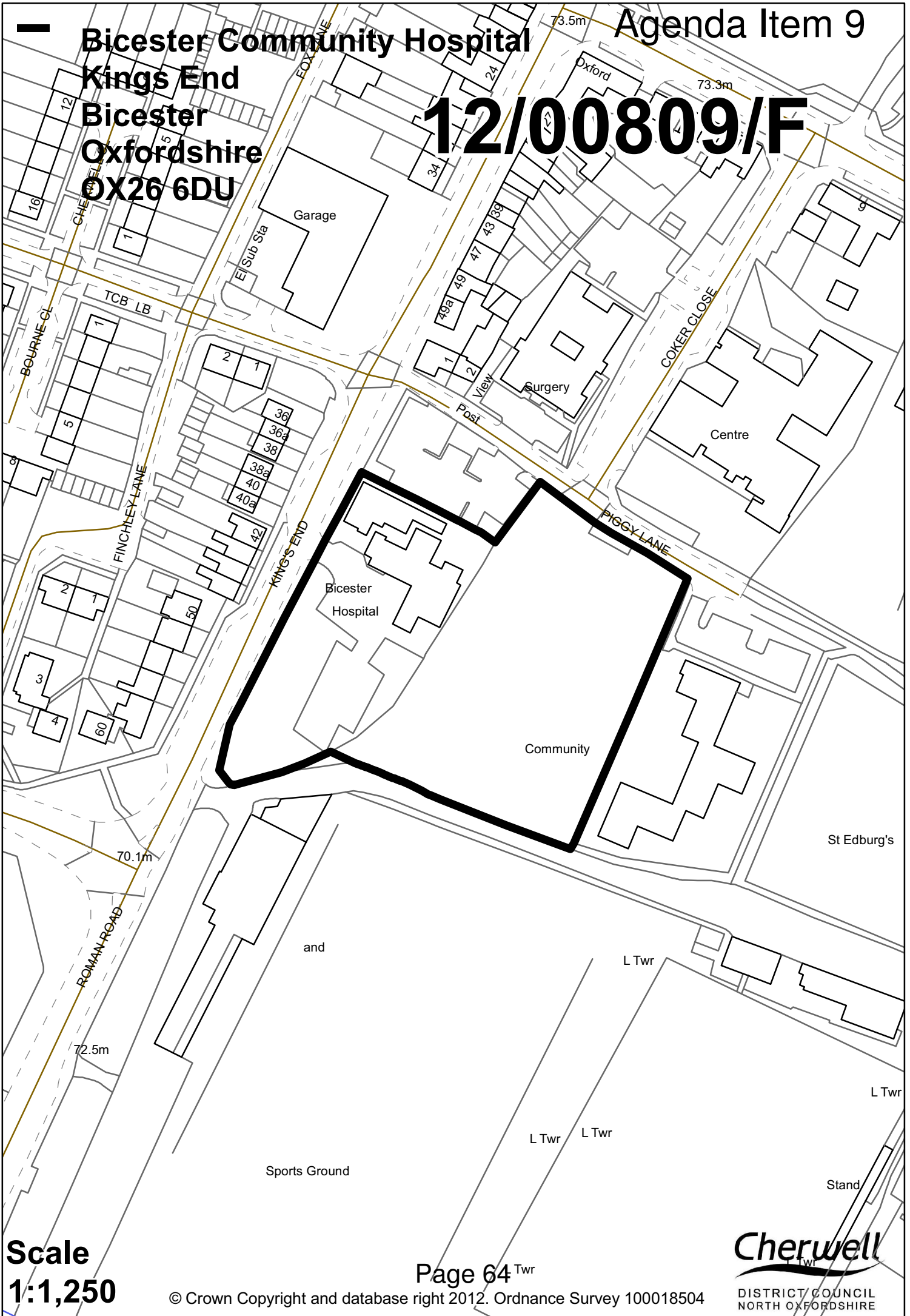
8) The applicant is advised that all sewage or trade effluent should be discharged to the foul sewer if available subject to the approval of Thames Water Utilities or its sewerage agent.

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 its surroundings, has no undue adverse impact upon ecology, flood risk, highway safety or amenity of the locality. As such the proposal is in accordance with government guidance contained in The National Planning Policy Framework and Policies BE1, BE2, CC1, CC2, CC4, CC6, CC7, RE1, RE3, RE5, NRM2, NRM4, NRM5, T4 and T5 of the South East Plan 2009 and Policies C1, C2, C4, C5, C14, C28, EMP3, ENV7 and ENV12 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.

**Bicester Community Hospital
Kings End
Bicester
Oxfordshire
OX26 6DU**

12/00809/F



**Scale
1:1,250**

← Bicester Community Hospital
Kings End
Bicester
Oxfordshire
OX26 6DU

12/00809/F

Scale
1:10,000

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

**Site Address: Bicester Community
Hospital, Kings End, Bicester**

12/00809/F

Ward: Bicester Town

District Councillor: Cllr D M Pickford, Cllr Mrs D Edwards

Case Officer: Linda Griffiths

Recommendation: Approval

Applicant: Kajima Mansell

Application Description: Demolition of existing community hospital and redevelopment of site to provide new community hospital and 14 residential units.

Committee Referral: Major

1. Site Description and Proposed Development

- 1.1 The application site is 0.9 hectares in size, and fronts Kings End which is one of the main vehicular access routes into Bicester. The site is bounded by Bicester Rugby Club to the south, a residential home to the east, complimentary healthcare facilities to the north and private residential properties on the western side of Kings End. The existing community hospital buildings are located at the western end of the site adjacent to Kings End whilst the eastern is currently a temporary open car park. Vehicular access to the site is currently gained either from Kings End or from Coker Close at the rear.
- 1.2 The site sits just to the south of the Bicester Conservation Area, the boundary of which runs along the northern boundary of the site along Piggy lane. The existing community hospital building which was built in 1908 and extended in 1927 becoming the Bicester Community Hospital in 1948, is locally listed. The proposal seeks to erect a new community hospital building on the eastern end of the site on the existing open car park, demolish the existing community hospital buildings and erect 14 number residential dwellings on the western part of the site. The hospital will be accessed via Coker Close and the new residential development via the existing access onto Kings End. The new community hospital will provide 12 in-patient beds, an Ambulatory Centre (includes X-Ray, Ultrasound, ECG and Visiting Mobile Scanning) out of hours service, therapies, outpatient services and first aid unit.
- 1.3 There are a number of Public Rights of Way within the vicinity of the application site, including Public Right of Way No. 129/11 which crosses the site from the south west corner to the northern boundary with Piggy lane. There is also a Public Right of Way along Piggy Lane and to the south of the site between the car park and the adjacent sports pitches. The application proposes to divert Footpath 129/11 along Kings End and up the northern end of the site to provide direct access to the hospital entrance.
- 1.4 The hospital development is two storeys in height running along a north south orientation. There are two, two storey wing elements running in an east/west direction, although it is initially proposed that these would only be constructed at single storey level but will allow expansion in the future as and when it is necessary. The hospital building is contemporary in its design but the materials chosen reflect local vernacular, being stone and render with areas of timber to create visual interest. The main entrance and public areas are heavily glazed and the pitched roof will be clad in zinc with five solar chimneys.

2. Application Publicity

- 2.1 The application has been advertised by way of three site notices and an advert in the

local press.

Eight letters of representation have been received. Full details are available electronically via the Council's web site. Two letters being received from Councillor Sibley, a local Bicester West Member, two letters from the same resident in Mallards Way and four further letters.

The material planning considerations raised as objections are as follows:-

- The original concept for the development of this site envisaged a new community hospital with care home. Object therefore to residential which is not in accordance with that vision as residential will restrict opportunities for any future expansion of the hospital.
- Site is shown on Bicester plans as a site for hospital use.
- Placing the hospital behind the proposed dwellings will destroy the proposed design impact of the hospital.
- Object to the demolition of the locally listed hospital building.
- Impact on the Conservation Area, the design of the hospital and residential are not in keeping and are totally inappropriate.
- Increased traffic along Coker Close and Piggy Lane will put pedestrians at risk.
- Increased traffic through Coker Close/Kings End junction which already suffers from congestion as a result of patients visiting local GP surgeries and other medical services in the area.
- Increased traffic to the Kings End/Oxford Road entrance generated by the residential use onto a narrow busy road.
- Proposal only replaces the existing facilities within the existing hospital and will not be adequate for future population expansions and due to constraints of the site, cannot be expanded further in the future.
- The Kingsmere development site would meet the needs of an ever expanding town, and was supported by a petition submitted to CDC on behalf of Bicester residents and SOCH hospital campaigners in October 2010. This location is convenient and readily accessible to the town.
- The residential properties proposed are modern in appearance and completely out of character with the rest of the buildings.
- Erecting the hospital on the Kingsmere Development would enable this entire site to be redeveloped for housing.
- Area is in the flood plain and the suggested dwellings will be unable to have any gardens.
- No account appears to have been taken of the traffic generated by other planned developments such as the town centre, eco-town, Kingsmere and Bicester Village.

- 3.1 Bicester Town Council has no objections to this application and welcomes the provision of a new community hospital. However the town council would seek reassurance that the parking facilities are managed to ensure use is restricted to those people attending/using/working at the hospital.

The Town Council further requests that consideration be given to the preservation of the locally listed buildings by means of conversion to accommodation.

- 3.2 Environment Agency has no objection subject to the inclusion of a number of conditions.

- 3.3 Oxfordshire County Council Highways has no objection in principle but has a number of concerns as follows which will require amended plans and further discussions. Until these issues are resolved a 'holding objection' is recommended:-

- Parking provision for the residential properties is insufficient, thereby creating internal parking problems which may spill out onto the public highway causing safety issues.
- Alignment of the vehicular access servicing the residential element should be straighter to enable vehicles to pass one another
- Visitor parking is inappropriately located and has restricted vision when reversing out of vehicles entering and leaving the site
- Refuse tracking must be amended to avoid overriding.
- The parking provision for plots 1-6 is rather remote from those properties.
- Construction Traffic Management Plan must ensure construction/HGV movements are outside peak times.
- Should permission be forthcoming a number of conditions are also recommended.
- Section 106 contributions towards transport infrastructure and amendments to the existing TRO on Kings End to remove a couple of parking bays to improve visibility.
- Tracking for the hospital is not acceptable.

Further to the above, revised plans and information have now been received which seek to overcome these concerns. Final comments are awaited and will be reported verbally at Committee.

- 3.4 Oxfordshire County Council Drainage – Comments awaited

- 3.5 Oxfordshire County Council Footpaths has no objection in principle. The new route appears reasonable, although some concerns about refuse vehicles reversing out over Piggy Lane.

- 3.6 Oxfordshire County Council Archaeology advise that the site lies in an area of archaeological potential which has been summarised in a Desk Based Assessment submitted with the application. A condition is therefore recommended ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction.

- 3.7 Thames Water have no objection
- 3.8 Thames Valley Police advise that recommendations made to the applicant at the pre-planning stage have been incorporated within the design and layout.
- 3.9 Oxfordshire County Council Developer Funding wishes to secure a legal agreement for appropriate financial contributions to mitigate the effects of this development if implemented.
- 3.10 Cherwell District Council Ecology raises no objections. The ecological report found no evidence that any of the buildings on site are used by bats, and given their nature and location are unlikely to be so in future. However 2 conditions should be imposed relating to no demolition to commence until a check for the presence of bats has been carried out by a suitably qualified consultant and no demolition between March and August to ensure nesting birds are not harmed.
- 3.11 Cherwell District Council Countryside and Communities Manager advises that this application affects a public right of way (Bicester FP11). If granted FP11 will need to be diverted to enable the scheme. Given the constraints of the scheme and the ready availability of alternative pedestrian access, it is recommended that the proposed diversion route is suitable and does not prejudice public rights.
- 3.12 Cherwell District Council Anti-Social Behaviour Manager raises no objections in terms of the noise and lighting assessments submitted.
- 3.13 Cherwell District Council Landscape Services Manager raises concerns in respect of:-
- Proximity to the trees fronting Kings End in terms of shading of the dwellings and impact of construction in the tree root plates.
 - Excavations and impact of proposed retaining wall under the canopy of the tree in the northern corner of the site.
 - Visitor parking bays adjacent to the access encroach into the root plates of the adjacent tree.
 - Fencing to the rear boundaries should be screened with planting
 - Further details are required of the proposed sunken garden and gym equipment areas proposed for the hospital development.
 - Screen planting under the trees to the Kings End frontage is not appropriate.
 - Native shrub mix should not include Prunus Avium and Fraxinus Excelsior because these species can grow into large trees that will cause damage to building foundations and surface with their spreading roots.

Revised plans have been received which seek to overcome the above concerns. Final comments are awaited and will be reported verbally at Committee.

- 3.14 Cherwell District Council Arboricultural Officer objects to the original submission due to the increasing pressures placed upon the existing mature trees along the Kings End frontage which are considered to be a great amenity value and their future replacements by the unavoidable nuisance issues and perceived fears of residents due to the proximity of plots 8-14. Should consent be granted, a number of conditions are recommended.
- Revised plans and documentation have been received which seek to overcome the objections. Final comments are awaited and will be reported verbally at Committee.

3.15 Cherwell District Council Conservation Officer advises that:-

Bicester Cottage Hospital is a locally listed building which is of local significance because of the contribution it made to the life in Bicester. The building whilst not great architecture, is of its time and falls into the style of other 'public' buildings.

The application as submitted does not investigate in any depth the option of retaining and converting the existing building, and there has been no assessment of the environmental impact of retention and improvement of thermal performance versus demolition and redevelopment of the site. The historic role of the Bicester Cottage Hospital has played in the town should perhaps be recorded as public art.

A number of conditions are also recommended should permission be granted'.

3.16 Cherwell District Council Environmental Protection Officer – Comments awaited.

3.17 Cherwell District Council Waste and Recycling raise no objections in respect of the residential scheme. Cherwell District Council will not be responsible for the hospital refuse..

4. Relevant National and Local Policy and Guidance

4.1 **National Planning Policy Framework 2012** – Core planning principles and the delivery of sustainable development with particular regard to the following sections:-

- 4: Promoting sustainable transport
- 6: Delivering a wide choice of high quality homes.
- 7: Requiring good design
- 8: Promoting healthy communities
- 10: Meeting the challenge of climate change, flooding and coastal change.
- 11: Conserving and enhancing the natural environment.
- 12: Conserving and enhancing the historic environment

4.2 **South East Plan 2009** – Cross cutting policies:

- CC1: Sustainable development
- CC2: Climate change
- CC4: Sustainable design and construction
- CC5: Supporting an ageing population.
- CC6: Sustainable communities and character of the environment.
- CC7: Infrastructure and implementation.

Housing Policies

- H1: Regional Housing Provision 2006-2026
- H3: Affordable Housing
- H4: Type and size of new housing
- H5: Housing design and density

Transport Policies

- T1: Manage and invest
- T4: Parking

National Resource Management Policies

- NRM5: Conservation and Improvement of Biodiversity
- NRM10: Noise
- NRM11: Development design for energy efficiency and renewable energy

Management of the Built Environment Policies

- BE1: Management for an urban renaissance
- BE4: The role of small rural towns
- BE6: Management of the historic environment

Social and Community Infrastructure Policies

- S1: Supporting healthy communities
- S2: Promoting sustainable health services

4.3 Adopted Cherwell Local Plan 1996 – Saved Policies

- H5: Affordable Housing
- H21: Conversion of buildings
- TR21: Transportation Funding
- R12: Public Open Space Provision
- C1: Nature Conservation
- C2: Protected species
- C28: Design and layout
- C30: Design Control
- ENV12: Contaminated Land

4.4 Non-Statutory Cherwell Local Plan 2011

The Non-Statutory Cherwell Local Plan is not part of the statutory development plan but has been approved as interim planning policy for development control purposes and remains to be a material consideration.

Housing Policies:	H1a, H3, H4, H7, H11
Transport:	TR1, TR3, TR5, TR8, TR9, TR11
Recreation and Community Facilities	R4, R8, R9, R10a
Conserving and Enhancing the Environment:	EN1, EN7, ENN17, EN23, EN24, EN25, ENN40, EN45a
Urban Design and the Built Environment:	D5, D9

- 4.5 Draft Cherwell Local Plan 2012** – This was approved by the Executive for public consultation on 28 May 2012 and went out to public consultation on 28 August 2012. At present the plan carries very little weight. However, in order to meet the challenge of building a sustainable community in Bicester the local plan identifies the need for an improved community hospital through Policy BSC8.

5. Appraisal

5.1 Planning History and Background

There is a very long planning history associated with this site. Most relevant to this is an application submitted in 2003 for the construction of a new 30 bed community hospital on the existing hospital site with associated facilities including administration headquarters. (03/01286/OUT) refers. The application was approved but the

consent was not implemented and has therefore now lapsed.

5.2 Planning consent was also granted at appeal for a new hospital, ambulance station and other facilities on the Oxford Road close to the Middleton Stoney Road junction. This site is now part of the Kingsmere, S.W. Bicester development and provision has been made as part of that consent for the provision of a health village of 2.69 ha to include a site reserved for a community hospital, GP surgery and provision for a nursing home for the elderly.

5.3 The Oxfordshire PCT has been for some time pursuing the re-provision of Bicester Community Hospital to provide up-to-date and modern facilities, capable of delivering 21st Century healthcare in line with national and local priorities, whilst still continuing to provide the range of services currently provided by the hospital. The existing Bicester Hospital site at Kings end is owned by NHS Oxfordshire and is considered to be outdated and not fit for purpose.

5.4 The District Council has for many years expressed a strong preference for the new Bicester Community Hospital to be located on the health village site within the S.W. Bicester development considering that it offered the best opportunity for future expansion of healthcare services for a growing town, and the health village concept has the potential to provide complimentary adjacent healthcare services, however, the PCT has ruled this site out and are therefore now seeking consent for the redevelopment of the existing hospital site. The executive considered this latest position regarding the procurement by Oxfordshire PCT at their meeting in October 2011, and resolved to support this approach for the redevelopment of the existing site.

5.5 **Key Issues**

The application stands to be assessed against the following key issues:

- Principle of development and policy context
- Transport Impact
- Trees
- Design and visual impact
- Rights of Way
- Heritage Assets
- Noise
- Archaeology
- Ecology
- Land Contamination
- Planning Obligation and Viability
- Conclusion

5.6 **Principle of Development and Policy Context**

The main theme at the heart of the NPPF 2012 is a presumption in favour of sustainable development, approving development proposals which accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate development be restricted.

5.7 The NPPF indicates that the Adopted Cherwell Local Plan 1996 is considered to be out of date as it was adopted prior to 2004, however it also advises that due weight should also be given to relevant policies within existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies

in the Framework, the greater the weight that may be given). The Adopted Cherwell Local Plan does not contain any specific policies relating to the retention of redevelopment of this site for a community hospital, but contains a number of saved policies which are relevant to the consideration of this proposal.

- 5.8 The South East Plan 2009 is the regional spatial strategy for the South East Region and remains part of the Development Plan. Whilst this plan does not contain site specific policies, it sets out the policy framework for the region identifying the scale and distribution of new housing, priorities for new infrastructure and economic development, ensuring all new development is sustainable, promoting sustainable health services, and strategies for the protection of biodiversity and the built and historic environment and for tackling climate change.
- 5.9 In May 2012 the Executive, approved with some amendments, the proposed submission draft of the Cherwell Local Plan. This document replaces the earlier Draft Core Strategy and the non-statutory Cherwell Local Plan and when adopted will set out broadly how the District will grow and change in the period up to 2031, setting out the spatial vision for the District and policies to help deliver that vision. The plan is built around three main themes; securing economic development, building communities and ensuring that development is sustainable. The Plan went out to public consultation on 28 August 2012.
- 5.1.1 Whilst this Plan is of very limited weight, it does seek to indicate how the District is likely to develop and grow, and advises that the District Council will continue to work closely with the healthcare providers, partners and NHS across its delivery bodies to:
- Ensure the provision of additional and reconfigures health and social care facilities.
 - Identify the anticipated primary care needs of local communities.
 - Identify the capacity needs of local communities, and
 - Meet the healthcare requirements of local communities.

Policy BSC8: Securing Health and Well-Being states that the Council will support the provision of health facilities in sustainable locations which contribute towards health and well-being including the replacement of the Bicester Community Hospital.

5.1.2 **Transport Impact**

The proposed redevelopment of the Bicester Community Hospital site is to include a new community hospital with 12 in-patient beds, an Ambulatory Centre (includes X-Ray, Ultrasound, ECG and Visiting Mobile Scanning), out of hours service, Therapies, Outpatient Services and First Aid Centre, all served via the sites existing vehicle access via Coker Close. In addition to the new hospital, 14 new residential dwellings (12 houses, 2 flats) are proposed and these are to be served via the existing vehicle access, directly off Kings End

- 5.1.3 The application as submitted was accompanied by a Transport Assessment which has been done by WSP on behalf of the applicants. Manual classified turning counts and queue length surveys were completed in May 2012 have been used to assess the volume of traffic on the local highway network surrounding Bicester Community Hospital. These surveys were completed between the peak hours of 07:00 to 10:00 and 14:00 to 19:00 at the following junctions:-
- Kings End Site Access Junction
 - Piggy Lane Site Access Junction
 - Kings end/Queens Avenue Priority Junction
 - Kings end/Coker Close Priority Junction, and

➤ Kings End/Middleton Stoney Road Mini-Roundabout

- 5.1.4 Further to this a survey was also taken on the existing car park to assess the number of hospital and non-hospital users. The results of this survey indicated that the majority of vehicles using this car park were not actually related to the hospital. Personal Injury Accident Data was also obtained from OCC for the latest three year period for a study area of approximately 1km of the application site.
- 5.1.5 Vehicular access to the new hospital will be from Coker Close and Piggy Lane via a new 6.1m wide entrance in the same location as the existing entrance. This will provide adequate width for two-way traffic whilst providing a more formal access than at present. The main pedestrian access will be directly opposite the junction with Coker Close and a footpath will also link this entrance to Kings End. Cycle stands will be provided in front of the main hospital entrance for visitors and for staff towards the rear of the staff car park.
- 5.1.6 The proposed new hospital will continue to use the existing hospital's access arrangements via the Kings End and Coker Close junction. The Highway Authority state that visibility at this junction meets the required design standards, however visibility is obstructed on occasions due to parked cars within the allocated spaces provided along Kings end. The Highway Authority therefore advise that to reduce the amount of allocated on-street parking at this junction would improve visibility and therefore provide a highway safety benefit. This would be achieved by amending the existing TRO and removing a couple of bays.
- 5.1.7 In response to the TRO amendment however, the applicants consider that the Transport Statement demonstrates that the hospital development will not significantly increase traffic at this junction and therefore this requirement is not justified.
- 5.1.8 Vehicle and pedestrian/cycle access to the proposed housing will be via Kings end. The existing access point will be retained. Vision splays of 2.4m x 43m is achievable at this access for vehicles exiting the site.
- 5.1.9 A total of 47 car parking spaces will be provided for staff and patient use as part of the hospital redevelopment, on the basis of 24 staff spaces and 23 patient/visitor spaces. A car parking management plan has been proposed to manage car park demand from staff and to ensure that patient/visitor spaces are not used by those not related to the hospital. This management plan will form an integrated part of the Trust's travel plan. The proposals show a barrier controlled staff parking area and an open patient/visitor parking area.
- 5.2.1 Trip generation from the hospital has been based upon information provided by the Trust on future staff levels, shift patterns, available appointment times and patient attendances. The Traffic Assessment concludes that the traffic generated by the development on an already congested local highway network is not significant. The NPPF at paragraph 32 states that:

“All developments that generate significant amounts of movements should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:-

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure.
- Safe and suitable access to the site can be achieved for all people, and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the

residual cumulative impacts of development are severe”.

- 5.2.2 The submitted Transport Assessment demonstrates that the surrounding junctions to the hospital and the residential development will continue to operate within their design capacity, that is, consideration has to be given to the site's existing lane use from the existing hospital. It is accepted that with the permitted/committed developments and expected future growth of Bicester that some of these surrounding junctions will come under pressure, but not as a direct impact of the additional movements from the submitted application, although there will be a minor impact which will trigger a financial contribution towards the Transport Strategy for Bicester.
- 5.2.3 The Highway Authority accept the findings of the Transport Assessment, and by managing the staff car parking and through the terms of the Travel Plan seeks to reduce the traffic generated by staff. Furthermore, the site is in a highly sustainable location, within walking distance of the town centre and is well served by bus routes into the town and from the railway station. The provision of covered cycle parking also seeks to encourage patients and visitors to cycle. It is considered therefore that the proposal accords with the NPPF above.
- 5.2.4 In terms of parking provision for the residential scheme, the Highway Authority advised initially that the car parking levels provided were insufficient which could lead to internal parking issues. The application proposal has since been amended and the number and provision of car parking spaces for the residential scheme have been increased to provide one space per two bed property and two spaces per three bed property plus two visitor parking spaces. Having regard to the proximity of this site to the town centre and access to public transport, this is now considered acceptable to the highway authority, and therefore accords with the NPPF and Development Plan Policies in respect of car parking provision.
- 5.2.5 As part of the submitted Transport Assessment (May 2012), a series of tracking plans were included. Concerns were raised by the Highway Authority in respect of the tracking plans for the MRI scanner and refuse vehicles in respect of the new hospital proposal. Following discussions with the applicants and their agents Method Statements have been produced detailing how these two operations will be undertaken. Revised tracking plans have also been submitted.
- 5.2.6 It is proposed that the MRI scanner will be delivered and collected from site out of core hospital hours to minimise disturbance. To enable manoeuvring the scanner into the car park safely, a dropped kerb will be added to the existing footpath on Piggy Lane to allow for over-run. This has been agreed with the Highway Authority. The refuse collection will be controlled by a Waste Management Agreement. It is proposed that the refuse vehicle will stop at the top of the site and waste containers collected and returned to the same compound. Again it is proposed that this will occur outside of core hospital hours, and seeks to overcome the concerns raised in respect of refuse vehicles reversing into the car park.
- 5.2.7 **Trees**
- There is a line of high quality mature trees, consisting of lime, beech, horse chestnut and yew along the frontage of the site with Kings End. These trees are considered to be of high amenity value and must be retained and protected throughout the development.
- 5.2.8 Two Tree Preservation Orders were recently raised in respect of these trees. These provisional TPO's will continue in force until it has been confirmed. Elsewhere on the site, there are no trees of any particular landscape or conservation importance, a number of these will be removed to facilitate the development, but their removal is mitigated by further landscaping. In terms of the proposals therefore the hospital

building has no impact on any significant trees of note, but the residential scheme on the frontage must be designed to ensure that these TPO trees are not affected or lost by the development.

- 5.2.9 The application is accompanied by a Tree Survey and a Tree Protection Plan containing details regarding tree protection in accordance with B.S.5837:2012. The assessment of all trees on site indicates the most valued and prominent trees to be the linear group parallel to Kings End. Whilst it is technically possible to construct the development as shown without significant damage to these trees concerns have been raised by the Council's Arboriculturalist in respect of the potential influences of excessive shading and reduced light levels to the residential properties and therefore the likely pressure that will be placed on these trees in the future by residents in terms of lopping, topping or removal. Following negotiations with the applicants, the dwellings on Plots 8-12 have been moved 800mm further back into the site, and design features have been incorporated within the properties, such as self cleaning glazing to the windows and guards over the guttering to stop leaf fall to help mitigate these concerns. The houses have also been designed to ensure that habitable rooms are located at the rear.

5.3.1 **Archaeology**

The application site lies in an area of archaeological potential which has been summarised in a Desk Based Assessment submitted with this application.

- 5.3.2 To the north is the site of Kings End Shrunken Settlement which may date back to the 12th/13th Century, associated with the Grange of Markgate Mins. Immediately to the south west of the proposed site, a large area was investigated in May 2002 through geophysical survey and archaeological evaluation by Oxford Archaeology which identified an area of Roman activity possibly relating to a farmstead. Evidence of late Iron Age and Anglo Saxon activity was also found. An evaluation was undertaken on the eastern side of the site itself which recorded a ditch, possibly of Roman date, which runs across the proposed site roughly east-west. This may relate to the possible Roman farmstead known to the south west of the proposed site. It is likely that further archaeological deposits will be disturbed during ground works of the proposed development.

Having regard to the above, conditions are suggested to ensure that the applicant is responsible for ensuring the implementation of an archaeological monitoring and watching brief be maintained throughout construction, in accordance with guidance in the NPPF.

- 5.3.3 The Hedgerows Regulations 1997 make provision for the protection of hedgerows considered to be of landscape and/or historical and natural history importance. The Regulations state that a hedgerow can be considered to be 'important' if it meets certain criteria as defined in Schedule 1, Part II of the regulations. The hedgerow in question is depicted on the 1753 map of the Two Manors of Bicester and therefore qualify as integral parts of a pre-1845 enclosure field system and thus meet this criteria. The Council's arboriculturalist has inspected this section of hedgerow which is proposed to be removed as part of this development and concluded that it was not of significant value and therefore should not act as a constraint to the development on the site.

5.3.4 **Rights of Way**

A registered footpath (Bicester Footpath No. 129/11) crosses the site running approximately north to south. As part of the application it is proposed to divert this footpath so that it runs along Kings end and then follows an easterly direction via a new access within the existing wall onto Kings End linking up with the front of the new

hospital building. An application for a public footpath order (Section 257, Town and Country Planning Act 1990) to divert this footpath has been submitted in conjunction with this application for the Council's consideration. The applicants argue that the newly diverted footpath would improve the pedestrian experience as it is specifically designed for pedestrian use, segregating them from vehicular traffic. The path is paved for its entirety with signage to assist the pedestrian and lighting to increase pedestrian safety. New residential houses facing onto the footpath will provide natural surveillance of the footpath.

5.3.5 Policy R4 of the Non-Statutory Cherwell Local Plan states:

'The Council will safeguard and, where possible, enhance the existing public rights of way network. Development over public rights of way will not be permitted unless a suitable diversion can be secured which will not prejudice public rights'.

5.3.6 The explanatory text goes on to say that in certain circumstances where an alternative route is available which will not prejudice public rights, the Council may be prepared to grant planning consent and make a Public Path Order to enable the development to be implemented. A diversion will not be considered suitable if it is substantially less convenient to the public, or would be detrimental to the public enjoyment of the route.

5.3.7 The District Council's Countryside and Communities Manager states that if consent is granted, he is satisfied that Bicester FP11 will need to be diverted to enable the scheme. Given the constraints of the scheme, and the ready availability of alternative pedestrian access in the area, it is considered that the proposed diversion route (outlined on Plan 025C 'Public rights of Way Completion') is suitable and does not prejudice public rights. The applicant has submitted a PPO application in parallel with this application.

5.3.8 The County Council's Rights of Way Officer advises that the proposed new route appears reasonable on the basis that the area already has a good network of paths in the area and the realignment of the proposed public right of way route is not considered undesirable. However a diversion under Section 257 of the Town and Country Planning Act 1990 is likely to attract objections and the applicants will need to provide robust information as to why they have not attempted to provide a route closer to the original one. Associated footpath signage changes will be required if the footpath diversion is successful.

5.3.9 The Ramblers Association and Oxford Fieldpath Society have been consulted on the application, but to date no comments or representations have been received.

5.4.1 It should be noted that if this application is approved, the affected public right of way will need to be diverted and if an objection is received it could lead to an Inquiry. If the new route is not approved, further consideration would need to be given to retaining it along its existing route, which would pass through the rear garden of house plot 14, the rear car parking area for the residential development and across the front of the hospital building out onto Piggy Lane.

5.4.2 There are also public rights of way passing adjacent to the site along its southern boundary with the sports fields and directly to its northern boundary along Piggy Lane.

5.4.3 In terms of the length of footpath along Piggy lane, as the current use of the site is as a hospital, and vehicular access to the car park is currently gained via Coker Close and Piggy Lane; and the change in traffic movements are not shown by the Traffic

Assessment to be considerable, it is considered that any impact upon the right of way along Piggy Lane will not be so significant to justify refusal of the proposal on pedestrian safety grounds. As such the proposal is unlikely to cause significant harm to the amenity and safety of this public footpath and is therefore considered to be in accordance with Government Guidance contained within the NPPF, Policy R4 of the Non-Statutory Cherwell Local Plan and Policy ESD 18 of the Draft Cherwell Local Plan 2012.

5.4.4 **Ecology**

Section 11 of the NPPF – conserving and enhancing the natural environment requires that ‘the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity’

5.4.5 An ecological baseline survey of the site was carried out in February 2010. The District Council’s ecologist has advised that this survey remains relevant in the determination of this application due to the urban nature of the site and its usage as a hospital with large extents of hard standing and mown grass, and therefore it is unlikely that site conditions will have changed to any great extent over the last two years.

5.4.6 The report concludes that large parts of the site consist of closely mown grassland areas, which are of low value containing species typically tolerant of regular mowing and it is therefore unlikely that these areas would exhibit any species diversity even if they were surveyed during May to August. The hedgerow on the south-western boundary provides limited habitat for nesting birds, as do the small isolated scrub patches in other parts of the site. The mature native trees on the western boundary of the site are features of significant value and are recommended for retention but they currently do not contain cavities suitable for roosting bats. The main building was searched for evidence of roosting bats but none was found. Access conditions were good and the roof void is not lined internally meaning that despite many loose or missing tiles on the exterior, there are no concealed areas, which could not be searched on the interior. It was also noted that external lighting at night would also be likely to deter bats. Neither was any evidence found of the presence of badgers in the form of setts, latrines, pathways and foraging activity.

5.4.7 Having regard to the above, it is not considered that the proposal will result in significant harm to ecology and the proposal therefore complies with Government Guidance within the NPPF, Policy NRMM5 of the South East Plan 2009 and Policies C1 and C2 of the adopted Cherwell Local Plan 1996.

5.4.8 **Heritage Assets**

Although not statutorily listed as a listed building or designated heritage asset, the existing Bicester Community Hospital is identified by the District Council as a ‘locally listed building’ of merit and historic importance to the town of Bicester. The building which is constructed of red brick under a tiled roof was originally constructed in 1908 as a nursing home. A two bay extension was added in 1927 to provide an additional ward and nurses room, and the hospital then remained in this configuration until the 1950’s. More recently the hospital has been further extended by a series of single storey structures and temporary portacabin type buildings. The building is outside the Bicester Conservation Area. The original building remains very much in tact, despite the unsympathetic extensions, and windows and doors which have been inserted. Should the building be retained the windows and doors can be replaced with more sympathetic replacements. As it was originally constructed as a nursing home, internally the building is domestic in its character, scale and form.

5.4.9 Section 12 of the NPPF – Conserving and enhancing the historic environment recognises that heritage assets, which includes locally listed buildings as identified by the local planning authority, are an irreplaceable resource and that they should be conserved in a manner appropriate to their significance.

5.5.1 Paragraph 128 states that:

‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting’

Paragraph 131 also states that:

‘in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and
- The desirability of new development making a positive contribution to local character and distinctiveness’

Paragraph 135:

‘the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that effect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

5.5.2 Paragraph 141 requires developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

5.5.3 The adopted Cherwell Local Plan does not contain any policies relating to locally listed buildings and is therefore considered to be out of date in this respect by the NPPF and the above mentioned advice within the NPPF carries greater weight in this instance. Policy EN45A of the Non-Statutory Cherwell Local Plan states that the inclusion of a building in a local list of buildings will be a material consideration in the determination of planning applications that would affect it.

5.5.4 The existing community hospital building is not within the Bicester Conservation Area, the boundary of which runs along Piggy Lane to the north. When designating Conservation Areas, a local planning authority must ensure that its designation is justified because of its special architectural or historic interest. With the exception of the original hospital building, the site and the adjacent car park is of no special architectural or historic interest and was therefore excluded from the Conservation Area. However, many buildings within the District which are not listed in their own right or afforded protection through the Conservation Area designation are considered to be of historical importance and worthy of some protection. The original Bicester hospital building is one such building and is included within the Council’s list of locally listed buildings being considered to be important because of its historical association

with the town of Bicester as a cottage hospital.

- 5.5.5 The current hospital building is no longer fit for purpose, so the proposal seeks to erect the new modern facility on the eastern end of the site, to ensure continuity of provision. The existing hospital facility will be closed once the new hospital is open. During pre-application discussions the applicants were advised that as the existing hospital building is locally listed, consideration must be given to its retention within the development proposal, and if its demolition was to be considered acceptable, a robust argument must be made for not doing so. A heritage asset impact statement was therefore included within the submission. As submitted it is considered that it had not fully addressed all the issues and failed to fully acknowledge the importance of the building locally, both in terms of its architectural merit and its social importance.
- 5.5.6 Whilst it is acknowledged that the provision of a new community hospital is of substantial benefit, a full and reasoned justification as required by the NPPF must be made as to why the existing building cannot be retained and why new build is the only option, as such conversions can provide bespoke contemporary residences within a traditional building of merit which sets it apart from other modern developments. The applicant's state that the conversion of the building to provide flats would not be a viable option as it would not generate the land values necessary to enable the project to go ahead and for the new community hospital to be provided, and therefore seek consent to demolish this building and to redevelop the site with new build development.
- 5.5.7 The NPPF advises that the significance of a non-designated heritage to asset should be taken into account is determining the application. In weighing applications that affect directly non-designated heritage assets, such as the hospital building, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this particular case, the District Council's Conversation Officer in her consultation response advises that whilst the building is of local significance because of the historic contribution it made to life in Bicester, it is not of great architecture, and has been unsympathetically maintained and features that might have given the building some greater interest, such as doors and windows have been replaced with modern counterparts.
- 5.5.8 Having regard to the above therefore it is considered that the delivery of a new up-to-date and modern community hospital overrides the justification for the retention of the original building, and whilst regrettable, the scale of loss or harm to the locality or to the historical integrity of Bicester of this building is not so significant to justify refusal of the proposal and require its retention.
- 5.5.9 In accordance with paragraph 141 of the NPPF it is recommended that the historic role that the Bicester Cottage Hospital has played in the town should be recorded as public art.

5.6.1 **Visual Impact, Layout, Scale and Design**

Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment and advises at paragraph 56 that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'

- 5.6.2 Paragraph 61 'Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.'

- 5.6.3 Paragraph 63 'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.'
- 5.6.4 Paragraph 65 'Local planning authorities should not refuse planning permission for buildings or infrastructures which promote high level of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).'
- 5.6.5 The application proposes to construct the new hospital building on the site of the existing open temporary car park with access from Coker Close, and to erect the residential element on the western part of the site where the existing hospital buildings are located. This will enable the new hospital to be constructed and brought into use prior to the closure of the existing facility thereby maintaining continuity of service.
- 5.6.6 The new hospital building has been designed so that it is fully DDA compliant, both internally and externally, including accessible parking spaces and vehicular drop off close to and visible from the entrance. The new building also achieves a minimum BREEAM rating of A.
- 5.6.7 The main vehicular parking for the hospital is placed at the eastern end of the site adjacent to the boundary with the adjacent residential home. This ensures that the hospital building itself is set away from that boundary in order to reduce its impact upon it. A small landscaping strip along this boundary provides a further buffer.
- 5.6.8 The front entrance to the site is a single storey glazed structure with a two storey element running back from the entrance, parallel to the parking area. Two, two storey projecting wings are proposed to the west of the building, which will initially be constructed as single storey elements, the first floor level providing future expansion space. The glazed entrance way has been designed to ensure visibility into the building as one approaches from the car park, Coker Close and the new footpath from Kings End and to provide surveillance from within the building to these external areas. Landscaped areas and garden areas provide respite for patients and visitors. The new hospital building is generally two storeys in height, with a pitched roof, and a number of single storey elements articulated by flat roofs. The public areas are towards the front of the building and staff areas and stores at the rear.
- 5.6.9 In terms of materials, natural stonework is proposed at ground floor levels to provide a robust material which reflects existing vernacular buildings within the adjacent Conservation Area. Though coloured render is proposed for the upper floors, interspersed throughout with elements of timber rain screen cladding. The pitched roof has a 30° pitch to link with local vernacular but ensures that the height of the building is not out of scale with its surroundings. It is proposed to clad the roof with long strip falzinc roofing, this material is of low maintenance, is easy to install and has a good green rating, and has a hue which reflects the colour of the slate which is prevalent within the vicinity.
- 5.7.1 The proposed hospital building measures 7m to eaves and 10.8m to the top of the solar chimneys. The building has been designed to sit alongside existing local vernacular within the adjacent Conservation Area whilst at the same time providing a modern, contemporary building capable of providing up to date health facilities. To reduce its impact on the adjacent residential home the building has been set back 22m from this boundary and 27m from the closest part of that building. It is

considered that this distance is sufficient to ensure that the amenities off the occupiers therein are not adversely affected by the development.

- 5.7.2 The application site, in part, also abuts the Bicester Conservation Area which runs along Piggy Lane, and as a result the application was also advertised as being development which would affect the character or appearance of the Conservation Area. Consequently when assessing the application consideration has been given to Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 which requires that attention must be paid to preserving or enhancing the character or appearance of the Conservation Area. As the Conservation Area boundary abuts the northern most part of the site adjacent to Piggy Lane, consideration has been given therefore to this aspect. The existing use of the site as an open temporary car park does little to preserve and enhance the character and appearance of the Conservation Area, and it is considered that the new hospital building and development which has individuality and distinctiveness whilst at the same time incorporating local vernacular in terms of its materials, does seek to improve the character and appearance of the adjacent Conservation Area.
- 5.7.3 On balance therefore it is considered that the scheme complies with Government Guidance on good design and conserving and enhancing the historic environment in accordance with the NPPF and Policy C28 of the adopted Cherwell Local Plan.
- 5.7.4 Following pre-application discussions, the 14 residential units have been designed to reflect more traditional local vernacular and to also create a strong frontage to Kings End, an important route through Bicester. The dwellings have been arranged in two terraces, the first at 90⁰ to Kings End, fronting the new public footpath which is proposed from Kings End, and the second parallel to Kings End. The site is elevated from the Kings End which rises sharply from the entrance. The existing trees along the frontage are to be retained as part of the development and will provide some screening. Due to the constraints of the site and to avoid large areas of hardstanding and parking along the frontage, parking is provided at the rear of the properties. The dwellings are two storey in height reflecting their immediate context which is also generally two storeys in height, thereby providing continuity of scale. The dwellings are proposed to be constructed in red brick under a slate roof, chimneys and gable features, and varied ridge heights punctuate the roofscape and add visual interest. Access to these properties will be via the existing access onto Kings End.
- 5.7.5 Views into the site are also gained across the adjacent sports pitches to the south. The applicants were advised throughout pre-application discussions that the proposed buildings and development needed to be carefully designed and landscaped along this boundary. Whilst the main hospital building has been set back from the boundary slightly to enable some landscaping to soften the visual impact of the development the proposed waste and generator area remains very close to the boundary resulting in minimal screening at this point. The application also proposes access to the electricity sub-station from the adjacent right of way. Whilst this aspect of the development is unfortunate, it is considered that this in itself is not sufficient to justify refusal of the proposal on visual impact. With careful boundary treatment it is considered that this visual impact can be successfully mitigated.
- 5.7.6 Having regard to the above comments therefore it is considered that the scale, design and layout of the proposed development accords with the advice within the NPPF and is in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan.
- 5.7.7 **Land Contamination**

A Phase I and II Geo-Environmental Assessment has been undertaken and submitted as part of the application, which showed that there were some limited sources of contamination identified on the site. However, the current and historical

use of the site as a hospital may result in some contamination from maintenance activities, heating oil etc and the possibility of asbestos within the building. The Environment Agency have assessed these reports and raise no objections subject to the imposition of conditions requiring monitoring to be carried out throughout the development, and if any contamination is found, that a remediation strategy be agreed in relation to any findings. Prior to the occupation of the development all remediation works are to be carried out in accordance with that identified as required.

5.7.8 Subject to the above, it is considered that the proposal accords with Government advice on conserving and enhancing the natural environment within the NPPF and Policy ENV12 of the adopted Cherwell Local Plan.

5.7.9 **Noise**

Existing noise levels in the vicinity of the site and the nearest dwellings have been measured by means of an un-manned environmental noise survey carried out by WSP on behalf of the applicants. This assessment has been submitted as part of the application. Noise levels were found to be low at the rear of the site, but relatively high at the front, adjacent to Kings End. Noise assessments have also been made in respect of the likely noise generated by the construction of the development itself.

5.8.1 The report concludes that the site is suitable for hospital and residential uses and mitigation measures in respect of the residential have been outlined where necessary to ensure adequate internal noise levels can be achieved. The Council's anti-social behaviour manager has assessed the report and is satisfied with the assessment and methodology undertaken. The proposal is therefore considered to be in accordance with Government advice on conserving and enhancing the natural environment within the NPPF.

5.8.2 **Planning Obligations and Viability**

The proposed residential element of the application generates a need for infrastructure and other contributions to be secured through a planning obligation, to enable the development to proceed. The Heads of Terms relating to an obligation would include the following.

District Council Requirements

- 30% affordable housing
- Open space, sport and recreation facilities
- Refuse bins and recycling
- Community facilities

County Council Requirements

- Transport infrastructure improvements – BICITLUS
- Amendments to the TRO on Kings End
- Education
- Adult learning
- Libraries
- Day resource care centre for the elderly
- Strategic waste management
- County museum resources

5.8.3 In respect of planning obligations the NPPF advises at paragraph 204 that they should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms

- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

5.8.4 It also goes onto advise in paragraph 205 that local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planning development being stalled.

5.8.5 It is considered that in respect of the residential element, that the requirement for contributions and infrastructure provision would accord with the above advice. Policy BSC3 Affordable Housing in the draft Cherwell Local Plan states that all proposed developments within Bicester that include 10 or more dwellings, will be expected to provide at least 30% of housing delivery as affordable homes on site. It does however, go onto state that should the promoters of development consider that individual proposals would be unviable with these requirements, 'open-book' financial analysis of proposed developments will be expected so that an in-house economic viability assessment can be undertaken.

5.8.6 A viability assessment carried out by Turner Morum on behalf of the applicant was submitted with this application. The findings of that report state that the scheme would not be viable if affordable housing and other infrastructure and Section 106 contributions were required as part of the development. Oxfordshire Primary Care Trust have stipulated that a land value of £950,000 is required to be generated to enable the hospital development itself to proceed. The report states that only a residential development would give this required land value, and therefore a care home is not included as part of this proposal as the required land value would not be met if the residual land was developed as a care home.

5.8.7 The Turner Morum report therefore seeks to demonstrate the level of affordable housing and other Section 106 requirements cannot be provided in order to meet the required capital contribution amount and whilst maintaining a fair and reasonable developer profit. The report concludes therefore that should the section 106 requirements be made, the provision of the new Bicester Hospital could be jeopardised.

5.8.8 Following the receipt of the above, the District Council commissioned an independent assessment of the submitted viability report, which concludes that the applicant's viability report was a well written and comprehensive document, and the only area of slight disagreement relates to the cost of funding the development and an appropriate profit margin as the Council's independent assessor believes that it would be possible to build and sell the proposed units in a shorter time margin. The appraisal therefore concludes that should a profit level of 20% be required, a residual land value of £950,000 is achieved, but if 18% profit level could be agreed, the residual land value required would be slightly exceeded. However, as the £950,000 land value requirement is a minimum for the purposes of enabling the construction of a new hospital facility, it is accepted that the ability to contribute to a Planning Obligation is limited, and should therefore not be requested in this case, in accordance with Policy BSC3 of the draft Cherwell Local Plan.

5.8.9 **Conclusion**

The advice contained within the NPPF is that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The key material planning considerations are summarised below.

5.9.1 The proposed redevelopment of the existing site to provide a new community hospital is considered to be acceptable in principle, as too is the development of part of the site for residential purposes in land use terms. In planning terms the use of the

residual part of the site for residential purposes in lieu of a care home is appropriate in this location within Bicester.

- 5.9.2 With regard to traffic impact and highway safety, Oxfordshire County Council as local Highway Authority is satisfied that the proposal would not give rise to any significant increase in traffic movements either along Coker Close as from the access onto Kings End and therefore considers the proposal to be acceptable subject to the imposition of a number of conditions.
- 5.9.3 With regard to the loss of the existing locally listed community hospital building, whilst its loss is regrettable, on balance it is considered that the provision of a new community hospital facility for Bicester and therefore the need to ensure that the development is viable justifies its loss in this case.
- 5.9.4 For the above reasons, the application accords with the principles set out in the National Planning Policy Framework 2012, and relevant policies within the Development Plan.

6. Recommendation

Approval, subject to the following conditions:

1. SC1.0
2. That except where stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents
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 and advice within the NPPF.
3. The applicants, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any ground works taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.
Reason – to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the National Planning Policy Framework 2012.
4. Following the approval of the Written Scheme of Investigation referred to in Condition 3 above, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed, its findings shall be reported to the Local Planning Authority, as agreed in the written scheme of investigation, including all processing, research and analysis necessary to produce an accessible and usable archive and a full report for publication.
Reason – To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the NPPF.
5. That prior to the first occupation of the residential development, the existing means of access onto Kings End shall be improved, and land out 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.

Reason – In the interests of highway safety and to comply with Government advice in the NPPF.

6. That prior to the first occupation of the residential development, the existing 'keep clear' marking at the existing entrance onto Kings End shall be repainted to the satisfaction of the Local Planning Authority and thereafter retained and maintained in perpetuity.

Reason – In the interests of highway safety and to comply with Government Advice in the NPPF.

7. That, before any of the dwellings are first occupied, the proposed private access road, vehicular accesses, driveways and turning areas that serve those dwellings shall be constructed, laid out, surfaced and drained (SUDS) in accordance with the specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason – In the interests of highway safety and to comply with Government Advice in the NPPF.

8. Prior to the first occupation of the new hospital building, the new footway from Kings End serving the new hospital (except for the final surfacing of) shall be laid out, constructed, lit and drained (SUDS) to Oxfordshire County Council's specification.

Reason – In the interests of highway safety and to comply with Government Advice in the NPPF.

9. That prior to the first occupation of the residential development, the parking facilities shall be laid out, surfaced, drained (SUDS) and completed in accordance with the plans hereby approved. The parking spaces shall be retained for the parking of vehicles at all times.

Reason – In the interests of highway safety and to comply with Government Advice in the NPPF.

10. That prior to the first occupation of the proposed new hospital, the proposed means of access onto Piggy Lane is to be formed, and laid out to the approval of the Local Planning Authority and that all ancillary works specified shall be undertaken.

Reason – In the interest of highway safety and to comply with Government Advice in the NPPF.

11. That before the new hospital is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan (ref: 2518 200) hereby approved and shall be constructed, laid out, surfaced, drained (SUDS) and completed, and shall remain unobstructed except for the parking of vehicles at all times.

Reason – In the interest of highway safety and to comply with Government Advice in the NPPF.

12. Prior to the first occupation of the development, covered cycle parking facilities shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason – In the interest of sustainability and to ensure a satisfactory form of development, in accordance with Policy T5 of the South East Plan 2009 and Government advice in the NPPF.

13. No development shall commence on site until a Construction Traffic

Management Plan providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction and delivery traffic during construction and a route to the development site. The approved plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

Reason – In the interests of highway safety and to safeguard the residential amenities of local residents in accordance with Government Guidance in the NPPF.

14. Prior to commencement of any development or work on the site, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.
Reason – In the interests of sustainability and to ensure a satisfactory form of development, in accordance with T5 of the South East Plan 2009 and Government Advice in the NPPF.
15. No building demolition shall commence until a check for the presence of bats has been carried out by a suitably qualified consultant. Should bats be found to be present, no works shall commence until a mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with this strategy.
Reason – To protect habitats of importance to nature conservation from any loss or damage in accordance with Government Advice in the NPPF.
16. No demolition works to the main hospital building shall take place between the months of March to August inclusive, unless checked beforehand for the presence of nesting birds by a suitably qualified ecologist. If nesting birds are found to be present, no works are to take place until the chicks have fledged and left the nest.
Reason – To protect habitats of importance to nature conservation from any loss or damage in accordance with Government Advice in the NPPF.
17. That prior to the commencement of any development on the site, notwithstanding the details submitted, an Arboricultural Method Statement (AMS), undertaken in accordance with BS5837, shall be submitted to and approved in writing by the Local Planning Authority. All works shall then be undertaken in accordance with the agreed document.
Reason – to ensure that no proposed operations impair the health of any retained trees, in the interests of the visual amenities of the locality and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.
18. SC3.14 – Arboricultural Site Supervision
19. SC3.5A – Notice of Tree Works and Major Operation
20. SC3.0 – Submit Landscaping Scheme
21. SC3.1 – Carry out Landscaping Scheme
22. That the existing hospital building and its associated structures shall not be demolished until a contract has been secured and a timetable for the redevelopment of the site as approved for residential purposes has been agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the timetable agreed.
Reason – To ensure that the locally listed building is not unnecessarily lost without achieving a satisfactory form of replacement development, in

accordance with Government guidance in the NPPF.

23. That prior to the commencement of any development on the site, sample panels of natural stone (minimum 1m² in size) shall be constructed on site to be inspected and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the sample hereby approved. (RC5B)
24. SC2.8A – ‘render to the hospital buildings’
25. That prior to the commencement of any development on the site, samples of the zinc roof materials for the hospital building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the material hereby approved. (RC5B)
26. That prior to the commencement of the residential development, samples of the bricks to be used in the construction of the wall of the dwellings and any boundary or screen walls, shall be submitted to and approved in writing by the Local Planning authority. The development shall be carried out in accordance with the samples approved. (RC5B)
27. That the roofs of the dwellings shall be covered in natural slate, samples of which 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 samples agreed. (RC5B)
28. SC9.6A – Fire Hydrants
29. SC6.1AA – Residential Open Fronts
30. SC5.5AB – ‘windows and doors in respect of the residential development to a scale of 1:20’
31. That no works of demolition in respect of the locally listed hospital building until the applicants, or their agents, or successors in title have arranged a recording brief in respect of the historic fabric and importance of this building to Bicester. The Recording Brief shall include photographs and detailed documentation in respect of the building, both internally and externally. This brief shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development in respect of the residential scheme or the provision of the new footpath link to Kings End.
Reason – To safeguard the identification and recording of features of historic interest associated with this locally listed building so that a record of its existence is maintained in perpetuity, in accordance with Government Advice in the NPPF and Policy BE6 of the South East Plan 2009.
32. SC5.5AB – ‘lighting’ scale 1:20
Reason – In the interests of the visual amenities of the locality and in accordance with the NPPF.
33. That prior to the commencement of any development in respect of the footpath to Kings End, full construction details in respect of the new footpath, including its gradient, method of construction and details of the retaining walls shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason – To ensure the satisfactory appearance of the completed development and in the interests off the visual amenities of the locality and to comply with Policy C28 of the adopted Cherwell Local Plan and Government

advice in the NPPF.

34. That the MRI Scanner shall only be delivered and collected from the hospital site in accordance with the method statement submitted as part of the application.
Reason – In the interests of highway and pedestrian safety in accordance with Government Advice within the NPPF.
35. That prior to the first occupation of the hospital hereby approved, a Waste Management Agreement in respect of the collection of waste and refuse shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreement in perpetuity.
Reason – In the interests of highway and pedestrian safety in accordance with Government Advice within the NPPF.
36. That notwithstanding the details submitted, prior to the commencement of development in respect of the hospital proposal, full details of all means of enclosures and boundary enclosure details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
Reason In the interests of the visual amenities of the locality in accordance with Policy C28 of the adopted Cherwell Local Plan and Government advice within the NPPF.

Planning Notes

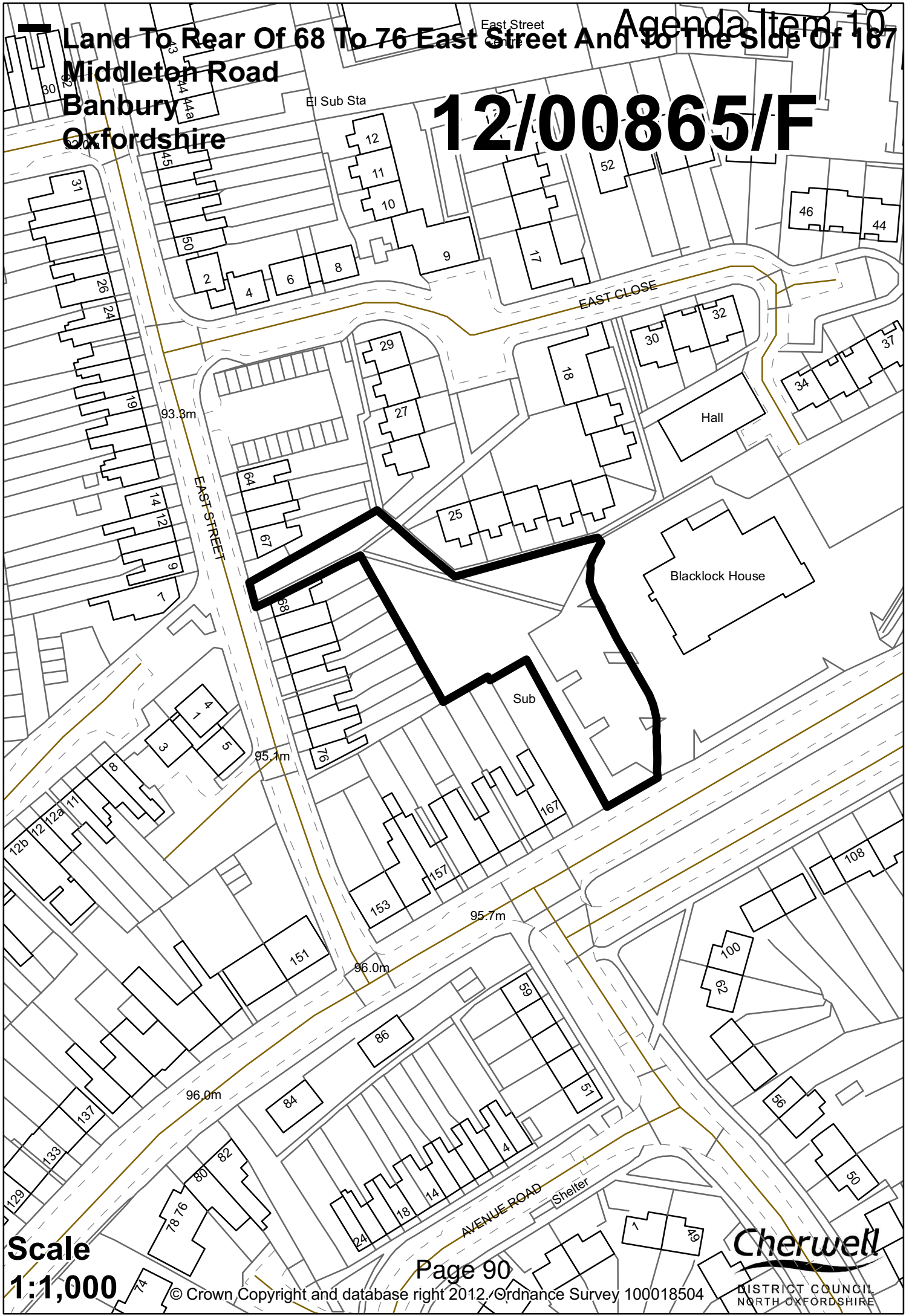
1. F1 Footpath diversion
2. I Thames Water
3. J Maintenance of Open Space
4. S1 Post Permission Chances
5. T1 Third Party Interests

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 will not unduly impact on the visual amenities of the locality, the public right of way, highway safety or neighbour amenity. The proposal will ensure the delivery of the new Bicester Community Hospital providing a much needed up to date and modern facility for Bicester and the local area. As such the proposal is in accordance with Government Guidance contained within the National Planning Policy Framework – promoting sustainable transport, delivering a wide choice of high quality homes, requiring good design, promoting healthy communities, conserving and enhancing the natural environment, Policies CC1, CC6, NRM5, S1 and S2 of the South East Plan and saved Policies 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.

Land To Rear Of 68 To 76 East Street And To The Side Of 167 Middleton Road Banbury Oxfordshire

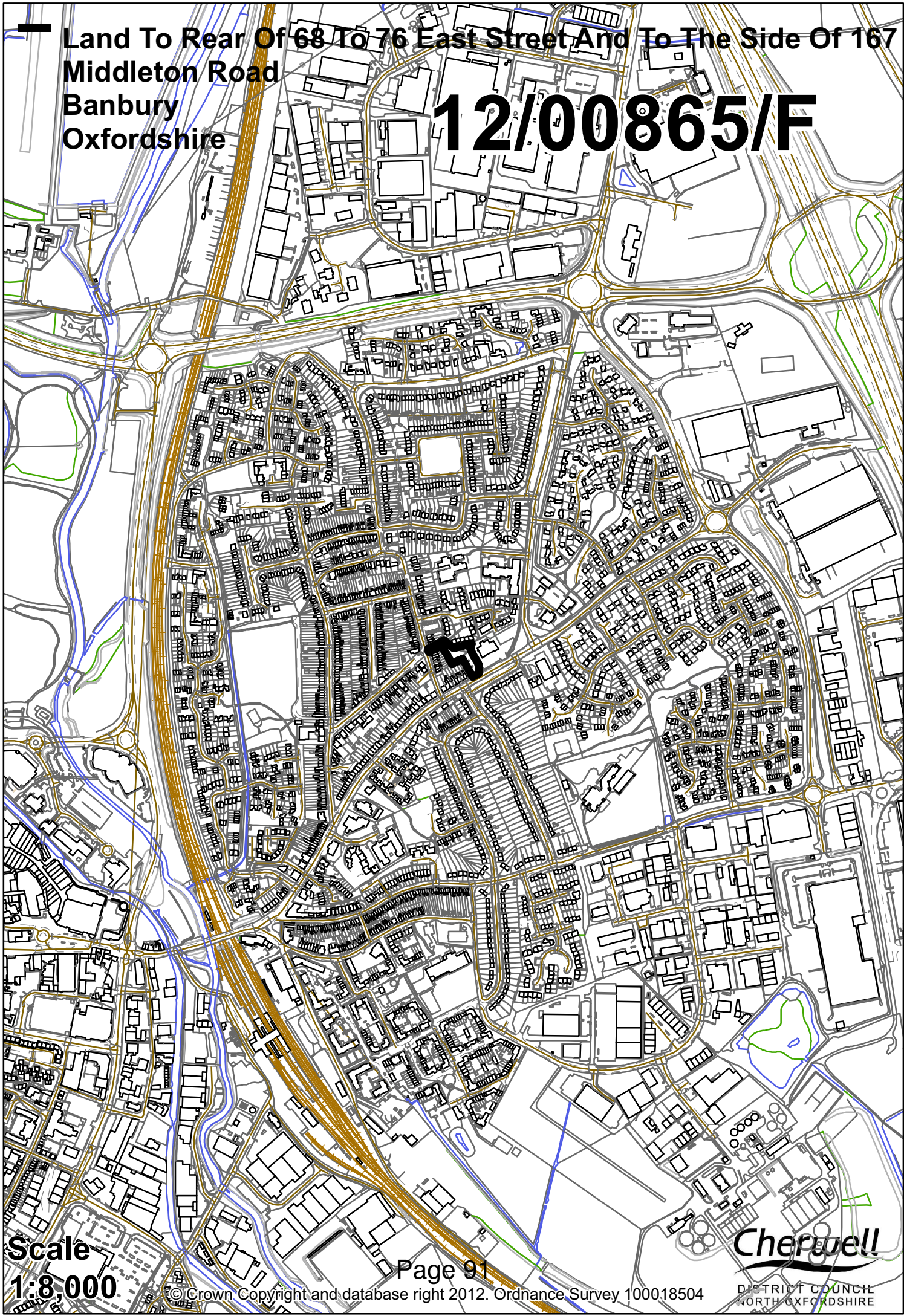
12/00865/F



Scale
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Land To Rear Of 68 To 76 East Street And To The Side Of 167
Middleton Road
Banbury
Oxfordshire

12/00865/F



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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Land to the rear of 68 – 76 East Street 12/00865/F and to the side of 167 Middleton Road, Banbury

Ward: Banbury Grimsbury and Castle

District Councillors: Cllr Beere, Cllr Bonner, Cllr Cullip

Case Officer: Simon Dean

Recommendation: Approval

Applicant: Taylor French Developments Ltd

Application Description: Variation of condition 2 of 11/01032/F

Committee Referral: Member Request

1. Site Description and Proposed Development

- 1.1 The application relates to the land to the West of the former Buffalo Bills public house (now a small Tesco store and hot-food takeaway). The site has an extant consent for 7 residential units, granted in 2011. This was in itself a resubmission of an earlier approved scheme from 2010. The principle of residential development on this site is therefore well established and accepted by this authority.
- 1.2 This proposal seeks to vary the 'plans' condition attached to the 2011 consent for two reasons. Firstly to correct and amend a number of minor details on the drawings relating to issues which have arisen as a result of progressing to building regulation and specification programming. The second element of the amendment seeks to remove from the scheme the previously reserved route from East Street to the rear of the Tesco store on Middleton Road.
- 1.3 Under the extant approval(s) the developers have reserved the walking route between East Street, East Close and the rear of the Tesco site. This route, whilst shown on Ordnance Survey plans, and annotated as "path" is not on the definitive footpath maps, and as such, the County Council do not consider that it is a formal right of way.
- 1.4 This application seeks to remove this route from the development, noting that removal of the route will improve the design of the scheme in terms of crime prevention, fear of crime and the reduction of anti-social behaviour.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice and press notice. The final date for comment was the 3rd of August 2012. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 **Banbury Town Council:** *“Object to the loss of the public right of way and amenity for local residents provided by the footpath”*

Cherwell District Council Consultees

- 3.2 **Countryside/Rights of Way Officer:** *“I recommend that the application to vary the condition (insofar as it refers to the path from East Street) is refused. Having considered evidence relating to this application, there is a strong possibility that the path from East Street across the development site to what is now Tesco’s is a public right of way, even though it is not shown on the definitive map. This being the case, we must err on the side of caution to avoid potential challenges at a later stage. The applicant will need to apply for a Public Path Order to enable the development. Before development goes ahead which affects this path, the PPO would need to be confirmed and brought into force. To obstruct a public right of way is a criminal offence.”*

Oxfordshire County Council Consultees

- 3.3 **Highways Liaison Officer:** *“No objections subject to suitable conditions safeguarding the provision of vehicular access and parking provision for the proposed residences (as previously recommended)”*

Other Consultees

- 3.4 **Thames Valley Police:** *“Secured by Design does not encourage open public footpaths that run to the rear of and provide access to gardens and rear yards of dwellings as these have been proven to generate crime. There are a number of best practise guidelines for designing public footpaths contained within the Secured by Design New Homes Publication 2010 many of which are alluded to in the correspondence from Paul Waller CMI Consulting Ltd to Simon Dean dated 12th June 2012.”*

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C28: Layout, design and external appearance of new development

C30: Design of new residential development

ENV12: Contaminated land

South East Plan 2009

CC1: Sustainable development

T4: Parking

BE1: Management for an urban renaissance

4.2 Other Material Policy and Guidance

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant planning history
- Principle of the development
- Rights of way issues
- Permeability and convenience

Relevant planning history

5.2 As noted in section 1 above, there is an extant consent for residential development on this site, and that extant consent does include provision for the route between East St, East Close and Tesco. This route was shown running between the existing boundary fences of the East Close bungalows and the boundary fences of the new residential development in a corridor 1.5m wide. The route is not straight, reflecting as it does the site boundary and ownership issues.

Principle of the development

5.3 The principle of the development is well established, and the minor changes to the elevations and layouts are acceptable and in line with the established scale, appearance and principles of the development.

Rights of way issues

5.4 Whether or not the walking route from East Street to East Close is a public right of way has been an issue since the first application on this site in 2010. However, the County Council confirmed that despite the annotation on the Ordnance Survey mapping, the route is an informal, permissive path, and not a definitive public right of way. Ordnance Survey mapping reflects only an observation of the conditions on the ground, not necessarily the lawful status of a path.

5.5 As set out in section 3, the Countryside and Rights of Way Officer has concerns over the legal status of this route, but the route is not on definitive records for rights of way. The status of the route is therefore uncertain. If it is identified as a public right of way in the future the applicants would need to go through a formal process to divert the path.

5.6 Notwithstanding that, it will be recommended that the applicant take further legal advice to confirm the position for themselves, and then apply for any necessary orders.

Permeability and convenience

5.7 The principle issue in this application therefore is whether the loss of the route to the Tesco site and Middleton Road from East St and East Close is an acceptable loss of convenience.

5.8 That the loss of this route would represent a loss of convenience is not at issue; the loss of the route would lengthen the distance from East Street and East Close to the Tesco site and Middleton Road. Following the route proposed for

removal in the application (the route previously approved between the boundary fences), it is approximately 125m from East St to the entrance to the Tesco store; the alternative, following the road down East St then along Middleton Road is approximately 195m. Distances for residents of East Close are slightly longer, owing to the layout of East Close, rising from approximately 132m to 300m.

- 5.9 In order to assess the acceptability of this loss of convenience, it is also necessary to consider the design implications for the scheme, with particular reference to 'designing out crime' and the 'Secured by Design' standards.
- 5.10 The applicant has stated in the covering letter to the application that the removal of this walking route would "*improve the design of the scheme in terms of crime prevention and the reduction of anti-social behaviour*". The applicant has also identified that "*the proposed footpath in its current form would not meet the following principles of Secured by Design and create an opportunity to generate crime:*
- *SBD principles to no encourage long public footpaths to run along the rear of, or provide access to rear yards or gardens*
 - *the footpath is not wide enough, adequately lit or devoid of hiding places*
 - *the footpath has poor surveillance and is not overlooked by any surrounding activities or other properties*"
- 5.11 The applicant suggests the removal of the path from the scheme, and the associated loss of permeability is in fact outweighed by the improvements to the security and amenity of the surrounding properties and the improvements to public safety.
- 5.12 It can be seen from the consultation responses, that both the Thames Valley Police Crime Prevention Design Advisor and the County Council Highways Officer agree that whilst the proposal would represent a loss of convenience, this is outweighed by the public safety improvements arising from the removal of the pathway.
- 5.13 It falls then to this Council, as Local Planning Authority to determine whether or not that balance is acceptable. Although no public comments were received in the course of this application, the department received several phone calls when the site was first fenced off for site preparation, expressing concern at the loss of the route.
- 5.14 Although the route from East St and East Close appears to have been well used prior to the original grant of consent for the residential scheme on this site, it does not necessarily hold that a route re-instated along the route shown on the approved plans would see the same level of use for the reasons set out in 5.9 and 5.10 above. Previously the route went from East Street through a large gap between houses, then across an area of unused and derelict, but open land with clear views through the space, no hiding places and visible from the road.
- 5.15 However, as set out in the submission, the proposed new route would, by necessity, run between two boundary fences; lacking through-visibility, creating potential hiding places (around the corners in the route) and not be overlooked

by surrounding uses or properties. As such, the use of the route would be less attractive and potentially give rise to opportunities for crime and/or fear of crime.

- 5.16 It is not considered that there are any viable alternative routes which could be opened up to replace this one. Creating a link between East Close and this site could lead to all of the foot-traffic from the North-West of the site being directed through East Close. This is likely to represent an increase in through foot-traffic and disturbance which would be out of keeping with the established character and levels of amenity of East Close and would not therefore represent a suitable alternative.

Conclusion

- 5.17 It is clear that approval of this variation of condition will have an impact on the local area with regard to convenience as it will reduce permeability and increase walking distances (from East Close in particular). It does however appear that this site has always been in private ownership and that the use of the land as a walking route has in fact been on an informal basis. With specific regard to the loss of the route, the most significant impact of this will be on the residents of East Close, increasing their distance to travel to Middleton Road by approximately 200m. The alternative route though, following the footways along the highway edge is a safe and viable alternative to the route previously approved between the boundary fences. Added to the consideration of the impact of the loss of this route is the potential for crime/ anti-social behaviour and fear-of-crime that a passageway of this nature would give rise to.
- 5.18 Taking the above factors into account it is considered that on balance, this proposal is acceptable and is therefore recommended for approval.

6. Recommendation

Approval, subject to the following conditions:

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

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 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 P10-147-P50B (received with the application)
- drawing P10-147-P51A (approved under 11/01032/F)
- drawing P10-147-P52B (received with the application)
- drawing P10-147-P53 (approved under 11/01032/F)

- drawing P10-147-P54A (received with the application)
- drawing P10-147-P55 (approved under 11/01032/F)
- drawing P10-147-P56A (received with the application)
- drawing P10-147-P57B (received with the application)
- the details in the Design & Access Statement and Application Forms (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 government guidance in the National Planning Policy Framework.

3 That the external walls and roof(s) of the development hereby permitted shall be constructed in accordance with the schedule of materials and finishes reference P10-147-MFS39 Rev C (submitted on 22 May 2012 pursuant to condition 3 of 11/01032/F under 12/00063/DISC).

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

4 That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

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

(c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

5 That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

6 That the enclosures along all boundaries and within the site shall be provided in line with the details shown on drawing P10-147-P100 (submitted on 09 December 2011 pursuant to condition 6 of 11/01032/F under 11/00330/DISC), and such means of enclosure, in respect of those dwellings which it is intended shall be screened, shall be erected prior to the first occupation of those dwellings.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan.

7 That prior to the occupation of the dwellings, 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 the National Planning Policy Framework.

8 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 the National Planning Policy Framework.

9 That, notwithstanding the provisions of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, the garage(s) shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.

Reason - To ensure that satisfactory provision is made for the parking of vehicles on site and clear of the highway in accordance with Policy T4 of the South East Plan 2009.

10 That, notwithstanding the provisions of Classes A to E (inc.) of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, the approved dwelling(s) shall not be extended (nor shall any structures be erected within the curtilage of the said dwelling(s) without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan.

11 That, notwithstanding the provisions of Classes A, B and C of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No

2) (England) Order 2008 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the building without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development in order to safeguard the amenities of the occupants of the adjoining dwellings and prevent overlooking in accordance with Policy C30 of the adopted Cherwell Local Plan.

12 That the windows to be installed Plots 1 and 2 of the development hereby permitted shall be sliding sash type, not top-hung.

Reason – In the interests of the visual amenities of the area and to protect the setting of the adjacent Conservation Area, in order to comply with government guidance in the National Planning Policy Framework.

13 That the refuse storage areas within the site shall be provided in line with the details shown on drawing P10-147-P100 (submitted on 09 December 2011 pursuant to condition 13 of 11/01032/F under 11/00330/DISC), and such storage areas, in respect of those dwellings which it is intended shall be served by them, shall be erected prior to the first occupation of those dwellings.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

14 Prior to the commencement of the development hereby permitted, a comprehensive 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.

15 If contamination is found by undertaking the work carried out under Condition 14, 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.

16 If remedial works have been identified in Condition 15, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 14. A verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that 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.

PLANNING NOTES

1 Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

2 The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.

3 The applicant is advised to contact Oxfordshire County Council, as it will be necessary to enter into an agreement to pay a commuted sum for maintenance/adoption of soakaways if they are provided, in line with new requirements arising from the Flood and Water Management Act 2010.

4 As a footway crosses the site you are advised to liaise with the County Council Rights of Way Officer to discuss the details of accommodating this route in the development. It may be necessary to arrange a Public Paths Order to

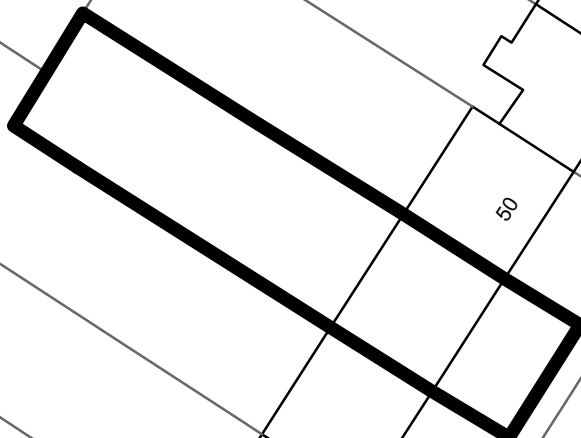
complete the development. You are advised to seek legal advice on this matter in order to satisfy yourselves as to the status of this route before the commencement of development.

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

The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposed development is appropriate and will not unduly impact on the neighbouring properties, public, private or any other amenity, or the appearance of the street-scene. The proposal provides housing in a sustainable location and represents efficient use of available land and is not considered to be detrimental to highway safety. Furthermore, the proposal does not harm the setting or significance of the designated Conservation Area. As such the proposal is in accordance with government guidance contained in the National Planning Policy Framework, Policies BE1, C4, CC1 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.

**52 Grange Road
Banbury
Oxfordshire
OX16 9AU**

12/01029/F



GRANGE ROAD

**Scale
1:500** 68

52 Grange Road
Banbury
Oxfordshire
OX16 9AU

12/01029/F

EASINGTON

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

52 Grange Road, Banbury

12/01029/F

Ward: Banbury Easington

District Councillor: Fred Blackwell, Kieron Mallon and Nigel Morris

Case Officer: Rebekah Morgan

Recommendation: Approval

Applicant: Miss J Green

Application Description: Demolition of existing single storey garage and erection of two storey extension.

Committee Referral: Employee Application

1. Site Description and Proposed Development

- 1.1 The application site is a two storey semi-detached property that is located within a residential area of Banbury.
- 1.2 The application seeks consent for a two storey side extension measuring 2.1m wide and 9.6m in length, with an eaves height of 5.2m and a ridge height of 7.5m.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice. The final date for comment was the 31st August 2012. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 **Banbury Town Council:** No objections

Oxfordshire County Council Consultees

- 3.2 **Highways Liaison Officer:** No objections subject to conditions

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C28: Layout, design and external appearance of new development

C30: Design of new residential development

South East Plan 2009

CC6: Sustainable communities and character of the environment

BE1: Management for an urban renaissance

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Cherwell Local Plan - Proposed Submission Draft (May 2012)

The draft Local Plan is due out for public consultation in the near future. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031.

Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it can be considered as a material planning consideration.

5. Appraisal

5.1 The key issues for consideration in this application are:

- Visual Amenity
- Neighbouring Amenity
- Highway Safety

Visual Amenity

5.2 The design of the proposed extension is in keeping with the style of the existing property and does not appear out of place in this residential area. There are several examples of similar extensions on properties within the vicinity of the application site.

5.3 The proposed extension will appear subservient to the existing property when viewed from the front; the ridge line has been set down and the front elevation set back. The proposed materials will match those used on the existing dwelling.

5.4 The proposal is considered to be acceptable in terms of its impact on visual amenity and complies with government guidance on requiring good design contained within the National Planning Policy Framework, Policies BE1 and CC6 of the South East Plan and Policy C28 of the adopted Cherwell Local Plan.

Neighbouring Amenity

5.5 The extension will be situated between the application property and the neighbouring property to the southwest, and will not result in any harmful overlooking of the neighbouring property.

5.6 Due to the position of the extension to the side of the property, it will not appear overbearing or over-dominant when viewed from the neighbouring property. Furthermore, the proposed extension will not affect the general outlook from the neighbouring properties.

5.7 The proposal is considered acceptable in terms of its impact on neighbouring amenity and complies with the core principles set out in the National Planning Policy framework and Policy C30 of the adopted Cherwell Local Plan.

Highway Safety

5.8 The application includes the demolition of the existing garage to the side of the property. The proposed block plan shows the provision of three parking spaces to the front of the property.

5.9 The Local Highways Authority has raised no objections to the proposal and is satisfied with the level of on-site parking provision that is being proposed.

5.10 Conditions have been recommended that will ensure that the parking provision is provided prior to the first use of the extension and retained thereafter.

5.11 The proposal will not have a detrimental impact on highway safety as the proposal includes an adequate level of on-site parking provision. Therefore, the proposal complies with Government guidance on promoting sustainable transport contained within the National Planning Policy Framework.

6. Recommendation

Approval, subject to conditions:

1. S.C 1.4A (RC2) – [Time]
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents: Drawing number 001, drawing number 002A, drawing number 003A, drawing number 004A and drawing number 005A received 20 July 2012.

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 National Planning Policy Framework.

3. That prior to the first use of the extension, the means of access between the land and the highway shall be improved, 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 within the National Planning Policy Framework.

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.

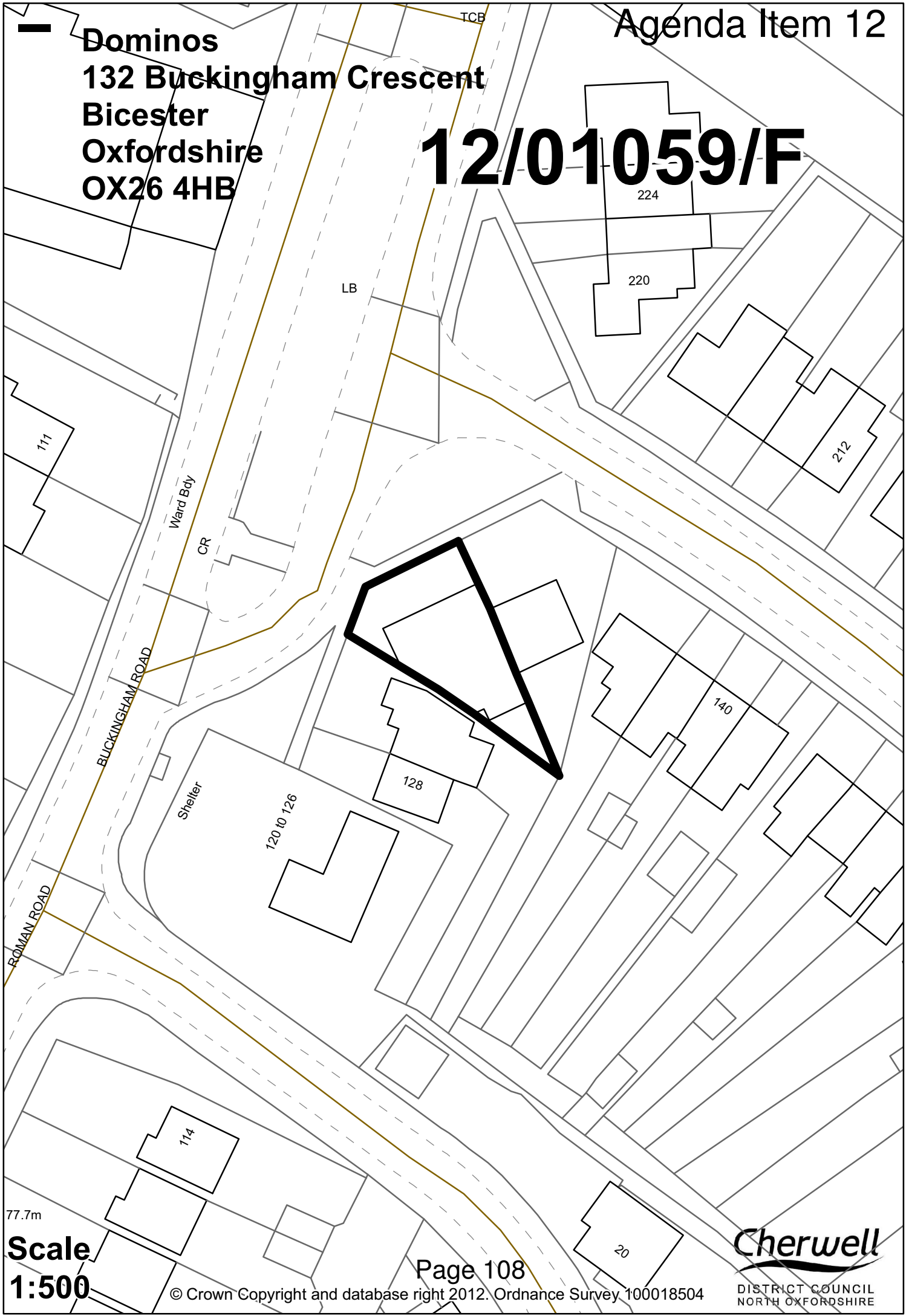
Reason – In the interests of highway safety and to comply with Government advice contained within the National Planning Policy Framework.

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. As such the proposal is in accordance with Policies BE1 and CC6 of the South East Plan 2009, Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance on requiring good design contained within the National Planning Policy Framework. 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.

Dominos
132 Buckingham Crescent
Bicester
Oxfordshire
OX26 4HB

12/01059/F

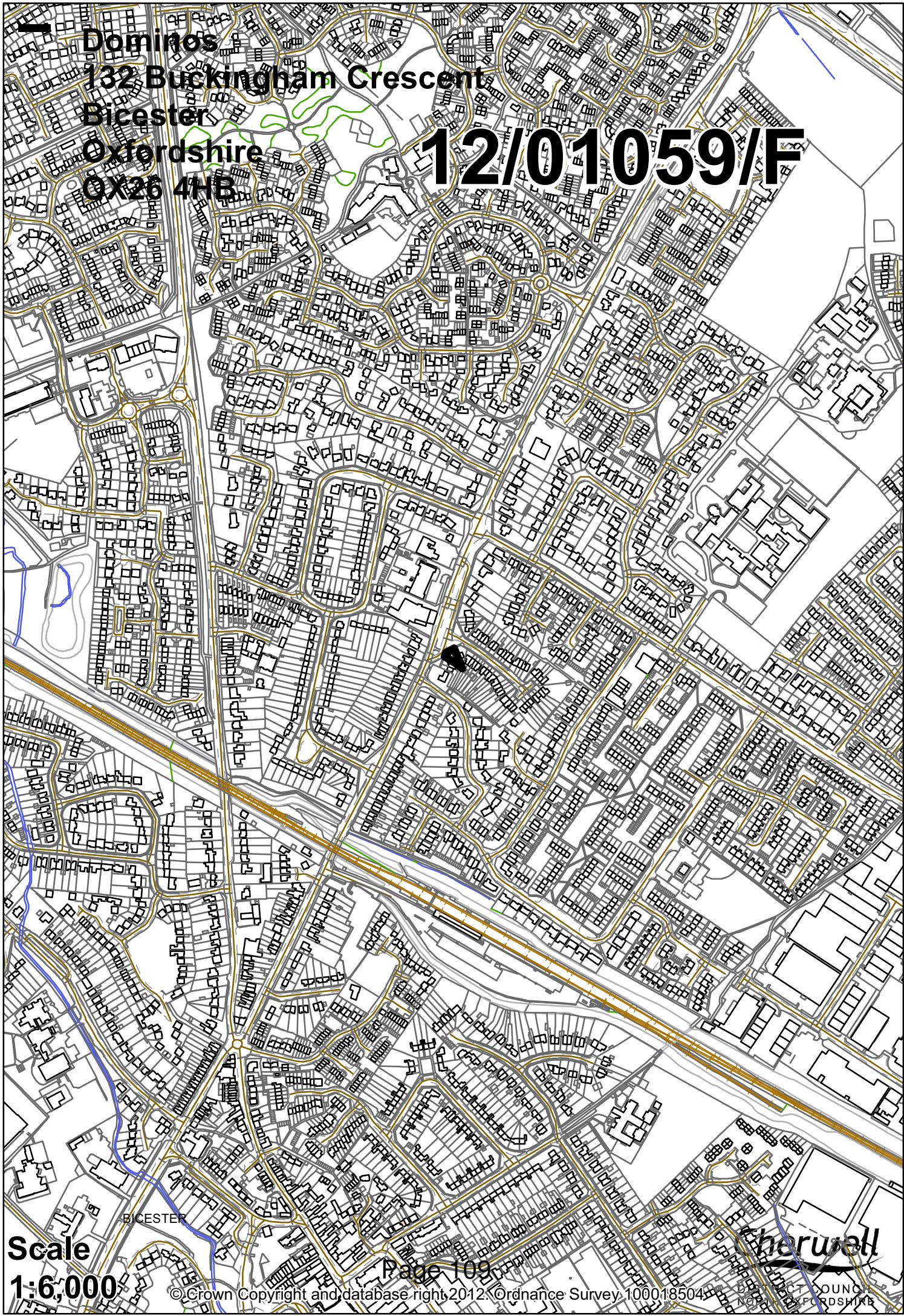


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Domino's
132 Buckingham Crescent
Bicester
Oxfordshire
OX26 4HB

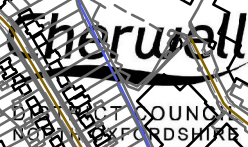
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CHERWELL FOUNDATION
OXFORDSHIRE

Dominos, 132 Buckingham Crescent, 12/01059/F Bicester

Ward: Bicester East

District Councillors: Cllr Stratford
Cllr Mrs Stratford

Case Officer: Simon Dean

Recommendation: Refusal

Applicant: Miss Serena Patel

Application Description: Variation of Condition 4 of 02/00154/F – extension of trading hours

Committee Referral: Member Request

1. Site Description and Proposed Development

- 1.1 The application site is a pizza takeaway in a crescent of shops at the end of Buckingham Crescent marking the transition between Buckingham Road and Buckingham Crescent.
- 1.2 In 2002 (under application 02/00154/F) planning permission was granted at the site for “*Change of use of supermarket with ancillary hot food to solely hot food shop*”. Condition 4 of that permission stated;

“That the operational use of the premises shall be restricted to no opening or dispatch of telephone orders later than 11.00p.m.

Reason – In order to safeguard the amenities of the area.”

- 1.3 This proposal seeks to vary that condition to allow opening from 11am until 1am, 7 days-a-week, but restricted to ‘delivery-only’ between 11pm and 1am.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 6th of September 2012.

At the time of writing the report 8 letters have been received. Any other representations received between the report deadline and the consultation deadline will be reported at the Committee Meeting. The following Issues were raised

Material planning comments:

Suitability of use in a residential area

Impact on amenity (nuisance from noise, odour, intensity of use)

Highway safety – insufficient parking

3. Consultations

3.1 **Bicester Town Council:** no comments received at time of writing the report

Cherwell District Council Consultees

3.2 **Anti Social Behaviour Officer:** *“Further to my holding response of 09/08/12 I have now had the opportunity to consider this application in more detail. I note that the applicants are seeking permission to relax condition 4 of their previous planning permission to allow the home delivery of pizza to customers between 23:00 and 01:00 hrs. When this application was originally considered the permitted hours of operation of the business were set by condition after taking into account the potential the business operation had to impact on the lives of the occupants of nearby dwellings. Three key elements of the operation were identified as having potential to cause disturbance to these residents. They were the noise produced by customers arriving at the premises both on foot and in vehicles, noise from delivery vehicles arriving and leaving the premises and noise from the operation of equipment at the premises.*

Whilst the noise element from customers is not an issue in this application the potential for noise to be generated by deliveries and by the premises remains.

Due to the close proximity of dwellings and the nature and character of the area immediately surrounding the premises i.e. predominantly residential I am of the view that these premises are not suitable for the provision of a home delivery service beyond 23:00 hrs and would therefore recommend that the application be rejected.”

Oxfordshire County Council Consultees

3.3 **Highways Liaison Officer:** no objections

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)
C31 – Compatibility of proposals in residential areas

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it can be considered as a material planning consideration. The policies listed below are considered to be

material to this case and are not replicated by saved Development Plan policy:

D7 – Mixed uses

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant planning history
- Compatibility of the proposal with the residential area

Relevant planning history

5.2 Aside from the original consent allowing use of this site for a hot food takeaway, discussed in para 1.2 above, an application in 2010 also sought to extend the opening hours of the unit. That application (reference 10.00205/F) sought to extend the opening hours from 7am until 5am, 7 days-a-week and was refused under delegated powers as it was considered harmful to the residential character of the area. That refusal was not challenged at appeal. In addition, those extended opening hours were also refused by the Licensing Committee of this Council.

5.3 This application makes no reference to the 2010 application for extended opening hours. It does not seek to set out how the proposed extended opening hours would protect neighbour amenity or address the reason for the imposition of the condition.

5.4 In addition to the amended opening hours from the 2010 application, the context to the application has changed slightly; the adjacent unit, which was a shop in 2010 has since closed and is now proposed to be a pharmacy. Whilst this use would still attract visitors to the site, the pharmacy use is arguably less intensive than the previous retail use. It is important to note though that both uses are in the A1 use class, so the unit could revert to the previous use.

Compatibility of the proposal with the residential area

5.5 As the County Council have raised no issues of highway safety or convenience relating to this application, the main issue to consider is the impact of the proposal upon the intention of the original condition and the reason for its imposition.

5.6 The original condition restricted opening hours *“in order to safeguard the amenities of the area”* so the only logical conclusion is that if the proposal causes harm to the amenity of the area, it is unacceptable and should be refused.

5.7 It is clear from the comments of the contributors to the application that the proposal does already cause a degree of nuisance, and that any intensification and extension of that use would cause an increased level of harm to the amenity of the area and should therefore be refused.

5.8 Policy C31 states that “*development which is not compatible with the residential character of the area, or [which] would cause an unacceptable level of nuisance... will not normally be permitted*” and seeks to ensure that development does not prejudice the environment of areas in which it takes place.

Conclusion

5.9 The proposal before the Committee in this application increases the hours of operation and home delivery of the use of this hot-food takeaway beyond the current level. It is considered that the representations received support the view that this increase would cause nuisance to surrounding residents, and would be incompatible with the existing residential character of the area.

5.10 The proposal does not therefore comply with either Policy C31 of the adopted Cherwell Local Plan (as amplified by Policy D7 of the non-statutory Cherwell Local Plan) or the direction of the National Planning Policy Framework.

6. Recommendation

Refuse for the reason(s) set out below:

1) The proposal is considered to be harmful to the residential amenity of the area and would therefore be contrary to the original intention of the condition. The proposal is demonstrably not compatible with the residential character of the area and would cause an unacceptable level of nuisance. It is therefore contrary to the provisions of Policy C31 of the adopted Cherwell Local Plan 1996, as amplified by Policy D7 of the non-statutory Cherwell Local Plan 2011, and government advice in the National Planning Policy Framework.

Planning Committee

Request for a variation of the S106 Agreement relating to the proposed development at Bankside, Banbury – Application 05/01337/OUT

13 September 2012

Report of Head of Public Protection and Major Developments

PURPOSE OF REPORT

To enable Members to consider a request to vary the S106 Agreement in relation to the development at Longford Park (Bankside), Banbury and determine whether or not to accept the variation of the Agreement.

This report is public

Recommendations

The Planning Committee is recommended:

- (1) To agree to vary the s106 agreement in accordance with Option 2 set out below.

Appraisal

1. On 30 September 2009 outline planning approval was granted for residential development with associated facilities including primary school, playing fields, local shops and community facilities and 2200sq metres of employment provision (Use class B1 Business). Approval was granted subject to a number of conditions and a legal agreement between the applicants (and other related parties) and the District and County Councils.
2. The Agreement provides for the provision of infrastructure and facilities necessary to serve the development proposed. The Heads of Terms include (amongst other things), 30% of the units to be affordable; substantial financial contributions towards transport, education, libraries, museum resources; public art, the provision of a community building; a community park, a site for an Ecumenical place of worship, a healthcare site, and highway improvements. The agreement was secured and dated the same date as the application decision notice.
3. A request has been made by the applicants to vary the agreement not in terms of the provisions (the requirements for infrastructure and contributions remain as set out in the principal agreement) but with regard to the affordable housing mix (Schedule 2) and associated clauses. This has arisen

because of the potential difficulty in securing funding for the affordable elements of the scheme and changes to the preferred mixes likely to be required by Registered Providers (previously Registered Social Landlords (RSLs)).

4. The signed legal agreement sets out the following proportions of affordable units in relation to their sizes;
 - 15% of the affordable housing is to be one bedroom flats
 - 20% of the affordable housing is to be two bedroom flats
 - 35% of the affordable housing is to be two bedroom houses
 - 20% of the affordable housing is to be three bedroom houses
 - 5% of the affordable housing is to be four bedroom houses
 - 5% of the affordable housing is to be two bedroom bungalows

5. The mix of sizes/houses relative to tenure is currently set out as follows;

Type	Social Rent	Int. Rent	Shared Ownership
1 bed flat	88%	-	12%
2 bed flat	50%	9%	41%
2 bed house	66%	12%	22%
3 bed house	69%	9%	22%
4 bed house	100%		
2 bed bungalow	100%		

6. The following amendments are proposed;
 - 9% of the affordable housing is to be one bedroom flats
 - 13% of the affordable housing is to be two bedroom flats
 - 38% of the affordable housing is to be two bedroom houses
 - 28% of the affordable housing is to be three bedroom houses
 - 8% of the affordable housing is to be four bedroom houses
 - 2% of the affordable housing is to be two bedroom bungalows
 - 1% of the affordable housing is to be three bedroom bungalows

Type	Affordable Rent	Shared Ownership
1 bed flat	100%	
2 bed flat	59%	41%
2 bed house	63%	37%
3 bed house	65%	35%
4 bed house	100%	
2 bed bungalow	85%	15%
3 bed bungalow	66%	34%

7. The Council's Housing Department have been involved in the negotiations relating to the amended mix and are satisfied that the amendments are appropriate.

8. Amending the housing mix as set out above results in a greater number of larger houses, giving rise to a greater impact on services and in particular the primary school. The County Council have therefore been party to the proposed amendments and it seems that there is now an agreement between the principle parties that the proposed amendments result in the need for an increased payment to the County Council.

9. The County Council require an additional contribution of £367,539. This is to be divided as follows;

- a) £301,355 for primary education
- b) £42,651 for secondary education and special education needs
- c) £18,225 for libraries, museum and waste management
- d) £5,308 for elderly day care

These figures have been written into the draft amendment.

- 10. S106A of the Town & Country Planning Act 1990 (as amended) allows for S106 Agreements to be modified by agreement between the authority by whom they are enforceable and the persons against whom the obligation is enforceable. S106B allows for applications to be made for modification and allows for a right of appeal but such requests can not be made within 5 years of a S106 agreement being entered into. The modification of the current agreement can therefore only be done by agreement between the parties at the present time.
- 11. If the Council do not agree to the variation it could result in delays to the implementation of the development, and to the provision of affordable housing and other development secured by the approval. Further delays in the commencement of development could potentially affect the housing land supply position, leaving the Council in a weaker position.

Conclusion

The proposed changes to the S106 agreement do not affect the overall level of affordable housing, and in fact result in an increase in County Council contributions. It is considered that the proposal to vary the S106 agreement is acceptable and is therefore recommended for approval for the reasons discussed above.

The following options have been identified. The approach in the recommendations (Option Two) is considered to be the best way forward

- Option One** Refuse the modification of the S106 which is likely to delay the start of development and retaining the existing housing mix may dissuade some house builders from developing the site.
- Option Two** Approve the modification of the S106 Agreement to enable further progress towards the commencement of the development and delegate to officer the final approval of the precise wording of the amendments.
- Option Three** Seek to negotiate different modifications to the S106 Agreement to enable development to commence.

Implications

Financial: There will be no reduction in contributions secured towards mitigating the impact of the development.

Comments checked by Karen Muir Technical & Project Accountant 01295 221559

Legal: Formal modification of the S106 Agreement will be necessary to give effect to the variations proposed. The legal costs of the modification will be met by the developer.

Risk Management: There are no likely risks arising from this modification.
Comments checked by Nigel Bell Planning and Litigation Team Leader 01295 221687

Wards Affected

Banbury Calthorpe and Bodicote

Document Information

Background Papers	
Planning Application 05/01337/OUT	
Planning Obligation dated 30 th September 2009	
Report Author	Caroline Roche, Senior Planning Officer, Development Control & Major Developments
Contact Information	01295 221816 caroline.roche@cherwell-dc.gov.uk

Planning Committee

The Granary, Manor Farm, Upper Heyford

13 September 2012

Joint Report of Head of Strategic Planning and the Economy and the Head of Law and Governance

PURPOSE OF REPORT

To update Members on the Urgent Works carried out at the Granary

This report is public

Recommendations

The Planning Committee is recommended:

- (1) To note the report.
- (2) To accept the Secretary of State's decision on the costs of the Urgent Works.

Background

1. The Granary is a Grade II listed eighteenth-century agricultural building located at Manor Farm, Upper Heyford. The site is owned by New College Oxford and let to a tenant farmer.
2. In around 2003, the Granary was damaged by a vehicle collision. The owners applied to demolish the building (03/01338/LB) but were refused. After intervention from the Council's conservation officers, the owners propped the structure as a temporary repair.
3. The owners were reluctant to carry out repairs to the Granary to make it wind and weather-proof. Negotiations with Council officers carried on for a few years without success.
4. In February 2007, South Area Planning Committee authorised the service of an Urgent Works Notice under Section 54 of the Listed

Building Act 1990. This would compel the owner to carry out repairs to preserve the building in a wind and weather-proof condition. Failing which, the Council could carry out the works in default and recover the costs from the owner. The Notice was served in July 2007.

5. The owners did not carry out the repairs to the Granary. The Council therefore instructed specialist contractors to carry out the repair works in default. Work commenced in October 2007 and were completed in December 2008. The total cost of the repairs were £52,558 plus VAT.
6. Council officers then sought to recover the cost of the Urgent Works from the owners. They had a right of appeal to the Secretary of State for Culture, Media and Sport if they felt the works were unnecessary for the preservation of the building or if the amount being sought was unreasonable. The owners appealed.
7. Despite taking almost 3 years, we have now received a decision from the Department for Culture, Media and Sport. The Secretary of State concluded that the works carried out exceeded that necessary to maintain the Granary in a wind and weather-proof condition and to keep it safe from collapse. The decision concluded that further temporary repairs were all that were necessary, rather than the permanent repairs carried out by the Council. The owners have been ordered to pay a proportion of the repair costs in the sum of £29,860 plus VAT.
8. The Secretary of State's decision could be challenged by way of judicial review. However, your officers would advise against such a course of action.

Conclusion

9. The Council has a statutory duty of care for the historic environment of the district. English Heritage encourages local authorities to use their powers under the Listed Building Act to preserve and protect historic buildings. Officers still believe it was the right decision to carry out the Urgent Works to preserve this important historic building for future generations. The professional advice received by your officers was that permanent repairs would be better than further temporary repairs. It is disappointing that the Secretary of State did not agree with the Council's position and support our actions. However, Officers would advise Members to accept the Secretary of State's decision.

Implications

Financial: The cost of the Urgent Works were met from a supplementary estimate, approved by the Council's

Executive in May 2005. Any further legal challenge could be met from existing budgets.

Comments checked by Sarah Best, Service Accountant, 01295 221736

Legal:

The Secretary of State's decision could be challenged by way of judicial review. However, your officers would advise Members to accept the Secretary of State's decision.

Comments checked by Nigel Bell, Team Leader – Planning & Litigation, 01295 221687

Risk Management:

Challenging the Secretary of State's decision by way of judicial review is likely to be unsuccessful and would lead to further wasted costs.

Comments checked by Nigel Bell, Team Leader – Planning & Litigation, 01295 221687

Wards Affected

The Astons and Heyfords

Document Information

Report Authors	Nigel Bell, Team Leader – Planning & Litigation Rose Todd, Conservation Officer
Contact Information	01295 221687 / nigel.bell@cherwell-dc.gov.uk 01295 221846 / rose.todd@cherwell-dc.gov.uk

Agenda Item 15

Planning Committee

Tree Preservation Order (No. 09/2012) - One tree located between numbers 29 and 31 Morris Drive

13 September 2012

Report of Head of Public Protection and Development Management

PURPOSE OF REPORT

To seek the confirmation Tree Preservation Order no 09/2012 with no objections relating to one tree located between numbers 29 and 31 Morris Drive (copy plan attached as Annex 1)

This report is public

Recommendations

The Planning Committee is recommended to:

- (1) Confirm Tree Preservation Order 09/2012 at the site of Morris Drive, Banbury without modification in the interest of public amenity.

Summary

Details

- 1.1 The District Council made an emergency TPO on 13 July 2012 following an assessment of the tree prompted by rumours that the adjacent residents were seeking the removal of the tree.
- 1.2 The tree to be protected is a willow.
- 1.3 No objections to the TPO have been received.
- 1.4 It is recommended that the Committee confirm Tree Preservation Order 09/2012 without modification in the interest of public amenity.

Background Information

- 2.1 Statutory powers are provided through :
 - i. Section 198 Town and Country Planning Act 1990.

ii. Town and Country Planning (Tree Preservation)(England) Regulations 2012

- 2.2 The Scheme of Reference and Delegation authorises the Strategic Director Planning, Housing and Economy 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.
- 2.3 The above mentioned Tree Preservation Order was authorised and made on 13 July 2012. The statutory objection period has now expired and no objections to the Order have been received.

Key Issues for Consideration/Reasons for Decision and Options

None

Implications

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

Comments checked by Karen Muir, Corporate Systems Accountant 01295 221559

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 Claire Taylor, Corporate Performance Manager 01295 221563

Wards Affected

Banbury Hardwick

Document Information

Appendix No	Title
Appendix 1	Plan
Background Papers	
None	
Report Author	Caroline Morrey (Arboricultural Officer – North)
Contact Information	01295 221804 Caroline.Morrey@Cherwell-dc.gov.uk



Tree Preservation Order No 09/2012
Morris Drive, Banbury, OX16 1DD

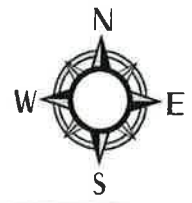
John Smith

COC
18391



The scale shown is approximate and should not be used for accurate measurement.

Scale	1:500
Date	10/07/2012



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Planning Committee

Decisions Subject to Various Requirements – Progress Report

13 September 2012

Report of Head of Public Protection and Development Management

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.
- (2) To make the report for application 12/00080/OUT public so that those involved in the appeal are aware of the Council's consideration of the proposal in preparation of the evidence.

Details

The following applications remain outstanding for the reasons stated:

Subject to Legal Agreement with Cherwell District Council

01/00662/OUT	Begbroke Business and Science Park, Sandy Lane, Yarnton
(24.3.11and	Subject to legal agreement re:off-site highway works, green travel plan, and control over occupancy now

24.5.12))	under discussion. Revised access arrangements refused October 2008. Appeal dismissed. Decision to grant planning permission re-affirmed April 2011. New access road approved April 2011 and now complete and open for use.
	HPPDM to check legal agreement applicability and then to issue
10/00640/F (re-affirmed 24.5.12)	Former USAF housing South of Camp Rd, Upper Heyford Subject to legal agreement concerning on and off site infrastructure and affordable housing. May be withdrawn following completion of negotiations on 10/01642/OUT
11/00524/F (6.10.11 and 24.5.12)	Cherwell Valley MSA, Ardley Awaiting confirmation of appropriateness of the intended condition concerning radar interference.
11.01484/F (5.1.12 and 24.5.12)	Phase 3, Oxford Spires Business Park, Langford Lane, Kidlington Subject to Env.Agency comments and receipt of Unilateral Undertaking
11/01732/F (26.1.12 and 24.5.12)	Oxford Office Village, Langford Lane, Kidlington Subject to Unilateral Undertaking and comments of Oxford Airport
11/01870/F (22.3.12 and 24.5.12)	Banbury Gateway, Acorn Way, Banbury Subject to reference of the application to Secretary of State, and completion of legal agreement concerning on-site and off-site infrastructure
11/01878/OUT (21.6.12)	Land S Overthorpe Rd. and adj.M40 Subject to legal agreement with OCC/CDC/SNC and NCC concerning the route of a relief road, footpath issues and monitoring of travel plan etc..
11/01907/F (23.3.12 and 24.5.12)	Yew Tree Farm, Station Rd, Launton Subject to legal agreement concerning affordable housing, and on-site and off-site infrastructure contributions

12/00080/OUT (16.8.12)	OS Parcel 5700 South of Salt Way at Crouch Farm Bloxham Road Banbury Following the submission of an appeal the Committee considered the grounds on which they wished to defend the appeal on the above application. Following that resolution the Committee are asked to resolve to make the application report public so that those involved in the appeal are aware of the Council's consideration of the proposal in preparation of the evidence.
12/00198/F (19.4.12)	56-60 Calthorpe St. Banbury Subject to legal agreement concerning off-site infrastructure contributions
12/00290/F (19.7.12)	33 Oxford Rd. and land rear of 35-59 Oxford Rd, Bodicote Subject to legal agreement to secure off-site infrastructure
12/00472/F (16.8.12)	DJ Stanton (Eng) Ltd site, Station Rd. Hook Norton Subject to legal agreement concerning affordable housing, open space and infrastructure contributions
12/00555/OUT (19.7.12)	Calthorpe House, Calthorpe St. Banbury Subject to legal agreement to secure off-site infrastructure

Implications

Financial:	There are no additional financial implications arising for the Council from this report. Comments checked by Karen Muir, Corporate System Accountant 01295 221559
Legal:	There are no additional legal implications arising for the Council from accepting this monitoring report. Comments checked by Nigel Bell, Team Leader Planning and Litigation 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 Nigel Bell, Team Leader
Planning and Litigation 01295 221687

Wards Affected

All

Document Information

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

Planning Committee

Appeals Progress Report

13 September 2012

Report of Head of Public Protection and Development Management

PURPOSE OF REPORT

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

This report is public

Recommendations

The Planning Committee is recommended:

- (1) To accept the position statement.

Details

New Appeals

- 1.1 **12/00348/LB & 12/00347/F- The Cottage, 20 Newton Purcell, Buckingham** - appeal by Mr & Mrs Markham against the refusal of listed building consent and planning permission for a proposed sun room to the rear- Written reps
- 1.2 **12/00062/OUT- Land off Byron Way, Bicester** – appeal by Threshold Investments Ltd against the refusal of planning permission for the erection of 3 no. 3 bedroom bungalows and creation of new vehicle and pedestrian access from Byron Way – Written reps

Forthcoming Public Inquiries and Hearings between 13 September 2012 and 11 October 2012

- 2.1 None

Results

Inspectors appointed by the Secretary of State have:

- 3.1 **Allowed the appeals by Mr Gordon Jones against the refusal of application 11/01682/F and the service of enforcement notice 12/00013/EUNDEV relating to the temporary stationing of a mobile home for an essential worker, associated decking and ancillary outbuilding at Field Farm, Bainton Crossroads, Stoke Lyne, Bicester (Delegated)** – The Inspector concluded that there is an essential need for a worker with an intimate knowledge of the machines to live permanently at the proposed location. This is necessary for the proper functioning of the enterprise, particularly because, from the evidence heard there is a significant risk that the enterprise would not be able to continue without a permanent on – site presence. The Inspector found that the essential need outweighed the limited harm caused by the development and that a temporary personal consent should therefore be granted.
- 3.2 **Dismissed the appeal by Schyde Investments Ltd against the service of an enforcement notice 12/00062/ECOU alleging a breach of planning control - a material change of use of the land in 2010 by reason of intensification from a use for motorcross racing and practising to a use comprising materially more noisy and more frequent motorcross racing and practising amounting to a definable change in the character of the use of the land at Arncott Motoparc, Murcott Road, Upper Arncott. (Delegated)** – The inquiry was originally scheduled to last for 3 days. In the event, on the first day negotiations took place between the principal parties culminating in agreed corrections to the notice that the Inspector was invited to endorse. The diary of events scheduled for the remainder of the year Aug – Dec 2012 was amended during the negotiations. The appellant undertook to provide a management plan to the Council every year for approval governing motorcross use of the land which would include an undertaking that no motorcross use would be carried out other than in accordance with the approved management plan.
- 3.3 **Allowed the appeal by Mr Raheem Ghorbani-Zarin against the refusal of application 11/01713/OUT for the demolition of the existing bungalow and construction of 2 no. new bungalows at 20 Green Lane, Upper Arncott (Delegated)** – In the Inspector's view the Council's concerns appeared to relate almost entirely to matters of design and layout rather than to the principle of development, and as a result were insufficient to justify withholding outline planning permission.

The Inspector concluded that subject to compliance with the usual conditions pertaining to outline planning permissions, demolishing the existing bungalow and erecting two new bungalows would cause no material harm to the streetscene or the visual amenities of the area and would preserve or enhance the settings of nearby listed

buildings.

- 3.4 **Dismissed the appeal by Mr Nigel Gardner against the refusal of application 11/01049/F for the erection of 3 no. chalet bungalows and garages and upgrading of an existing access to Crossings Lane at the rear of Far Close, Crossings Lane, Claydon (Delegated)** – The Inspector concluded that although there would not be an unacceptable effect on the safety of other highway users this matter is significantly and demonstrably outweighed by the material harm caused to the character and appearance of the surrounding area and the living conditions of the occupiers of neighbouring properties by reason of overlooking and loss of privacy.

Implications

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 Karen Muir, Corporate System Accountant 01295 221559

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

Comments checked by Nigel Bell, Team Leader-Planning and Litigation 01295 221687

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 Nigel Bell, Team Leader-Planning and Litigation 01295 221687

Wards Affected

All

Document Information

Appendix No	Title
-	None
Background Papers	
All papers attached to the planning applications files referred to in this report	
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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted